בס"ד

**Marbiz Torah**

**His authority, jobs and role in Community Institutions in Spain, Turkey and the East**

**By**

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**Introduction**

He researched the history of the Jews in the Middle East. Not only did he did not use modern research methods, but he still had no monographies discussing specific subjects in depth. Not only that, but he was behind when he had to detect basic and major problems in communities’ organization and social structure, not to mention the authority and relationships of and between various community institutions, and between them and the community. Historians whose work required them to deal with these questions – comprehensive work about general Israeli history, became confused, dug holes in fields, and obviously disregarded important subjects. On the other hand, people really concentrating on the Eastern-Sephardi community did their duty with a separate description of the circumstances, but these lacked historical analysis.

If we need to point to an example of what we are referring to here, a researcher should go over “Marbiz Torah”, (i.e. Someone who spreads Torah) and it will serve as genuine testimony to the tremendous neglect of this subject to date: What impression will we get of what a “Marbiz Torah” did, his authority, and his role in “Community” institutions or the community by looking into the books of Eastern Jewish history researchers? It would be pointless to look for an answer to these questions in their writings. Not only that, but even the implication of the title “Marbiz Torah”, whose bearer had a major and decisive role in communities’ lives and their internal government, was not clear at all.

Mr. Meir Benayahu’s research deals with these problems in detail, and it becomes clear from his research how great “Marbiz Torah’s” role in this was, not only in religious life, but even in how the community behaved. By the way, the main topic, how the Jewish community in the Great Ottoman Imperium – which included the Land of Israel, organized itself, becomes clear to us.This is all interesting, the role of the Chachamim and benefactors, and the way elections were held on democratic foundations and with communal responsibility, something very special in an isolated island under the feudal regime of Ottoman society.

The author has included rich material in his book, material buried in responsa literature written by the Chachamim of Turkey and the East. He has checked and analyzed the circumstances and put them into context, giving an accurate historical impression of “Marbiz Torah”.

“Marbiz Torah” is one of the main explanations helping us understand Eastern communities’ structure, and it is very helpful in developing research in this field. This is why I established an institution in Jerusalem, whose goal is to supply material and expand researchers’ interest, both in their role in these neglected fields of Israeli history and to finish putting together what happened in our past, wherever the People of Israel settled.

Jerusalem, Rosh Chodesh Nissan 5713.

Yizchak Ben-Zvi

**Introduction**

This work is only a primary impression. It was done while doing research for the Ben-Zvi Institute, researching Jewish communities in the Middle East on behalf of the Hebrew University in Jerusalem. Its goal was to discuss one of many subjects that generally dealt with researching the history of Turkish and Eastern Jewish communities. Research done in this field, whenever it was needed, has not been helpful in revealing what happened in these communities, and one of the main reasons for this was doubtless because of the way it was generally researched, without attempting to sufficiently establish each and every individual topic, and important chapters have been left closed or unclear.

The question of how communities were organized, especially after the Spanish exiles arrived, when they became part of each and every “Community”, and their roles in the entire community’s institutions, the “Community’s” was internal organization, and the authority of its Chachamim and benefactors, are basic questions about what happened in these communities[[1]](#footnote-1). The sources we have include an abundance of material that can well clarify these questions, and since people who wrote about Turkish and Eastern Jewry did not manage to deliberate these particular issues, we can testify about the confusion in their writing about the composition of the communities and their institutions.

The attempt made to do this deals with one of these topics, the role and authority of a “Marbiz Torah” in the Turkish and Eastern communities. This requires delving into the way the communities lived and their internal governance, as a “Marbiz Torah’s” role in crafting the communities’ image was important and immense.

The main sources are the Turkish Chachamim’s Responsa, that have a lot of very valuable historical material in them. Some of the material seems unfit to work with because of its lack of clarity. Most of the cases don’t say where they happened, and not even when. By comparison, and mainly by relying on details and terminology, it is feasible in some places to pinpoint their historical nature and what was happening. This is why circumstances are generally quoted in the original language. Each sentence and expression can add something to our understanding sources, and to present us with circumstances that we will only be able to utilize properly as research develops and we understand them better. For example, titles that researchers thought were simple recommendations, are still plentiful in these sources, and can be revived. “Marbiz Torah” was not a Yeshivah teacher as people previously thought, but was the community Rabbi, and a congregation Rabbi is not a city Rabbi, and the title was certainly not used for a Chief Rabbi’, such as “The Rabbi of Saloniki”, at a time when an “All-encompassing Rabbinate” did not exist, and communities were not organized – this was a fundamental mistake.

Clarifying what the “Marbiz Torah” title implied and the questions required to research this topic will let us look into the “Marbiz Torah’s” role and authority in each and every individual community. And since a “Marbiz Torah” had a major role, not just in religious questions, but also in communal matters and internal community life, this could also lead us to understand the general community structure.

**Chapter 1: The “Marbiz Torah” in Spanish communities**

As is well known, Spanish exiles who came to Turkey and eastern countries established separate communities, which ran according to their customs in the communities they had left behind. Each “Community” had “Outstanding people”, with exceptional behavior and independent rules. The “Community” Chacham was authorized to adjudicate legal matters for members of his community, to establish positions in community procedure on the one hand, and to give sermons on Shabbat and festivals and maintain a Yeshivah on the other. This Rabbi was the “Chacham”[[2]](#footnote-2), the Community Chacham, Moreh Horaah (Instruction Giver), Moreh Tsedek (Teacher of justice), Chaver Ir (City Fellow) (in very few cases), Marei Deatra (Local Master). Sometimes only he would be called “The All-embracing Chacham”, but the main title that he was known as in most communities was – the “Marbiz Torah”. This title comes from the fact that everything the Rabbi was only based on “Torah Laws”: Ruling the law for permitted and forbidden food, justice, sermons, teaching students, establishing rules – these are all based on Torah foundations.

These roles were also assigned to the Rabbi in Spanish communities that did not have many “Outstanding People”, and they were not able to maintain different Rabbis for each job. Small communities did not generally have many legal questions, and the Rabbi could also fill the role of a teacher in a Yeshivah. The Rabbi’s responsibilities are defined this way in certificates from small Aragon communities that we acquired. In one of them, dated 1338, Pedro IV, King of Aragon, commands looking into an issue regarding Rabbi Shmuel Ben Pasht, as the first members of the Jewish community in Terual, “Agreed on oath with the aforementioned Rabbi to pay him 350 Jaca dinars, on the condition that he would give sermons about Moses’ Torah to the specified community’s Jews in their synagogue for a year, as is customary amongst Jews, and that he would teach the Torah of Israel to their offspring youth.” And we also see this in a different certificate, dated 1357, in which the King of Aragon commands the community of Egea regarding Avraham Ben Meir, who had donated houses to the community, “That whoever will be the Rabbi (Magister) or Rabi of the specified community will have to live there in those houses and teach their religion to Jewish youth from that community[[3]](#footnote-3).”

The title, “Marbiz HaTorah”, was established in Spain for community Rabbis, evidently early on, even though it is not common in contemporary sources of that period. As far as I could see, the Rambam was the first person to use it in his commentary on the Mishnah[[4]](#footnote-4). In his determining that Rabbis and learned men should not benefit from public funds, the Rambam writes, (taken from the translation to Hebrew from Arabic by Rabbi Yehudah Alcharizi): “When we look into what our Sages have written, we don’t see that they would ask people for money, and they would not raise money for honorable and dear Yeshivot, and not for Exilarches. Not for their judges and not for their “Marbizei Torah”**[[5]](#footnote-5)**, and not for one of the Great Ones, nor for anybody else of the People.”

It is surprising that we don’t find this title in the numerous Spanish sources, neither in Responsa nor in other Halachic works discussing Rabbinical roles. It was only later on that some Chachamim used the “Marbiz Torah” title this way. Rabbi Menachem Ben Zerach comments on what the Rambam wrote above: “And the Rambam OBM… wrote at length, putting down great people of the past and their successors for taking money from the community to spread Torah there…and he overstepped his boundaries, as, in his opinion, the public would not have a “Marbiz Torah” and a Moreh Horaah (Instruction giver) these days, especially throughout Spain, as there are fewer people studying the Babylonian Talmud than before[[6]](#footnote-6).” Rabbi Menachem Ben Zerach obviously understood that the “Marbiz Torah” title used by the Rambam refers to a Chacham, and they certainly used this term in his time.

We initially found the “Marbiz Torah” term in regulations established in 1432 by a meeting of community representatives in Castile. The communities would raise a special tax for Torah study, and it was decreed “That no community or person…will be allowed to appropriate the specified Torah Study Tax…but all the gold pieces included in sums raised for the tax will stay as they are and be kept in cash, to be used as the Court Rabbi instructs or according to instructions that he will send. But places that have outstanding Torah scholars “Marbizei Torah” appointed over the community, they will be able to give and pay an outstanding Torah scholar’s salary from this (money) and also to support students living off donations from the stipulated Talmud Torah” (i.e. Torah school)[[7]](#footnote-7). At the same conference, it was also decided to compel communities with (at least) 40 families to appoint a “Marbiz Torah”, and his duties were defined in the regulations:

“And anywhere with at least 40 householders[[8]](#footnote-8) will be obligated to do as much as they can to maintain a “Marbiz Torah” in their midst, who will teach Talmud, Jewish laws and parables, and the community will be obliged to support him decently, may G-d preserve his body and life, and they will pay him what he needs for his livelihood from taxes on the best meat, wine, and money or goods set aside for holy use that they may have, or from donations from the Talmud Torah, so that he will not be forced to go and ask for what he needs, and will not need to apply to senior community individuals for this, may G-d preserve his body and life, so that they will have someone to reprimand and uphold them for anything connected to serving the Creator, blessed be He. And if the community, may G-d preserve its body and life, will not come to an agreement with the Marbiz Torah about the amount that they have to pay him, they will be obliged to give him whatever the local Talmud Torah Tax will raise, or to add to that if it will be insufficient in the opinion of the G-d fearing Court Rabbi.

This term is also used in Don Yitschak Abarbanel’s commentary on the Avot tractate, and he explains the title’s implication in his writings. Unlike the Rambam, he is of the opinion that ““Marbizei Torah”, impoverished because of insufficient funds are not “from gardens” to be paid, unless two conditions are met: The first is that they only take what is necessary and not more, so that they will have bread to eat and clothes to wear, so that the pitiful person’s wisdom will not be disdained, and his words not be heard... And the second condition is vital in my opinion, that he should not get from any individuals, but only from the public, because if he gets from an individual, he would have to flatter him, and even if he sees something morally reprehensible in him, he won’t reprimand him appropriately, and he will be unfit to judge him in court. For the Prophets would get presents from individuals because they weren’t expected to adjudicate between cases and to inspect diseases... Which is not the case with a Marbiz Torah, as he is the teacher, he teaches Jewish laws and reprimands people, and this is why it is better to get from the public at large and he will not be biased to anybody, and will therefore he will honor the Torah and not profane it”[[9]](#footnote-9).

The “Marbiz Torah” title for a “Community” or City Rabbi had been accepted as the main term in the Tugarma countries where the Spanish exiles settled, apart from Erbistan. The Spanish people had significant influence in Tugarma, and the non-Spanish communities also used this term. In Italy and North Africa, where many exiles also arrived, the title was not accepted, and they used the “Moreh Tsedeck” title. There were reciprocal relationships in these places between the various communities, and the exiles were not only influential, but were also influenced, and this is how we can understand the differences between the Spanish communities in Tugarma and the Spanish communities in North Africa and Italy.

**Chapter II: Electing a “Marbiz Torah”**

Every “Community”, or several communities in town, elected a “Marbiz Torah”. Elections were not held the same way in every community, and various changes developed over time. In some communities, elections were held by the benefactors themselves, but in most communities, individuals, i.e. tax paying community members, also had the right to an opinion. This also depended on the general community and organizational structure. In Izmir[[10]](#footnote-10), for example, there was a decree made by Rabbi Yoseph Ishkapah in 417 (1657)[[11]](#footnote-11), “That the appointment of a Marbiz Torah will be made with the advice of all the taxpayers, at least ten, and a majority of them all[[12]](#footnote-12).” This decree was canceled about a hundred years later, in 509, by Rabbi Yizchak Hacohen (Rappaport) and Rabbi Avraham Ibn Ezra, the two “Marbizei Torah” in Izmir. Instead, it was determined that elections would only be carried by a majority opinion of “City Elders”, without any taxpayer intervention. The voters had to swear that they were voting for whoever they considered fit for this role, without any reservations. The decree was kept in its entirety, and this is what it said:

“Since there is a rumor that there is a previous agreement that we will not appoint a Marbiz Torah or Marbizei Torah (plural form) here in Izmir, may G-d protect it, without at least 10 taxpayers, and so approbations given to previous Rabbis attest. And we have seen by now that it has not been practicable to do this for several generations whose hearts have gone down (in the degree of knowledge & observance), with differences of opinion and suchlike, and if they do this, there will be renewed hatred, competition, arguments and legal suits between individuals. Because in our great sins, we do not get on very well with each other in this generation. Therefore, we, the undersigned, current appointees and City Elders, have met and gathered ourselves together, and with the advice of the High Ranking Rabbis teaching (i.e. are Marbizei) Torah here in this city, and we have agreed to rescind this agreement in an efficient and adequate manner, according to Jewish Law, - its consent has begun. And from today on, our agreement has been that whenever contemporary appointees and City Elders in each and every generation wish to appoint a Marbiz Torah or Marbizei Torah, contemporary appointees and City Elders will appoint whoever the majority of them all agrees on, and whoever appeals, be it one person or many, whatever they say will be completely disregarded, like broken clay and suchlike, and whatever the majority of all the contemporary appointees and City Elders do with this, will be upheld and permanent. However, we have agreed, in the context of this Agreement, that a Marbiz Torah appointment or appointments will only be made under oath, in that the stipulated appointees will swear an edited oath[[13]](#footnote-13), that whoever doesn’t say what he thinks, unconnected to anything other than the truth as he sees it between him and his good and honest Owner (i.e. G-d). And G-d’s intention will succeed in their hands, and we have signed our names on something true and right today, 7th to 8th Shevat in the year of Tov Umeitiv [5509] in shortened date form[[14]](#footnote-14).

Every individual’s agreement to elect a “Marbiz Torah” was necessary because, should there be any disagreements, “Individuals” would not be able to claim a different “Marbiz Torah” for themselves, and also so that everybody would personally commit themselves to pay the “Marbiz Torah’s” salary[[15]](#footnote-15).

The “Marbiz Torah” was also elected in Valona[[16]](#footnote-16) by everybody from that town. Rabbi Avraham Di Buton of Saloniki writes that the City Rabbi, “The all-embracing Chacham such as our Master, Rabbi Moshe Albilada, may his light shine... Every citizen, great and small, has put and accepted him to preside over them under severe oath with all the imprecations of the Covenant[[17]](#footnote-17). And it has been so for them for over ten years, that everybody drinks together from his well.... He teaches Torah in four communities”[[18]](#footnote-18). In Saloniki[[19]](#footnote-19), every member of the community would sign his Letter of Appointment and declare that they agree to listen to what he says, and to accept his directives[[20]](#footnote-20).

In **Patras**[[21]](#footnote-21), the “Community Elders” would ask the Bet Din (Jewish Ecclesiastical Court) for advice about whom they should elect as “Marbiz Torah”. Individuals could voice their opinion, but it seems that only “Appointees” could vote. “When they wanted and wished to take a Chacham, the Bet Din and Community Elders would meet to discuss the issue”, write the Patras community leaders at the end of 16th century, and they testify that this had been the custom from very early on”[[22]](#footnote-22).

In **Egypt** (Cairo), the “Community Elders” would announce their decision to everybody, and the “Marbiz Torah” appointment was made with the agreement of the benefactors and most of the community[[23]](#footnote-23).

If some or most of the community members agreed not to appoint a “Marbiz Torah”, the minority could force the majority against its will, and elect a “Marbiz Torah”[[24]](#footnote-24).

Not only people from that particular community would be elected as “Marbiz Torah”. Sometimes they would bring a Chacham from a different city, even if they already had several Chachamim in that community, Cases like this would sometimes cause arguments in the community. In the second half of the seventeenth century, an argument broke out in the Egyptian community over the election of a “Marbiz Torah” who was not from that community. The circumstances as described in Rabbi Mordechai Halevy of Egypt’s Responsa were as follows:

“Individuals from a certain holy community, the community’s Elders, benefactors and leaders... And they chose to appoint Reuven to preside over themselves as “Marbiz Torah” in that community, as all holy communities in Israel are accustomed to do... And they appointed him and wrote him an Agreement about this, and most of the community signed it and made a severe oath... To finish and fulfil everything written in the Letter of Agreement specified above, without their finding any permissive or retractable loopholes whatsoever... And so, when Shimon heard everything that had happened, his being a Chacham who prayed in the same community there, he got very angry over how they had appointed another Chacham while he was established (there) and prayed with them, so he should precede anyone else. And he conferred with some other people from the community who had not signed there, and they claimed that the first group had appointed Reuven at their own initiative... And the second group got together and wrote a Letter of Agreement with an oath about how they had appointed Shimon as a Chacham in that community, to be their Marbiz Torah… The first group claims that it elected Reuven because they had heard that there was a Chacham and benefactor of their community in his city, and they knew that he behaved honestly with the community and that he had taught Torah there for some years, and adjudicated and given all sorts of Jewish legal instructions, and all sorts of good things. He was very wise…Whether the law is with the first group…Whether because they were the most important members of that community, and its leaders and benefactors. And most communities have a custom that authority is given to the benefactors and wardens, and they were not remiss in not having told everybody the details. And even if you want to say that they should have informed them beforehand, and that they were remiss by doing this on their own initiative, despite this, we meant to do this all for the sake of Heaven…”[[25]](#footnote-25)

A “Marbiz Torah” was not always elected for his knowledge and talents. Sometimes his election was affected by outside influences. There were quite a few cases where relations between the “Benefactors” or “Individuals” caused a “Marbiz Torah” to be elected, even when he was unsuitable for the job. In the Sicilian community of Patras, “Individuals” attempted to appoint a second “Marbiz Torah”, in addition to Rabbi Yoseph Forman, claiming that he was well known by the authorities, and that the community would benefit from his appointment: “Because community appointees had vowed that the newly arrived Chacham would not take care of anything other than adjudication. They were no doubt referring to his becoming a Civil Judge, as they had heard that he had a hand and name with people from Tugarma” – writes Rabbi Shlomo Hacohen (Maharshach), one of the Chachamim of Salonika, whom they had consulted about this question[[26]](#footnote-26).

We can see, from numerous circumstances that we have, that (many) rich people and businessmen were friendly with the authorities and Civil judges. If they wanted to dismiss the Chacham and replace him with someone else, they would use their relations with the authorities to get them to sue against the “Marbiz Torah” appointment that they had suggested. One source[[27]](#footnote-27) mentions that “Community individuals” (We know from a different source that it was in the Fulia community in Saloniki[[28]](#footnote-28)) disagreed about the election. One group appointed an alternative “Marbiz Torah” by succeeding in getting a ruling by the City Judge: “Because they went to a judge to say that they wanted him to be (their) Chacham.” Another source tells us that one Chacham “Through money that he dispersed in the Gentile Courts, he became a Chacham and presided in his position.” Even though an “Agreement” had been made not to appoint a “Marbiz Torah” from the community, to avoid arguments between the community’s Chachamim who want to be elected[[29]](#footnote-29).

The government’s meddling in “Marbiz Torah” appointments was apparently very common, and so we see in the “Approbation” made in the year 406 by the Platyo community in Kushtah, not to appoint any Chacham during the six years after the death of Rabbi David Egozi, the community’s “Marbiz Torah”. There was also another condition: “And whoever wants to be Chacham to preside over us by the authority of princes and Civil Judges, we will not acquiesce to him[[30]](#footnote-30).” In Izmir, in the year 5534, they sent several community honorables to the “Marbiz Torah”, and they demanded that the existing custom be retained, that there would be two “Marbizei Torah” serving in the town. “Gentile businessmen who worshipped idols”, and these people threatened to fire the Jews working on their premises if they didn’t revert to appointing two “Marbizei Torah” for the town, and “some of them started talking with the country’s gods.”[[31]](#footnote-31) In the Maharshdam’s Responsa, he writes that members of a certain community “swore” not to agree to their “Marbiz Torah” continuing in his position, even if “the stipulated Chacham would take the position by force[[32]](#footnote-32). In the same period, we also hear about the Fulia community in Saloniki, that a “Marbiz Torah” “entered the community by force”[[33]](#footnote-33).

A generation later, Rabbi Chaim Benbanshet complained about “Marbizei Torah” coming to serve Kushtah communities by force, not because of their knowledge or wisdom, but rather because of their wealth and aggressiveness. And this is what he writes: “Since a man comes into a synagogue to be a “Marbiz Torah”, and comes in and out before them, he obviously goes out as a student and comes back as a great Chacham in his town, which is his synagogue…And I have seen protests against this in some Kushtah communities about appointing somebody who does not know what a Talmud discussion looks like, and not even the Bible or Mishnah, to head and be an officer to preside over them, either because he is wealthy or powerful. And his masters have permitted this, about which it is written that you shall not set yourselves a pillar[[34]](#footnote-34).” This got to the extent that, even after a “Marbiz Torah” had been elected, another Chacham would claim the seat for himself, and wanted to force the community to fire the person elected and to appoint him in his place[[35]](#footnote-35).

This distortion of Jewish law could even happen with relatives when it came to electing a “Marbiz Torah”. We see this in the Budun community[[36]](#footnote-36), that was under Turkish rule in those days. There was a decree, about three hundred years ago, when Rabbi Or Shraga was the Rabbi, “Not to accept any Rabbi or teacher with any relatives in the community…so as not to cause more disputes. And he made the decree very serious...So that nobody from the community with a bias or interest, wherever he may be, should even think about giving his opinion about accepting a Rabbi. And the Chachamim of Bilugrado and Sofia agreed to this, as did the subsequent Chachamim and Rabbis of the schools and Yeshivot in Budun[[37]](#footnote-37).

There have also been a few cases recorded in various sources where “Marbizei Torah” serving communities were not sufficiently familiar with laws and juriprudence. In the Yishmael community of Saloniki there was a “Marbiz Torah” appointed in 439 (1579) for twenty years. After three years of service, “The entire community all agreed to get rid of him, as they said…This Chacham doesn’t know anything and does not give us any sermons at all, and does not know any laws, and sometimes, when he wants to deal with laws of marriage and divorce, G-d forbid, he creates more bastards in Israel…Let us go in the ways of the Lord to find a knowledgeable Chacham for us, who will establish a Yeshivah for us and give us sermons every Sabbath, and who will teach us the path we should follow”[[38]](#footnote-38); “As they were used to having a Yeshivah and an all-embracing Chacham like our Rabbi and his student Aron, like Rabbi Levi Chaviv, followed by the all-embracing Chacham Rabbi Yaakov Smut, and last of all, with Rabbi Shmuel Kalai. And every one of these was an expert in the rooms of Torah and would teach us every Shabbat, like any Marbiz Torah. And he would also set up rulings to help us honestly with any law that we needed. And we thought that this Chacham was like them, that he would help our souls, but we saw that he wasn’t helpful about anything other than physical health, and so we saw that it was time to do things for the Lord, and find somebody who would teach us and establish a Yeshivah, just like the all-embracing Chacham Rabbi Shmuel OBM cited above did[[39]](#footnote-39).

Circumstances like these led to situations where totally incapable Chachamim would occasionally head communities, making it impossible for communities to develop, and bringing them down spiritually. Although these occurrences were not very common, and there were occasional regulations made against them. These regulations organized election regulations democratically and by majority agreement in a limited manner.

**Chapter III: The Letter of Appointment**

The “Marbiz Torah” would get a Letter of Appointment signed by the Benefactors, and sometimes also by all or some of the people in the community. A Letter of Appointment would comprise what a “Marbiz Torah” was expected to do, his authority and duties, and what the community had to do for him. Some of them have very interesting content. Some letters of Appointment from various places will be quoted further on. In the Izmir community, where two Rabbis presided, they would both get Letters of Appointment. If one of the Rabbis died or went elsewhere, the Letter of Appointment became invalid, even if his term of office had not yet finished. The community would give the remaining Rabbi and the new appointee a new joint Letter of Appointment[[40]](#footnote-40).

**Rabbi Yitschak Chazzan \* Magentsia 415**

In 415, (1555), the three Magentsia[[41]](#footnote-41) communities appointed Rabbi Yitchak Chazzan as “Marbiz Torah”, as “He had been the Marbiz Torah in one of the communities in Andrinopola”, and this is what was written in the appointment:

When the leaders of the holy communities and people gathered here in the city of Magenasia, May G-d keep it uppermost, Amen, and they saw that the permit had expired, and that the appointment had become worthless and neglected, without anybody looking for a wise man searching for G-d, everybody decided together to establish a Torah Canopy, a deer of people who love Israel’s lawgivers volunteering for the people[[42]](#footnote-42) to save and calm them down from time to time. As He has been true to them for as long as the world exists and in previous years. And the day came when a Chacham appeared before them, outstanding in his Torah knowledge, the elevated all-embracing Chacham Rabbi Yitschak Chazzan, may G-d preserve his body and life[[43]](#footnote-43), for whom the people’s benefactors stood up and called him to sit with them, and through the all-embracing Chacham, doctor, elevated prince Rabbi Avraham Shalom, may the Merciful One guard and redeem him, he was accepted by the holy people’s leaders to be their officer, leader, and Marbiz Torah. And when the Chacham, may the Merciful One guard and redeem him, saw that many people’s benefit depended on him, he decided to accede to their request and to serve with holy matters, with whatever came up. And so the community, may G-d preserve its body and life, they all three accepted him together, and set him as a prince and officer to preside over them as their Marbiz Torah, to teach men an honest path to Torah, to serving G-d, to peace and truth, and nobody will contradict him. And the holy community, may G-d preserve its body and life, committed itself to remunerate him every Shabbat, i.e. 80 Labens[[44]](#footnote-44) every single week, as follows: The Lorkca[[45]](#footnote-45) community, may G-d preserve its body and life, committed themselves to give 50 Labens a week, and the Toledo community committed themselves to give 13 Labens a week, and the Shalom community committed themselves to give 17 Labens a week, 80 Labens altogether. And there should never be less that that every week, and he should have somewhere appropriate to live, and whatever he makes as a scribe, everything deriving from the holy community, may G-d preserve its body and life, on a daily basis, and donations and presents three times, and fixed sums of money on Purim when it occurs, as is their custom. And the Chacham, may G-d preserve his body and life, has committed himself to serve them and to make blessings in their name, just as G-d’s hand has been good to him in whatever has come to hand for him: To give sermons and set time aside to study Torah, to teach them the path that they should take to amass an army every month and Shabbat, so that everybody pure and upstanding should come to bow down to G-d in holy glory. Furthermore, the holy community has committed itself, may G-d preserve its body and life, to give that Chacham 20 gold Paras for coming so far, besides hiring the donkeys that he will need to bring his household with G-d’s help. And the commitment for everything stipulated above is for a period of three years in a row, starting from the Chacham’s leaving the town of Indiranopoly[[46]](#footnote-46) to come here. Since then, the entire community has committed itself, may G-d preserve its body and life, to pay the stipulated Paras every week until three years after he has left there are over. And to secure everything stipulated above, we, the undersigned, have become guarantors and liable on demand to pay everything written above, and we have a complete manual transaction that is fit to make a transaction with, and we have made a very severe manual oath, citing the Lord, blessed be He, according to the Holy One, bledded be He, and according to those swearing in His Name, and according to the Chacham, and according to many stipulated Rabbis of Tsfat, without deceit or twists, cancelling any type of intention to keep and do and fulfil everything written above. And it is in the hands of the stipulated Chacham to get everything he is entitled to, be it from one of the undersigned or from whatever community it may be on behalf of his community, as he wishes, without any reservations whatsoever, and without any claims whatsoever. And the stipulated Chacham has committed himself so with a severe vow to come and live with us in our location and to fulfil everything above. And this was all on Thursday, the 4th of the month of Shevat 5415 after the Creation, here in the town of Magnesia. And everything is upheld, clear and valid.”[[47]](#footnote-47)

**Kastoria**

The following Letter of Appointment has very similar details to its predecessor. It was given to the “Marbiz Torah” who had served in the Kastorian[[48]](#footnote-48) community, and he was not reelected after his term expired, and he went to Trikala[[49]](#footnote-49), a nearby town. Some time after he had left the community, it was agreed to bring him back, and the community committed itself to pay for travel expenses. The condition that the community was obliged to give him 15 loaves of bread and some wine every week is particularly interesting. The Letter was written about 20-30 years after the first Letter quoted above.

“If the terms are made pleasant through people’s behavior are essential to finish the job, fully edited and saved, this is the written Torah to condition 416 wonderful conditions that come between us, the undersigned members of the holy Kastorian community, and our Teacher, the all-encompassing Chacham, may the Merciful One guard and redeem him. And this is because we, the undersigned, have committed ourselves to pay him all his necessary expenses and for his entire caravan, from the day he leaves Trikala until he arrives here, be it the caravans or people that he will take out and bring or any other expenses that they will need until they settle down in his house and its walls. And we have so committed to him to give him from now on, for all three consecutive years to come, from the day he leaves Trikala, 5000 Labens a year, which equal 417 Labens a month, to be paid monthly or weekly, whatever he desires. And we have also committed ourselves to give him 15 loaves of bread every week until the three years have expired. And should he be missing a loaf some week; he will get two loaves the following week. And if it is still missing then—he will be paid 2 Labens for every loaf that he is missing, week by week. And we have also committed ourselves to give him 50 Mitrosh[[50]](#footnote-50) of wine a year, for the three years, and they should be given to him on request. And we have also committed ourselves to pay his rent for wherever he chooses to live, wherever he wants, without his getting upset over having to find the money to pay, even if it is temporary. And this has all been accepted by us with an oath and vow, with the knowledge of the Lord, blessed be He, and with the knowledge of the stipulated all-encompassing Chacham. And if he wants, he can claim it from this or from that, and so on. And everything is completely guaranteed by us from now on, and we lien all our land and property that we have or will acquire.[[51]](#footnote-51)

**Patras**

Rabbi Meir the son of Rabbi Shem Tov Melamed, a Chacham in Patras, had a different version in his Responsa**,** and the Letter of Appointment from his town was no doubt his source. This is his version:

“Since the Torah is the great pillar that the world stands and exists on, for which we, members of the holy Patras community, may G-d protect it, with the agreement of, and with he advice of the Elders and leaders of our community, may G-d protect it, the undersigned and Community Elders, we wish, of our own volition and with complete agreement, and we have accepted and appointed to preside over us as a leader and officer to be a Chacham and Moreh Tsedek[[52]](#footnote-52) in our community, may G-d protect it, the all-encompassing Chacham, son of holy people like our Rabbi Ploni, (i.e. Anonymous), to adjudicate and instruct about laws of forbidden and permitted food and financial matters, and to answer anybody’s questions, whatever they ask about truth and the law, and to set time aside for Torah in the Hatmimah Yeshivah together with Chachamim who hearken to Torah and Mitsvot, and also to give sermons on Shabbbat and festivals. And commensurate to his work, holy work, we, the undersigned, commit from now and henceforth to give the all-encompassing Chacham, our stipulated Teacher an amount of money as follows. “And this is what we have accepted” etc. until “And all”, as stipulated above[[53]](#footnote-53) we have accepted on ourselves, we, the undersigned, with a severe oath on a Torah, according to what G-d, blessed be he wants, and according to our Teacher, the all-encompassing Chacham stipulated above, may the Merciful One guard and redeem him, that we should fulfil everything stipulated above. And this should all be proof and a credit for our Teacher, the all-encompassing Chacham stipulated above, we have written and signed our names[[54]](#footnote-54).

**Rabbi Moshe Amato \* Rhodes 474**

A Letter of Appointment for a “Marbiz Torah” drawn up in Rhodes in 1614 is quoted in the Responsa of Rabbi Yehoshua Benbanshet of Kushath as follows:

“In a gathering of the holy people’s community here in the city of Rhodes, and we have seen that the certificate has expired , and it has become worthless and neglected, without anybody looking for a wise man searching for G-d, we all came together to establish a Canopy for Torah that is declining, a deer of people who love and have loved Israel’s lawgivers for as long as the world exists and in previous years. And the Lord’s Wish will succeed in our hands. Therefore, we got up and encouraged ourselves with renewed strength, and we have validated the acceptance of the praiseworthy all-embracing Chacham, son of holy people serving the Almighty, Rabbi Anonymous,[[55]](#footnote-55) may G-d preserve his body and life, to be our officer, leader, and Marbiz Torah. To make Torah study something regular, and working will be disdained and disgusting, and to set time aside for Torah regularly within the four cubits of Halachah, and to teach us an upright way with people regarding Torah and serving G-d, he will always judge the people honestly and legally, with peace in mind. Any matters, great and small will be brought to Moshe, and nobody will rebel against what he says. Whatever comes out of his mouth will be deemed correct and accepted, just like any judgement adjudicated by the Bet Din of Rabban Gamliel OBM. And neither an individual nor a group of people will be able to say that they are not satisfied with the Chacham’s ruling, as other Chachamim disagree with him, but whatever he adjudicates between one “Blood” and another will be deemed correct and acceptable, just like the Law of the Lord’s Torah, as it was given on Sinai. And anybody deliberately disregards the Cohen and Chacham, may G-d preserve his body and life, we have all committed ourselves, like a warrior arousing the Lord of Hosts’ jealousy, to afflict him with fools, scorpions, thorns and thistles[[56]](#footnote-56), and he will charged by Rabbis, without a doctor to cure him[[57]](#footnote-57) until he repents of his sin, after which he will be cured. And all the people will hearken and fear, and not deliberately sin again. And we have all committed ourselves, members of both communities, may G-d preserve their bodies and lives, to give the all-encompassing Chacham, may G-d preserve his body and life, 12000 Labens as annual remuneration for his work, year by year, starting this year, the year of 5474. And as surety for this all, we have made a complete acquisition[[58]](#footnote-58) to fulfil everything written above, and we have made a serious oath declaring that this is according to the Holy One, blessed be He, the city benefactors, and the stipulated Chacham, without any deceit, to fulfil and finish according to Halachah[[59]](#footnote-59).

**Rabbi Eliezer Hacohen’s second Letter of Appointment**

**Patras 476**

The following Letter of Appointment differs from the Letters of Appointment that preceded it in that it was drawn up after the Chacham had already been serving in his position, and the Letter renewed the appointment. In about the year 356, Rabbi Eliezer Hacohen was elected to be the Rabbi of the holy Sicilian community in Old Patras. After having served for twenty years, they made an unsuccessful attempt to replace him with one of the Chachamim from the community’s Bet Din. This “Approbation was written in the Intervening Days of Succot 376 and “Was announced several times in the stipulated synagogue, and the entire community considered and accepted it, and nobody objected or made fun of it, and it was confirmed and signed by all the community members, may G-d protect them[[60]](#footnote-60).

“Since it is about twenty years that we accepted as Rabbi Eliezer Hacohen, an all-encompassing Chacham, may G-d protect him, as a leader and officer to preside over us, with all the terms written in the original Letter that he has in his possession, and now, when there are differences [of opinion] between [members of] the Bet Din, who accepted a different Chacham to preside to preside over them, and the all-encompassing Chacham, Rabbi Eliezer Hacohen stipulated above was shocked by this, as he has been over us for some time now, and they want to bring a different Chacham to give sermons, and this shame and disgrace him. And he asked us if we want him to preside over us as he did before, as there was no Chacham presiding over him, neither to give sermons nor to precede him with anybody else, neither in his synagogue nor in cemeteries. This is how he conciliated with us to live in our midst. This is why we accepted Rabbi Eliezer to preside over us as an all-encompassing Chacham and our teacher, as we had seen that justice was on his side, as he had precedence when it came to anything to do with holiness. And we accepted on ourselves that he would be our leader and officer and that he would give sermons whenever he wanted, whether at joyful occasions or at times of mourning, G-d forbid or at any other time that he wished to speak. And nobody would be allowed to object to him, nor question what he had done. And nobody from our community could give a sermon without his permission as long as he is alive, and nobody should precede him for anything, as he is our leader and officer. And we have accepted this all on ourselves with a proper acquisition valid from now, and with a severe Torah oath, with the acquiescence of the Holy One, blessed be He, and of everybody who swears truthfully, and of all the Chachamim of Israel in Tsfat, Saloniki, and Constantinople, may they be blessed, and with the acquiescence of the all-encompassing Chacham stipulated above, for the benefits that we have received from him. And we have seriously accepted this all with (threats of) excommunication and vows that have been made since the time of Joshua Bin Nun until now to fulfil everything stipulated above. And should any Chacham or sermon giver come and want to sermonize without the all-encompassing stipulated Chacham’s permission, in addition to any letter or document from a Bet Din that has the same agreement written in it but from another Chacham, unless it is from former Chachamim from this community,, we will go out of the Bet Din and not sit to hear that agreement, as it is meant to heckle and shame our Teacher, the all-encompassing Chacham and his predecessors. And this will also all be with (threats of) excommunication, curses and vows, and cursed be he by day and by night. And any individual intending to shame him, be it in private, in public, or by implication, he will be included in these (threats of) excommunication, curses and vows stipulated above. And we will have to rush and oppose the person denigrating him to avenge the stipulated denigrator. And this will all be proof and credit for our Teacher, the aforementioned all-encompassing Chacham. And, on the first intervening day of the Succot festival, and this will also be upheld and permanent for the second time. 5376 after the Creation, here in Old Patras. And everything is upheld, clear and permanent.”

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**Chapter IV: Salaries, appointment periods, and a “Marbiz Torah’s” Right of Retention**

Once a “Marbiz Torah” had been elected, the entire community had to honor him, even if was not a Torah expert, or if there were more knowledgeable people in that town[[61]](#footnote-61). They were had to respect him all his life, even after he had presided in his position[[62]](#footnote-62). He sat in his special place in the synagogue[[63]](#footnote-63). It was forbidden for any other Chacham to preach the law before him, or to preach in his place without his permission. The community paid him a decent salary and made a special steward available for him. When the “Marbiz Torah” died, all the members of the community mourned for him for a whole year, and draped black over his chair, and would not appoint another Chacham in his place until the year ended[[64]](#footnote-64).

Turkish “Marbizei Torah” would get a salary from the community. “Marbizei Torah” in cities with organized communities would get weekly salaries from the “general” coffer. We see this in a question that Rabbi Chaim Benbanshet was asked in 1972, for example. “The Chachamim who make the sacrifice” write that, in Izmir, “We have a signed letter by the 7 City Elders and Honorables for five years, to give us a certain amount every week. And the holy community has just made a general agreement for whoever gets public money: Marbizei Torah, Talmud Torah teachers and suchlike, a municipal judge, people who raise money – to reduce their allotted amount[[65]](#footnote-65).” In places where the community was unable to pay the “Marbiz Torah” a salary enough to meet his needs, he would get, in addition to his salary, some of the income from the (community’s) Shechita (ritual slaughter)[[66]](#footnote-66). Sometimes his salary would also be paid from money paid from the sale of “Mitsvot”, i.e. when people paid to be called up to the Torah[[67]](#footnote-67). Small communities, that could not afford to maintain a “Marbiz Torah” because they were so small or because of their economic situation, also required their “Marbiz Torah” to be the town scribe, and, in addition to the small stipend that he got from the community, he would charge for his services. A well known case like this was in Chelb or nearby in the second half of the eighteenth century: “The “Marbiz Torah” Rabbi and city judge is also the town scribe, writing marriage documents and deeds for the local community, and there is no limit to these things, and wealthy people can pay him more, and poorer people should not be scroungy. Not only this, as not only does he get what he needs from the community as a fixed salary, but he also gets from individuals.[[68]](#footnote-68)” In communities that were not organized, everybody in the community had to pay a tax to cover his salary, and even “Baalei Torah”, i.e. learned people, had to pay this tax[[69]](#footnote-69). In Letters of Appointment, each community member would declare that they lien their property for this purpose.

A “Marbiz Torah” had a good standard of living. His salary was high compared to the standard of living in those days and to what money could buy. In 4154, the three Magensian communities gave, each according to its size and situation, --- 3360 Labens annually (See Letters of Appointment). A “Marbiz Torah” in a certain community, probably Saloniki, got 6000 Labens at the time[[70]](#footnote-70), and in Kastoria --- 5000 Labens (Letter of Appointment). The community Rabbi in Sadarkopus[[71]](#footnote-71), Rabbi Baruch Kalai, got 12000 Labens a year[[72]](#footnote-72). Rabbi Moshe Amato got a similar sum from the Rhodes community in 479. In the “Agreement” to his appointment as the “Marbiz Torah in Patras, the amount that he got was omitted, but we know that a “Baal Torah” in that community, who would sometimes adjudicate together with the Marbiz Torah, was paid a salary of 2000 Labens[[73]](#footnote-73). In the seventeenth century, in a small community near Saloniki, the “Marbiz Torah” got 4000 Labens a year[[74]](#footnote-74). There were also Chachamim who did not agree to get money from the community. We also hear about a case from those days, which was probably in Saloniki, as follows: “Shimon was a learned man who served in the synagogue and study hall for about fifty years until that synagogue was named after him, and he died and was buried. And his son took his stead, and was also a community figure, and served as his father had done… for 28 years without pay, and not asking for anything. On the contrary: He would do whatever necessary for the Lord[[75]](#footnote-75).”

An absolutely unique case was in the town of Lepanto[[76]](#footnote-76). Two out of three communities elected Rabbi Joseph Forman, as the “Marbiz Torah” of the Patras communities, and he also served as their Rabbi, and they would “Give that Rabbi, may the Merciful One guard and redeem him, half of the sum allotted to be given out from the proceeds of the Lulavim and Etrogim[[77]](#footnote-77).

Salaries were paid retrospectively. In the sixteenth century, the Rabbi in Magensia would get his salary at the beginning of each week, upfront. In Kastoria, it depended on what the “Marbiz Torah” wanted. If he wished, he would get paid at the beginning of the week. If he wished --- every month. (See the Letters of Appointment). There was a completely different custom in the eighteenth century in Izmir: “The Rabbinical salary that we are accustomed to give him --- writes Rabbi Joseph Chazzan, was --- six months upfront”[[78]](#footnote-78).

The “Marbiz Torah” was exempt from community taxation and from paying anything else. Sometimes, though, there were attempts to impose community debts on them too. In decrees made in Saloniki by one of the “Marbizei Torah” of all the communities, there was a decree enacted in 422 (1562) against this: “Regarding… whereby the arrangements that the holy communities agreed on, that all the Marbizei Torah would be assessed like all the other members of the community. In reality, they knew that that would lead to Torah humiliation and desecration of His Name, because, when it came to community regulations, when all the community leaders got together, they should declare them exempt, and nod their heads to say7 that we are biased when it comes to paying taxes for us, and this will lead to destruction…That we will not agree in any way that they will arrange for the Marbizei Torah to be assessed…And we have accepted on ourselves to make every effort, with he help of our communities’ members to arrange our agreements”[[79]](#footnote-79).

In addition to his salary, a “Marbiz Torah” would get various grants on festivals and on joyous occasions. The community would also allot him a nice house[[80]](#footnote-80) and place a special steward at his disposal[[81]](#footnote-81). In Kastoria, he would also get 15 loaves of bread a week, and 50 liters of wine a year. If he had been brought from another town, he would be paid for the “Donkey hire” and for all the other expenses that moving involved (See Letters of Appointment A & B). Thus, communities would signify a “Marbiz Torah’s” superiority over its way of life through these benefits.

A “Marbiz Torah” would sometimes be appointed for life, and would even retain his position when he was very old and no longer had the strength to do his work. And some Marbizei Torah would be appointed for three years or for some other period. He could appoint his son in his place, or to bequeath his position to a son or other relative after his death.

In the time of Rabbi Isaac Adrabi, one Salonican community, made a condition: “Not to take a certain Rabbi nor anybody else, not to give sermons nor to be a permanent Chacham as long as the all-encompassing Chacham, the community’s Marbiz Torah, may G-d preserve his body and life, will be alive[[82]](#footnote-82).” Rabbi Moshe Amato was also elected as the lifelong Rabbi of the Rhodes community. In 1579, the Yishmael Rhodes community elected a “Marbiz Torah” for twenty years[[83]](#footnote-83). In Kastoria, in the time of the Maharshach, (Rabbi Shlomo Hacohen) from Saloniki, he was elected a second time as “Marbiz Torah” for another three years. We can also see this in the Maharshdam’s Responsa: “Members of the community in Kastoria, may G-d protect it, when they saw that they had been a long time like sheep without a shepherd to lead and guide them through calm waters, to show them the way for the light of Torah and Mitsvot to infuse them, they agreed to bring the crowning glory of the all-encompassing Chacham Rabbi Such and such back the way it had been before, may G-d guard and protect him. And they coaxed him into coming back to teach them Torah,” and he agreed to their request, and they established and accepted him over them for a period of three years, all with a very serious oath[[84]](#footnote-84).” Rabbi Yitschak Chazzan was elected for a similar period in Magensia, as was Rabbi Shmuel Kalai in Yanina[[85]](#footnote-85). Later on, in 1714, we also hear about Sharai Deman Bushna[[86]](#footnote-86), who was their Chacham and “Marbiz Torah”[[87]](#footnote-87)…. And they accepted him over them for another 3 years in a row[!] with an acquisition and very serious oath[[88]](#footnote-88). A different certificate, from Patras or a nearby town in 370 (1610), tells us that about a “Marbiz Torah” appointment for four years. And it seems that this was the established custom there[[89]](#footnote-89). Once the “Inclusive Rabbinate” was established in Izmir, the “Marbiz Torah” would get a Letter of Appointment that was valid for ten years, but he would remain in his position after that too, and would get a new Letter of Appointment[[90]](#footnote-90).

Not only would a “Marbiz Torah’s” term of office vary, but even his election was temporary, even though they perceived him as the foundation of the community and of religious and community life. The sources that we have indicate that there were not a few cases where, after a Chacham’s term of office had finished, neither he nor anybody else would be elected in his stead. When the “Marbiz Torah” mentioned above got his job back in Kastoria, there was a break between hisw first and second appointment. Generally, this depended on a “Marbiz Torah” relationships with the benefactors and community members, and this will be discussed further on, (in Chapter VII).

In communities where the appointment was unlimited, the “Marbiz Torah” became established in his position. The community would not be able to appoint anybody else during his lifetime, even when he grew old and might distort the law. An old “Marbiz Torah” would only agree under special circumstances to appointing another Chacham, but the Chacham would serve as a judge, and would not bear his title. We know about a case like this in 1661: “An old Chacham who had been a Marbiz Torah in a city for several years, and when he got old, he became weak and dribbled. And when he saw that he could not bear the weight of judgment, and the locals also saw that he was so old that he wasn’t fit to adjudicate between people, as vacillate between approving and discrediting the same litigant as he spoke, they got him to agree that the local citizens would elect whoever they wanted as a judge. And the old Chacham, the Marbiz Torah, agreed with some local citizens and sought a learned man from out of town to come and be their judge for any arguments or affliction, and the rest of the citizens, its leaders and officials(?) elected a Chacham who would live in that city for three years, and he taught Torah there for 15 years[[91]](#footnote-91).

On the other hand, there is a well-known case where a “Marbiz Torah” presiding over several communities had a bad leg, and could not fulfil his duties to the communities. He opposed the fact that one of the communities elected another “Marbiz Torah”, and he demanded that be fired. The new “Marbiz Torah’s” pleas were to no avail, and not even the community leaders’ agreement. In the end, the question was left for the Maharshdam to decide, as he was the most senior authority in Saloniki, and he ruled that they could not prevent communities from having a “Marbiz Torah” who could actually serve, and this was how the question was put: “An old Rabbi leading several communities…And his legs got sick at the end of his life, in such a way that he could come in and out before them in any way whatsoever. And one of this Rabbi’s communities got up, and he had always been the Rabbi who had always prayed with hem, and it [the community] agreed to take a Chacham to teach knowledge to the people…and that old Rabbi, when he heard what was happening, became very angry about it, as his honor had been given to others, and this was beneath his honor. And he gathered a delegation of members of that community and made a claim against them for the insult against him... [[92]](#footnote-92)“

Nevertheless, there were a few special cases where the community decided to let the “Marbiz Torah” keep his throne, even though he had a flaw. In Izmir, for example, after Rabbi Azaryahu Yehoshua, “Marbiz Torah” of three out of six communities in that city, lost his sight, it was agreed not to replace him with anybody else. We can see this from what Rabbi Azaryahu Yehoshua asked Rabbi Yehoshua Benbashet, and this is how he put it: “A town with three communities, who have had a Chacham Marbiz Torah, an expert instructor ordained by world geniuses, for years, and he takes out and brings and leads G-d’s sheep, just as an artisan carries a suckling, and he utters true Torah, and there are no burnt offerings in his lips. And the day came…and a catastrophe befell both of his eyes, and he couldn’t see anything at all. Despite this all, the three communities did not rescind anything because of this, as they had considered and accepted this, as they could not find a replacement or anything like a replacement for him [[93]](#footnote-93).

This “Right of retention” would sometimes be bequeathed to sons, even if they were minors. Rabbi Shlomo Hacohen writes about Rabbi Yoseph Forman, Rabbi of the Sicilian communities in Patras, that in addition to all the advantages that gave him the right to serve as the communities’ “Marbiz Torah”, it should also be noted that there is also a “Right of retention”: “That it has been some days since he was appointed, and the Sicilian community, may G-d protect it, set him up over them as a leader and officer and to teach them Torah and Mitsvot. What room is there, G-d forbid, to bring about his downfall or demeaning his rule….And since the great elderly Rabbi[[94]](#footnote-94) in that community had a “Right of retention”, as did the righteous Chacham, his father, even renewing his appointment would be sufficient reason to retain his ancestor’s’ “Right of retention” to preside in that place[[95]](#footnote-95).”

We can also see this reasoning in later periods. In 1710, according to Rabbi Eliezer N. Shangi, A community “Marbiz Torah” in Kushtah was excluded from his community. When he sued them through the Chachamim in Saloniki, he asked: “Whast is the law for people who want to denigrate the honor of an expert and authorized Chacham whom the entire community has been happy with for thirty years, but still want to bring him down?” And now they want “To denigrate the honor of their learned man, they want to bring him down from his pedestal and take him away from the community, even though he has been inherited from his forefathers, and they want to appoint somebody else instead of him[[96]](#footnote-96).”

If a “Marbiz Torah” died and only had a son who was too young to instruct people, they would temporarily appoint somebody to fill the position until the son grew up. The substitute - like a Chacham appointed instead of a Rabbi who is still living – was not awarded the “Marbiz Torah” title, even though he had the same authority, but he was called a “Dayan”, i.e. an Ecclesiastical Judge. The following case is very surprising, as it occurred in a Turkish community, that agreed to wait for the son of the “Marbiz Torah” for twenty years after his father had died.: “One community had a registered Chacham Marbiz Torah who feared the Lord, and he treated the members of his community gently for many years, instructing them in G-d’s ways. And so, before his death, he called the members of his community and told them: “You know that I have been very kind to you from the day I became your Marbiz Torah… And my only son is amongst you, but is only a minor now. Therefore, if you listen to me, there should be an oath between us, that you should not take any Marbiz Torah for your community until twenty years have passed since my death. Maybe, in the meanwhile, with the Lord’s help, my son will be fit to fill my place… And you have a learned man in the community for the meanwhile. Appoint him as a judge to adjudicate between people in financial matters. And this community, when they heard what the Chacham Marbiz Torah had said, they all happily agreed in one voice to what he had said[[97]](#footnote-97).”

We have got the terms of the original “Approbation” for this purpose, from the Plateo community in Kushtah during the same period, dated 406. The “Approbation” was made just before Rabbi David Egozi died. He was the Chacham “Marbiz Torah” of that community, and it was agreed that no “Marbiz Torah” would be appointed for six years after his death, and this is quoted in full:

“We, the undersigned, members of the said community here[[98]](#footnote-98), be it that the said[[99]](#footnote-99) all-encompassing Chacham is our leader and officer, and guides us in the spirit of (Torah) knowledge and fear of G-d. Therefore, we are now gathered together, and with the consent of the all-encompassing Chacham have agreed that after the death of the all-encompassing Chacham, may the Merciful One guard and redeem him for long life, we will be unable to take a Chacham Marbiz Torah into our community, neither from the community or from outside the community for six consecutive years after his death, may he have a long life. And even if most of the community agrees to take a different Chacham within six years, and a minority disagrees, we will follow the minority, and even if it is a very small minority, they will be considered a majority. And whoever wants to become our Chacham by power of princes and judges of the land, we will not acquiesce to him, and will not listen to him, And we are obligated to rise against him as one, to negate his advice and intention, and we will not follow him, and instead of his losing a hair from his head, we will all go down. We have accepted all this with a serious vow that we have all vowed with an object in the Name of the Lord with the consent of the Holy One, blessed be He, and of those swearing in His Name, and of many people known to us to fulfil this Agreement without deceit, trickery or any loopholes whatsoever. Besides the oath, we have accepted the Abstention of Samson with all its conditions should we breach this Agreement. And so have we all said, and declared it with our lips: Should I breach this Agreement, I will be like Samson the son of Manoach, Delilah’s husband, who ripped the doors of Gaza out, and whose eyes were ripped out by the Philistines. And whoever deserts to cancel this Agreement, will not only have breached an oath, but the said Abstention and all the curses in the Torah etcetera will apply to him. And a blessing of Good will come to whoever fulfills (this Agreement). We have agreed and committed ourselves to this all, to uphold and keep, with the seriousness of any agreement not go back on it. And to tell the truth, we have signed our names and our signatures will testify about us like 100 witnesses. And this was said on Wednesday, the 2nd Tevet 5406 after the Creation[[100]](#footnote-100).”

The terms of this “Agreement” was common in Kushtah. In a manuscript that included terminologies of documents and regulations from Kushtah and towns nearby. There is an agreement from about a hundred years ago, made by people living in Ortakoy (Ortakeuy) in Kushtah, and it was written the same way, although the period was for ten years[[101]](#footnote-101).

The following case will testify how common this was in those days. A “Marbiz Torah” in Kushtah (in 1593, 453) used force to appoint his son as the “Marbiz Torah” in his place” “Because the Chacham, may G-d preserve his body and life, this community’s Marbiz Torah wants to appoint his son somewhere, against the will of the community’s benefactors and Elders.” The community’s benefactor, Rabbi Menachem Halevy, opposed this, and testifies that he told, “The Chacham: Chacham, your Torah’s honor, you want to make your son the community’s Chacham. You can’t do that[[102]](#footnote-102).” In the end, the “Marbiz Torah” excommunicated the benefactor, because he objected to the appointment of his son.

**Chapter V: His authority and role in community Institutions**

A “Marbiz Torah’s” authority and roles depended on how a community was organized and how big it was. The roles stipulated in the Letters of Appointment quoted above were general and common to almost every “Marbiz Torah”. As far as the material we have attests to the situation, a “Marbiz Torah” had the most important and honored role in the community. He was the spiritual leader, he had to teach Torah to the community members, to preach to them, to rule on religious questions and to be a judge, be it in matrimonial or financial issues. He would also supervise “community business” and validate what benefactors did. He was authorized to make regulations, to fine people and to make religious decrees, and the community would unite when necessary to enforce his authority with the threat of excommunication. The benefactors would enforce his decrees, and anything that they did was only valid if the Chacham had agreed to it. Most of the certificates refer to him as the “Marbiz Torah, leader and officer[[103]](#footnote-103).”

In a city with several “Holy communities” and an “Inclusive Rabbinate”, the “Marbiz Torah” would get permission from the Rabbinate to adjudicate in his community. There were communities that even established Batei Din (Ecclesiastical Courts) comprising “Marbizei Torah” or Chachamim from elsewhere that were elected by the communities and the Bet Din would rule about matrimonial or financial issues. Some communities limited the “Marbiz Torah’s” responsibilities by authorizing a Dayan for financial issues, and one of the Benefactors’ Elders as an adjudicator. Community members who opposed the “Marbiz Torah” would sometimes manage to limit his appointment to being a synagogue Rabbi, and would even bring in another person to head the Yeshivah.

Sources refer to the unique roles of a “Marbiz Torah” as “Jewelry” or “Trickery”, and it was forbidden for any “Individual”, be he a benefactor or another Chacham to fill these roles or to give an opinion about them. Once “Marbizei Torah” in Kushtah were forced to forgo some of their roles, and to agree to establish a Bet Din, they declared that, “They do not waive any of their rights, such as being referred to as “Our Teacher”, and to read the Song and the Ten Commandments[[104]](#footnote-104) and to give presents and suchlike, and to appoint wardens and any service required by a community[[105]](#footnote-105). **CONTINUE ON PAGE 38**

1. This is briefly discussed in my article, *Facts about Spanish Jews in the first 100 years of living in Turkey*, “Sinai”, Year 14, volume 24, pages 181, 185-190. [↑](#footnote-ref-1)
2. This title is not used in Spanish and Portuguese communities in England and Holland to this day, but rather “Chief Rabbi”. [↑](#footnote-ref-2)
3. S. Assaph, *Mekorot LeToldot Hachinuch Beyisrael*, volume II, Tel-Aviv 5691, page 62. The certificates were translated from Spanish by Y. Beer. [↑](#footnote-ref-3)
4. Avot 4,5. The Arabic source – according to a handwritten manuscript in Oxford (The Neubauer Catalogue, # 404) written by the Rambam. I hereby thank Rabbi Sasson Salliman, may G-d look after his body and life, who has been good enough to send me a copy. [↑](#footnote-ref-4)
5. Obviously, this does not refer to somebody teaching Torah in a Yeshivah, as he has already mentioned Yeshivot. See what Rabbi Menachem Ben Zerach writes further on. Had this term not always been used to refer to “Judges”, “Exilarches” and suchlike, the Rambam would not have brought it up in his Hebrew work, and even the translator would not have used it as a term, but would have explained it the way he translated, “Al Makdimin” – One of the great ones”, even though “Makdimin” had been accepted as an established title. [↑](#footnote-ref-5)
6. “*Tseydah Laderech*”, Lecture 1, Rule #4, chapter 21. [↑](#footnote-ref-6)
7. The source is in Castilian, see: F. Baer, *Die Juden in Christlichen Spanien*, volume II, page 283. Its Hebrew translation, *Mekorot Letoldei Hachinuch*, ibid, page 83. [↑](#footnote-ref-7)
8. Communities with at least 15 householders had to maintain a “Baby Teacher”. Ibid. [↑](#footnote-ref-8)
9. “*Nachalat Avot*”, Venice 427, chapter IV, Mishnah 5, page 54a. [↑](#footnote-ref-9)
10. Smirna, Izmir. [↑](#footnote-ref-10)
11. Rabbi Yoseph Ishkapah was the first person to organize Izmir communities. His decrees that we acquired, mainly about community taxes, were printed in the book, “*Avodat Masah*” by Rabbi Yehoshuah Avraham Yehudah, Saloniki, 5606. The first regulation that he signed is from 391 (Chapter 22, page 32a) and the last one was from the year 435 (Chapter 6, page 24b). Most of the regulations, though, were from the year 417. [↑](#footnote-ref-11)
12. Rabbi Yoseph Chazan, Responsa “*Chikrei Lev*”, Yoreh Deah, part II, Saloniki, 5566, chapter 49, page 81D. We don’t have the regulation’s terminology. And the Chachamim of Izmir did not have the terminology in 5509 either. See the terminology of the decree of 5509 further on. [↑](#footnote-ref-12)
13. Thetax regulation. See the Ishkafa Regulations, “*Avodat Masah*”, ibid, chapter 1, and see Meir Benayahu, *Tiryah Regulations*, *Kovets Al Yad*, Book 4 (14), page 206. [↑](#footnote-ref-13)
14. Rabbi Rephael Yitschak Mayo, Responsa “*Sfat Hayam*”, Saloniki 5578, chapter 21, and see “*Chikrei Lev*” there. [↑](#footnote-ref-14)
15. See chapter VII further on. [↑](#footnote-ref-15)
16. Valona, Vlona, Albania. [↑](#footnote-ref-16)
17. This is a reference to a verse, (*Deuteronomy*, 29, 20).

    [↑](#footnote-ref-17)
18. Rabbi Avraham di Bouton, Responsa “*Lechem Rav*”, Izmir 420, chapter 73, 42c. [↑](#footnote-ref-18)
19. Thessalonike, Salonika, Greece. [↑](#footnote-ref-19)
20. Ibid, chapter 70, # 74. The case was in Salonika. The Maharshdam also wrote a Responsa about it, and the Chachamim of Tsfat agreed with it. See the Responsa of Rabbi Bezalel Ashkenazi, Venice 455, chapter 25, 79B. Only the end of Rabbi Bezalel Ashkenazi’s ruling was printed in “*Lechem Rav*”. See footnote 39 further on. [↑](#footnote-ref-20)
21. Patras, Patrai, on the Moriah beach in Greece. [↑](#footnote-ref-21)
22. Rabbi Meir the son of Rabbi Shem Tov Melamed, Responsa “*Mishpat Tsedeck*”, Part I, Salonika 475, chapter 49, 158b. [↑](#footnote-ref-22)
23. Rabbi Mordechai Halevi, Responsa “*Darkei Noam*”, Venice 457, Chapter IV, 16D. The question was from Egypt, as the author, who lived in that town, knew what the outcome to this was, because he had been asked about it. This is also evident from the fact that he only briefly answers a question with so much detail, and he doesn’t give a Halachic response. [↑](#footnote-ref-23)
24. See chapter VI further on. [↑](#footnote-ref-24)
25. "*Darkei Noam*”, ibid. [↑](#footnote-ref-25)
26. *The Maharshach’s Responsa*, volume III, Salonika 352, chapter 46, page 54a. [↑](#footnote-ref-26)
27. Rabbi Avraham Di Buton, “*Lechem Rav*”, chapter 224, page 126b. The case discussed was a few weeks before the beginning of the year 452. [↑](#footnote-ref-27)
28. The terminology used in the “Agreement” at the beginning of the question above is exactly the same version as what was quoted in the certificate that Rabbi David Pipano, from a chain of Salonican Rabbis, commented on at the end of the book, ”C*hagor Ephod*”, Sofia 5765, page 1b. It mentions the community’s name there. [↑](#footnote-ref-28)
29. *The Maharshdam’s Responsa*, Yoreh Deah, chapter 156, page 93a. Some community members demanded that he not be recognized: “And now there are two groups in the community. One says, what can we do, as we are afraid of the Minister and the Judge… And the other group says that they can still fulfil the oath and excommunication: Because if he presides instead of the Chacham – he will sit in his position, and we will not treat him as a Chacham.” Ibid. In the Yishmael community of Saloniki, community members cancelled their commitments to the “Marbiz Torah” in 342, and one of the reasons for this was: “That they were forced to sign because they were afraid that some of them had been harmed by Gentile law, and the rest of them got scared.” See the sources cited in footnotes 20 and 39.

    [↑](#footnote-ref-29)
30. See chapter IV, footnote **28.** **(UPDATE)** [↑](#footnote-ref-30)
31. Rabbi Yitschak Mayo, Responsa “*Sfat Hayam*”, Saloniki 5578, Yoreh Deah, chapter 23, page 36b. [↑](#footnote-ref-31)
32. *The Maharshdam’s Responsa*, part I, Saloniki 5557, Yoreh Deah chapter 80, page 44c. [↑](#footnote-ref-32)
33. “*Lechem Rav*”, chapter 72, page 42c. [↑](#footnote-ref-33)
34. “*Shiurei Knesset Hagedolah*”, Yoreh Deah, Kushtah 477, chapter 334, the Bet Yoseph’s commentary # 37, page 136b. [↑](#footnote-ref-34)
35. “Reuven, whom a community had sworn by very severe oath to appoint as their Marbiz Torah. Shimon came afterwards and made them swear by Nezirut Shimshon, etcetera, that they would appoint him as Marbiz Torah, and not Reuven.” *The Maharshdam’s Responsa*, Yoreh Deah, chapter 110, clause 6 thereof. [↑](#footnote-ref-35)
36. Budah, now known as Budapest. [↑](#footnote-ref-36)
37. Rabbi Aharon Hacohen Perachya, Responsa “*Perach Mateh Aharon*”, volume I, Amsterdam 463, chapter 44, page 91a. It mentions there that Rabbi Ephraim Hacohen, author of “*Shaar Ephraim*”, was elected to serve as the community Rabbi, even though he had relatives there. [↑](#footnote-ref-37)
38. See footnote 20. [↑](#footnote-ref-38)
39. *The Maharshdam’s Responsa*, Yoreh Deah, chapter 135, 78c. The Responsa of Rabbi Bezalel Ashkenazi and Rabbi Avraham di Buton do not discuss where and when it happened, but the Maharshdam’s Responsa does. The question there is more detailed and is written in a different style, but there is no doubt that they are discussing the same issue. [↑](#footnote-ref-39)
40. Rabbi Yoseph Chazan, a Rabbi in Izmir, writes about this as follows: “The city’s custom was to appoint two Rabbis with a joint Letter of Appointment, as the rights of both of them were written in this Letter, appropriate for each of them. And for this reason, whenever they had to appoint a new Rabbi, if one of them had died or gone abroad, they also had to give a new Letter of Appointment to whoever was left together with the new Appointee. And after the first Rabbi had gone to the Land of Israel, they had to appoint someone else together with the other Rabbi, The second Rabbi had cancelled the first, as his current Rabbinical appointment was together with the new Appointee, and not with the Rabbi who had gone to the Land of Israel. There are also changes in terms from the old to the new, as is well known…For the custom is to appoint Rabbis for ten years…” The “*Chikrei Lev*” Responsa, Choshen Mishpat Volume II, Saloniki 5592, chapter 24, 30C. [↑](#footnote-ref-40)
41. Manissa, Magnesia, a small town near Izmir. [↑](#footnote-ref-41)
42. These expressions can also be found in Letters of Appointment from Rhodes, see further on. [↑](#footnote-ref-42)
43. I have some of his handwritten Responsa manuscripts that he wrote when he was in Magentsia in my possession. [↑](#footnote-ref-43)
44. Asperos. Turkish records from that period designate a “Laben” as half a Para. An “Alton” (gold coin) was equivalent to 80 Labens. B. Lewis, “*Jerusalem, Israel Studies*”, dedicated to Mr. Yishayahu Peres, Jerusalem 5713, page 137. [↑](#footnote-ref-44)
45. Named after Lorkca in Castile, where the founders of this particular community came from. This was also the case with the Toledo community further on – Toledo. [↑](#footnote-ref-45)
46. Now called Edirne, but historically known as Adrianople, or Hadrianopolis in Latin. [↑](#footnote-ref-46)
47. *The Maharshdam’s Responsa*, Volume I, Saloniki 5557, Yoreh Deah, Chapter 90, 52c. The contents of the Letter of Appointment for the holy community of Yishmael in Saloniki, at the time of the Maharshadam are as follows: “One community appointed and agreed and set somebody up as a Marbiz Torah up for them, and made a Letter about this, and it is written here that they appointed him to guide them to be upright and to inform them about G-d’s laws and his Torah, and they will see the light of the Torah in his light. And he dresses them in clothes that save their souls and will teach them Torah, Yoreh Deah etcetera…” *Rabbi Bezalel Ashkenazi’s Responsa*, Venice 455, Chapter 25, page 79b; “*Lechem Rav*”, Chapter 70, numbers 42-74b. And see Chapter II, footnote 39. [↑](#footnote-ref-47)
48. Kastoria, in northern Greece. [↑](#footnote-ref-48)
49. Trikala, in central Greece. [↑](#footnote-ref-49)
50. Liters? [↑](#footnote-ref-50)
51. Rabbi Shlomo Hacohen (The Maharshach’s) Responsa, Volume II, Venice 452, Chapter 80, 49D. And see Chapter 4, footnote **20**. **UPDATE.** [↑](#footnote-ref-51)
52. In the same source, before the Agreement terms, it is written as follows: “They have accepted Reuven on themselves as a Marbiz Torah”. [↑](#footnote-ref-52)
53. General agreement terminology, like the version in the first document. [↑](#footnote-ref-53)
54. Rabbi Meir Melamed, Responsa “*Mishpat Tsedeck*”, Volume II, Salonicki 5559, Chapter 66, page 152b. The same exact version is also there in chapter IV, page 11a. [↑](#footnote-ref-54)
55. Rabbi Moshe Amato of Rhodes is the questioner. The name “Moshe” is mentioned In the “Approbation”, and so we can surmise that this certificate came from Rhodes. [↑](#footnote-ref-55)
56. This is a reference to Ezekiel II.6. [↑](#footnote-ref-56)
57. See the *Gemorrah Shabbat*, 110a. [↑](#footnote-ref-57)
58. This a Halachic concept whereby an acquisition is nominally made, and this obliges one or both parties to do whatever has been agreed. [↑](#footnote-ref-58)
59. “*Shaar Yehoshua*”, Hoseatin 5664, Chapter II, page 7a. [↑](#footnote-ref-59)
60. The *Maharchash’s Responsa*, Volume III, Saloniki 482, Chapter 26, 41d. [↑](#footnote-ref-60)
61. See Chapter II, footnote 34. [↑](#footnote-ref-61)
62. “*Mishpat Tsedeck*”. Volume I Chapter 78, page 257c. It discusses a case there with the following details: “A community that accepted Reuven as their Chacham…And he was their Marbiz Torah…and Reuven who spent most of his time studying Torah and made a living on the side, who says that he has completed his term and that the community does not have to respect him anymore?” Rabbi Meir Melamed ruled that since the community had heard Torah from him, he was considered their Rabbi, and so they should respect him. [↑](#footnote-ref-62)
63. See Chapter V, especially footnote **4 [UPDATE]**, regarding the customs concerning the honor due to a Marbiz Torah, in which Rabbi Chaim Palagi, one of the Chachamim in Izmir, tells us several times in his books that: “And what they were accustomed to do here, in Izmir, may G-d protect it, that they make a place for the Marbizei Torah near to the entrance, either on its right or left, unlike the custom anywhere else, where they sit near the Holy Ark in the synagogue, on the right, and if he has somebody subordinate to him, then he sits on the Ark’s left, and we don’t know why our city is different from all other cities. And it could be because of this… Because they are the last people to leave the synagogue… and so that nobody else will set there by chance. And we could also postulate that they don’t want to bother people to stand up from when they come in until they are next to the Ark, and this also communal inconvenience when they go out and get together to kiss his hand and get a blessing from him, that this should not be in front of the Ark, which is in the middle of the synagogue, and it makes it inconvenient for people to get past.” “*Kaf Hachaim*”, Saloniki 5619, Chapter 11, page 76a. And he compare what he had written: “In our city, Izmir, may G-d protect it, where the custom is that the Rabbi, the community’s Moreh Tsedek in the synagogue, where the community let him pray there and rule over them, he sits first, as he comes through the entrance to the synagogue, on its right hand side.” “*Chaim Beyad*”, Izmir 5633, Chapter 63, page 75a. There was another custom in Izmir, that the cantor would not repeat the main prayer without permission from the Marbiz Torah. See: “Kaf HaChaim cited above, Chapter 15, Clause 44, page 108b: “The Marbiz Torah will walk silently so as not to inconvenience the public. And this is what he [Rabbi Yoseph Chazzan] did…the author of the *Chikrei Lev* OBM for the entire twenty years that he served as the Rabbi in Izmir, may G-d protect it.” He also tells us about the honor given to the Marbiz Torah by the community when he died: “And the custom in our town of Izmir, may G-d protect it, that when any Marbiz Torah Rabbi, when they take him to the cemetery, they take his coffin into the synagogue, and they put his coffin on a bench before the Ark, and the second Rabbi, his stand-in and replacement, would give a sermon about him in the synagogue. And afterwards, when they take him to the cemetery before burial, sermons are given in the cemetery over his coffin. And sermons are also given at his house for all seven days and for all four sabbaths – in the synagogue. On the last Sabbath of the year of mourning, and on the anniversary of his death [12 months] in the synagogue. This is the way things are customarily done for every Rabbi Moreh Tsedeck in this town.” “*Chaim Beyad*”, Chapter 105, page 115d. [↑](#footnote-ref-63)
64. **[PREVIOUS HALF FOOTNOTE UNTRANSLATED]** “Because we will not let the respect for our Chacham wait a year, and we were forced, against our will, to take the black garment away before the year ended.” “Over half the community” complained about the new “Marbiz Torah” who forced himself on the Yishmael community in Salonica in 342. The *Maharshdam’s Responsa*, Yoreh Deah, Chapter 134, page 78c. [↑](#footnote-ref-64)
65. Rabbi Chaim Benbanshet, Responsa “*Bai Chayai*”, Choshen Mishpat Volume I, Saloniki 5548, Chapter 78, 72d. [↑](#footnote-ref-65)
66. In a Responsa sent to the Tangier community in 5556, Rabbi Rephael Birdogo writes that: “The Tangier community, most if not all of them have consulted and agreed to grant a sum to their community’s Marbiz Torah, and he instructs and adjudicates between people. He is the Chacham, Rabbi Avraham Toledano, may G-d preserve his body and life, who was appointed as that community’s Moreh Tsedeck some time ago, and they saw that he bore the burden of the community, be it because of Shechita and the requisite animal inspections, or because of adjudications between people, so they determined his salary and paid him what he was due, because beforehand, when his father, Rabbi Moshe Toledano worked together with another Chacham, the Maharshach, they would bear the burden of the community together, be it Shechita, animal inspections or financial legalities. They would take the top [percentile] off every large animal and two additional sums. And today, after they passed away, both Rabbi Moshe Toledano and the Maharshach, Rabbi Moshe Toledano’s son took his father’s place, and the community appointed him over them to teach and adjudicate… The community discussed this together, and said that when Rabbi Avraham Toledano would get this half of the Shechita, and the rest would go to the slaughterers…Because the Shechita benefits go to judges, and slaughterers are only their employees, and since Rabbi Avraham Toledano was appointed as a judge with the approval and agreement of the entire community, he is entitled to all the Shechita benefits, and he will appoint slaughterers and animal inspectors …. Another two things: Shechita is not straightforward, and is not like other jobs, and if the community wants to relieve him of everything, they are entitled to do so. And even if you want to say that it is straightforward, the very respectable salary granted to Rabbi Avraham Toledano’s and the Maharach’s fathers was not just for Shechita and animal inspections, but because they had both been appointed by the city, both to judge between neighbors, and to compromise between them as much as possible, and they had to take time off from whatever they were doing, and since Rabbi Avraham Toledano is now in office with he consent of the entire community, the law is that he should take the lot, and at least a little less than half, and half should go to the slaughterers.” A manuscript written by Rabbi Adler 432. *Catalogue of Hebrew Manuscripts in the Collection of Elkan Nathan Adler*, Cambridge 1921, page 46. And it was not written clearly. The manuscript is now in the archives of the Bet Hamidrash for Rabbis in New York, and there is a copy in the Institute for the Study of Jewish Communities in the (Middle) East. [↑](#footnote-ref-66)
67. The author of “*Chemdat Yamim*” lauds people who raise prices for going up to the Torah, “they will be credited with the price of this charitable act, that reinforces the Maintenance Fund and whatever we spend on the synagogue to keep it up and for the Marbizei Torah in that community that doesn’t raise much charity from this.” “*Chemdat Yamim*” for Shabbat, Volume I, Venice 5523, Chapter 12, page 70a. [↑](#footnote-ref-67)
68. “*Mar Veohalot*”, by Rabbi Avraham Antabi, Livorno 5603, Choshen Mishpat Chapter 8, 81d. The Responsa was directed to his father, Rabbi Yitschak the son of Rabbi Shabtai Antabi. [↑](#footnote-ref-68)
69. The “*Maharshdam’s Responsa*”, Yoreh Deah Chapter 126, page 129c: “Reuven is a learned man from community A, and that community accepted a Marbiz Torah over them, with a salary of 6000, to be paid by everybody, just as they paid all the other taxes. And when it came time to pay the Marbiz Torah’s salary, the community members sent somebody to the learned man to pay a certain sum that they estimated he could pay towards the Marbiz Torah’s salary. And he refused to pay, to the point that he humiliated the messenger…” See also Rabbi Shmuel Kalai, Responsa, “*Mishpetei Shmuel*”, Venice 459, Chapter 38, page 30d: “A particular community hired a Chacham over them as their Marbiz Torah and to give them sermons, and to instruct them in the Laws and Statutes of the Lord, and they vowed to give him a certain amount for three years.. One of the undersigned thereof passed away, and the orphans’ guardian says that he doesn’t want to the part of the Chacham’s salary that the departed vowed to give, as he claimed that he only committed himself whilst he was still alive, so that he could benefit from him… And the community claims that everybody had already committed themselves together, and became mutual partners, as is written in the document that was written between them.” The response was sent to Yanina, and there is no doubt that this happened in that city. And see above how Letters of Appointment were written. [↑](#footnote-ref-69)
70. See the previous footnote. [↑](#footnote-ref-70)
71. In southern Albania. [↑](#footnote-ref-71)
72. Rabbi Baruch Kalai, “*Mekor Baruch*”, Izmir 419, Chapter 30, page 45b. [↑](#footnote-ref-72)
73. “*Mishpat Tsedeck*”, Volume I, Chapter 49, page 158b. [↑](#footnote-ref-73)
74. “A small town, with only a few people, and a learned scholar came from somewhere else, and they made a condition with him to pay him four thousand Labens a year for his time, and everything was agreed under oath.” Rabbi Daniel Ishtroshah, Responsa, “*Magen Giborim*”, Saloniki 5514, Chapter 8, page 15d. [↑](#footnote-ref-74)
75. Rabbi Joseph Kubo, Responsa “*Givot Olam*”, Saloniki 5544, Chapter 5, page 8b. Shimon is described in the Responsa further on as “The Chacham Marbiz Torah”. [↑](#footnote-ref-75)
76. Lepanto, Novpaktos. [↑](#footnote-ref-76)
77. These are used to pray with during the festival of Succot. See further on, the footnotes at the end of Chapter 5, from **footnote 36** onwards. **(UPDATE).** [↑](#footnote-ref-77)
78. “*Chikrei Lev*”, Choshen Mishpat, Volume II, Saloniki 5592, Chapter 24, page 29b. [↑](#footnote-ref-78)
79. The regulations were published by A. Danon, REJ, Volume 41, Paris 1900, page 116. [↑](#footnote-ref-79)
80. See Chapter III, in the terms used in the first and second Letters of Appointment, and their equivalents further on. [↑](#footnote-ref-80)
81. The “Marbiz Torah” in Old Italy in Slaoniki (in 5519), whom his community members opposed, “Said that Rabbi Yissachar stipulated above will not have a steward in his house, and other things too.” Rabbi Joseph Shmuel Modliano, “*Rosh Meshivechah*”, Volume I, Saloniki 5581, Yoreh Deah Chapter 16, page 22b. [↑](#footnote-ref-81)
82. Rabbi Yitschak Adarabi, Responsa “*Divrei Rivot*”, Venice 346, Chapter 68, page 29a. [↑](#footnote-ref-82)
83. “A certain community appointed and finalized between them to appoint a certain person as their “Marbiz Torah, and they wrote a Letter about it, that they were taking him on for twenty years.” The *Maharshdam’s Responsa*, Yoreh Deah, Chapter 135, page 78c. It becomes obvious from the rest of his Responsa that the community in question was Yishmael, in Saloniki. [↑](#footnote-ref-83)
84. The *Maharshach’s Responsa*, Volume II, Venice 352, Chapter 80, page 49d. His Letter of Appointment is quoted further on, in Chapter III, part II. **(UPDATE).** [↑](#footnote-ref-84)
85. See footnote 6; Chapter 5, **footnote 28**. **(UPDATE).**

    [↑](#footnote-ref-85)
86. Sarajevo, now Yugoslavia. [↑](#footnote-ref-86)
87. Rabbi Yitschak Tsvi was no doubt asking that question. [↑](#footnote-ref-87)
88. Rabbi Shlomo Amarilio, “*Kerem Shlomo*”, Saloniki 479, Chapter 22, page 23d. [↑](#footnote-ref-88)
89. A “Marbiz Torah” “Whom they accepted over them for four years.” “*Mishpat Tsedek*”, Volume I, Chapter 34, page 111a. Compare this to Chapter 78, page 257C: “A community that has accepted Reuven as a Chacham and leader over them for a period of two years [Perhaps it should have said four years] and filled his Presidency with love and fear of G-d for four years, and was their Marbiz Torah as though G-d’s Good Hand was over him, and he gave them sermons on festivals and on joyous occasions.” [↑](#footnote-ref-89)
90. [↑](#footnote-ref-90)
91. Rabbi Moshe Benbanshet, Responsa “*Pnei Moshe*”, Volume III, Kushtah 449, Chapter II, page 3a. The Responsa was sent to Rabbi Chaim Benbanshet, his relative in Izmir. [↑](#footnote-ref-91)
92. The *Maharshdam’s Responsa*, Yoreh Deah, Chapter 132, page 77b. [↑](#footnote-ref-92)
93. “*Shaar Yehoshua*”, Chapter III, page 10a. According to the person asking the question, members of the other three communities who took members of Rabbi Azaryahu Yehoshua’s communities to court got out of appearing in court before him, not because he was blind, but because they used this plea so that members of these communities would also take the other three communities’ Rabbi (Rabbi Yoseph Ishkapa?) as their Rabbi. This question is also in *Rabbi Avraham Aligari’s Responsa*, Saloniki 5553, Choshen Mishpat, Chapter II, page 49a. [↑](#footnote-ref-93)
94. See this subject in Chapter VIII, pages **89-90 [UPDATE]**, about this question: “Should there be a prior Torah custom that even a Marbiz Torah and Instructor for the public, then his son should precede anybody else for any other appointments, or maybe the laws of inheritance are irrelevant when it comes to appointing a Rabbi, as the verse tells us tto pursue justice, and we should seek a good Bet Din.” Rabbi Yoseph Chazzan deals with this subject in detail and concludes that the laws of inheritance do not apply to this, and that whoever is greater has the right of precedence. “*Chikrei Lev*”, Yoreh Deah Volume II, Saloniki 5515, Chapter 100, page 102b. See also the *Maharshdam’s Responsa*, Yoreh Deah Chapter 85, page 48a. [↑](#footnote-ref-94)
95. The *Maharshach’s Responsa*, Volume III, Chapter 46, page 50a. [↑](#footnote-ref-95)
96. “*Kerem Shlomo*”, Chapter 21, page 23c. See the original source quoted above and cited in footnote 75. [↑](#footnote-ref-96)
97. “*Pnei Moshe*”, Volume III, Chapter 52, page 89c. The date is cited in the original source, in 401. [↑](#footnote-ref-97)
98. This was the Plateo community in Kushtah. Rabbi Benbanshet writes at the beginning of the question as follows: “The Comforter, the year 5409, at the request of the all-encompassing Chacham, the excellent Dayan (Judge) Rabbi Elyah Abaye, when he was accepted as the Marbiz Torah in the community of Old Plateo, some of them objected because of the stipulated oaths and vows involved in this disagreement.” Rabbi Elyah Abaye signed a certificate in the year of 410 with the Chachamim of Kushtah, and this was made public in the Responsa, “*Pnei Moshe*”, Volume II, Kushtah 431, Chapter 110, page 210b. [↑](#footnote-ref-98)
99. Rabbi David Egozi. See the original: “And in the meantime, when the all-encompassing Chacham suddenly died, somebody wanted to live like Rabbi David Egozi of blessed memory.” He died that year, because it was only, “After three years had gone by without a Marbiz Torah for the community, as they had sworn,” Rabbi Elyah Abaye was appointed, and his appointment was just as the article in the previous footnote describes, in the year 409. [↑](#footnote-ref-99)
100. The Responsa, “*Pnei Moshe*”, Volume I, Kushtah 424, Chapter 21, page 53b. Twenty five community members signed the Agreement. [↑](#footnote-ref-100)
101. From a Benayahu manuscript, page 10a: “The Letter of Agreement not to accept any Chacham to lead them for ten years.” The Agreement starts as follows: “We, the undersigned, are members and Elders of the Orto [Kyoi] community, may G-d protect it, and the ritually clean veil is on our heads, our Rabbi and Master, leader and officer, guiding us honestly”, and so on. [↑](#footnote-ref-101)
102. The *Maharimat’s Responsa*, Volume I, Kushtah 401, Chapter 31, page 8c. This question can also be found in the *Maharitats’ Responsa*, Venice 454, Chapter 55, page 57c. It doesn’t mention the benefactor there, nor does it mention the city where it occurred. [↑](#footnote-ref-102)
103. See Chapter X. [↑](#footnote-ref-103)
104. Rabbi Chaim Benbanshet writes about this as follows: “Our custom on the Sabbath when we read the Song {The Song of the Sea} or the Ten Commandments or admonitions or curses in Deuteronomy is for the community’s Chacham Marbiz Torah to go up to the Torah. And if the community does not have a Marbiz Torah, then they call the most senior person in the community up to the Torah. And the custom is for the Chacham or that senior person to read them.” “*Knesset Hagedolah*”, Orach Chaim, Livorno 418, Chapter 282, “*Hagahot Hatur*”, page 38d. And he wrote why in Chapter 428, “*Hagahot Bet Yoseph*”, page 58b as follows: “The custom was for the community Chacham to read the Song of the Sea and the Ten Commandments and the Reproofs in Deuteronomy and the Curses in Exodus. And the reason is because it is only appropriate for the most senior person to sing the Song of the Sea, and the community Chacham is presumably the most senior person there. And it is not appropriate for just anybody to say the Ten Commandments that came from the Mighty One’s Mouth, but they should be said by the most senior person there…. Before the Chacham’s reading the Reproofs, it was the custom for cantors to say as follows: My son, do not disdain Hakadosh Baruch Hu’s reproof… And here in Tiryah we have a custom that when we call the Chacham to read the Ten Commandments, the Cantor says: Masterful G-d’s chariot …” Rabbi Chaim Benbanshet was asked in 428 as follows: “What did the Marbizei Torah rely on when they read the Song or Ten Commandments and Reproofs and Curses and stood on the Cantor’s right. And when you saw the all-encompassing Chacham, Rabbi Aharon Lefafah OBM [The Marbiz Torah in Magentsia], when he would read the Song, or the Ten Commandments and Reproofs and Curses, h would stand to the left of the Cantor.” *Rabbi Chaim Benbanshet’s Responsa*, Volume II, Kushtah, Chapter 14, page 9b. And see the *Radvaz’s Responsa* (Volume I, Venice 509, Chapter 320, page 54c): “Wherever there is honor for one’s Rabbi, such as: The Ten Commandments or 13 Traits or the Song of the Sea.” And Rabbi Chidah made a comparison, “*Ledavid Emet*”, Livorno 546, Chapter II, page 4b. [↑](#footnote-ref-104)
105. “*Kerem Shlomo*”, Chapter 21, page 22c. [↑](#footnote-ref-105)