

Takanot Candia

From the Jewish *Responsa* and the *Takanot Candia* (decrees of Candia, Crete's largest city) emerges a set of legal rulings covering all aspects of Jewish life. From this collection of rulings, signed by religious authorities, we acquire knowledge of Shealtiel Hen activities, in their roles as scholars and religious leaders and as powerful — for some, all too powerful — private individuals. Two more, very special, Shealtiel relics, that have survived more than seven hundred years, are the Shealtiel *Haggadah*, presently on display at the British Museum, and the Shealtiel coat of arms, now at a museum in Heraklion, Crete.

Over a period of seventy-two years (1504-1576), no fewer than sixteen of the *Takanot* are attributed to five members of the Hen family, always proudly acclaimed as “of the House of Shealtiel”. The rulings deal with issues ranging from matters of ritual, such as the regulation of observation of the Sabbath, burial and wedding ceremonies, and kosher certification, to social order and the ordinances of commerce. In short, the decrees cover all aspects of community life. They are immensely important sources from which we learn about the life, culture, influences and ideals of the Cretan Jews. A ruling from 14 June 1504 is a good illustration: to counter a wave of marriages in which the bride was ‘kidnapped’ — most likely with her cooperation, but against her parents’ will — Emanuel Hen “of the House of Shealtiel”, along with Isaac ha-Levi “of Agelheima”, ruled that a wedding must take place with a quorum of a full *minyan* (ten adult Jewish males) in attendance.

In the early 16th century, the influence of the Greeks and of recent immigrants — particularly those who came from Italy and had themselves been influenced by the permissiveness prevailing in their countries of origin during the dawn of the Renaissance — had a destabilizing impact on the life of the Jewish community in Crete. The religious leadership fought hard to reverse this trend, by issuing new *Takanot*,

In casting their lot with the *Romaniot*¹ leadership, the Shealtiel Hens strongly objected to the new relaxation of the moral code, *e.g.*, the acceptance of premarital cohabitation. Their apprehensions were not groundless. As in any migratory society, bachelors of shady antecedents abounded in the new harbour of the Jewish people. Just as in Turkey, penniless young newcomers often sought to marry into respectable families and entered into liaisons with women without their parents’ consent.

¹ Romaniot: non-Sephardim who, following the Roman troops, settled in Greece and elsewhere in the Mediterranean.

Takanot Candia

Thus, as noted above, the 1504 ruling of Emanuel Hen and Isaac ha-Levi reflects a wave of ‘kidnap’ marriages, sometimes with the connivance of the bride.

Likewise, on 28 January 1518, Emanuel Hen and Shmuel del Medigo signed an ordinance that dealt with an increase in cases of unmarried couples moving in together, or — more often and more disturbing — of the ‘groom’ moving into the home of the ‘bride.’ Under this harsh ordinance, such cohabitation was forbidden.

Five months later (on 29 June), the same duo grappled with another ‘modern’ habit, the use of the *Mikveh*, or public bathhouse. The *Mikveh* had a dual purpose: secular (all members of the congregation used it for personal hygiene) and ritualistic (brides, prior to wedding, ‘purified’ themselves before female witnesses). It seems that on hot summer nights, the *Mikveh* was being used purely for cooling off, preventing some brides from putting it to ritual use. The rabbis prohibited use of the *Mikveh* for such recreational purposes.

Del Medigo soon passed on. On 11 November 1519, another member of his family — most likely his son — signed (again with Emanuel Hen) a new ruling regulating the manufacture, labeling, sealing and marketing of wine. Jews made wine not only for their own use, but also, and perhaps more so, for the general population. The latter class of wine was not considered kosher. To forestall use of this non-kosher (taref) wine by Jews who, knowing it was made by Jews, might naively suppose it kosher, regulations were issued to distinguish kosher wine by a special seal, coated with tar, and a written proclamation (in Hebrew) of its fitness to be consumed by fellow Jews. It seems that Shmuel del Medigo had been part of the team that prepared the ruling; his name appears on the ordinance with the addition of *ZL* (‘blessed be his memory’).

On 28 January 1520, Emanuel Hen, called “the Sephardi” and “the physician,” cosigned a direct ruling, something unusual in the *Takanot*. In it, the religious leadership denounces a local man, who claimed that he had married a young woman who was engaged to another. The man was branded a liar by the rabbis, who officially declared the woman unmarried, and free to marry. Again, the panel emphasized the need for a quorum of ten to officiate at a wedding ceremony.

Takanot Candia

On 19 November 1562, Yehudah Hen, deploying his medical and veterinary skills in tandem with Talmudic scholarship, outlined the complete process of the ritualistic slaughter (*Shchitah*) and the meat-processing disciplines that kosher butchers must follow. From the detail in which the process is described, and a reference to the ruling rabbi as “our champion, the great Master”, it is clearly understood that both had problems, and that this highly specific ruling by Yehudah Hen was intended to prescribe standards enforceable under threat of fine for the noncompliant.

On 16 November 1525, Emanuel Hen and his son Shealtiel joined Eliyahu Capsali and Menachem del Medigo in publishing a broad, general ruling that covered topics ranging from the proper observation of the Sabbath; reinforcement of the prohibition of intimate prenuptial relations; supervision of kosher manufacturing; and certification of food items such as cheese and milk.

In the scale of moral and religious values, ransoming fellow Jews was of the highest priority. These included captives brought onto the island for sale, and fellow community members who had fallen on hard times and, defaulting on loans or tax assessments, had been imprisoned or sold into slavery to pay off their debts. An interesting case in point is a ruling that, though not explicitly dated, can be placed toward the middle of the 16th century. The captives in this case were local residents named Shmuel Roditi and Shmarya Agpoli, who had defaulted on a loan of 150 ducats. After a fundraising campaign fell short of the full amount, Moshe del Medigo and Yehudah Hen (‘Leon the physician’) approved the sale of *Tapuhei Kesef* – religious ornaments; in English ‘finials’ – made of silver. The learned rabbis commented that, just as it is licit to sell actual Torahs for the purpose of ransoming, so much more so these silver items that were ‘just’ ornaments, albeit religious ones. The items had formerly been in the custody of Shealtiel Hen, brother of Yehudah. After his death, the ornaments had passed to his wife. Since they had been made, according to the ruling, with public funds, they could be repossessed. Hence the ruling that they be sold. It is interesting to note that the buyer was none other than Eliyahu Capsali.

As it happens, there had been a similar case, some years before, concerning captives named Koron and Patritz. The ornaments had been held by Eliyahu Capsali; though some claimed they had been made with community funds, the rabbis agreed, in a compromise ruling, that Capsali would pay three ducats – the amount by which fundraising had fallen short – and keep the ornaments, whose title

Takanot Candia

would be transferred to a Capsali trust. No one of the Shealtiel Hen name appears as cosignatory to that agreement. Was it a precursor to the Escutcheon controversy?

The *mitzvah* (commandment²) of prenuptial bathing in the *Mikveh* was an important ritual for the bride. Apparently some community functionaries, ranging from the cantor to the caretakers, were accustomed to being tipped by the users. At some point, voluntary giving by the bride gave way to highhanded extortion by the functionary, to such a degree that some poor brides, unable to pay up, were prohibited from performing the ritual. Yehudah Hen was one of three rabbis who ruled (about 1530) that under no circumstances was the *Mikveh* to be closed to brides.

It is apparent from many of the rulings that the community was under ever-increasing Christian influence and falling, more and more, into a lax mode of communal life: spending fast-days, such as the 9th of *Av*, playing cards at home rather than worshipping at a synagogue; using the courthouses for litigation even on holidays; attempting to conduct marriage ceremonies in the synagogue at times prohibited by law. Another new habit that alarmed the religious leadership was an increasing number of cases in which parents were bribed to break off their children's betrothals, irrespective of the degree of emotional attachment binding the engaged couple. Yehudah Hen's two sons, the rabbis Isaac and Israel, were very active in those religious rulings.

On 22 April 1566, the brothers were on the board that prohibited such fiscal solicitation of the breaking of engagements, and, in another matter (but in the same publication), warned against forging the kosher emblem on cheeses made by Gentiles so as to pass them off as fit for consumption by Jews. A year later, the brothers ordained a waiting period of a full year before a father could promise his daughter to a man from outside Crete. The reason for this prohibition was a suspicion, most likely well founded, that many such men were already married and had abandoned their families abroad. The 'heel-cooling' period was designed to allow time for proper investigation.

On 27 November 1576, Israel Hen ruled that the cantor must follow a funeral all the way to the gates of the cemetery; on 16 June 1577, he invalidated foreign ordinations. Israel explained this ruling

² Originally, 'good deed;' by eventual association of ideas, 'commandment.'

Takanot Candia

by pointing out that some, too impatient to go through the lengthy and thorough schooling of Crete, were obtaining what are known today as ‘mail-order’ ordination certificates.

In reaction to anti-Semitic attacks on funeral processions outside city limits, Israel Hen, Eliezer del Medigo, Shmuel Elgazi, and Malchiel Kazani ruled, in opinions of 17 January 1582 and 31 October 1583, that, in light of the potential harm to women, grieving widows should not follow their dear ones, but mourn them at home. The 31 October ruling was the last I found in the *Takanot* by Israel Hen or any other Shealtiel.

One important member of the Hen family who doesn’t appear in the *Takanot* is Eliyahu Hen. It is a mystery why a religious authority important enough to be quoted in *Responsa* by such luminaries as R. Jacob ha-Levi and Joseph de Tarni is not a signatory in any of these rulings. There is another significance to the name ‘Eliyahu:’ it is the Hebrew version of ‘Elias.’ As we may note in the *Takanot*, the name ‘Eliyahu/Elias’ was ‘in’ in 16th-century Crete. The del Medigos, Capsalis, and others frequently used the name. In Salonika, on the other hand — the other ‘safe harbor’ of the Shealtiels — the name rarely appears on tombstones, and not one Shealtiel bore the name.

Finally, the *Takanot* yield genealogical information enabling us to reconstruct the family tree of the Cretan Shealtiel Hens throughout most of the 16th century.

Remarks by Moshe Shaltiel, 27 June 2009, Chania, Crete