

The Printed Word and the End (?) of Traditional Torah Authority

שולחן ערוך אורח חיים סימן סא סעיף כד

צריך לקרות קריאת שמע בטעמים כמו שהם בתורה. הגה: אבל לא נהגו כן במדינות אלו, ומ"מ יד המזדקקים מחמירים בכך.

שולחן ערוך אורח חיים סימן קכ סעיף ב

כוס ברכת המזון אינו אלא של יין, ולא משאר משקים אפי' קבע סעודתו עליהם; ואם אין ב יין מצוי באותו מקום והשכר או שאר משקין הוה חמר מדינה, מברכין עליהם, חוץ מן המים. הגה: ומה שנוהגין במדינות אלו לברך על השכר, אין למחות דהא י"א דאינו טעון כוס כלל, ועוד דהא עיקר חמר מדינה הוא שכר וקובעין הסעודה עליו; ואע"ג דיין נמצא בעיר, מ"מ לא מיקרי מצוי לדבר זה, שהוא ביוקר ואי אפשר לקנות יין בכל סעודה לברך עליו, אמנם המצוה מן המובחר לברך על יין (ד"ע). ויש מדקדקין כשמברכין ביחיד על היין שלא לאתווי הכוס בידם, רק מניחין אותו על השולחן לפניהם, וגכון מנהג זה על דרך הקבלה (ב"י).

שולחן ערוך אורח חיים סימן תטב סעיף ד

מי בצים ושאר משקים, כולם הוה בכלל מי פירות. הגה: ובמדינות אלו אין נוהגין ללוש במי פירות, ואפילו לקטוף המצות אין נוהגין רק לאחר אפייתן בעודן חמוין, ואין לישנות אם לא בשעת הדחק לצרכי חולה או זקן הצריך לזה.

שולחן ערוך אורח חיים סימן קיד סעיף ג

אם אמר מה"ר = משיב הרוח = (בימות החמה), או לא אמרו בימות הגשמים, אין מחזירין אותו; וכן בטל, אם הזכירן בימות הגשמים, או לא הזכירו בימות החמה, אין מחזירין אותו. הגה: ואנו בני אשכנז לא מזכירין טל, לא בימות החמה ולא בימות הגשמים, רק אומרים בימות החמה ורב להושיע מכלכל חיים וכו' (טור). י"א יש"צ פוסק להזכיר בתפלת מוסף יו"ט הראשון של פסח, אבל הקהל מזכירין ואינן פוסקין עד מנחה, ששמעו כבר מש"צ שפסק בתפלת המוסף, וכן נוהגין.

הקדמה ליד התזקה לרמב"ם

ובזמן הזה תקפו הצרות יתירות ודחקה השעה את הכל ואבדה חכמת חכמינו ובינת נבוינו נסתרה. לפיכך אותם הפירושים וההלכות והתשובות שחברו הגאונים וראו שהם דברים מבוארים נתקשו בימינו ואין מביין עניניהם כראוי אלא מעט במספר. ואין צריך לומר הגמרא עצמה הבבליית והירושלמית וספרא וספרי והתוספתא שהם צריכין דעת רחבה ונפש חכמה וזמן ארוך ואחר כך יודע מהם הדרך הנכונה בדברים האסורים והמותרים ושאר דיני התורה היאך הוא. ומפני זה נערת חצני אני משה בן מיימון הספרדי ונשענתי על הצורך הוא ובינותי בכל אלו הספרים וראיתי לחבר דברים המתבררים מכל אלו החיבורים בענין האסור והמותר הטמא והטהור עם שאר דיני התורה. כולם בלשון ברורה ודרך קצרה עד שתהא תורה שבעל פה כולה סדורה בפי הכל בלא קושיא ולא פירוק. לא זה אומר בכה וזה בכה. אלא דברים ברורים קרובים נכונים על פי המשפט אשר יחבאר מכל אלו החיבורים והפירושים הנמצאים מימות רבינו הקדוש ועד עכשיו. עד שיהיו כל הדינים גלויין לקטן ולגדול בדין כל מצוה ומצוה ובדין כל הדברים שתיקנו חכמים ונביאים. כללו של דבר כדי שלא יהא אדם צריך לחיבור אחר בעולם בדין מדיני ישראל אלא יהא חיבור זה מקבץ לתורה שבעל פה כולה עם התקנות והמנהגות והגזירות שנעשו מימות משה רבינו ועד חבור הגמרא וכמו שפירשו לנו

הגאונים בכל חיבוריהם שחיברו אחר הגמרא. לפיכך קראתי שם חיבור זה משנה תורה. לפי שאדם קורא בתורה שבכתב תחלה ואחר כך קורא בזה ויודע ממנו תורה שבעל פה כולה ואינו צריך לקרות ספר אחר ביניהם. וראיתי לחלק חיבור זה הלכות הלכות בכל ענין וענין. ואחלק ההלכות לפרקים שבאותו ענין. וכל פרק ופרק אחלק אותו להלכות קטנות כדי שיהיו סדורים על פה. אלו ההלכות שבכל ענין וענין יש מהם הלכות שהם משפטי מצוה אחת בלבד. והיא המצוה שיש בה דברי קבלה הרבה והוא ענין בפני עצמו. ויש מהם הלכות שהם כוללים משפטי מצות הרבה אם יהיו אותן המצות כולם בענין אחד. מפני שחילוק חיבור זה לפי הענינים לא לפי מנין המצות כמו שיתבאר לקורא בו. ומנין מצות התורה הנהגות לדורות שש מאות ושלוש עשרה מצות. מהם מצות עשה מאתיים וארבעים ושמנה סימן להם מנין אבריו של אדם. ומהם מצות לא תעשה שלש מאות וששים וחמש סימן להם מנין ימי שנת החמה:

In our time, severe troubles come one after another, and all are in distress; the wisdom of our sages has disappeared, and the understanding of our discerning men is hidden. Thus, the commentaries, the responses to questions, and the settled laws that the Geonim wrote, which had once seemed clear, have in our times become hard to understand, so that only a few properly understand them. And one hardly needs to mention the Talmud itself--the Babylonian Talmud, the Jerusalem Talmud, the Sifra, the Sifre, and the Toseftot--which all require a broad mind, a wise soul, and considerable time, before one can correctly know from them what is forbidden or permitted and the other rules of the Torah. For this reason, I, Moshe son of Ribbi Maimon the Sephardi, found that the current situation is unbearable; and so, relying on the help of the Rock blessed be He, I intently studied all these books, for I saw fit to write what can be determined from all of these works in regard to what is forbidden and permitted, and unclean and clean, and the other rules of the Torah: Everything in clear language and terse style, so that the whole Oral Law would become thoroughly known to all, without bringing problems and solutions or differences of view, but rather clear, convincing, and correct statements in accordance with the law drawn from all of these works and commentaries that have appeared from the time of Our Holy Teacher to the present. This is so that all the rules should be accessible to the small and to the great in the rules of each and every commandment and in the rules of the legislations of the sages and prophets: in short, so that a person should need no other work in the World in the rules of any of the laws of Israel; but that this work would collect the entire Oral Law, including the positive legislations, the customs, and the negative legislations enacted from the time of Moshe Our Teacher until the writing of the Talmud, as the Geonim interpreted it for us in all of the works of commentary they wrote after the Talmud. Thus, I have called this work the [Complete] Restatement of the [Oral] Law (Mishneh Torah), for a person reads the Written Law first and then reads this work, and knows from it the entire Oral Law, without needing to read any other book between them. I have seen fit to divide this work into groups of laws according to topics, and I divide the groups into chapters dealing with the same topic; and I divide each chapter into paragraphs, so that they may be learned by heart. Among the groups in the various topics, some groups include the detailed laws relating to a single Biblical commandment, when the commandment comes with many oral traditions that make up a single topic; and other groups include the detailed laws of many Biblical commandments, when all the commandments are on one topic: For the organization of this work is according to topics, and is not according to the counting of commandments, as will be clear to one who reads it. The number of Torah commandments that are obligatory for all generations is 613: 248 of them are positive commandments, whose

mnemonic is the number of parts in the human body; 365 of them are negative commandments, whose mnemonic is the number of days in the solar year.

+השגת הראב"ד*/ ויודע ממנו וכו'. א"א סבר לתקן ולא תיקן כי הוא עזב דרך כל המחברים אשר היו לפניו כי הם הביאו ראייה לדבריהם וכתבו הדברים בשם אומרם והיה לו בזה תועלת גדולה כי פעמים רבות יעלה על לב הדיין לאסור או להתיר וראייתו ממקום אחד ואילו ידע כי יש גדול ממנו הפליג שמועתו לדעת אחרת היה חוזר בו. ועתה לא אדע למה אחזור מקבלתי ומראייתי בשביל תבורו של זה המתבר. אם החולק עלי גדול ממני הרי טוב ואם אני גדול ממנו למה אבטל דעתי מפני דעתו. ועוד כי יש דברים שהגאונים חולקים זה על זה וזה המתבר בירר דברי האחד וכתבם בחיבורו ולמה אסמוך אני על ברירתו והיא לא גראית בעיני ולא אדע החולק עמו אם הוא ראוי לחלוק אם לא. אין זה אלא כל קבל די רוח יתירא ביה:+

Louis Ginzberg- "The Codification of Jewish Law" in On Jewish Law and Lore pgs. 172-173

...Moreover, the Tosafists, untrained in all disciplines other than the Talmud, were little fitted to systematize complicated subjects. In northern France, the home of the Tosafists, it is true, the need of a guide for practical purposes was often felt. The Tosafists, however, did not consider the study of the Talmud merely a means to the end of regulating religious life; for them it was an end in itself; and the explanation and exposition of the Talmud were of primary importance, while the reduction of Halakah to norms was merely secondary. Although Rabbenu Gershom b. Judah, the founder of Talmudic studies in France and Germany in the beginning of the eleventh century, is known to have written a compendium on an important subject of criminal law, and his pupil Judah ha-Kohen wrote a codex on jurisprudence, yet the true spirit of this school appears in Rashi and the Tosafists, who devoted themselves to the explanation of the Talmud.

Isidore Twersky- "The Shulhan 'Arukh: Enduring Code of Jewish Law" in Judaism Volume 16/Number 2/Spring 1967 pgs. 142-143, 144-145

In the year 1522, R. Joseph Karo, a young, struggling, volatile and ascetic scholar, having settled temporarily and discontentedly in Adrianople, Turkey, launched a massive literary project that would preoccupy him, sometimes at a frenetic pace, for over thirty years-twenty years in the composition and about twelve years in editorial revision and refinement. The stimulus was provided by the worrisome decline in scholarship-"and the wisdom of their wise men shall perish"-coming in the wake of the rigors and vicissitudes of exile, the endless turbulence of history, and the increasing human imperfection. The need was great for a comprehensive as well as authoritative guide, which would stem the undesirable and almost uncontrollable proliferation of texts and provide a measure of religious uniformity in this period of great turmoil and dislocation. This would be accomplished, however, not by producing another compact, sinewy manual-a small volume such as the Agur, which R. Karo treats pejoratively-but by reviewing the practical Halachah in its totality. The oracular type of code, containing curt, staccato directives and pronouncements, was neither adequate nor reliable. It did not provide for intellectual stimulus and expansion of the mind, nor did it offer correct guidance in religious practice.

R. Joseph Karo's ambitious undertaking in the field of rabbinic literature, entitled the *Bet Yosef (House of Joseph)*, was thus motivated by the need to review "all the practical laws of Judaism, explaining their roots and origins in the Talmud" and all the conflicting interpretations concerning them...

In connection with this, the author lays bare his judicial methodology, a methodology that was to be vigorously contested, as we shall see. The judicial process was complex. A Talmudist could arrive at the normative conclusion by critically reviewing and appraising all arguments and demonstrations marshaled by his predecessors and then selecting the most cogent, persuasive view. His guide would be examination of underlying texts, relying, in the final analysis upon his autonomous judgment and not on appeal to authority. This independent, assertive approach is unqualifiedly repudiated by R. Joseph Karo for two reasons: 1) it would be presumptuous to scrutinize the judgment of such giants as R. Moses b. Nahman, R. Solomon b. Aderet, R. Nissim, and the Tosafists and then pass judgment of them—we are not qualified or competent; 2) even if the task were not beyond our powers and capacities, the process would be too long and arduous. Forcefully underscoring his subservience and *apparently* forfeiting his judicial prerogatives, he chose to arrive at the normative conclusion in each case by following the consensus or at least the majority rule of the greatest medieval codifiers—R. Isaac Alfasi (d. 1103), Maimonides (d. 1204), and R. Asher ben Yehiel (d. 1328). Contemporary legislation, innovation, and native usage are given no role whatsoever—almost as if the law were all logic and no experience. In other words, in the realm of commentary R. Joseph Karo was bold and resourceful, while in the realm of adjudication he was laconic, almost self-effacing.

Elizabeth L. Eisenstein—The Printing Press as an Agent of Change—Volume I pg. 304, 305

Moreover the reformers were aware that the printing press was useful to their cause and they acknowledged its importance in their writings. The theme of printing as proof of spiritual and cultural superiority, first sounded by Rome in its crusade against 'illiterate' Turks, was taken over by German humanists trying to counter Italian claims. Gutenberg had already joined Arminius as a native culture-hero before he gained added stature for providing Lutheran preachers and princes and knights with their most effective weapon in their gallant struggle against popes. Luther, himself, described printing as 'God's highest and extremest act of grace, whereby the business of the Gospel is driven forward'...

...From Luther on, the sense of a special blessing conferred on the German nation was associated with Gutenberg's invention, which emancipated the Germans from bondage to Rome and brought the light of true religion to a God-fearing people. The mid-century German historian, Johann Sleidan developed this theme in an *Address to the Estates of Empire* of 1542, a polemic which was republished more than once.

As if to offer proof that God has chosen us to accomplish a special mission, there was invented in our land a marvelous new and subtle art, the art of printing. This opened German eyes even as it is now bringing enlightenment to other countries. Each man became eager for knowledge, not without feeling a sense of amazement at his former blindness.

שור"ת הרמ"א סימן כה

... וכן קבלתי הלכה למעשה מאדוני מורי אבי הגאון רבן ומאורן של כל בני הגולה מהר"ר שלום המכונה שכנ"ו זקצ"ל ה"ה הכ"מ אשר העמיד תלמידים הרבה מסוף העולם ועד סופו מפיו חיים ומימיו שותים. וחי נפשי עולמים דזמנין סגיאיין בקשתי עם הרבה לומדים ממנו שיעשה פוסק ותשובתו היתה מחמת רוב חסידותו וענותותו אשר היה עניו יותר מכל האדם אשר על פני האדמה. ואמר יודע אני דשוב לא יפסקו כ"א כאשר אכתוב מטעם דהלכה ככתרא, ואין רצוני שיסמכו העולם עלי, ר"ל כגון היכא דאיכא פלוגתא ביני רבוותא והוא יכריע או לפעמים יחלוק ואין לדיין כי אם מה שענינו ראות, לכן יעשה כל אחד כפי הוראת שעה כאשר עם לבבו. ומה"ט לא עשה נמי רבו הגאון מהרי"ף שום ספר גם שום תשובה ששלחו למרחוק לא העתיקו בביתם אלו הגאונים מה"ט אף כי היה נחשב בעיניהם כיוהרא.

I was also taught the practical aspects of halakhah by my master and teacher and father, the *ga'on*, rabbi, and luminary of the Diaspora, R. Shalom, known as Shakhno, of blessed memory, may I be an expiation for his decease, who taught many pupils, from one end of the earth to the other; we are sustained from his mouth and drink his waters. And by my very life and soul, many time I requested him, together with many other students, to make a *psak* [=singular of *psakim*, meaning: 'book of halakhic rulings']. And his answer, offered out of much piety and humility-for he was humbler than any man on the face of the earth-was: 'I know that [if I write such a book, future authorities] will rule exclusively as I write, in view of the principle that "The law is decided according to the last authority," but I do not wish people to rely upon me.' He was referring, for example, to a case where there is a controversy among great rabbis, and he would decide between them or sometimes disagree, but the judge can base his decision only on what is before him. Therefore, each person should decide according to that particular time, as he sees fit. For that reason, too, his rabbi the *ga'on*, our teacher R. Jacob Pollack, also composed no book, neither did those *ge'onim* ever copy in their homes even a responsum that they sent away; moreover, they believed [the writing of a book] would be arrogance on their part. [Translation-Elchanan Reiner]

Elchanan Reiner "The Ashkenazi Elite at the Beginning of the Modern Era: Manuscript versus Printed Book" in Polin: Studies in Polish Jewry-Volume Ten pgs. 91, 92

The significance of the crisis caused by the coming of the printing-press can be better appreciated if I elaborate on the notion of text as it existed in medieval Ashkenazi scribal culture. The post-talmudic halakhic text relevant to our purpose, that is the text that functioned, in the sense that it was studied, read, quoted, cited as precedent or proof-text in legal rulings, was the text as studied in the yeshiva, not as written by its author. It took shape on the basis of a canonical text-generally some halakhic codification from the formative period of Ashkenazi literature in the twelfth and thirteenth centuries, the time of the Tosafists. This is the beginning of the period named for the Rishonim, the 'First or Early authorities', a term which of course signals the primal authority of those authors relative to the Aharonim, the 'Last or Latter authorities'. The basic canonical text being studied at the yeshiva was expanded by the exegesis of the head of the yeshiva who taught it. The 'final' text was the canonical text plus the comments, or, as they were usually called *hagahot* (glosses), of the head of the yeshiva as recorded by his disciples in the margins (*gilyonot*) of the manuscript page. When the text was copied later, these

comments intruded into the body of the main text, where they were absorbed as an integral part.

If the life of the halakhic work coincided more or less with the lifetimes of the teacher and his disciples, its geographic sphere of influence was defied by the groups belonging to and in contact with the yeshiva students and former students who had become heads of yeshivas. Just as the texts of the works studied changed vertically, in time, and were named for the various generations of heads of yeshivas, they also varied horizontally. For each geographical area there were characteristic editions of the same work, created and developed in the local yeshivot and representing the regional traditions and custom. Thus, for example, one had the Rhenish Mordekhai, as distinct from the Austrian Mordekhai. Basic to the formation of the medieval Ashkenazi text, therefore, were its oral and regional nature. Such fluid traditions became obsolete with the advent of print, which fixed the text once and for all, in some respects enforcing the formulation of a final binding and authoritative text.

R. Moshe Isserles-Introduction to *Torat hatat*

I bless the Lord who has guided me. My conscience admonishes me at night, to write a book on *isur veheter*, on the laws set forth in *Sha'arei dura*, insofar as that book is widespread and in everyone's hands, presenting a stumbling-block for them. For the *gà'on*, the author of *Sha'arei dura*, composed it for his own generation, great and wise men, and the brevity with which he wrote sufficed for them, and he wrote in his book only those things that he considered innovations or things necessary for that generation...But now, owing to the sins of these last generations, his words have become obscure and incomprehensible, as though they had never been. And for that reason the later authorities, of blessed memory, rose up...and wrote comments on it in their glosses, so as to instruct the generations how to conduct themselves, even though, in so doing, their writings clashed with one another: one says this and another says that...one prohibits and one permits, although they were all given by one shepherd. At any rate, whoever has not the palate to taste their sweet but largely obscure words cannot reach conclusions from these numerous glosses...Accordingly, these books have fallen into the hands of many people, small and great, who have interpreted and explained them in different ways. Time comes to an end, but their words are endless, for they have composed for that book commentaries and appendices, and many students have jumped up and attributed nonsensical things to it. Every man did as he pleased in this book-and who shall prevent him? Thereafter these books and words have been printed, and whoever sees them believes they were all uttered at Sinai...and the effort of scholars who meant well, to abbreviate and to explain, has caused harm. Therefore have I, Moses...seen that it would be good to establish the proper order of all the laws of *isur veheter* that are in *Sha'arei dura* and to commit them to writing in a brief way without lengthy casuistry (*pilpul*)...in a manner easily comprehensible to every man, be he small or great.

[Translation-Elchanan Reiner]

R. Hayyim ben Bezalel of Friedberg-Introduction to *Vikuah mayim hayim*

Just as a person likes only the food that he prepares for himself, in accordance with his own appetite and taste, not wishing at all to be a guest at another person's table, thus he does not like another person's rulings unless he agrees with that person. All the more does he not wish to be dependent upon the books of other authors, whom he does not trust, just as a person likes only the food that he prepares for himself, in accordance with his own appetite and taste, and does not aspire to be a guest at their prepared table (*shulhan arukh*). And for that reason the ancients refrained from writing any special book to lay down custom and halakhah to the general public. It is therefore quite surprising that R. Moses has written a special nook and ignored the things that I have just written about. [Translation-Elchanan Reiner]

ים של שלמה בבא קמא הקדמה

הגע בעצמך, משה למה לא כתב מפי הגבורה באר הטיב כפי אשר ראוי. מבלי שיפול בו שום ספק. ויהיה פנים אחד לתורה, ולא מ"ט. גם זולת זה, מה שהיה ראוי להוסיף ולגזור, ראוי היה למשה להודיע בספר. באם תגיע למקום שתמצא בקעה פרוצה גדור אותה, ותוסיף בבנינה מה שראוי להוסיף, או מה שאיני ראוי להוסיף בשום עניין, על דרך אין גוזרין גזירה על הציבור אלא א"כ רוב הציבור יכולים לעמוד בה (ב"ק ע"ט ע"ב): על זה השיב החכם על תמיהתם, עשות ספרים אין קץ. כלומר שאינו מן האפשרי לעשות ספרים בעניין זה. כי אין קץ ותכלית לעניינו, כמשמעו, כי אם כל ריקיעי השמים גוילים, וכל הימים דיו. לא יספיקו לכדי פרשה אחת. עם כל הספיקות שיפולו בה. ומה שיחודש ויוצא ממנה, לרוב תועלותיה. עם כל מה שיכולים חכמים מישראל להעמיק בשכל העיון, להעמיק ולשנות ולהוסיף עליו. ועוד אדרבה, אם כל זה היה כתוב בתורה. ק"ו שהיה עליו יותר הוספה. ר"ל הוספה על הוספה. ר"ל שאי אפשר שלא יפול ספיקות ושינויים ועומק הדעת בהוספה ראשונה. עד שתגיע הוספה שנייה לאלף אלפים כמותם. כלל הדבר, אמר החכם והודיע, שאינו בנמצא מן האפשרות להודיע ולבאר כל ספיקות התורה מבלי (חלוקת) [חילוקים] עד סוף שתהא ידו של אדם מגעת, אי אפשר. על כן מסר התורה לחכמים השתולים בכל דור, כל אחד ואחד לפי חוצב מקור שכלו. לחלק לעליו ולהוסיף, כפי מה שיראו לו מן השמים, ואם בא לטהר יסייעו לו. בריך רחמנא דיהיב חכמתא לחכימין:

Moshe Halbertal-People of the Book: Canon, Meaning, and Authority pgs. 78-79

The third argument against codification was to question the assumption that a code would serve as a self-sufficient text and would end once and for all the ongoing debates and doubts concerning the Halakhah. One of the most beautiful formulations of this criticism against a completely authoritative text was expressed in the sixteenth century by R. Shlomo Luria, known as the Maharshah. In his view, no text can exist without lacunae; the Torah was deliberately composed in a terse style to engender the need for supplement it with oral tradition and discussion.

It is impossible to produce books concerning this [the Halakhah] for there is no end to the matter were all the heavens above scrolls and all the oceans ink, they would not suffice to expound even one passage and all the doubts arising from it and all the innovations emerging from it... Moreover, supposing that He [God] wrote all that in the Torah, there would necessarily be vast, unending quantities of additional interpretations. In other words, I mean to say, additions upon the additions. It is impossible that doubts, changes, and profundities would not arouse upon the first addition so that when it reaches the second addition there will be tens of thousands like it. Thus, the wise one has informed us that it unreal and impossible to explain all the doubts arising from the Torah without an infinity of distinctions which are beyond human reach. For that reason it was necessary that

the Torah be given to the wise men seen in each generation, each and every one of them in accordance with his understanding, hewed from the source of his intellect in the upper worlds.

Joseph Davis-“The Reception of the *Shulhan ‘Arukh* and the Formation of Ashkenazic Jewish Identity” in *AJS Review* 26:2 pgs. 262-264

In another passage in the introduction to his commentary to the *Shulhan ‘Arukh*, Isserles offered another definition of his limited audience, a geographical definition.

Whereas the great author of the *Beit Yosef* and the *Shulhan ‘Arukh*...left after himself no room for any addition, except to gather the words of the most recent rabbis and to set down the *minhagim* that are customary in these lands [*bi-medinot eilu*], therefore I have come after him to spread a tablecloth on the Laden Table [*shulhan ‘arukh*] that he wrote, upon which will be every ripe fruit and every delicacy that is beloved of men. For without this, the table which he laid before the Lord is not yet ready for the men of these lands [*benei adam asher bi-medinot eilu*], for in the majority of the customs of these lands [*minhagei medinot eilu*], we do not follow his opinions.

...Where exactly are Isserles' "lands," *medinot eilu*? Not surprisingly, the matter was disputed after Isserles' death.

The debate centered on the question of whether "these lands" included the land of Germany. Were the Jews of Poland and Germany members of one polity, with shared customs and a shared interpretation of Jewish law, or did they form two separate groups?

The first readers to address this question were Isserles' Cracow publisher, Isaac of Prossnitz, and his proofreader and editor Samuel be Isaac the Martyr Boehme (Pihem). The title pages of the various Cracow editions of the *Shulhan ‘Arukh* (1570, 1577, 1583, and so on) read: "*Shulhan ‘Arukh*...written by...R. Joseph Karo, with many comments...by...Moses Isserles...and a guide to the customs of Poland, Russia, Lithuania, Bohemia, Moravia, and Germany [emphasis added]."

...R. Hayyim composed a set of objections to an auxiliary work of Isserles, called *Torat ha-Hatat*.

There is a great need to assert the differences between the customs of the Jews of Germany [*benei Ashkenaz*] and those of the land of Poland...Rabbi [Isserles] himself in his introduction [to *Torat ha-Hatat*] did not mention the customs of Germany at all, but only those of his own land. The introduction of the proofreader, however, mentioned explicitly "Poland, the Ukraine, Bohemia and Moravia." And he extended the borders even farther, and wrote, "and perhaps every place where German [*leshon Ashkenaz*] is spoken by Jews." One may see that he expressed uncertainty whether the book applies to German Jews [*benei Ashkenaz*] or not. So the printer added that on his own and mentioned Germany as well on the title page so that he would increase his sales in all of those lands, because buyers always look at the beginning of the book.