

הענוג מדריגת יותר גדולה שלא השגת עדיין ותמיד הם מנגד וכר' הפתח:

ובזה יובן זאת חקת התורה שיוסיף שלימות בכל יום וחשיה מי יתן טהור מטמא לא אחד ר"ל היום יאמר שהוא טהור יותר מיום אתמול שהיה טמא ולמחר יאמר שזה שהיה חושב לטהור באמת הוא טמא וכר' לא אחד שיעמוד על מדריגה אחת שאין זה חקת התורה ויש חז"ל מטמא טהורים ומטתר טמאים (במ"ד פ"ט ע"ן ג"ה ט.) שלא יעמוד על מדריגה אחד וכשהוא חושב שהוא טמא ויראה לטהר שיהיה בבחי' טהור לא ישאר במדריגת זו רק יוסיף שלימות עד שיחשוב לו טהרה זו לטומאה ויש מטמא טהורים וכן יוסיף והולך תמיד והבן:

ועפ"ן נבאר ש"ס בריה יצא יוסף מבית האסורין בריה בטלה עבודה מאבותינו וכו' (ריה י"ד) וכעת ג"ל שבחי' יוסף להוסיף תמיד שלימות הוא מחמת כי בריה ר"ל בראש שנחתו יצא מבית האסורין דיצר הרע כי מאן דדמיך בריש שתא וכו' כמו שכתבתי מזה במ"א (פ' פנחס סימן ב) וכן המוחין הגשמה שהי' משועבד ליצת"ד בטלה עבודת יצת"ד מאבותינו שהן המוחין וכו':

ובזה נבאר ש"ס דמ"ק (כת.) למה נסמכה מיתת מרים לפרה אדומה לומר לך מה פרה מכפרת אף מיתתן של צדיקים מכפרת ויש להבין דה"ל אף מיתת צדיקים מאי מיתתן ולפי הנ"ל יבואר מה פרה מכפרת שהיא מטהר טמאים ואחר שסבר שנטהר מטומאתו יוסיף שלימות עד שמטמא טהורים שבחי' שנחשב לו טהרה עתה מבין שהיא טומאה וכך יוסיף והולך עד שחידך תלואים לך מנגד והקללה לברכה יחשב ואם לאו הברכה שחושב עצמו לטהור לקללה יחשב לו שאינו מוסיף שלימות ע"יו כך מיתתן של צדיקים מה שנחשב לו מיתה וירידה כדי שיוסיף שלימות ואח"כ תזוד וחושב זה השלימות ג"כ למיתה וירידה ומוסיף והולך זה מכפרת לו חזאי שחידו תלוין מנגד ומתבייש ושרוי בצער כל ימיו זהו לכפרה יחשב לו משא"כ

מי שחושב שהשיג שלימות ומתענג על רוב טוב התבן:

והנה כמו שיש ב' בחי' הנ"ל וראוי לאדם שיבחור לעצמו אל יתהלל חכם בחכמתו (ירמיה ט) וכנ"ל כך ואהבת לרעך כמוך (ויקרא יט) שראוי לומר מוסר שלא יסתפק במועט רק יוסיפו שלימות כנ"ל ובסוג זה יש מוכיחים שתיים שהן ארבע דכתבתי (פ' קרח סימן ב) שיש ב' סוגי מוכיחים וכו' יע"ש והנה כל זה לפניו ית' שזה מקטרג על ישראל וסוג ב' מליץ בעד ישראל כמבואר שם אמנם בתוכחת המוכיח את ישראל יש ב' סוגים אחרים וסוגים שנחשב שם למעלה כאן הוא לחסרון יחשב ושורשי ב' סוגי מוכיחים אלו הם א' אחיה השלוני שקבל ממש רבינו ע"ה והיה מיוצאי מצרים ואח"כ מבית דינו של דוד המלך ע"ה והיה רבו של אלי הנביא ורבו של מור"י ולה"ה והיה תוכחתו כאשר נבאר סוג ב' הוא בלעם וכאשר נבאר:

ובזה ג"ל לבאר פסוקי משלי [סימן ר"ן] טובה תוכחת מגולה מאהבה מסותרת נאמנים פצעי אהב ונעתרות נשיקות שונא נפש שבעה תבוט נופת ונפש רעבה כל מר מתוק וכתבתי ביאור זה (פ' פנחס סימן ב) יע"ש וכעת ג"ל דכ' דיש ד' מיני מוכיחים דהיינו שתיים שהן ארבע ב' מהם מוסתר מבני אדם רק לפני ה' אלהינו א' מקטרג ובי' ממליץ ובי' מהם הגלות לבני אדם בתוכחתו א' כמו שכתב הר"ן בדרשותיו כרפאי לישראל ונגלה עון אפרים (הושע ו) שא"א לרשאות המכה כי אם שיגלה וירחיב המכה וכו' וגם אל יתהלל חכם בחכמתו רק יוסיף שלימות ובהו זהו חידך תלואים לך מנגד שהוא בכלל כמו בפרט וכנ"ל והו תוכחת אחיה השלוני שהוא קללה כמו זהו חידך וגר ובאמת הוא ברכה וכאשר נבאר וכמו שכתבתי (פ' שלח סימן יד) ביאור ר"י בן קיסמא (אבות פ"ו) יע"ש סוג ב' הוא בלעם שבידך ושיבח לישראל כך יש מוכיחים הצבועים ועליתם נאמר מברך רעהו בקול גדול קללה תחשב לו ודרשו בתנחומא (פ' בלק פ"ו) זה בלעם וכו' ע"ן בפנים:

ב.

שלחן ערוך להרב ר' שניאור זלמן מלאדי

א.

אורח חיים חלק ראשון יצא עם שתי הקדמות, הקדמה מאת בני המחבר ר' דוב בער ור' חיים אברהם ביחד, והקדמה שניה, אחת חתום עליה הראשון, שהוא היה יורשו של הרב המחבר בהנהגת החסידות החבדי"ת ואחת חתום עליה אחיו הנ"ל, שלא היה מנהיג אצל החסידים. המחבר עצמו לא הניח הקדמה לחבוריו, אבל בהקדמות הנ"ל מספרים בני המחבר בארוכה ובלשון בהירה וצחה את כל פרשת החבור ומה ראה על ככה לסדרו. ההתעוררות הזאת יצאה מאת הרבי ר' דובער ממעזריטש תלמידו של הבעש"ט לסדר שו"ע חדש, מפני שצרכי ישראל מרובים דעתם קצרה לבוא בארוכה בעיון ים התלמוד והפוסקים לידע מוצא הדין בארוכה ומילתא בטעמא דוקא וגם לגדולים אשר להם יד ושם בתלמוד תכבד עליהם העבודה להכריע בין הפוסקים לאסוקי שמעתא אליבא דהלכתא על פי הסכמת האחרונים... כי ברוב המקומות יש דעות מחולקות זה מקשה וזה מפרק, זה בונה וזה סותר על כן משמיא אסכימו על ידי הרב הנ"ל לחפוש בחפש מחופש בתלמידיו למצוא איש אשר רוח אלקים בו להבין ולהורות הלכה ברורה מתוך ומסיק אליבא דהלכתא הלכות בטעמיהן לעשות מלאכה זו על סדר השו"ע או"ח וי"ד שהן הדינים הנצרכים שלהן מצוות קדימה על השאר ולסדר כל פסקי דינים הבאים בשו"ע וכל האחרונים בלשון צח מילתא בטעמא. ויבחר בכבוד אאמו"ר ז"ל, אשר בו בזמנו היה מלא וגדוש מים התלמוד והפוסקים והפציר בו עד בוש ואמר לו אין נבון וחכם כמוך לירד לעומקה של הלכה לעשות מלאכה זו מלאכת הקודש להוציא לאור תמצית ופנימות טעמי ההלכות הנזכרים בכל דברי הראשונים והאחרונים זקוקים שבעתים כל דבר אל אופניו בלי בלבול ותערובות, ופסק ההלכה המתברר ויוצא מדברי כל הפוסקים עד חכמי זמננו" כו'.

הנה מן הדברים הנגלים הללו אי אפשר להוציא בפירוש שהתנועה החסידית הבעשטנית מדברת מתוך גרונו, שהרי הוא מדבר כדברי אחד הרבנים הגדולים מסיעת המתנגדים, אבל מכלל דבריו אנו למדים שחוץ מן "התורה הנגלית" היתה כאן תורת נסתה. הטעם שהוא נותן להתעוררות זו "מפני שיש דעות מחולקות, זה מקשה וזה מפרק, זה בונה וזה סותר" אינו מספיק, שהרי מעולם היו דעות מחולקות וכך היא דרכה של התורה ולמה נולד הרעיון הזה דוקא כעת לסדר ההלכות "בלי בלבול ותערובות" ולמה חפש

from a responsum by the *Radvaz* and from the *Hinukh*, "that one is forbidden to pray in a place and at a time when his mind is not composed." As it was impossible for a Hasid to pray in a composed manner with people who were alien to his spirit and who did not understand his *niggunim* and his cries, the different Hasidic groups decided to build synagogues for themselves and to pray according to their own spirit and their custom.

The Saying Of Le-Shem Yihud before Each Mitzvah

The great Hasidic masters and founders instituted among their disciples and supporters the kabbalistic custom, cited in the *siddurim* of the disciples of the *Arizal*, of the saying of *Le-Shem Yihud* before the prayers and the fulfilling of every *mitzvah*. There the text reads: "For the unification of the Holy One, blessed be He, and His *Shekhinah*, in fear and love to unify the Yud and Heh with Vav and Heh in perfect unity, in the name of all Israel."⁵¹ And the use of this formula did not only apply to spiritual matters such as the prayers and *mitzvos*, but also to corporeal matters. Thus, R' Yaakov Yosef of Polonnoye wrote: "Before any action that a person performs, whether spiritual or corporeal, he must think in his heart whether it is for the purpose of Heaven, to fulfill thereby, 'In all your ways, know Him,' and then he should say aloud *Le-Shem Yihud*."⁵² Of course, not every person is able to achieve the level of reciting *Le-Shem Yihud* over his corporeal acts, and only Tzaddikim and exceptional individuals would recite the *Le-Shem Yihud* in such circumstances. The masses of Hasidim were required to recite it at least before praying and before the performance of *mitzvos*.

The Hasidic literature⁵³ has much to say about this practice, and

51. The source for this custom is the words of the *Zohar* (*Vayikra*, p. 51): R' Eleazar said: "In all his actions a person should have in mind the Holy Name and declare with his mouth that whatever he is doing is for His worship, so that the Other Side (i.e., Satan) should not rest on him."

52. *Toledos Yaakov Yosef, Shelah*, Medzibozh 5577 (1817), pp. 11b.

53. See *Beis Aharon, Eikev, Siddur Likkutei Torah*, Vilna 1912, by the rabbi of Homil, pp. 60 ff., *Kovetz Perushim Mi-Sifrei Ha-Rav Mi-Liadi*.

it may be summarized to the effect that by saying *Le-Shem Yihud* a person incorporates himself within the Jewish people and with God, as a result of which the general unification of "the Torah and the Holy One, blessed be He, and Israel" will ascend. Thus the Maggid, R' Nachum of Chernobyl writes in his book:⁵⁴

The fact that we say *Le-Shem Yihud* . . . before each *mitzvah* is because the Holy One, blessed be He, placed holiness and life in every single thing, and especially in the letters of the Torah. Within man, too, it is the divine part above which imparts to him life from the Creator, blessed be He and blessed be His name. When a person believes that the entire world is filled with the glory of the Creator, blessed be He, and there is no place that is free of Him, then whenever he fulfills a *mitzvah* or recites a prayer with all his might and with fervor, he clings to the Creator, may He be blessed, by that *mitzvah* or speech, because the Torah and the Holy One, blessed be He, are one. When he implants vitality into that speech or that *mitzvah*, a part within him clings to the Holy One, blessed be He . . . This is known as *yihud*; unification, when the vitality of one's speech, the *mitzvah* and one's own vitality are united toward the Holy One, blessed be He . . . Just as—although one cannot compare the two in any real way—there is no purpose in a union of lower beings unless there is fear and love, . . . the upper union is impossible except through fear and love. And R' Shneur Zalman of Liadi writes about this *yihud*:

Our Sages said that a person should never remove himself from the community. He should therefore strive to unify with and cling to Him, may He be blessed, the source of his divine soul and those of all of Israel . . . This is the meaning of *Le-Shem Yihud*—for the unification of the Holy One, blessed be He, and His *Shekhinah*, in the name of all of Israel.⁵⁵

This custom was also not ignored by the Misnagdim. R' Yehezkel Landau of Prague answered one of his respondents:⁵⁶

54. *Me'or Einayim, Likkuteim*, on the Talmud, at the beginning of *Berachos*.

55. *Tanya*, I, Chapter 41.

56. *She'elos U-Teshuvos Noda Bi-Yehudah, Yoreh De'ah* 93. The responsum is dated 22 Sivan 5536 (1776), in the midst of the polemic of the rabbis against Hasidism and the Hasidim.

Rather than asking me for the exact text of the *Le-Shem Yihud*, it would be better if you would ask me if it is proper to say it. In my view, it is an evil sickness of this generation; the earlier generations . . . did not know and did not say it . . . and they devoted all their days to Torah and *mitzvos*. About them it states (Prov. 11:3), "The integrity of the upright will guide them," but in our generation, where they forsook the Torah of God and the source of living waters, the two Talmuds, the Babylonian and the Jerusalem . . . Each one now says "I am the shepherd, and the gates of Heaven were opened to me" . . . These are the destroyers of the generation, and referring to this orphaned generation I say, "The ways of the Lord are right; the just will walk in them, but the Hasidim will fall in them."⁵⁷

In concluding his responsum, he ruled as follows:

Wherever there is a blessing to be recited before the fulfillment of a *mitzvah*, there is no need for any other preparation, because the blessing itself is the preparation. Where there is no blessing, it is my custom to recite aloud: "I am performing this action in order to fulfill the *mitzvah* of my Creator."⁵⁸

Here we can see the difference in viewpoint between Hasidism and its opponents. Whereas the Misnagdim only regard the bless-

57. The author changed the language of the original verse (Hos. 14:10), which states "transgressors" rather than "Hasidim." An interesting story is told about this change: when the second edition of *Noda Bi-Yehudah* was printed, the Hasidim bribed the printer and he changed the text to read as it does in the original verse, "and transgressors (*poshe'im* in Hebrew) will fall in them." When the author found out about this, he smiled and said: "See the difference between me and the Hasidim: I changed transgressors to Hasidim, while they changed Hasidim into transgressors" (*Sarei Ha-Me'ah* by R' Y.L. Maimon, Jerusalem 5702 [1942], I, p. 189). And see the responsum by the rabbi of Chernowitz cited in the next footnote, in which the author writes: "The true prophet has already prophesied about this, that they would say this about the Messiah, as it states (Isa. 53:12), 'He was numbered with the transgressors; and he bore the sin of many, and made intercession for the transgressors.'"

58. R' Hayyim of Chernowitz writes a reply to this in his *Sha'ar Ha-Tefillah*, Sadilkov 5597 (1837). See *Va-Ya'as Avraham*, Lodz 5696 (1936), p. 37, and states that "a number of the Tzaddikim in various generations did not say the *Le-Shem Yihud* formula aloud, but would only have mental intent."

ing as a preparation for the performance of the *mitzvah* which is to follow, the Hasidim demand a great deal of preparation before reciting the blessing. The Hasidim regard the fulfillment of each *mitzvah* as only a preparation for *deveikus* with God, and the blessing as an important part of the *mitzvah*, for in it we express God's holy name and unify our hearts with Him. That is why there is need for such great preparation before reciting the blessing.

Gartel

One of the most obvious differences externally between the Hasidim and the Misnagdim during prayer is the gartel⁵⁹ which the Hasid puts on when he gets ready to pray.

This custom is not a new one, but an old one which was reinstated by the Hasidim. The Talmud⁶⁰ and the *Shulhan Arukh* state clearly that one must wear a belt during prayer because of (Amos 4:12); "Prepare to meet your God, O Israel," but it is sufficient "if he has a belt underneath his garment so that there is a partition between his heart and his private parts."⁶¹ In the Germanic lands and in Lithuania, the custom was not to don a special belt for prayer. In this, they relied on *Tosafos*, based on *Mahzor Vitri*,⁶² that the purpose of the belt is so that there should be a partition, etc., "but that applied only to the people of Babylon who did not wear trousers and thus needed a belt during prayer, but as far as we are concerned, as we have belts on our trousers, we do not need to put on a special belt."

The Hasidim, who laid so great a stress on preparation for prayer,⁶³ obviously adopted the view of those who hold that the reason for the belt is because of "Prepare," etc., and they insisted on

59. This is most often referred to as an *avnet*, in memory of the *avnet*—belt—which the *kohanim* wore in the *Beis Ha-Mikdash* during their service in it (*Otzar Dinim U-Minhagim*, p. 13).

60. *Shabbos* 10a.

61. *Orah Hayyim* 91:2.

62. *Tosafos, Shabbos*, s.v., "Terihusa."

63. See below on "Prayer in the Hasidic world."

sent a responsum on this question:³ "It is the custom of the Jews of all the Polish lands in general, except for the very scrupulous, not to concern themselves with this."

With the growth of Hasidism, the custom spread throughout Poland, the Ukraine and Galicia, among the Hasidim of Chernobyl, Ruzhin, Lublin and Kotzk, to use *matzah shemurah* at least at the *seder*, and a great majority of Hasidim went even further, and would eat only *matzah shemurah* for the first seven days of *Pesah*.⁴

Here, too, we see the influence of Hasidism on its followers, and indeed, it had a far greater influence than did the rabbinate. After all, the Gaon of Vilna was respected throughout Lithuania and Poland, and all the rabbis and Torah scholars accepted his authority, yet they did not follow him in this area. Even his disciple, R' Avraham Danzig writes that: "Our Master, the Gaon of Vilna, was very stringent in this, being careful not to eat anything throughout *Pesah* but that which had been guarded from the time of harvest,"⁵ yet his disciples did not follow in his footsteps. On the other hand, had there been evidence that a Tzaddik had acted this way, it would have become the inviolate rule for all those who followed him.

Only the Habad Hasidim, the followers of R' Shneur Zalman of Liadi, permitted themselves to be somewhat lenient in regard to *shemurah matzah* throughout *Pesah*, and in this they relied on what their rebbi had written in his *Shulhan Arukh*:

All of Israel are holy and ensure that all the *matzos* of the entire festival of *Pesah* have been supervised from the grinding on . . . but as far as the wheat of *matzas mitzvah* (i.e., the *matzah* used at the *seder*) is concerned, it is best to be more stringent if possible and to guard it from the time of the harvest.⁶

3. *She'elos U-Teshuvos Noda Bi-Yehudah Tanina*, 79.

4. See *Ta'amei Ha-Minhagim*, III, 73b, quoting *Zekhor Le-Avraham*, that for those who observe this *minhag*, *matzah* which is guarded only from the grinding on is considered like *hametz*. They do not want to mix into their dough "even the taste or smell of *matzah* which was not guarded. They therefore *kasher* their utensils from one use to the next."

5. See *Hayye Adam*, 128:30.

6. *Shulhan Arukh Ha-Rav*, 553:19.

Thus the custom spread among the majority of Habad Hasidim to use *matzah shemurah* only for the *seder*, but not throughout the rest of *Pesah*.

The other Hasidim of the Ukraine, Poland and Galicia, though, did not need any written decision from their rabbis; all they needed was a hint in order to follow in the ways of their rebbi and in his *minhagim*. Almost all were very stringent in regard to avoiding anything that might in the slightest way smack of *hametz* on *Pesah*, for *hametz* symbolizes Satan and the *yetzer ha-ra*⁷—and throughout *Pesah* they only ate *matzah* made from wheat which had been guarded from the time it had been harvested.

The Baking of Matzah on Erev Pesah and the Reciting of Hallel

The *minhag* of baking *matzah* on *Erev Pesah* "after midday, which is the time when the *Pesah* offering was brought,"⁸ is an ancient one, and in the Middle Ages the Jews in almost all countries observed it.⁹ However, in the last few centuries before the growth of Hasidism this *minhag* almost lapsed totally. Most of the Jews in our times—writes one of the rabbis of the recent era—do not bake *matzos* on *Erev Pesah*, "except for a few individuals"¹⁰ who do so.

But this *minhag* was reinstated by Hasidism. All the Tzaddikim

7. This concept is cited in almost all the kabbalistic works, and is also said in the *Yehi ratzon* prayer after the burning of *hametz*: "Just as I destroy all the *hametz* from my home, do You destroy all the 'externals,' so that the spirit of *tum'ah* . . . and the *yetzer ha-ra* . . . and all the *kelipos* and all evil will disappear as smoke." See also the *siddurim* of the kabbalists, the section on the checking for *hametz*. It is interesting that R' Shneur Zalman printed this in his *siddur*, as brought in the other *Ari siddurim*, even though he left out all the other *Yehi ratzon* prayers.

8. *Tur* and *Orah Hayyim*, 458.

9. From the *Tur* and *Shulhan Arukh* it appears clear that that was the *minhag* among them, and the fact that the *Ramo* does not make any comment would indicate that that was the *minhag* in his place as well.

10. The *Hafetz Hayyim* in *Mishneh Berurah* 458:3. See there various reasons to abolish this *minhag*.

never shaved, neither with a razor nor with scissors, including every part of the face, except for the moustache when it interfered with eating, in which case he would cut it with scissors. He was also careful not to touch his beard, lest, Heaven forbid, he might pull out one of his hairs, and this would mean that, Heaven forbid, he was damaging a single conduit.²⁴

An anonymous kabbalist²⁵ of the time before the growth of Hasidism attempts to explain the severity of this matter, and writes:

Fortunate are those who are careful not to pull out any hair from their beard, as stated by the *Ari*, because these are the conduits of abundance. One is therefore forbidden to hold one's beard, lest he pull out a single hair . . . The hairs of the beard are all conduits to effect mercy in the holy Upper Worlds, but if one shaves the hairs of the beard or the *peyos* he damages the conduits and causes mercy to spread to the "externals."

He continues:

Woe to the eyes that have seen how many of our people have violated this, so that one cannot tell whether they are Jewish by looking at them, or whether they are of the other nations. They have said, "we will be as the other nations, who cut their *peyos*."

^{24.} The sanctity of the hairs of the beard because of the conduits, as mentioned in the writings of the *Ari*, was considered a very serious matter by the great Hasidic rebbis, to the extent that hairs that came out accidentally had to be preserved. It was their custom to place such hairs in a *gemara* or other sacred text. See *Rashi* on Ezekiel 5:3, "This is a hint that when one cuts his hair he should not throw it away but preserve it." However, this should apply to the hair on one's head as well. It therefore appears that the source for this prohibition is the kabbalistic one of conduits. However, this statement in *Rashi* on Ezekiel is only to be found in certain editions, such as that of Romm with *Malbim*, Vilna. In the *Mikra'os Gedolos*, though, this wording does not appear, and it appears to be a late addition. In other editions it appears in brackets, and the words "*Sod Meisharim*" appear next to it, this evidently being the source. I have not, however, found what type of work *Sod Meisharim* is, and how this found its way into *Rashi*.

^{25.} *Hemdas Ha-Yamim* I, 21, and see above, Section Seven, note 97, on the work and its author.

Here, this kabbalist also touches on a "nationalistic" reason for this commandment, its source being the *Zohar*:²⁶ "A person must be careful not to have his appearance resemble that of those who are idolaters."

In this, the Hasidim followed the Kabbalah totally, for they refused to ever cut their *peyos* and instead allowed them to grow as two curls on the sides of the face.²⁷ Then, when the Russian government decreed that Jews were to cut their *peyos*, the Hasidim hastened to have the decree abolished.²⁸ They even paid a fine rather than cut their *peyos*. This was especially true of the Hasidim of Galicia and Hungary.²⁹

^{26.} Gen. 119b.

^{27.} See *Sefer Ha-Tikkun*, Chernowitz 1881, by an anonymous author, which is a satiric view of Hasidism. It includes *takkanos* for Hasidic groups, among them being: "The *peyos* are to extend to the waist and one is not to cut them, Heaven forbid, nor is one to comb them lest he pull out hairs." In these words, the author was not poking fun in any way, because that is indeed the *minhag* of many Hasidim. See below Section Nine, note 102, on *Sefer Ha-Tikkun*.

^{28.} See the article by Gessen, *Yevreshkaya Entziklopedia* XII:47 and that of Levinson, "Tualetni Nalog," in *Vozkhod* 1889 Kniga XI, XII.

^{29.} Even in the modern United States there are many Hasidim who are careful about this to this day.

ings: Not only had the number of people seeking such a ruling multiplied, but also the number of authoritative halakhic experts confirming it grew, like R. Abraham Teomim, who replied to the question posed by the landlord of Brody, as we have already seen.

We do not know why the landowner of Brody took his request for a permissive ruling to R. Abraham of Buczacz rather than to R. Solomon Kluger of his own town. At any rate, R. Abraham did not refrain from answering him; neither did he refer him to the famed local halakhic authority (although R. Solomon was not the chief rabbi of the place, his appointment being to the position of "preacher"). He also ignored the discussion of this subject to be found in R. Solomon's *Sefer ha-Hayyim*, even though the basis of his permissive ruling was not very different from that of his predecessor. R. Abraham's point of departure was that "the landowners who have acquired the estates . . . should they cease work and not cultivate their fields on Sabbaths and festivals even by means of Gentiles, they will suffer great loss."⁴¹ His permissive ruling is complex: Fields are to be hired out and the animals to be sold. It is clear that both the hiring out and the sale are mere formalities, thus matching the opinion of authorities who ruled that such fictions are permissible even with such biblical prohibitions as having one's animal cease work on the Sabbath.⁴² R. Abraham solves the problem of suspicion and appearances by means of fine distinctions rooted in the new situation that has developed: "Now that the Jews have been permitted to buy villages, they will have to rent them out to Gentiles because of the loss involved in preventing work from being done on the Sabbath. This renting out will be a very common thing and so it will become a matter of public knowledge that the work is being performed in a permitted fashion."⁴³ R. Solomon Kluger claimed in his responsum in *Sefer ha-Hayyim* that since the permissive bill-of-sale ruling had become common in recent generations, prevalent conditions had changed from what they had been in the days of the Talmud and early halakhic authorities, and the fear of misinterpretation by an observer was reduced. R. Abraham Teomim relied upon conditions yet to come about to supply the grounds for his permissive ruling: "Especially after this permissive

41. *Hesed le-Avraham* 21 (19a).

42. *Ibid.*, at the end of the responsum.

43. *Ibid.*, 19a.

ruling becomes known by virtue of all the purchasers of villages who will act accordingly, it will become well known amongst the Jews that this matter was done in a permitted fashion."⁴⁴

The approval of any respected halakhic authority would further spread this ruling, which involved a vital economic interest. However, it could achieve a secure position for itself only through the authority of a central figure. And this occurred when R. Hayyim of Zanz, who bore the title *Admor* [hasidic leader] and was a prominent halakhic authority, gave his approval—though not without hesitation. He describes this hesitation in his "responsum concerning the leasing or purchasing of estates by a Gentile on the Sabbath in order to do work on them,"⁴⁵ at the beginning of which he testifies: "You, my friend, must realize that I have never even considered ruling permissively against the *Shulhan Arukh* and the Talmud, which forbid [certain things] because of the possibility of misinterpretation."⁴⁶ If early authorities ruled permissively in connection with tax collecting, farming, and minting money, "they are allowed to rule permissively . . . not we small figures . . . and so I have never ruled permissively for anyone to make use of a bill of sale."⁴⁷ This proves that requests had reached him at an early stage, that is, before the wholesale purchase of estates following the revolution that led him to change his mind. He describes the flow of events, something he repeats in yet another responsum.⁴⁸ He realized that he remained isolated in his opposition: "I have heard that in the province of Lvov the great scholars of the generation permitted it. And this is the way people act in all our communities."⁴⁹

The permissive ruling was based on a bill of sale. And although he had seen such a document prepared by two scholars, R. Mordecai Zeev

44. *Ibid.*

45. *Divrei Hayyim* 1:7.

46. *Ibid.*

47. *Ibid.*

48. *Divrei Hayyim* 2, *Orah Hayyim* 22. This responsum is dated winter 1861. For the date of the first one, see below. The descriptions in the two responsa are mutually supplementary.

49. *Divrei Hayyim* 1. It is unclear who "the great scholars of the generation" are. When the responsum was written (see below) there was no chief rabbi in Lvov. Halakhic rulings were entrusted to R. Simhah Nathan Ellinberg, who was a *moreh tzedek* (an assistant rabbi). R. Joseph Saul Nathanson was appointed head of the rabbinic court only in 1859; see Solomon Buber, *Anshei Shem* (Cracow, 1895), 98.

any more than an emergency measure: "I relied on the verse, 'The time has come to act for God; it is time to violate Your Torah.'"⁶¹ His ruling is therefore not a general decision upon which anyone can depend. "I ruled permissively for many people owning estates, but for a God-fearing person who may be assumed to be ready to accept whatever he is told I forbid work on the estate during the Sabbath by means of a bill of sale"⁶²—a distinction that was certainly very difficult to maintain. The rabbi once visited the home of one of his followers, "the illustrious and learned R. Herzl Bernstein of famed descent,"⁶³ and heard how this landowner, acted "in his enterprises by selling to a Gentile on the Sabbath." The rabbi cast doubt upon this behavior and immediately upon arriving at his house told him that it would be better for him to follow the permissive ruling of the bill of sale he would give him.⁶⁴

It really is difficult to imagine that the rabbi's permissive ruling was limited to "simple people" and that his own disciples were not allowed to rely on it. R. Hayyim's influence affected the community of his followers in the provinces of Hungary in close proximity to Galicia, and his bill of sale reached them. He was at first willing to give it to anyone requesting it of him,⁶⁵ but here its use was challenged, and this led him to react defensively in what amounted to a retreat. His responsa to Hungary were sent to two rabbis. One was Rabbi Hayyim Meir Zeev Hartmann⁶⁶ of the community of Samloya in Transylvania, and the other was anonymous.⁶⁷ In his earlier responsum, written in 1867, he repeats in brief the basis of his permissive ruling and the circumstances of its derivation in light of the complaints made by Rabbi Hartmann, who had expressed doubts. R. Hayyim concludes: "Of what use are your arguments? The ruling is clear and has been approved by a number of halakhic authorities of this land. However, if the rabbinic authorities

61. Ibid.

62. Ibid. Also 1:7. He concludes: "Wherever he is unlikely to violate a serious prohibition, we must not rule permissively, which is how I conduct myself here."

63. Ibid., 1:5.

64. Ibid.

65. Ibid., 2:30. He writes: "For a rabbi among my adherents asked me for a copy of the bill of sale, and I sent it to him."

66. Ibid., 2:29. The name of the rabbi is not mentioned, but he served in Samloya and died shortly after. See *Shem ha-Gedolim me-Erets Hagar* (Jerusalem, 1959), sec. 8, par. 28 (34a).

67. Ibid., 30.

of Hungary see reason to be cautious and fear a scandal, please warn the people of your region in my name not to rely on my ruling, because it is limited to its own place and time. . . . I have written in this spirit to another area in Hungary as well."⁶⁸ Hence this was not the first time he had heard of reservations expressed by halakhic authorities in Hungary. He wanted to put an end to argument and requested "that he refrain from troubling him with this matter again, for he should not hope for a reply"⁶⁹—a dissonant phrase that does not testify to the writer's calm and detached attitude on the subject under discussion.

Now taught by experience, R. Hayyim hesitated to send the anonymous rabbi the bill of sale he had requested. The questioner himself had apparently expressed his fear that nonobservant Jews would mock the permissive bill-of-sale ruling and disparage it as legal fiction. R. Hayyim replies to this challenge incisively: "In this respect, we have learned 'do not be overly righteous'; we shall not rule more strictly than our predecessors who allowed such legal fictions . . . and did not worry about possible mockery on the part of contemporary nonbelievers [literally Sadducees], for why need we take into account the laughter of the wicked? They will perish and we shall act in accordance with the Torah."⁷⁰ The "wicked," that is, Maskilim, disparage the laws of the Talmud that permit the use of legal fictions. If contemporary scholars were to refrain from using such fictions because of the criticism voiced by the Maskilim, they would seem to be "cooperating with the wicked. . . . But we will not retreat from the customs of our forefathers."⁷¹

In the next chapter we shall describe the situation of Hungarian Jewry, typified in this period by the deep split between the Jews who had abandoned their traditional way of life and those who continued to adhere to it. The fact that some Jews challenged the validity and legitimacy of tradition deterred those faithful to the tradition from deviating from its patterns, even under formal halakhic auspices. The orthodox Jews of Galicia, too, were engaged in a struggle with the innovators in the circles of the Maskilim and the economic upper class. These in-

68. Ibid., 29.

69. Ibid., at the end of the responsum.

70. Ibid., 30.

71. Ibid. Nevertheless, at the end of the responsum he writes: "And if you want a copy of the bill of sale, let me know and I will have it copied."