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Handschriften und Drucke des Or Sarua

The manuscripts of Rabbi Isaac ben Moses of Vienna's Or Zarua

By Simcha Emanuel

At the beginning of the twentieth century a young man named Samuel Yosef Czaczkes passed through Vienna. Czaczkes was born in Galicia, and passed through Vienna on his way to Eretz Israel. It was there that he would change his name to Agnon, become a famous Hebrew writer, and receive the Nobel Prize for Literature. And what could the young Agnon do in Vienna? Obviously, search for a manuscript of the Or Zarua, the most important halakhic work to have been written on Austrian soil throughout history. There was a single large library in Vienna, the Imperial Library, the current-day the Nationalbibliothek, and Agnon went there in search of the Or Zarua manuscript. In his unique style, Agnon tells of what befell him that day:

I heard from the tellers of truth that the book Or Zarua still exists, and is to be found in a manuscript in the emperor's treasure house in Vienna. Because of its size, no bookshelf could hold it, and it was held by iron chains in the middle of the hall. When I went to Eretz Israel I passed through Vienna. I said that I would go and see the book Or Zarua in the emperor's treasure house. I found a person, and I asked him the way to the emperor's treasure house. He joined me and went with me. As we were walking, I told him that I am going there to see the book Or Zarua. He said: If so, Come, I will tell you what I heard from my fathers. One time a sigh was heard in the emperor's treasure house. He said: What is the sound in my treasure house? They found that those chains were striking against one another, with a sort of sighing sound coming forth from them. They asked their wise men what this was, but they did not know. There was one Jewish wise man there who said, I will tell you. This book is a book of laws of the Jews, and its author was very saintly, and he was a rabbi in our city. Now that some of the Jews of Vienna were about to change the practices of their fathers, this righteous one grieves over this. When the Emperor heard this, he arose from his throne and said, Now I know that the Holy One, blessed be He, troubled my sleep only for this: so that the Jews would not change the practices of their fathers. That same day the sect of innovators [i.e., reformers] came and asked the Emperor's permission to institute new practices in prayer and the like. The Emperor rebuked them and sent them forth with a reprimand.[1]

This ends Agnon's story. He did not tell us what happened to him, personally, in the Imperial Library, or whether he succeeded in seeing the Or Zarua manuscript. We may surmise that Agnon's silence resulted from the failure of his visit; and that he did not find any manuscript of the Or Zarua in this library. Today there is no manuscript of the Or Zarua in the Nationalbibliothek in Vienna, nor was there such a manuscript in Vienna at the beginning of the twentieth century, nor during the entire existence of the library. Since there is no manuscript of this book in Vienna, consequently, the controversy surrounding Reform in Vienna was not decided by the Or Zarua manuscript.

This situation, that in Vienna, the city in which Rabbi Isaac Or Zarua lived, there is no manuscript of the book, is not new; this was already so in the late medieval period. Rabbi Israel Isserlein, the leading Austrian sage in the middle of the fifteenth century, served as the rabbi not far from Vienna, in Wiener Neustadt. Isserlein wrote in his responsa that he did not have the book Or Zarua in his city. He added that he knew of two copies of the book that were in distant locations: one in Maribor [in Slovenia], and the other in the city of the querier, the intent apparently being to Regensburg in Germany.[2]

We also find a similar phenomenon in the sixteenth century. On the one hand, the book also exerted an influence in this period in the East, and several important sages there, such as Rabbi Elijah Mizrahi and Rabbi Moses Alashkar,[3] possessed manuscripts of the Or Zarua and quoted it. Incidentally, the manuscript held by Rabbi Elijah Mizrahi, who lived in Turkey, was superior to those we possess, and he cites passages that we lack.[4] On the other hand, at times European sages complained that they did not have before them a manuscript of the Or Zarua. Rabbi Moses Isserles, who lived in Cracow, Poland, in the middle of the sixteenth century, apparently had access to such a manuscript, while his fellow the Maharshah, Rabbi Solomon Luria, writes in his book: "I did not merit to possess the Or Zarua".[5]

Several decades later, another leading Polish sage, Rabbi Meir of Lublin, makes an even stronger statement: he writes that not only does he personally not possess the book Or Zarua, this book "is not to be found in our time". [6] Rabbi Meir's statement deserves a closer examination. He was asked regarding the ruling by "resh-yud alef-zayin" [the initials of the abbreviation of a scholar's name]. He responded that the book by Rabbi Isaac Or Zarua [with these same initials] is not to be found in his time. The Shakh, Rabbi Shabbetai ha-Kohen, cites the statement by Rabbi Meir in his commentary on the Shulhan Arukh. He notes there that this is basically erroneous: the querier quotes to Rabbi Meir a statement by "resh-yud alef-zayin", who is mentioned hundreds of times in Shiltei ha-Gibborim on R. Isaac Alfasi, but who is not Rabbi Isaac Or Zarua. The reference is rather to an Italian sage, Rabbi Isaiah ben Elijah Di Trani. [7] At any rate, the mistake by Rabbi Meir of Lublin in understanding the query does not negate his testimony that the book Or Zarua was not to be found in his time.

We could have listed additional important sages who complained that they did not possess the Or Zarua, but the time has come to state that these complaints must be treated with care. If a sage wrote once or twice that he did not have the Or Zarua, he may very well have meant only that at that moment he did not possess the book, possibly because at that time he was away from his home or away from his study hall. Thus, for example, is the case with Maharil (Rabbi Jacob Moellin), the leading sage of Germany and Austria in the late fourteenth-early fifteenth centuries. The Maharil writes in two of his responsa: "I do not have the Or Zarua", but another responsa paints a completely different picture. He writes there:

On a Sabbath morning in the synagogue, the Holy One, blessed be He, enlightened my eyes. A householder came and brought me an old book, and asked me what it was. I looked in it and said that it is a commentary on Torah Kohanim (= Sifra). I saw that in its beginning were a few old responsa. One was in the handwriting of Rabbi Isaac Or Zarua, and was also in his composition [i.e., the Or Zarua]. I recognize his handwriting, because it was in my room for several days.[8]

This indicates that not only did Maharil possess the Or Zarua; he also had the autograph of the book. Consequently, his statement - and possibly also those of other sages - that he did not have the book Or Zarua, refers only to a certain time.[9]

Since we said that there is no manuscript of the Or Zarua in Vienna, or in all Austria, we must direct our attention to other libraries that hold manuscripts of the book. There are only two early manuscripts of the book: one is in Amsterdam, and the other in London.[10] The book Or Zarua was printed in its entirety from these two manuscripts: the first two sections were printed from the Amsterdam manuscript (Zhitomir 1862), and the last two sections of the book were printed two decades later from the London manuscript (Jerusalem 1887-1890).

A third early manuscript of the Or Zarua was extant in Jerusalem in the middle of the nineteenth century, but no one knew where it had gone, and it therefore was not examined by anyone. Today, too late, we know that the manuscript was sold to St. Petersburg, where it remained until recently. A few years ago, however, the manuscript was stolen from the library, just as many other precious manuscripts were stolen from there, and the manuscript is probably in the hands of a private collector. Since this manuscript was never examined, we know nothing about it, and we do not even know which sections of the book it contains.[11]

A fourth manuscript of the Or Zarua is to be found in Cincinnati (Hebrew Union College, no. 154), but it contains only a small part of the book, namely, the responsa that are printed at the end of the first section. Additional manuscripts are in libraries in Oxford, Frankfurt and New York, but these are merely later copies made from the manuscripts in Amsterdam and London, and are of no importance.[12] Use can be made of these copies only in the places in which the Amsterdam manuscript is indistinct (see below).

Let us return to the two important manuscripts, Amsterdam and London. The first manuscript to be known in modern times is the London manuscript. In the eighteenth century this manuscript was owned by the Segre family in Vercelli, in northern Italy.[13] Already then, in 1742, the Segre family decided to publish the Or Zarua. They signed an agreement to print the book in Amsterdam, London, or some other printing press possessing similar excellent type. This plan, however, was not realized.[14] The first sage to see the manuscript in Vercelli was the Hida (Rabbi Hayyim Joseph David Azulai). He relates in his book of journeys that in the month of Adar, 1756, he arrived in Vercelli and stayed in the home of the Segre family, where he saw a manuscript of the Or Zarua. Soon afterwards the manuscript was seen by Rabbi Elijah Israel, Azulai's friend. This sage, a native of Jerusalem, stayed in Italy in the 1760s. In a book of responsa published in Leghorn at the end of the eighteenth century, Rabbi Israel relates that when he was in Italy he saw the manuscript of the Or Zarua in the house of the Segre family in Vercelli. In his responsa, Rabbi Israel copied two long passages from the manuscript, and ruled in accordance with them, thus being the first sage to make practical use of the manuscript.[15] A century later the manuscript came into the possession of Raphael Nathan Rabinovitz, who would be known for his book *Dikdukei Soferim*. Rabinovitz in turn sold it to the British Museum in London, where it remains to the present. As soon as the manuscript came to the British Museum, Benjamin Posen, a scholar and businessman from Frankfurt am Main, sent a copyist to London to copy the manuscript and prepare it for publication. The book was printed in Jerusalem very soon afterwards, at the end of the 1880s.[16]

The second manuscript of the Or Zarua is currently in the university library in Amsterdam. This manuscript was first known in Germany in the eighteenth century, and its first owner was R. Saul Berlin, who is known mainly for his forgery and publication of *Besamim Rosh*, a book of responsa that he attributed to Rabbi Asher ben Jehiel. In his notes on *Besamim Rosh* Berlin copies a lengthy passage from the manuscript of the Or Zarua in his possession, thus providing the first knowledge of the existence of the manuscript. Berlin was aware of the great importance of this manuscript, and, like the Segre family, decided to publish the Or Zarua. In 1776 Berlin wrote that he was currently occupied in the editing of the book Or Zarua, and that he intended to publish it, with God's help. But Berlin, too, did not succeed in publishing the book.[17] We see, therefore, that two attempts were made in the eighteenth century to publish the Or Zarua, once from the manuscript in Vercelli, and another time from the manuscript in Germany, but both attempts failed.

In the middle of the nineteenth century the manuscript came from Germany to Amsterdam, to the banker brothers of the Lehren family. They finally published the Or Zarua.[18] There is an interesting story concerning the arrival of the manuscript from Germany to Amsterdam. In his introduction to the book, Akiva Lehren tells how he inherited the manuscript from his older brother, and how the manuscript came to the latter:

This precious book in the first days was in the possession of Rabbi [...] Saul [Berlin]. [...] After some time, he sent it to another city, unknown to me, in a ship that sailed the seas. The ship broke up, and all that was in it, and the manuscript within it sank in the sea, and the waves washed over it. In consequence, water spots covered it, and a few pages are torn within it. The good Lord [...] protected this book [...] and brought it to the territory of the land of Friesland [in northern Holland] that is on the seacoast. He provided a fisherman who saw it, drew it forth from the sea, and brought it to a certain Jew, an inhabitant of the city of Lemmer [in the north of the above-mentioned district]. When he heard of the fame and glory of my elder brother [Abraham Zevi Hirsch Lehren], of blessed memory, he brought it to his chamber, and sold it to him at the full price.

This wondrous story recurs time and again in every discussion of the book Or Zarua. Like every miraculous tale, additional details were added to it over the course of time: from where the ship set forth, to where it sailed, the storm that led to its sinking, why the manuscript was sent to another land, and other particulars. We will mention only a single piquant detail that was added to the story only twenty years ago, that when the fisherman brought the manuscript, within its pages were sand, seaweed, and even shells! All this, however, has no basis, and none of those who dealt with the manuscript during the previous century mentioned such a matter.[19]

Before we analyze the wondrous story of the finding by the fisherman of the manuscript on the Dutch shore, it should be noted that this tale is not exceptional. We have found similar tales regarding other books and manuscripts as well. A few examples will suffice:

The first instance relates to one of the earlier Hebrew books to be printed: Rashi's commentary on the Torah, at the Reggio de Calabria press in Italy, in 1475. This book is extremely important, and not only for bibliographers; since the version of the commentary by Rashi in this printed edition differs considerably from the version in the current printed editions. That edition of the commentary was undoubtedly printed in several hundred copies, but only a single not complete copy is extant, in Parma, Italy. We know, however, that a second copy of the book existed in Italy in the eighteenth century, and the Hebraist Giovanni Bernardo De' Rossi relates that he purchased it. The rare book was sent to him by mail, but when the postman sailed with his precious load on the Po River, the package fell from his hand, and the book sank and was lost.[20] In this instance, although the book was lost, at least we are left with another copy, the one that is in Parma.

An additional, and sadder, example is that of the Talmudic novellae of the Rabad (Rabbi Abraham ben David of Posquieres). This commentary was possessed by sages up to the sixteenth century, who cite it extensively. Unfortunately, of this work only the commentary on two tractates: *Bava Kamma* and *Avodah Zarah* is extant. About seventy years ago the Rabad's commentary on an additional tractate, *Berakhot*, was possessed by Rabbi Jacob Moses Toledano. Toledano relates, however, that the manuscript of the commentary was lost when a flood swept over Tiberias. Unlike the manuscript of the Or Zarua, the manuscript of the Rabad's novellae on the tractate of *Berakhot* was not saved by fishermen, and was completely lost.[21]

After having stated that adventures such as the one experienced by the manuscript of the Or Zarua were also performed for other compositions, we should examine the nature of the story told us by Akiva Lehren. I would like to cite several of the conclusions reached by Prof. Schrijver in his research on this topic.[22]

When the story is examined with care, we see that it cannot be accepted verbatim, and that it was impossible for R. Saul Berlin to have sent the manuscript by ship, for two reasons. The first: when Berlin died, in 1794, Abraham Zevi Hirsch Lehen was only ten years old, and the fisherman certainly did not bring the manuscript to a young child. And the second: Aryeh Leib, Saul Berlin's son, wrote expressly that he inherited from his father the manuscript of the book Or Zarua. In 1806, twelve years after Saul Berlin's death, the manuscript was still in the possession of the son. [23] If so, Saul Berlin could not have sent the manuscript in a ship that sank. Thus, if we are to accept the story, we must amend it a bit, and say that in the first half of the nineteenth century, many years after Saul Berlin died, someone sent the manuscript by ship, and that this ship sank close to the Dutch coast. The fisherman who found the manuscript sold it to a Jew from Lemmer, and this Jew sold it to the members of the Lehen family, who published it.

Even, however, if we introduce minor changes into the story, it still raises several questions. Water marks and the damage they inflicted are visible in a number of places in the Amsterdam manuscript, but this damage is not major, and it can hardly be believed that this manuscript, the major part of which is well preserved, spent several hours in the water. Additionally, if Akiva Lehen would have told us that he himself found the manuscript on the shore, we would have accepted his story, albeit with the correction of a number of details. But Lehen, who told the story, was not an eyewitness to it; he heard the tale from his brother, who in turn had heard it from an unnamed Jew who had sold him the manuscript; and this Jew had heard the story from the fisherman who had sold the manuscript to him. We therefore have grounds to doubt this tale. It is more probable that the manuscript had been damaged by water, but under other circumstances: perhaps it had been conveyed in a carriage during a rainstorm, possibly a tile roof had leaked, maybe it had suffered water damage in some other way. But the accuracy of the story of the ship that sank and the fisherman who found the manuscript on the seashore, a story that has accompanied the book Or Zarua for one hundred and forty years, is highly questionable.

We will now return to the main focus of our lecture. We possess only two manuscripts of the Or Zarua, one in London and the other in Amsterdam, and an additional small manuscript in Cincinnati. The two main manuscripts (Amsterdam and London) are quite early. Some researchers maintain that both manuscripts were copied between 1260 and 1300. If we recall that the book was written only circa 1250, then the two manuscripts were copied quite close to the time of the book's composition. [24] However, a reexamination conducted for me by Dr. Edna Engel of the Hebrew Paleography Project in Jerusalem teaches that the Amsterdam manuscript was copied between the end of the thirteenth and the middle of the fourteenth centuries, and that the London manuscript was copied only in the middle of the fourteenth century. That is to say, we still have two early manuscripts, but not so close to the time of the author.

Each of the manuscripts contains only a part of the composition: the Cincinnati manuscript contains only the responsa, the Amsterdam manuscript comprises mainly the laws derived from Orah Hayyim and Yoreh Deah (sections 1 and 2 of the printed book), and the London manuscript primarily contains the Or Zarua on the order of Nezikin (sections 3 and 4 of the printed book), [25] and several additional laws. In other words, the major part of the Or Zarua has only a single manuscript, either the one in Amsterdam or the other in London, with only small portions of the book to be found in both manuscripts. Such a situation is certainly not optimal. Almost any manuscript contains lacunae and distortions, and an editor is capable of reconstructing the full and exact version of a work only if he has several manuscripts before him. Unfortunately, this is not the case regarding the Or Zarua. Anyone perusing any of the three manuscripts will immediately realize that they are not complete. The manuscripts have undergone many hardships over the years, and complete folio leaves have been lost. For example, eight leaves were torn from the London manuscript, with the commentary on a considerable part of Bava Batra. Since the commentary on this tractate appears only in the London manuscript, and we possess no parallel manuscript, this part of the book is completely lost to us. [26] Moreover, in the fourteenth century there already were many flaws in the manuscripts of the Or Zarua. Consequently, the extant manuscripts were already copied from flawed copies that lacked several passages. The scribe himself spoke a number of times about the flaws in the copy from which the London manuscript was copied. In several instances he left a part of the page empty, writing on the side that he was forced to do so because the copy before him was flawed, such as "in the copy before me he [the previous copyist] left half a page blank". [27] The copy from which the Amsterdam manuscript was copied was similarly defective, and at times the scribe left a space of several lines. [28] In other instances the scribe of the Amsterdam manuscript was not aware that something was missing in the copy before him, and he copied it without interruption, not realizing that he was skipping from one topic to another. Thus, for example, he was unaware that he jumped from the middle of a sentence in the laws of hallah to the laws of kelaim, apparently because a folio leaf was missing in the manuscript before him. In another case, he skipped from the laws of shevi'it to the middle of the laws of mikvaot, once again for the same reason. [29]

In order to evaluate the nature of the Amsterdam manuscript in a more precise manner, I thoroughly examined the collection of responsa printed at the end of Section 1, and I compared the printed version with that in the Cincinnati manuscript. The Amsterdam manuscript, and, following it, the printed version, contains some forty responsa. The editor already noted that entire passages are missing in nine of the responsa; at times the end of the responsa is lacking, at times the beginning, while in other instances there is an omission in the middle of the responsum. [30] In the Cincinnati manuscript we found not only completions for several of the flawed responsa, but also nine completely new responsa. It transpired that when a responsum is interrupted in the middle in the Amsterdam manuscript, not only is the end of that specific responsum missing, entire additional responsa that follow this interrupted responsum are omitted as well. [31] This, however, is not all: when I compared the version of the unflawed responsa with the Cincinnati manuscript, I found dozens of sentences that had erroneously been deleted from the Amsterdam manuscript. In many instances the omission of sentences considerably distorts the understanding of the entire paragraph.

A similar phenomenon was discovered years ago relating to the laws of niddah and mikvaot. These laws had been published from the Amsterdam manuscript, but they also appear in the London manuscript. A new edition of these laws, based on both manuscripts, was published about thirty years ago. It contains many additions, one of ten entire pages! [32] Once again, it transpired that each of the manuscripts contained actual lacunae that generally could not be detected, because we possess only a sole manuscript. Only for the few laws that are preserved in both manuscripts is it possible to obtain an authoritative and tested version of the book.

This situation requires the investment of considerable effort in the collection of the extant quotations from the Or Zarua in the writings of sages from the thirteenth-sixteenth centuries who possessed manuscripts of this book. In some instances, these quotations will enable us to correct the corrupted version that we possess, [33] while in other cases they could complete some of the deficient passages in the printed version of the Or Zarua. We already provided a few examples of quotations that resolve lacunae, and many more could be added. [34] We shall mention only a single additional example, by Rabbi Hayyim Or Zarua, the son of the author. Rabbi Hayyim alludes in one of his responsa to an intriguing incident that is mentioned in the Or Zarua: "As the instance of Rabbeinu Isaac, who circumcised converts, that resulted in the congregation being involved in a slander, and this incident is written in the Or Zarua." In another place Rabbi Hayyim wrote a bit more about this episode: "Rabbi Isaac circumcised converts, that resulted in the congregation being involved in a slander. Mar Meir told the government official something that caused R. Isaac loss; Mar Meir is exempt [from punishment], even if he directly handed over R. Meir in regard to this." This incident does not appear in the Or Zarua, nor do we know exactly where such a matter appeared in the book. Although Rabbi Hayyim Or Zarua cites the passage twice, the story of the incident is still vague, and cannot be understood properly. [35]

Rabbi Isaac Or Zarua took great care concerning the textual versions of the books he used. When any suspicion arose regarding the accuracy of the book before him, he examined other copies of the book, and at times even checked the autograph of the work, in order to correctly understand the author. [36] How ironic it is that his

book has come to us in a form that is unsatisfactory, and that certainly would not have pleased the author himself.

[1] S. Y. Agnon, *Sefer, Sofer, ve-Sippur* [Book, Author, and Story] (Jerusalem, 1968), pp. 276-77 (Hebrew).

[2] *Terumat ha-Deshen*, ed. S. Avitan (Jerusalem, 1991), II: *Pesakim ve-Katavim*, paras. 11; 112.

[3] *She'eilot u-Teshuvot Maharam Alashkar* (Jerusalem, 1959), para. 25, p. 92; para. 26, p. 105; para. 89, p. 242; para. 95, pp. 253, 257; para. 97, p. 263.

[4] *She'eilot u-Teshuvot R. Eliyahu Mizrahi* (Jerusalem, 1938), para. 36, p. 86 (this is also cited by other sages in the name of the Or Zarua, but they are not extant in Or Zarua, and appear only in *Simanei Or Zarua* on *Yevamot*. See: *Piske Or Zorua*, ed. M. Y. Blau [New York, 1997], I, p. 139, para. 120; *Mizrahi*, para. 56, p. 171; para. 67, p. 228 (see: *Piske Or Zorua*, I, p. 146, para. 36).

[5] *Yam shel Shelomo*, Gittin, 2:26.

[6] *She'eilot u-Teshuvot Maharam mi-Lublin*, para. 127.

[7] *Shakh*, *Yoreh Deah*, 36:18, in note. Also see in the rulings of R. Isaiah, recently published in: *Shitath Ha'Kadmonim on the Tractate Chullin*, ed. M. Y. Blau, II (New York, 1990), p. 182.

[8] *Responsa of Rabbi Yaacov Molin - Maharil*, ed. Y. Satz (Jerusalem, 1979), para. 54, p. 53; para. 72, p. 93; para. 76, p. 127 (incidentally, Moellin knew one of the descendants of Rabbi Isaac Or Zarua, who also was named Isaac Or Zarua; it was related that he was a nice fellow whom Moellin liked; see: *The Book of Maharil: Customs by Rabbi Yaacov Molin - Maharal*, ed. S. J. Spitzer [Jerusalem, 1989], p. 152).

[9] For the use by Rabbi Israel Isserlein of the book Or Zarua, despite his assertion (above) that he did not possess the Or Zarua, see the index to his book (n. 2, above), pp. 498-99; "Index to Statements by Poskim in the Name of the Book Or Zarua," in: *Simanei Or Zarua*, *Berakhot*, ed. D. Shalmon (Jerusalem, 1999), pp. 223-30. Maharshal, who complained that he did not possess the book Or Zarua, made use of it in other instances; see, e.g., *She'eilot u-Teshuvot Maharshal*, para. 75.

[10] Amsterdam, *Bibliotheca Rosenthaliana*, Hs. Ros. 3; London, British Library, Or. 2859-2860. For detailed description of the manuscripts, see: L. Fuks and R. G. Fuks-Mansfeld, *Hebrew and Judaic Manuscripts of the Bibliotheca Rosenthaliana*, I: *Catalogue of the Manuscripts of the Bibliotheca Rosenthaliana*, University Library of Amsterdam (Leiden, 1973), pp. 48-49; G. Margoliouth, *Catalogue of the Hebrew and Samaritan Manuscripts in the British Museum*, II (London, 1905), nos. 530-531, p. 137; E. G. L. Schrijver, "Some Light on the Amsterdam and London Manuscripts of Vienna's Or Zarua", *Bulletin of the John Rylands University Library of Manchester*, 75,3 (1993), pp. 53-82; U. Fuchs, "Studies in the Book Or Zarua by R. Isaac ben Moses of Vienna," Master's thesis, Hebrew University, Jerusalem, 1993, pp. 41 ff. (Hebrew).

[11] In the introduction by R. Israel Moses Hazan to the book by Nathan Coronel, *Beth Nathan* (Vienna, 1854), he enumerates the manuscripts owned by Coronel, including one of the book Or Zarua. A parallel list appears in MS. New York, Jewish Theological Seminary of America Library, Mic. 2863, p. 26a, that also mentions the date of the manuscript: [5]151 [= 1391]. The manuscript is described concisely in the unpublished catalogue in Russian of the Russian National library in St. Petersburg (Ms. Yevr. IV, 2) as follows: "Or Zarua by Isaac ben Moses of Vienna, 1391. Text in two columns. 41 rows, French cursive, on parchment. 142 folio pages. 34 X 32 [cm.]"

[12] Oxford, Bodleian Library, Opp. 40 (Neubauer no. 650); Frankfurt am Main, Stadt- und Universitätsbibliothek, MS. Hebr. Fol. 7; New York, Jewish Theological Seminary of America Library, Rab. 694. MS. Frankfurt was copied ca. the sixteenth century, MS. Oxford was copied ca. the seventeenth century, and MS. New York was copied in 1624; for the time of the first two manuscripts, see: M. Beit-Arié and R. A. May, *Catalogue of the Hebrew Manuscripts in the Bodleian Library, Supplement of Addenda and Corrigenda to Vol. 1* (A. Neubauer's Catalogue) (Oxford, 1994), p. 98; *Hebräische Handschriften*, 1C: *Die Handschriften der Stadt- und Universitätsbibliothek Frankfurt am Main*, ed. E. Roth and L. Prijs (Stuttgart, 1993) (*Verzeichnis der Orientalischen Handschriften in Deutschland*, Band VI, 1c), pp. 80-81.

[13] Urbach's assertion that Rabbi Judah Minz brought with him a manuscript of Or Zarua when he immigrated to Italy from Mainz in Germany in 1462, and the conjecture by Schrijver that MS. London is the manuscript that Minz brought with him, are not plausible (see: E. E. Urbach, *The Tosaphists: Their History, Writings and Methods* [Jerusalem, 1980], p. 443 [Hebrew]; Schrijver, "Some Light", p. 69, n. 40). The book Or Zarua had already come to Italy hundreds of years before Minz's emigration, and as early as the middle of the thirteenth century, shortly after the composition of the Or Zarua. Rabbi Zedekiah of Rome copied several passages from the Or Zarua in his book *Shibolei Ha-Leket*, at times in the name of Rabbi Isaac Or Zarua, and in other instances without mentioning him by name (see, e.g.: *Shibolei Ha-Leket Completum*, ed. S. K. Mirsky [New York, 1966], p. 362, n. 1. Additional examples could be cited, but this subject requires a separate study). Several decades later it was already possible to find extensive use made of the Or Zarua in another Italian book, *Piskei Halakhot* by Rabbi Menahem Recanati. Moreover, the quotations by R. Judah Minz from the book Or Zarua mentioned by Urbach and Schrijver are mainly from the first part of the book, and do not appear in MS. London (see also below, n. 33. Minz wrote: "Written in my S.O.Z. outside [i.e., in the margin], very, very, very old writing by a Torah scholar" [*Responsa of Rabbi Judah Minz and Rabbi Meir of Padua* (Cracow, 1882), para. 12, p. 23a]. The intent is obviously to a note written in a margin of *Simanei Or Zarua*, and not to the margin of the Or Zarua itself, and Schrijver's comments, loc. cit., are in error. This marginal comment also found its way into the printed edition of *Simanei Or Zarua*; see *Piske Or Zarua*, I, p. 117, para. 19).

[14] See Margoliouth, *Catalogue of the Hebrew and Samaritan Manuscripts*, loc. cit.

[15] R. Chajim Yosef David Asulai, *Ma'gal-Tob Ha-Salem*, ed. A. Freimann (Jerusalem, 1934), p. 41 (Hebrew). See also: idem, *Shem ha-Gedolim* (Vilna, 1913), s.v. "Rabbeinu Yitzhak mi-Vilna [Rabbi Isaac of Vienna]" (Hebrew); R. Elijah Israel, *She'eilot u-Teshuvot Kol Eliyahu*, I (Leghorn, 1792), *Orah Hayyim*, para. 20; *Yoreh Deah*, para. 14. For Rabbi Elijah Israel, see: S. Markus, *Toledot ha-Rabbanim le-Mishpachat Yisrael me-Rodos* [History of the Rabbis of the Israel Family from Rhodes] (Jerusalem, 1935), pp. 36-51 (Hebrew); A. Yaari, *Sheluhei Eretz Yisrael* [Emissaries of the Land of Israel] (Jerusalem, 1951), pp. 402-4 (Hebrew).

[16] Sales catalogues of R. N. Rabinowitz, no. 7 (Munich, Elul 1884), pp. 1-2, no. 13. A year later, in 1885, the manuscript was already copied from in London and prepared for publication (the first part of the copy, on Bava Kamma, appears in MS. Jerusalem, Jewish National and University Library, 40 1084). See also the introduction by Posen to Or Zarua, III.

[17] *Besamim Rosh* (Berlin, 1793), para. 93 (where he copies Or Zarua, I, para. 11, with his own casuistries); the writ of approval from 1776 by Rabbi Saul Berlin on the publication of responsa of Rabbi Meir of Rothenburg, in an announcement attached to MS. London, Beth Din Library 14. For Saul Berlin, see: M. Samet, "R. Saul Berlin and His Works", *Kiryat Sefer*, 43 (1967-68), pp. 429-41 (Hebrew).

[18] After the publication of the book, the manuscript came to a relative of Lehren, the book collector Naphtali Hirz Van Biema. The Van Biema manuscripts was sold at auction in 1904, when the Or Zarua manuscript was purchased by the Rosenthaliana Library in Amsterdam, where it remains to the present (see: Schrijver, "Some Light", pp. 75-76).

[19] See: Schrijver, "Some Light", pp. 73-82.

[20] See: A. K. Offenberger, *A Choice of Corals* (Nieuwkoop, 1992), p. 135; P. Tishby, "Hebrew Incunabula (II)", *Kiryat Sefer*, 60 (1985), pp. 866-69 (Hebrew). A third copy of the book was extant ca. 1800 in the library of the Polish prince Adam Jerzy Czartoryski, but the fate of this copy is unknown; see: Tishby, "Hebrew Incunabula", p. 868. For the importance of the version of the commentary by Rashi in the Reggio de Calabria edition, see: *The Pentateuch with Rashi Hashalem*, I (Jerusalem, 1986), p. 309, n. 2 (Hebrew).

[21] J. M. Toledano, "On the Kal ve-Homer of Ben-Mussa", *Tarbiz*, 14 (1943), p. 142 (Hebrew); idem, *Sarid u-Falit [Survivor and Escapee]* (Tel Aviv, 1945), p. 63, no. 1 (Hebrew). The apparent intent is to the flooding of Tiberias in May 1934 in the wake of fierce rainfall, when the Old City was covered by water, in some places to a height of 3 meters. See: O. Avissar, *Sefer Tiveriah [The Book of Tiberias]* (Jerusalem, 1973), pp. 135-36 (Hebrew).

[22] Schrijver, "Some Light", pp. 73-82.

[23] Rabbi Solomon ben Abraham Peniel, *Or Einayim* (Breslau, 1806), introduction by R. Aryeh Leib ben Saul Berlin (entitled "Kokhav Nogah"), fol. 9b-10a (Aryeh Leib writes there that he sent the book *Or Einayim* to Cracow, Poland, in order to receive writs of approval for its publication; Samet, however, understood erroneously that he had sent the manuscript of *Or Zarua*; see Samet, "R. Saul Berlin", p. 435).

[24] Schrijver, "Some Light", pp. 64, 70.

[25] The *Or Zarua* on tractate *Shevuot* was erroneously omitted from the printed edition, and was printed from MS. London by A. Freimann, in: M. Brann and J. Elbogen (eds.), *Festschrift zu Israel Lewy's siebzigstem Geburtstag* (Breslau, 1911), pp. 400-2; Hebrew section, pp. 10-32.

[26] MS. London 530, between fol. 227 and 228. An entire quiers (8 pages; in the early Hebrew numbering: pp. 226-33) is missing here. This lacuna is also in MS. New York, Rab. 694, thus providing clear proof that it was copied from MS. London. The missing pages included the commentary to the end of chapter 2 and the beginning of chapter 3 of *Bava Batra*; see the printed edition, fol. 4(d).

[27] (1) MS. London 530, fol. 39a: "In the copy before me he left half a page blank"; the scribe left a space of two-thirds of a column (= *Or Zarua*, *Bava Kamma*, para. 125, end of q.v. "Mah". The first part of this section also appears at the end of the collection of responsa by Rabbi Meir ben Baruch of Rothenburg, MS. Moscow, Russian State Library 155, fol. 225a-b, but does not aid us in rounding out what is missing in MS. London). (2) Ibid., fol. 139b: "There was an omission [dilug] in the copy" (= *Or Zarua*, *Bava Metzia*, para. 91, next to n. 24. The editor makes no mention there of the lacuna in the manuscript). (3) Ibid., fol. 176b: the scribe left a space of 9 lines and wrote a note in the margin that is hardly legible (= *Or Zarua*, *Bava Metzia*, para. 226, before q.v. "Pardeisa". The editor did not mention the lacuna in the manuscript). (4) Ibid., fol. 254b (= *Or Zarua*, *Bava Batra*, para. 112, and n. 30). (5) MS. London 531, fol. 30a: the scribe left a space of three lines, and wrote: "the discourse [dibbur] was not completed" (= *Or Zarua*, *Sanhedrin*, para. 87, and n. 9). (6) Ibid., fol. 99b-100a (after the Laws of *Hallah*): the scribe wrote: "My son-in-law, the haver R. Samuel, asked me, and this is the response that w[...]," and ended with this, in the middle of a word. He left a space of a column and a half, before he began the Laws of *Niddah* (Rabbi Isaac Or Zaura's son-in-law was Rabbi Samuel ben Shabbetai; see: *Or Zarua*, I, paras. 746, 749. The author, however, might have been about to copy here from *Sefer Raban*, para. 50 or 53, where *Raban* [Rabbi Eliezer ben Nathan of Mainz] copied his responsa to his son-in-law R. Samuel ben Natronai).

[28] The photocopy of MS. Amsterdam that I possess has no pagination, and therefore the following pagination will follow that of the printed book: *Or Zarua*, I, end of para. 581 (there is a space of 5 lines in the manuscript); ibid., end of para. 741 (there is a space of about 4 lines in the manuscript; see: E. E. Urbach, *Studies in Judaica*, ed. M. D. Herr and J. Fraenkel [Jerusalem, 1998], II, p. 774 [Hebrew]); ibid., end of para. 755 (in the manuscript: a space of 6 lines); ibid., para. 776, fol. 115, beginning of (d) (in the manuscript: a space of almost one line); II, end of para. 29 (in the manuscript: a space of two lines, that was completed by a later addition); ibid., end of para. 366 (in the manuscript: a space of almost one column).

[29] I, end of para. 251-beginning of para. 252 (the last five lines of para. 251 and the first six lines of para. 252 [until the words "kidesh bo"] were completed by the editor, and are lacking in the manuscript. The missing passages were printed from MS. London by K. Kahana, "The Completion of *Or Zarua* for the Laws of *Hallah* and *Niddah*", *Mipri Haaretz*, 3 [1984], pp. 9-14 [Hebrew]); I, beginning of para. 333 (see note there). The following are several additional striking examples of omissions of which the scribe was unaware: I, para. 338, fol. 44(c) (the lacuna here was printed from MS. London in: *Kovetz Rishonim la-Hilkhot Niddah u-Masekhet Mikvaot* [Collection of the Early Authorities on the Laws of *Niddah* and the Tractate of *Mikvaot*], ed. M. Y. Weiner [Jerusalem, 1973], pp. 9-18); I, beginning of para. 715 (much is missing here; cf. *Piske Or Zarua*, I, p. 145, n. 12); I, middle of para. 740 (some of what is missing here appears in MS. Cincinnati, and was printed in: *Me-Hiddushei Ba'alei ha-Tosafot al Masekhet Gittin* [From the Novellae of the Tosafists on Tractate *Gittin*], ed. Y. Satz [Toronto, 1989], p. 431); I, beginning of para. 753; I, end of para. 757-beginning of 758; II, end of para. 420-beginning of 421.

[30] I, middle of para. 740; end of para. 741; beginning of para. 753; end of para. 755; end of para. 757-beginning of 758; para. 760, end of q.v. "Ve-al *Hallah*"; end of para. 767; para. 776 (fol. 115, beginning of [d]).

[31] See Satz, *Me-Hiddushei Ba'alei ha-Tosafot*, pp. 431-33; I. M. Ta-Shma, "Some Matters Concerning Rabbi Isaac Or Zarua from a Manuscript", in: D. B. Lau and Y. Buksbaum (eds.), *Memorial Volume in Honor of ... Rabbi Isaac Yedidiah Fraenkel*, ed. D. B. Lau and Y. Buksbaum (Jerusalem, 1992), pp. 272-80 (Hebrew); U. Fuchs, "Three New Responsa of R. Isaac of Vienna", *Tarbiz*, 70 (2000-2001), pp. 109-31 (Hebrew).

[32] See above, n. 29.

[33] Thus, for example, R. Judah Minz copied a lengthy passage from the *Or Zarua*, from which we learn that a whole sentence was omitted because of a homoeoteleuton in MS. Amsterdam (and, consequently, in the printed version as well). See: *Or Zarua*, I, para. 605; Responsa of Rabbi Judah Minz and Rabbi Meir of Padua, para. 12, fol. 20, end of (a), with the addition: *מכל מקום לא נזכר שיש לו אח מכל*. This passage in the *Or Zarua* is also copied in MS. Budapest, Hungarian Academy of Sciences Library, A174, pp. 73-74, that also contains the missing sentence.

[34] See above, n. 4; see also: Y. Satz, "A Completion to the *Or Zarua*, Laws of *Halitzah*," *Moriah*, 13, nos. 10-12 (1985), pp. 2-3 (Hebrew).

[35] *She'eilot u-Teshuvot R. Hayyim Or Zarua* (Leipzig, 1860), end of para. 142; *Piske Or Zarua*, II, p. 377, para. 33.

[36] See, e.g.: *Or Zarua*, I, para. 172: "It is taught in the Tosefta [...] and similarly wrote Alfasi[i], and similarly wrote my teacher, our master Judah son of R. Isaac. I searched in two Toseftot [i.e., copies of the Tosefta] of *Berakhot*, but I did not find" (see also: S. Lieberman, *Tosefta Ki-Fshutah*, [New York, 1955-1988], *Zera'im*, p. 635); I, para. 720: "It is taught in the Tosefta [...] thus the baraita is taught in the two Toseftot before me" (see also: Lieberman, *Tosefta Ki-Fshutah*, *Nashim*, pp. 906-7; *Nezikin*, pp. 459-60); I, para. 61: "Thus I learn from the precise language of Rashi, for I saw in the commentaries that he wrote in his holy handwriting, that initially he wrote thus [...] and he erased [...] and he wrote above [...] and he wrote in the margin [...] and there was an additional word written [...] and was erased, and I could not see what it was; I am of the opinion that it was written [...]" (see: S. Friedman, "Rashi's Talmudic Commentaries and the Nature of Their Revisions and Recensions", in: Z. A. Steinfeld [ed.], *Rashi Studies* [Ramat Gan, 1993], pp. 155-57 [Hebrew]). For the precise readings by R. Isaac Or Zarua, see: S. Lieberman, *Hayerushalmi Kiphshuto* (Jerusalem, 1934), Introduction, p. 24 (Hebrew); Fuchs, "Studies in the Book *Or Zarua*", pp. 27-28, 103-12.

