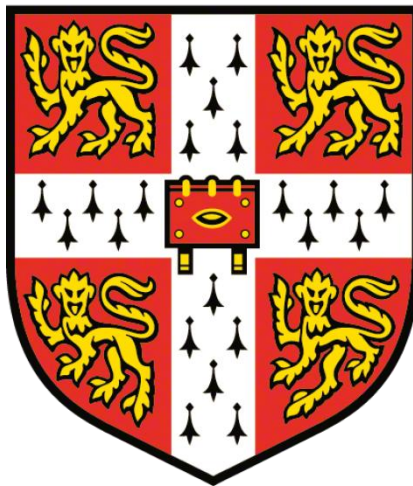


Takkanot Kandyah

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A collection of legislative statutes as a source for the assessment of laymen's legal authority in a Jewish community in Venetian Crete



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Writing a doctoral dissertation, especially in the field of humanities, may seem a solitary exercise. However, I would never have the opportunity to write these lines, were it not for the support of many people.

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Notes on the text

When transliterating Hebrew terms into the Latin script, my main aim was to render them as faithfully as possible in regard to their original pronunciation, while at the same time making them comprehensible for an English reader without knowledge of Hebrew.

I decided not to distinguish between some consonants whose pronunciation is very close. Thus, both א and פ are represented by the apostrophe and both plosive כ and ק by *k*. Spirant ב, נ and מ are transliterated as *v*, *kh* and *ph*. Consonants which in philological works would be transliterated with special characters (for example ח with *h* or צ with *s*) are represented in this dissertation by commonly used letters which render the pronunciation as closely as possible (*h* and *tz* in the case of the aforementioned consonants). For the reasons of clarity, doubling of consonants is retained only when it is a part of the stem of a Hebrew word, but not when it occurs as a result of more subtle grammatical reasons (for example, *takkanot* but not *bak-kahal*). Likewise, in accordance with most modern non-linguistic scholarly literature, I do not distinguish between short and long vowels.

These principles are applied whenever I transliterate directly from a Hebrew text, even if the words are of non-Hebrew origin (thus, קונדושטבלו is transliterated as *kondestabulo* rather than *contestabile* and וויניציאה as *Wenezziyah* rather than *Venezia*). Some terms therefore appear in two versions, one as a transcription from Hebrew (*Kandiyah*), the other as a general reference (Candia).

I digress from these guidelines only if a particular Hebrew word has an established spelling in English and has effectively become a loanword (for example, I transliterate מנחם as Menachem rather than Menahem and מקור as *mikveh* rather than *mikveh*).

As a general rule, terms transliterated from Hebrew and Greek scripts (other than proper names) are given in *italics*.

When I cite the Bible in English, I generally follow the King James Version (KJV).

Regarding Hebrew given names, I decided to use their Anglicised equivalents, as they occur in the common English translations of the Bible, rather than direct transliterations or various Italianised versions found in the Venetian documents (for example, Elijah rather than Eliyahu or Elia). In the case of non-biblical given names, I use the version most commonly used in English texts, if applicable (if not, I follow the foreshadowed transliteration guidelines). Family names of Candiot and other Jews are given in the forms most common in available primary and secondary literature. In case of the Delmedigo/del Medigo family, both versions are commonly used by modern authors. I decided for the latter, since it reflects the name's "anatomy" more faithfully.

When referring to towns and villages in Venetian Crete, I decided to use their Italianised names (Candia, Canea, Retinno) rather than the Greek ones (Khandax, Hania or Rethymnon). Not every reader might be convinced that this was the most fortunate choice. However, the name Candia is well established in scholarly literature and using the Greek version would mean going against the vast majority of other authors. This being the case, I found it appropriate to apply a uniform approach and use the Italian names of other Cretan towns as well.

This dissertation is an original work of research and in its entirety appears for the first time. However, some passages of Chapters Seven (in section 7.3.2), Eight (in section 8.1) and Ten (*passim*) have already been published, constituting the core of my 2014 article "The Jews of Venetian Candia: The Challenges of External Influences and Internal Diversity as Reflected in Takkantot Kandiyah," which is duly included in the Bibliography.

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1 Introduction

1.1 General Introduction

Crete was once home to one of Europe's longest-living Jewish communities, whose fortunes reflected the history of the island as it became the possession of various political powers.¹ During the time when the island was in possession of the Venetian Republic (1204-1669), the Cretan Jewish population developed into a flourishing, economically and culturally highly active community which absorbed many of the influences from the Jewish and non-Jewish world throughout the Mediterranean and beyond. In this dissertation, I analyse a corpus of Jewish legislative texts written between 1228 and 1583 by successive generations of the leaders of the Jewish community in Candia, the capital of Venetian Crete. These bylaws, known as *Takkanot Kandyah* ("The Ordinances of Candia"), provide a deep insight into many aspects of the everyday life and economic activities of the Candiot Jews. They are also an excellent source regarding the development of a legal tradition in a particular community. A detailed analysis of *Takkanot Kandyah* reveals valuable information about the role and authority of the leading bodies of a Jewish community in the medieval and early modern eastern Mediterranean.

Exposed to the same currents of history and subject to the same government authorities as their Christian and Muslim neighbours, the Jews were always active participants in the life of the non-Jewish societies in whose midst they lived. However, throughout the pre-Emancipation period² the Jews stood out as stateless adherents to a minority religion, whose distinction was both willing and enforced. Special legislation constituted the formal framework of their separation with sanctions and privileges imposed on the Jews by secular and ecclesiastical authorities. This subjection had its counterpart in various forms of limited institutional autonomy that were granted to the Jews in different areas of Europe and the Near East. When allowed to remain in one place for long enough, Jewish settlements in particular towns or areas had the chance to develop into distinct political units, to which their members felt genuine allegiance, developing a sense of shared responsibility for the wellbeing of their local communities.

¹ It has been said that Jews are "indubitably a part of the history and human geography of the Mediterranean region," see Nicholas de Lange, "Legendary Landscapes, Seas of Memories" *Journal of Mediterranean Studies* 4, no. 2 (1994): 167.

² The umbrella term "pre-Emancipation" appropriately reflects the consistency of many characteristic features of Jewish life which survived the transition of the Middle Ages into the Modern era until the period of far-reaching changes which started in the late 18th century. For the discussion of the term "medieval" and its suitability for the study of Jewish history, see Patricia Skinner, "Confronting the 'Medieval' in Medieval History: The Jewish Example," *Past and Present*, no. 181 (2003).

The Jewish elders responsible for the functioning of the Candiot community issued dozens of legislative statutes which render an unexpectedly vivid portrait of life in Jewish Candia. A reader of *Takkanot Kandyah* will learn, *inter alia*, how the Jewish leaders reacted to the attempts made by some landlords to expel poor tenants from their property, what the consequences of firing rockets and firecrackers in the synagogues were, or how the elders of the community attempted to prevent people from desecrating the ritual bath by washing their laundry there. However, *Takkanot Kandyah* is more than a miscellany of historical facts interspersed with colourful trivia. In this dissertation, I demonstrate that *Takkanot Kandyah* is a unique testimony to the development of the legal power of Jewish representatives, whose authority was not derived from their religious erudition or ordination as rabbis, but from their status as elected leaders of their coreligionists and from the Venetian government's willingness to recognise them as such. *Takkanot Kandyah* reveals a remarkable continuity that was cultivated over the many decades of the Venetian era in which the communal leaders' awareness of their predecessors' work served as inspiration and example to emulate.

This dissertation consists of eleven chapters and is divided into two parts, which follow the historical introduction and summary of the current state of research on Veneto-Cretan Jewry (chapter One). Part One, entitled "The Text and the Context" and comprising chapters Two to Six, introduces *Takkanot Kandyah* and its characteristic features. After summarising its textual history, I provide an overview of the collection's contents, including a note on the chronology of the respective chapters and their distribution across the Venetian period. Separate chapters of the dissertation are devoted to the major linguistic and stylistic features of *Takkanot Kandyah* and to its place in the context of pre-Emancipation Jewish literature. I also examine how the communal legislation relates to the physical space that the Candiot Jews occupied and what information about the urbanism of Candia's Jewish district it provides. Given both the character of the genre (communal legislation being a collective enterprise) and the long time period the collection covers, *Takkanot Kandyah* is inevitably a work of many authors. In the final chapter of Part One, I address the identity of the known signatories of the respective communal ordinances and other documents included in the collection, pointing out the diversity of their backgrounds as well as the prominence of several families whose members participated in the community's leading bodies through generations. I devote special attention to the role of the Jewish historian and Candiot communal councillor Elijah Capsali, who in the 16th century collected all the older preserved statutes together with the ones issued during his lifetime. It is thanks to Capsali's

interest in the legal history of his community that we have access to *Takkanot Kandiyah* in the form it survives today.

Part Two of my dissertation is titled “The Themes” and consists of Chapters Seven to Ten, in which I turn to the ordinances according to their different topics. I propose to categorise the statutes into three thematic groups based on the problems they address. The so-called “halakhic statutes” are most directly connected to the requirements of Jewish religious law, whereas the “civil-law statutes” address more general questions of day-to-day life and relations between the members of the Jewish community. Finally, a small number of ordinances directly regulate the procedural matters of the community and the work of its representative bodies. Within each category I assess how the legislative regulations changed during history, balancing a strong tendency to continuity with the varying needs of the time. In chapter Ten, I consider the special challenges presented by the need to integrate Jewish immigrants who arrived to Candia from various parts of the Mediterranean world, and the necessity of finding a way to coexist with the Venetian colonial government, for whom the Jews were one of the subject groups of the Cretan population alongside the Christian-Orthodox Greeks.

In this dissertation, I present *Takkanot Kandiyah* as a “self-portrait” of a Jewish community. The collection documents the multi-faceted world of Jewish Candia under the rule of Venice from the perspective of its leaders, who attempted to shape the community according to their ideas of the common good, whilst at the same time asserting their right to rule and attempting to convince their fellow Jews that the established order was in the common interest. In its final form, given to the collection by its 16th-century editor Elijah Capsali, *Takkanot Kandiyah* appears as a statement of the legal history of a Jewish community made by the men who felt responsible for its wellbeing and entitled to maintain their power to lead their coreligionists. A careful reading of *Takkanot Kandiyah* reveals that despite its origin as a set of individual decrees, it developed into a coherent work of legal literature with a unifying argument, making it a specific “constitution of a Jewish community”. This dissertation is essentially a study of the ethos of *Takkanot Kandiyah* and as such aspires to be a contribution to the research on the development of Jewish communal leadership in the pre-Emancipation era.

1.2 Historical Introduction

Thanks to its strategic position in the centre of the Eastern Mediterranean, the island of Crete has long been a subject of interest for all major political powers in this area.³ During Late Antiquity and most of the Early Middle Ages, Crete belonged to the Byzantine Empire; Byzantine rule was only interrupted once during this period, for roughly a century and a half of Arab domination (820s-960s). During the Arab time, the city of Khandax, later known by its Latinised name Candia (present-day Heraklion), was founded and became the main port and the administrative centre of the new emirate. However, the Muslim rulers were eventually expelled and Crete was reclaimed by the Byzantines, in whose possession it remained until the disastrous events of the Fourth Crusade at the beginning of the 13th century. In 1204, Constantinople was sacked by the allied armies of the Western Catholic powers and the vast majority of the Byzantine territory was divided among the conquerors and their newly created Crusader states.

One of the participants and major beneficiaries of the conquest was the Republic of Venice, on whose financial resources the Crusade was largely dependent. As a consequence, Venice acquired considerable areas of land in both continental and insular Greece, including the Ionian Islands, Euboea, Cyprus and parts of the Peloponnese. But it was the island of Crete, purchased by Venice in 1204 and fully annexed by 1211, which became the Republic's most valuable acquisition in the area. Despite the local Greek inhabitants' opposition, which repeatedly escalated into armed rebellions, Venice succeeded in creating an efficient system of colonial rule, which secured Crete's integration into the Venetian Mediterranean empire, enabling Venice to exploit the island's natural resources and its strategic potential.

In the structure of the Venetian state, Crete formed a distinct unit, the Kingdom of Candia,⁴ whose political organisation copied that of the Republic itself. The supreme civil official of Crete was the Duke, assisted by councillors. These dignitaries were members of the Venetian

³ For information on the political system of Venetian Crete, see especially Stephen Margaritis, *Crete and Ionian Islands under the Venetians* (Athens: Leontiadis, 1978), and Sally McKee, *Uncommon Dominion : Venetian Crete and the Myth of Ethnic Purity*, The Middle Ages Series (Philadelphia: University of Pennsylvania Press, 2000). The various historical and political influences which affected Cretan society in this period are concisely described in Siriol Davies and Jack L. Davis, "Greeks, Venice and Ottoman Empire," *Hesperia Supplements* 40(2007). A detailed characterisation of Cretan society at the height of Venetian power in the 14th century is given by Mario Gallina, *Una Società Coloniale Del Trecento : Creta Fra Venezia E Bisanzio*, Miscellanea Di Studi E Memorie (Venezia: Deputazione editrice, 1989).

⁴ In the Venetian period, the name Candia routinely referred not only to the capital of Crete, but by extension to the whole island as well. This practice is common (although not exclusive) in *Takkanot Kandiyah*, too.

high nobility and were appointed by the Grand Council of Venice.⁵ The legislative branch of the colonial administration (whose real influence was very limited) consisted of representatives of the overwhelmingly Venetian aristocracy and wealthy landowners. The defence of the colony was in the hands of the military governor (*provveditore*)⁶ and his subordinate officers, known as captains, who were appointed to each of the main administrative districts of the island and commanded several thousand soldiers stationed at the island's defensive fortifications. The Venetians also introduced the Catholic Church hierarchy to the island, but despite the privileged position of the Latin clergy and not infrequent conversions to Roman Catholicism among the Cretan Greeks (especially those from the higher classes), Eastern Orthodoxy remained the local population's main religion.⁷ Besides Candia, the most important cities in Venetian Crete were Canea and Retinno.

Throughout the Venetian period, Crete remained one of the Republic's most important overseas possessions. That situation began to change during the 16th century, as a result of growing tension between Venice and the Ottoman Empire, which had already been at war with each other in the previous century. The Ottoman ascendancy to power proved irresistible and Venice's hold on its Levantine possessions grew steadily weaker. In the decades leading up to the fall of the city of Candia in 1669, Venetian power over Crete gradually disintegrated, and with it also the specific form of government and socio-cultural environment that the colonial rulers had created. Before leaving the island, however, the Venetian authorities managed to transport most of the governmental records and archival materials to the metropolis. These sources provide ample material for a detailed comprehensive reconstruction of the history of Crete's Venetian era.

Jews have lived in Crete at least since the Hellenistic period,⁸ but it was during the Venetian era that the Jewish settlement, despite having relatively few members, evolved into a lively economically and culturally significant community. Throughout this period, the most important

⁵ The post of the Duke of Candia was considered the second most important and prestigious office in the Republic and former Dukes were regularly elected Doges (see Margaritis, *Crete and Ionian Islands*, 18.).

⁶ The career of the prominent late 16th-century *provveditore* Giacomo Foscarini and his attitude towards the Cretan Jewish community was assessed by Zvi Ankori, "Giacomo Foscarini and the Jews of Crete – a Reconsideration," *Michael* 7(1981).

⁷ For an overview of the establishment of Latin culture and power structures in former Byzantine territories, see David Jacoby, "From Byzantium to Latin Romania: Continuity and Change," in *Latin and Greeks in the Eastern Mediterranean after 1204*, ed. Benjamin Arbel, Bernrd Hamilton, and David Jacoby (London: Frank Cass, 1989).

⁸ For a concise summary of the history of Cretan Jewry from the biblical accounts until the Ottoman conquest, see the entry Umberto Cassuto, "Kreta (Kandia)," in *Encyclopaedia Iudaica*, ed. Jacob Klatzkin and Ismar Elbogen (Berlin: Verlag Eschkol, 1928-1934). The Jewish history of Ottoman Crete was to be included in the entry *Türkei* in a planned later volume which, however, was never published.

centre for Cretan Jews was the capital town of Candia, although there was a documented Jewish presence in Canea⁹ and Retinno, as well as in the inland fortified hamlets of Castelnuovo and Castel Bonifacio which can be seen as *de facto* dependencies of Candia.

The background of the Jews who lived in Crete was diverse, both in terms of the area of their origin and of their cultural and religious habits.¹⁰ The Romaniot Jews, indigenous to Greece where they had been settled since Late Antiquity, seem to have formed the core of Candiot Jewry.¹¹ Alongside this oldest layer of the Jewish population lived Jews who had come to Crete later, from various areas of Europe and the Near East. As is attested by *Takkanot Kandiyah* among other sources, during the Venetian era the Cretan capital was home to Jews from Arabic countries and from Italy, to Ashkenazi Jews from Central Europe, and to Sephardic immigrants from Spain and Portugal who had arrived in the Eastern Mediterranean in great numbers both before and especially after the expulsion from their home countries at the end of the fifteenth century. Sephardic immigrants gradually became the dominant segment of the Jewish population in the Ottoman-dominated Levant and also had a prominent presence in the Venetian possessions, although they never completely supplanted the Romaniot cultural heritage of the Greek Jewry.¹²

Although the diverse components of the Candiot Jewry did preserve a certain degree of cultural autonomy, as is apparent for example from the fact that *Takkanot Kandiyah* mentions several synagogue congregations with their own rabbis and liturgical practices, the Jewish community was ultimately one social unit both in terms of organisation and location. The Jews lived in their own quarter, whose existence is attested since at least the 15th century. To what extent this separation of the Jewish homes was spontaneous, and to what extent it was legally enforced, is the subject of current scholarly research.¹³ Whether as a result of pressure from the government,

⁹ For the history of the Jews in Canea, see Simon Marcus, "The History of the Jews in Chania, Crete," *Tarbiz* 38 (1969).

¹⁰ Detailed information about the composition of the Jewish community in Candia is provided by "The Composition of the Jewish Population in Crete During the Venetian Rule," *Sinai* 60 (1967).

¹¹ For a concise definition of the term and main specifics of the Romaniot Jewry, see "Romaniots," in *Encyclopaedia Judaica* (Detroit: Macmillan Reference USA, 2007).

¹² On the initial Romaniot-Sephardic encounter in the wider Eastern Mediterranean context, see Avigdor Levy, *The Sephardim in the Ottoman Empire* (Princeton: Darwin Press, 1992), 3-12. The history of Sephardic Jews in south-Eastern Europe from the Expulsion until the Holocaust and beyond was thoroughly examined in Esther Benbassa and Aron Rodrigue, *Juifs Des Balkans : Espaces Judéo-Ibériques : Xive-Xxe Siècles, Textes À L'appui Série Histoire* (Paris: La Découverte, 1993).

¹³ See Aleida Paudice, "Religious Identity and Space in Venetian Candia: Segregation within Colonization," in *Religious Cohabitation in European Towns (10th-15th Centuries)*, ed. John V. Tolan and Boissellier Stéphanie (Turnhout: Brepols Publishers, 2014). In Venice itself, the official relegation of the Jews into the

or a spontaneous tendency to accommodate to the political system (or, most probably, a combination of both), Venetian colonial rule had a profound influence on Jewish self-government. In the state's administrative structures, the head of Candia's Jewish community held the same position as the leaders of the Greek municipalities and bore the same Venetian title, *contestabile*.¹⁴ Thus, the Jewish community was in the Venetian authorities' eyes a separate municipality, and accepted its leaders, elected (or selected) by the members of the community, as official representatives of their people, directly responsible to the ruling power.¹⁵ Moreover, it has been pointed out that the Jewish communities' self-government was much better organised than that of the Greek Christian municipalities,¹⁶ which implies that despite all the discriminatory regulations imposed upon them, the Jews had a sound institutional basis for their dealings with the government. Thus, the Venetian colonial rulers guaranteed the Jews a certain degree of political autonomy and freedom to manage their own affairs, while at the same time placing them under the government's direct control. The Candiot Jewry's representatives' double role as leaders of their people and colonial subjects largely determined the character of Jewish internal administration and is constantly reflected in the records of Jewish communal affairs, as collected in *Takkanot Kandyah*.

During the Venetian era, Candia was home to several important Jewish personalities, whose work and deeds had a significant impact on their home community as well as on the wider Jewish world and who were often respected by their Christian contemporaries as well. Among them were the philosopher Elijah del Medigo (latter half of the 15th century) and his descendant, the rabbi and scholar Joseph Solomon del Medigo, also known as the Yashar of Candia (1591-1655). The Capsalis, many of whom were active as communal leaders throughout the generations, were another important Jewish family of the time; the two most important scions of this family were Moses Capsali (ca. 1405-after 1490), a prominent rabbi in Constantinople at the time of the Ottoman conquest, and his great-nephew Elijah Capsali (ca. 1485-1550), rabbi, communal leader

ghetto in 1516 was the culmination of a long-term process and the separation of Jews from the majority Christian society had its roots much deeper in the past (see Luigi Arnaldo Schiavi, "Gli Ebrei in Venezia E Nelle Sue Colonie. Appunti Storici Su Documenti Editi Ed Inediti I," *Nuova Antologia* 47, no. 18 (1893): 322-24.

¹⁴ In *Takkanot Kandyah*, the term appears in Hebrew transliteration in several alternative orthographic variants.

¹⁵ For the organisation of municipalities in Venetian Crete, see Margaritis, *Crete and Ionian Islands*, 49.

¹⁶ See David Jacoby, "Venice and the Venetian Jews in the Eastern Mediterranean," in *Gli Ebrei E Venezia, Secoli Xiv-Xviii*, ed. Gaetano Cozzi (Milan: Edizioni Comunità, 1987), 41.

and author of historical books, whose work on recording the legal history of his ancestral community resulted in the corpus of *Takkanot Kandiyah* in its current form.

Cretan Jews' economic activities played a significant role in the economic life of the whole island and in the economy of the Venetian Republic. The Jews of Candia were active as tradesmen, merchants and artisans. In contrast with many Jewish communities on the European continent, and despite the fact that they were subjected to many restrictions and were officially (if not always in practice) excluded from international trade until 1541, Cretan Jews were also involved in agriculture, notably growing and processing wine grapes.¹⁷ Furthermore, Jewish involvement in trans-Mediterranean trade was behind the considerable wealth and social influence which some Cretan Jews enjoyed.¹⁸ Their integration into the political structures of the Venetian Republic, as well as their immediate access to the communication channels of the Mediterranean, resulted in strong economic and cultural connections between the Jews of Crete and Jewish communities elsewhere in the Venetian *stato da mar* (overseas territories),¹⁹ notably Negroponte, the principal town of Euboea.²⁰ However, contacts with Jews in the important centres of the Eastern Mediterranean which were beyond Venice's colonial grasp were no less lively and important. In particular, the Jewish communities of Constantinople (both before and after the fall of the Byzantine Empire in 1453), Palestine and Egypt who were in regular communication with Candia, and this is attested by a number of documents contained in *Takkanot Kandiyah*. Some of these Candiot Jews spent important periods of their lives there, and those who later returned to their home island (like Elijah Capsali), contributed to strengthening the cultural ties between the Candiot community and the wider Venetian and European Jewish culture.

1.3 Summary of the state of research

Scholarly research into Jewish history in Venice's Mediterranean territories has its roots in the late 19th century. The first studies to explicitly explore the theme of Jews living in the Venetian

¹⁷ See Benjamin Ravid, "An Introduction to the Charters of Jewish Merchants of Venice," in *The Mediterranean and the Jews II: Society, Culture and Economy in Early Modern Times*, ed. E. Horowitz and M. Orfali (Ramat Gan: Bar Ilan University Press, 2003).

¹⁸ The case of perhaps the most important among them, the 15th-century merchant and unofficial Government servant David Maurogonato, is summarised by David Jacoby, "David Maurogonato, a 15th-Century Jewish Merchant, Negotiator and Agent," *Tarbiz* 33, no. 4 (1964).

¹⁹ Economic conditions in Jewish Candia and Negroponte are compared in a study by Silvano Borsari, "Ricchi E Poveri Nelle Comunità Ebraiche Di Candia E Negroponte (Sec. Xiii-Xiv)," in *Ricchi E Poveri Nella Società Dell'oriente Grecolatino*, ed. Chryssa A. Maltezou (Venice: Hellenikon Instituton Venetias, 1998).

²⁰ Similarly to Candia and Crete, the Venetian name Negroponte (Chalcis in Greek) often referred to the whole island. In *Takkanot Kandiyah*, the name is transliterated in Hebrew characters as אגריפון (*Agrippon*).

stato da mar were a couple of articles by Schiavi.²¹ Already a decade before those, the renowned Jewish literary historian Moritz Steinschneider wrote a series of articles on the Cretan Jews' literary production.²² Crete's Jewish community in particular became the subject of the most comprehensive scholarly research, since the island's major economic significance for the Venetian state had created the most favourable conditions for the development of Jewish culture and scholarship, as well as for the Jews' active involvement in the economic life of the Republic. One of the most informative studies to date on the topic of Veneto-Cretan Jewry remains Joshua Starr's 1942 survey,²³ which is followed by the same author's more general study of the position of the Jews in the Levant after the Byzantine Empire's first collapse in 1204, which marked the Venetian ascendancy to power in the eastern Mediterranean.²⁴ The publication of the critical edition of *Takkanot Kandiyah* marked an important watershed in the study of Cretan Jewry, as it provided a new range of sources and coincided with the emergence of new scholarly approaches. Zvi Ankori and David Jacoby, who have been writing on this topic since the 1960s, have made particularly important contributions to the field.²⁵ Notably, the latter author has emphasised the importance of economic history, which has since become a major focus in the study of the Levantine Jewry. Further prominent themes are the Jews' institutional position in the Venetian naval empire structures, and mutual relations between Jewish and Christian populations in the dependent territories.²⁶ Although Venice had an undeniably prominent

²¹ Schiavi, "Gli Ebrei in Venezia I."; "Gli Ebrei in Venezia E Nelle Sue Colonie. Appunti Storici Su Documenti Editi Ed Inediti Ii," *Nuova Antologia* 47, no. 19 (1893). For an overview of further articles on Jewish life in various Venetian possessions, see Benjamin Arbel, "Introduction," *Mediterranean Historical Review* 27, no. 2 (2012): 19.

²² Moritz Steinschneider, "Candia: Cenni Di Storia Letteraria," *Mosè* 2(1879); "Candia: Cenni Di Storia Letteraria," *Mosè* 3(1880); "Candia: Cenni Di Storia Letteraria," *Mosè* 4(1881); "Candia: Cenni Di Storia Letteraria," *Mosè* 5(1882); "Candia: Cenni Di Storia Letteraria," *Mosè* 6(1883).

²³ Joshua Starr, "Jewish Life in Crete under the Rule of Venice," *Proceedings of the American Academy for Jewish Research* 12(1942).

²⁴ *Romania: The Jewries of the Levant after the Fourth Crusade*(Paris,: Éditions du Centre, 1949).

²⁵For their studies addressing the more general questions in this area, see David Jacoby, "The Status of Jews in the Venetian Colonies in the Middle Ages," *Zion* 28(1963); Zvi Ankori, "Jews and the Jewish Community in the History of Mediaeval Crete," in *Πεπραγμένα Του Β' Διεθνούς Κρητολογικού Συνεδρίου* (Χανιά 1966)(Athens: 1968); David Jacoby, "Quelques Aspects De La Vie Juive En Crète Dans La Première Moitié Du Xve Siècle," in *Πεπραγμένα Του Γ' Διεθνούς Κρητολογικού Συνεδρίου* (Ρέθυμνο 1971)(Athens: 1974).

²⁶ See Jacoby's and Bonfil's recent studies on the problem of neighbourly relations between Christian and Jews and the dynamics between coexistence, collaboration and segregation: "Jews and Christians in Venetian Crete: Segregation, Interaction and Conflict," in *Interstizi. Culture Ebraico-Cristiane a Venezia E Nei Suoi Domini Dal Medioevo All'età Moderna*, ed. Uwe Israel, Robert Jütte, and Reinhold C. Mueller(Rome: Edizioni di storia e Letteratura, 2010).; Benjamin Arbel, "Jews and Christians in Sixteenth-Century Crete: Between Segregation and Integration," in *Interstizi. Culture Ebraico-Cristiane a Venezia E Nei Suoi Domini Dal Medioevo All'età Moderna*, ed. Uwe Israel, Robert Jütte, and Reinhold C. Mueller(Rome: Edizioni di storia e Letteratura, 2010).

presence in the eastern Mediterranean between the early 13th and mid-to-late 17th centuries, Jewish life in the Venetian Levant cannot be fully understood without the study of its wider context, namely the history of the Jews in the area's chief powers: Byzantium and, later, the Ottoman Empire. For this dissertation, developments in the indigenous Greek-speaking Romaniot Jewish community in the Byzantine Empire after the Fourth Crusade (i.e. during the early phase of Venetian dominance over Crete) and its interactions with the ruling powers and with Jews of other traditions are of special interest.²⁷ Of great importance for the study of Cretan Jewry in the 16th century and of *Takkanot Kandiyah* in particular are several works devoted to its compiler Elijah Capsali. 19th-century historian of Italian Jewry Mosè Lattes was the first person to bring Capsali and his work to the attention of the public in his edition of excerpts from Capsali's historical works, accompanied by a short treatise on his life and family roots.²⁸ The publication of Capsali's historical writings *Seder Eliyahu Zuta* and *Divrey ha-yamin le-malkhei Wenezziyah* in a critical edition by Shlomo Simonson, Meir Benayahu and Arie Shmuelevitz represented a major breakthrough in the study of his work,²⁹ and Benayahu later published the first monograph on Capsali's life.³⁰ A second monograph by Aleida Paudice focuses mainly on the interpretation and historical context of the *Seder*.³¹

²⁷ See Stephen Bowman, "Survival in Decline: Romaniot Jewry Post-1204," in *Jews in Byzantium. Dialectics of Minority and Majority Cultures*, ed. Robert Bonfil, et al. (Leiden, Boston: 2012). For the religious perspective on the relations between Jews and Greeks in the Byzantine Levant, see Demetrios J. Constantelos, "Greek Orthodox-Jewish Relations in Historical Perspective," *Journal of Ecumenical Studies* 13, no. 4 (1976)., Zvi Ankori, "Greek Orthodox-Jewish Relations in Historical Perspective – the Jewish View," *Journal of Ecumenical Studies* 13, no. 4 (1976)., *Encounter in History: Jews and Christian Greeks in Their Relation through the Ages* (Tel Aviv: Tel Aviv: The School of Jewish Studies, Tel Aviv University, 1984).

²⁸ See Mosè Lattes, *De Vita Et Scriptis Eliae Capsali Nec Non De Quibusdam Aliis Eiusdem Gentis Viris Illustrioribus* (Padua: L. Crescini, 1869).

²⁹ Eliyahu Kapsali, "Seder Eliyahu Zuta," ed. Shlomo Simonsohn, Meir Benayahu, and Arie Shmuelevitz (Tel Aviv: Tel Aviv University, 1975-83). The text of the Venetian Chronicle is included in the second volume of this edition as the last part of vol. 2, 215-327. For important studies of Capsali's historical works, see Charles Berlin, "A Sixteenth Century Hebrew Chronicle of the Ottoman Empire: The Seder Eliyahu Zuta of Elijah Capsali and Its Message," in *Studies in Jewish Bibliography, History, and Literature in Honour of I. Edward Kiev*, ed. Charles Berlin (New York: Ktav Publishing House, 1971).; Nathan Porgès, "Élie Capsali Et Sa Chronique De Venise," *Revue des Études Juives* 77 (1923).; "Élie Capsali Et Sa Chronique De Venise," *Revue des Études Juives* 78, no. 15-34 (1924).; "Élie Capsali Et Sa Chronique De Venise," *Revue des Études Juives* 79 (1925).; Giacomo Corazzol, "Sulla Cronaca Dei Sovrani Di Venezia (Divre Ha-Yamim Le Malke Wenezsiyah) Di Rabbi Elia Capsali Di Candia," *Studi Veneziani* 47 (2004).

³⁰ Meir Benayahu, *Rabbi Eliyahu Capsali of Candia. Rabbi, Leader and Historian* (Tel Aviv: Tel Aviv University, 1983). Shmuelevitz published a valuable article on Capsali's chronicle as a source to Ottoman history. See Arie Shmuelevitz, "Capsali as a Source for Ottoman History, 1450-1523," *International Journal for Middle East Studies* 9, no. 3 (1978): 339-44.

³¹ Aleida Paudice, *Between Several Worlds : The Life and Writings of Elia Capsali : The Historical Works of a 16th-Century Cretan Rabbi*, Forum Europäische Geschichte (München: M-pess, 2010).

In contrast, not much attention has so far been paid to the genre which *Takkanot Kandiya* represents. As this dissertation will demonstrate, Louis Finkelstein's quasi-discussion of the *takkanot ha-kahal* literature³² misses several important points, and Menachem Elon's³³ treatise on the characteristics of the genre is too brief and fails to distinguish in a very systematic way between the various forms of halakhic and "secular" sources of authority and power in different stages of Jewish history.³⁴ The Jewish communal ordinances have not yet been analysed as a testimony to the Jewish perception of their institutional autonomy and to the development of such attitudes through history.³⁵ On the other hand, the potential of the *takkanot ha-kahal* literature to be a valuable historical source has been recognised (among others by the authors cited above), not least thanks to the publication of *Takkanot Kandiya* and other (largely far less extensive) collections of Jewish communal bylaws. An important recent study of Cretan Judaism in the Venetian period that makes use of these sources is Rena Lauer's doctoral dissertation, in which she contrasts the communal ordinances to Venetian official records.³⁶

There are several types of textual source regarding social and economic life in Crete (including its Jewish community) during the Venetian period. Alongside Venetian governmental documents,

³² See Louis Finkelstein, *Jewish Self-Government in the Middle Ages*, [2d print., corr. and emended] ed., Abraham Berliner Series (New York, P. Feldheim, 1964), 82-85.

³³ See Menachem Elon et al., *The Principles of Jewish Law*, Publication / Hebrew University of Jerusalem Institute for Research in Jewish Law (Jerusalem: Encyclopaedia Judaica, 1975), 71-73, 654-62.

³⁴ This does not mean that the dynamics between rabbinic and non-rabbinic authority in medieval Jewish communities have escaped the attention of scholarly research. A whole chapter is dedicated to this problematic by Salo W. Baron, *A Social and Religious History of the Jews*, 2d ed. (New York: Columbia University Press, 1952), 3-5, 38-58, 69-81. See also Solomon Zeitlin, "Rashi and the Rabbinate: The Struggle between Secular and Religious Forces for Leadership," *The Jewish Quarterly Review, New Series* 31, no. 1 (1940). Despite its title, this study is not limited to the Ashkenazi area and Rashi's attitude to this problem, but provides also a historical summary of the emergence of the rabbinic authority and its competition for power with lay representatives of the Jewish communities. That the tensions between rabbinic authority and the communal legislation were also an issue in Jewish communities in the Islamic world is shown by Aharon Nachalon, "The Authority of Communal Enactments ('Takkanot Ha-Kahal'): The Legislative Body According to the Tashbetz," *Shenaton ha-Mishpat: Annual for the research in Jewish Law* 1 (1974). This study examines the halakhic attitude of an influential 15th century North African rabbi Solomon ben Tzemah Duran to this topic.

³⁵ The great Jewish philosopher of religion H. Soloveitchik took this perspective in his study of medieval halakhic texts proper. See Hayim Soloveitchik, "Can Halakhic Texts Talk History?," *Association for Jewish Studies Review* 3 (1978). For a recent study that made a major step towards the appreciation of non-rabbinic authority in pre-emancipation Jewish communities, see Menachem Lorberbaum, *Politics and the Limits of Law: Secularizing the Political in Medieval Jewish Thought* ed. Daniel Boyarin, Chana Kronfeld, and Naomi Seidman, *Contraversions: Jews and Other Differences* (Stanford: Stanford University Press, 2001), esp. Chapter 5, "The Kahal as a Polity", 93-123. However, Lorberbaum's study is not a general assessment of the problem and is not based on communal ordinances or similar texts, but on the rabbinic writings on the subject of communal policy, and is focus primarily on the Sephardic area in the high Middle Ages.

³⁶ Rena Lauer, "Venice's Colonial Jews: Community, Identity, and Justice in Late Medieval Venetian Crete" (Harvard University, 2014).

collected chiefly in the State Archives of Venice, recent research has identified notarial records such as private contracts, marriage agreements and wills as particularly useful.³⁷ Another valuable source of information about the history of the Jewish population is, not surprisingly, the literary production of the Candiot Jews themselves. Most of their works do not address Crete's Jewish history as their main topic, but reflect it nevertheless in casual references to their historical and social context.³⁸ Examples of this type of work include the collection of Cretan Jewish religious poetry edited by Leon Weinberger,³⁹ which includes a series of polemic poems exchanged between rabbis Michael Balbo and Moses Ashkenazi in 1466 on the subject of metempsychosis.⁴⁰ Other works, namely the historical writings of Elijah Capsali, deal mainly with the history of the Ottoman Empire and Venice, and are not principally interested in rendering events in Jewish Crete. In contrast to that, *Takkanot Kandiyah* can certainly be considered a specific historical source, mapping the development of communal and social life in Jewish Candia for much of the Venetian period. In this dissertation, I attempt to assess the characteristic features of *Takkanot Kandiyah* and present it not only as a unique reflection of Jewish life in Venetian Crete, but mainly as a statement about the most desirable way of leading a Jewish community. This interpretation of *Takkanot Kandiyah* has two dimensions: firstly, in statutes from various historical stages we encounter statements and formulations which show that the ordinances' authors were aware of the importance of communal legislation and of its autonomy (i.e. authority not directly derived from halakhic law). Secondly, the very reason why *Takkanot Kandiyah* now exists as an organised collection is that Elijah Capsali was determined to document the legal and institutional history of his home Jewish community.

³⁷ Cf. Sally McKee, *Wills from Late Medieval Venetian Crete, 1312-1420*, 3 vols.(Washington, D.C.: Dumbarton Oaks Research Library and Collection, 1998). This extensive edition contains many texts written for Candiot Jews by both Christian and Jewish notaries.

³⁸ Key works include the Hebrew inscriptions from Crete which are catalogued and commented in Zvi Ankori, "The Living and the Dead: The Story of Hebrew Inscriptions in Crete," *Proceedings of the American Academy for Jewish Research* 38-39(1970-71).

³⁹ Leon Weinberger, ed. *Jewish Poets in Crete*(Cincinnati: Hebrew Union College Press, 1985).

⁴⁰ This controversy is described in detail in Brian Ogren, *Renaissance and Rebirth. Reincarnation in Early Modern Italian Kabbalah* (Leiden: Brill, 2009), 41-70.

Part I. The Text and the Context

2 *Takkanot Kandyah* □ an Overview

2.1 A note on textual history

The text of *Takkanot Kandyah* in its current version is the result of a long historical development in several stages. Among the corpuses of Jewish medieval and early modern communal legislation, *Takkanot Kandyah* stands out as one of the most comprehensive collections with a modern critical edition. This edition was prepared by the Italian Jewish scholars Umberto Cassuto and Elias Artom and published in 1943 in Jerusalem.⁴¹ According to Cassuto's foreword, the annotated critical edition was originally to be the first volume of a two-part work, whose second tome was intended to be a comprehensive historical introduction to Jewish communal life in Venetian Candia. Cassuto himself predicted that the events of the Second World War would postpone the second volume's publication,⁴² and indeed the second volume never appeared. The critical edition is based on the only extant manuscript which contains the entire text of *Takkanot Kandyah*, which the editors call MS Sassoon, since it belonged to the major collector of Hebrew manuscripts David Salomon Sassoon,⁴³ and which is nowadays deposited in the National Library of Israel in Jerusalem.⁴⁴ Besides the Sassoon manuscript, a small part of *Takkanot Kandyah* (comprising chapters CI and CII of the critical edition) has been preserved in a manuscript currently held at the Jewish Theological Seminary of America.⁴⁵ Meir Benayahu⁴⁶ suggests that the scribe who wrote these texts is probably identical with one of the scribes who wrote a substantial portion of the MS Sassoon. A small section of the collection was published

⁴¹ "Statuta Iudaeorum Candiae Eorumque Memorabilia," ed. Elias S. Artom and Humbertus M. D. Cassuto (Jerusalem: Mekize Nirdamim, 1943).

⁴² Ibid., 7.

⁴³ Sassoon also summarised the contents of *Takkanot Kandyah* in the first volume of the annotated catalogue of his collection, adding excerpts (varying in length) from several chapters. See Solomon David Sassoon, *Ohel Dawid : Descriptive Catalogue of the Hebrew and Samaritan Manuscripts in the Sassoon Library, London*, 2 vols. (London: Oxford University Press, H. Milford, 1932), 349-57. According to Sassoon's note at the end of his record, the manuscript was copied by a "Greek hand of the 17th cent." (ibid., 357).

⁴⁴ The signature of the manuscript, which has been made available in a digitalised version, is MS Heb 28°7203.

⁴⁵ The signature of this manuscript is Ms Adler 1411. See Elkan Nathan Adler, *Catalogue of Hebrew Manuscripts in the Collection of Elkan Nathan Adler* (Cambridge: The University Press, 1921), 44.

⁴⁶ Benayahu, *Rabbi Eliyahu Capsali*, 103.

independently of Artom's and Cassuto's editorial work by Berliner, Güdemann and Rosenberg.⁴⁷ These earlier transcriptions were not based on the manuscript itself, but on a copy of it commissioned by J. R. Tedeschi while the manuscript was still in the possession of the Jewish community in Ancona.⁴⁸ The text edited by Berliner contains what is now *TK XCIX*⁴⁹ and was analysed as a historical source in Abraham Danon's article on so-called local Purims.⁵⁰ The passages edited by Rosenberg, which comprise the two earliest stages of *Takkanot Kandiyah*, were later reprinted with an English translation and historical and textual commentary by Louis Finkelstein in his book on Jewish self-government in the middle ages. Finkelstein explains the situation and mentions the then unavailability of the manuscript.⁵¹ It can be assumed that the fact that Finkelstein himself did not have access to the manuscript, but only to the photocopies of the sections he published, is the reason why he does not mention the extent of the full collection of Candiot communal statutes.

Although the Sassoon manuscript includes the whole collection of Candiot communal legislation in Elijah Capsali's Renaissance redaction, the text is damaged in many places. The damage is especially severe at the beginning of the manuscript, and some of the statutes are partially or completely lost: for two out of 121 chapters of the modern edition, only the title remains (*TK II* and *XXI*). Four more chapters (*TK IV, VI, VII* and *XXVI*) are preserved only in the form of separate fragments, which makes their overall reconstruction virtually impossible. Substantial passages (ranging from several sentences to paragraphs) are missing from nine chapters (*TK I, II, XXIV, XXV, XXVII, LIX, XCII, CXX* and *CXXI*), although for the most part these chapters remain comprehensible. Throughout the collection the occasional word is missing or illegible, but this does not present a serious problem for the interpretation of the text.

Artom's and Cassuto's edited text of *Takkanot Kandiyah* is accompanied by a detailed *apparatus criticus*. This commentary combines textual criticism in the strict sense, most often the editors'

⁴⁷ Moritz Güdemann, *Geschichte Des Erziehungswesens Und Der Cultur Der Abendländischen Juden* 3vols.(1880-88), vol. 2, 306-11.; H. Rosenberg, "Die Statuten Der Gemeinden Auf Der Insel Candia," in *Festschrift Zum Siebzigsten Geburtstage David Hoffmann's*, ed. Simon Eppenstein, Meier Hildesheimer, and Joseph Wohlgemuth(Berlin: Louis Lamm, 1914), vol. 2, 267-80.

⁴⁸ Regarding this editorial enterprise, see "Statuta Iudaeorum Candiae," 118-19. (footnote to *TK XCIX*,1).

⁴⁹ Throughout this dissertation, references to the text of *Takkanot Kandiyah* (*TK*) are based on the critical edition; Roman numerals refer to its chapters and Arabic numerals to the lines of the cited chapter.

⁵⁰ This article contains a commentary of Capsali's text about the nearly averted pogrom of 1538, including a French summary of its contents (which at times follows the text rather freely and contains several factual errors). See Abraham Danon, "Quelques Pourim Locaux," *Revue des Études Juives* 53(1907): 115-16, 25-33.

⁵¹ See Finkelstein, *Jewish Self-Government in the Middle Ages*, 265. The book was originally published in 1924, almost two decades before Artom and Cassuto's edition of *Takkanot Kandiyah*.

conjectured emendations of corrupted text and corrections of scribal errors or factual mistakes (wrongly attributed biblical quotations, incongruence of given dates and days of weeks etc.), with additional information setting the text in its historical and cultural context. In this way, the commentary serves as a partial substitute for the originally intended second volume of the critical edition.⁵² In the edited text itself, lacunae and editorial emendations are duly noted and references to the page numbers of MS Sassoon are included.

2.2 Structure and contents of the collection

The structure of the modern critical edition of *Takkanot Kandiyah* follows Elijah Capsali's 16th-century edition. The collection is divided into four main sections,⁵³ preceded by Capsali's General introduction (*TK I*) and followed by an Appendix, comprising three final chapters (*TK CXIX-CXXI*). The four main sections broadly follow the chronological order of the successive generations of the communal leaders of Candia. The three oldest sections of the modern edition are coherent collections in themselves. Part One (*TK II-XIII*) comprises ten communal statutes, preceded by an introduction in which the intention of the communal leaders is explained and concluded by a list of signatories. As the introduction states, this set of communal statutes was issued simultaneously, on the 15th day of the month Elul of the Jewish year 4988, i.e. on 18th August 1228.⁵⁴

Part Two (*TK XIV-XXIII*), which opens with a brief introductory paragraph not numbered as a separate chapter, can be characterised as a revision of the previous collection: all the statutes included here address the same topics as the decrees in Part One, occasionally repeating some formulations *verbatim*, although some significant alterations and additions appear. This section does not bear any date and the time of its origin can be thus reconstructed only tentatively, in

⁵² At several places in the critical apparatus (see e.g. note to *TK I*, 2), references to the chapters of the historical introduction are made, which suggests that work on the intended second volume proceeded (at least in a rudimentary form) in parallel to the critical edition of *Takkanot Kandiyah* itself.

⁵³ The headings, announcing the beginning of a new section and outlining its contents, were added by the authors of the critical edition, as were titles of some chapters which remain unnamed in the manuscript.

⁵⁴ *TK II*, 18. All Christian equivalents to the Hebrew dates mentioned in the text are given according to the Julian calendar. The only statute issued after the Gregorian reform of the calendar (1582) is *TK CXVIII* from 15th Marheshvan 5344 (31st October 1583). Based on incongruence between the given date and day of the week (which Artom and Cassuto consider a scribal error) Gudemann suggests that the collection is actually a century younger and identifies one of the signatories, Shemaryah b. Shaliah ha-Ikriti, with a Shemaryah ben Elijah, who lived in the 14th century. This Kaufmann dismisses this in his review of Gudemann's book. Rosenberg, who follows Kaufmann's reasoning, mistakenly gives the year as 1238. See Gudemann, *Geschichte*, 307.; David Kaufmann and M. Brann, *Gesammelte Schriften, Von David Kaufmann*, 3 vols. (Frankfurt af/M.,: J. Kauffmann, 1908), 244.; Rosenberg, "Die Statuten Der Gemeinden Auf Der Insel Candia," 268-69.

relation to the preceding and following chapters. Assuming the chronological succession of the chapters of *Takkanot Kandiya*, the *terminus ante quem* for the origin of Part Two is spring of the Jewish year 5123 (March-April 1363), when the following 21 chapters were issued by the then leaders of the Candiot Jewish community (TK XXIV-XLIV). This third section is the last that has the character of an organised collection of texts, written by one communal body. In comparison to the previous sections, Part Three was written over a longer period of time and, besides re-enactments of older legislation, also contains several decrees that react to specific incidents which occurred in the community at the time.

By far the most extensive part, and the most eclectic in nature, is Part Four, to which the editors gave the descriptive title “Individual statutes, Epistles and Various Matters” (TK XLV-CXVIII). The documents recorded as its 74 chapters were originally written over the long period of time between the late 1360s and the early 1580s. As such, they present a key testimony on work of the successive generations of communal leaders in Candia during this time, and to a certain degree reflect the political and social changes to which the Jewish community was exposed over this period. The last three chapters of *Takkanot Kandiya*, which make up the Appendix, are the preserved fragments of relevant Venetian legislation concerning the Jewish community, in Hebrew translation. In the preface to this appendix, dated 18th Heshvan 5280, i.e. 13th October 1519 (TK CXIX),⁵⁵ the compiler of the Renaissance edition of *Takkanot Kandiya*, Elijah Capsali, states his intention of preserving these legal measures in a Hebrew version as an accompaniment to the Jewish communal ordinances throughout the ages. However, we do not know whether this intention was fully realised; the results are preserved only in the form of these fragments, none of which were translated by Capsali himself: the two chapters in the Appendix that follow this introduction (TK CXX-CXXI) come from the time after his death (September-November 1574).

Before proceeding with a detailed analysis of the various documents contained in *Takkanot Kandiya*, it is appropriate to provide a brief overview of the types of texts represented in the collection. The name of the modern edition, *תקנות קנדיאה וזכרונותיה* (*Takkanot Kandiya we-zikhroneha*) - “The Statutes and Documents of Candia”, suggests that texts of the *takkanot ha-kahal* type, or communal statutes proper, are not the only genre included in the collection. Although statutes form the bulk of the work, they are complemented by a number of other texts

⁵⁵ MS Heb 28°7203, 348-350. In the manuscript, this chapter is placed at the very end, only after the younger entries TK CXX-CXXI 340-347). In Artom and Cassuto’s edition, Capsali’s introduction was put in front of them, in accordance with the chronological and logical sequence of the chapters.

of various sorts. The specific character of the three chapters in the Appendix has already been mentioned. As far as the main section of *Takkanot Kandyah* is concerned, five chapters – the General Introduction (TK I), introductions to Parts One and Three (TK II and XXIV, respectively), chapter TK LXXIX (which, despite bearing the title “statute”, is in fact an elaborate introduction to the following decree) and the conclusion to Part One (TK XIII) – are not of a distinctly legislative nature, since they comment on the contents and purpose of the surrounding texts, rather than introducing communal legislation or conveying information about the events in the community themselves.⁵⁶ Of the remaining 113 chapters which do contain or summarise documents pertaining to the legal history of the Candiot Jewish community, 88 can be classified as communal statutes *stricto sensu*, having the character of binding rules issued by the communal leadership, to which all members of the community were obliged to adhere. Among the other types of documents, all of which occur in the last section of *Takkanot Kandyah*, the most common are rabbinic epistles (*responsa*) of the ~~מכתבי חכמים~~ *ḥokhāmim* genre. In total, 10 chapters (TK XLV, XLVII, LXVI-LXVII, XC, XCV-XCVII and CXII-CXIII) of the collection are copies of such letters, sent to Candia by rabbinic authorities from other Jewish communities in response to the communal leaders’ request for consultation on a specific issue, to ensure its solution in accordance with halakhic law.⁵⁷ The earliest such letter was written in July 1458, the latest in July 1568. The remaining chapters that do not have the character of communal statutes are less easy to categorise, since they do not belong to any strictly defined category of legal literature – four summarise previously issued communal legislation or notable deeds performed by past communal leaders and other prominent Candiot Jews (TK XLVI, LIV, XCIII and CV),⁵⁸ three contain confirmations of previous legislation or additions to it (TK LX, LXXXVI and XCVIII), three provide information about economic transactions between the community and its individual members (TK LXXXIII, LXXXVII and LXXXVIII)⁵⁹ and three report on specific incidents in the community whose consequences had to be addressed by the communal leaders (TK LIII, LXXXIX and XCII). Finally, the collection contains a copy of a letter sent by the

⁵⁶ The same applies to the introduction to the Appendix (TK CXIX). Similarly, several other statutes open with short introductory paragraphs which briefly summarise the circumstances of the text’s origin (for an example, see the first four lines of Part Two, immediately preceding the beginning of TK XIV), or close with concluding formulas at the end.

⁵⁷ Some of the letters accompany communal statutes which deal with the same problem or were directly based on the rabbinic *responsum* in question.

⁵⁸ TK LIV is a brief summary of the decrees issued in spring 1363 which are included in the collection in full length as its Part Three.

⁵⁹ In the two latter cases, the author of the record, former constable Elijah Capsali, is simultaneously a party of the described transaction (a purchase of several objects from a synagogal treasury).

leaders of the Candiot community to the Jews of Castelnuovo (TK CVIII) and a copy of a decree from the Jewish community of Retinno by which a man was appointed to serve as the new ritual butcher and simultaneously as a synagogue cantor (TK XLVII).⁶⁰ As is apparent from the inclusion of these documents in the collection, editor Elijah Capsali and his immediate successors did not consider their formal distinction from the official statutes of the Jewish community to be an obstacle, but included them in the collection based on their factual relevance and topical relatedness to Candia's communal legislation.

From a thematic point of view, the legislative documents can be divided into three broadly defined and partially overlapping categories: to the first belong decrees and legal measures which directly concern areas of life regulated by halakhic law, the Jewish religion's principal set of rules, rooted in the biblical scriptures and regulated by the most important post-biblical canonical texts of Judaism, Mishnah and Talmud. The range of topics within this category is wide and may be further divided into several sub-categories: the enforcement of observance of Shabbat and holidays and proper conduct in important religious duties; the implementation of other halakhic laws concerning purity, especially of religiously significant institutions (such as the ritual bath or *mikveh*) and dietary requirements (*kashrut*); and a smaller number of statutes addressing more specific ritual commandments.

Other decrees address more general questions concerning interpersonal relations and civil order both within the community and between the Jews, their Greek neighbours and the Venetian authorities. Recurring topics in this category include, for example, statutes against unreasonable rent increases aimed at evicting poorer tenants, bans on deceitful conduct in transactions with non-Jewish partners, and ordinances against public immorality.

The third distinct category of statutes regulates the organisation of communal affairs, the communal representatives' powers and duties and the mechanism of their election. These documents are few in number, but together with information scattered across other statutes (regarding the numbers of councillors, mutual relations within the communal leadership, and their process of decision making) give us good insight into the mechanisms of the semi-autonomous Jewish executives. In this way, these ordinances complement the Venetian

⁶⁰ This document was included in *Takkanot Kandiyah* because it contains important specifications of proper conduct for ritual slaughters and trade with kosher meat, as well as the simultaneous administration of the two prominent communal functions, and as such was later accepted as a binding precedent on whose base a similar appointment was made in Candia (see TK XLVIII,38-40).

regulations which establish the government's ultimate power over the functioning of the community.

2.3 Chronology

As is apparent from the overall overview of the collection, the documents comprising *Takkanot Kandyah* are organised in broadly chronological order. Of the 121 chapters, 89 are assigned a date. The approximate dates of the 32 chapters which lack explicit dating⁶¹ can be reconstructed, with various degrees of precision and reliability, based on relative chronology. From this point of view, the most intriguing question is when *TK I*, Elijah Capsali's general introduction, was issued, for this unknown date also indicates the time when the author first announced his intention to assemble the communal statutes of Jewish Candia, past, present and future, in an organised and comprehensive collection. A tentative answer to this question could be the date of Capsali's introduction to his intended collection of Venetian Jewish legislation,⁶² 13th October 1519. From the text of these two introductions, it is evident that Capsali saw the two collections of documents as mutually related, and it seems probable that he started working on both at the same time.⁶³ It has already been mentioned that the entirety of Part Two (*TK XIV-XXIII*) of the modern critical edition is undated. Given its place in the collection, we can safely postulate the dates of the surrounding sections (15 Elul 4988/18th August 1228 and 3rd Nisan 5123/18th March 1363) as Part Two's *terminus post quem* and *ante quem*, respectively. While the fact that Part Two's content is Part One's (at least partial) revision or reinstatement might lead us to place the former's date of origin not long after the latter's, the present state of research does not enable us to confirm this definitively. A similar approach can be applied to some of the later undated documents, all of them recorded in Part Four. In other cases, the missing date can be approximately identified or at least narrowed down by other means, such as on the basis of their author's identity, as can be illustrated in the case of some of the rabbinic epistles recorded in the

⁶¹ To this category also belong some texts that refer to events whose date is mentioned, but record them as past events and are themselves not dated. This is the case of *TK LIV* (the summary of statutes from spring 1363, already recorded as Part Three of the critical edition), *TK LX* (Elijah Capsali's note informing that the preceding undated statute was twice renewed by later communal councils in 1424 and 1446) and *TK CV* (Capsali's record of the communal leaders' decision to declare three fast days to express the community's penitence in the wake of an earthquake – a perceived ill omen – which damaged Candia on 10th September 1549).

⁶² See *TK CXIX*, 43.

⁶³ This possibility is also suggested by the authors of the modern critical edition (see "Statuta Iudaeorum Candiae," *ibid.*).

collection.⁶⁴ Out of a total of ten letters in *Takkanot Kandiyah*, four were written by Moses Capsali (ca. 1410 – ca. 1495), who was the chief rabbi of Constantinople, a native of Candia and great uncle of Elijah Capsali. Only the first letter (TK XLV) is dated, at the turn of the months Tammuz and Av of the year 5218, i.e. in July 1458. Capsali's next letter appears soon thereafter as TK XLVII, and it can be assumed that it was sent not much later. In contrast to that, Moses Capsali's other two letters (which likewise lack any dates) were included in the collection only as chapters LXVI and LXVII.⁶⁵ They are surrounded by decrees bearing the dates 8th Kislev 5228/5th November 1467 (TK LXV) and 9th Shevat 5249/11th January 1489 (TK LXIX; TK LXVIII is not dated).⁶⁶ Hence the closest we may get to revealing the time of these letters' origin is to tentatively place them in the latter half of Capsali's long tenure of the rabbinic post in Constantinople, probably somewhere in the period between the 1460s and 1480s. The origin of other documents which lack their own specific dates can be placed on the time axis with a high degree of reliability thanks to their factual contents and context. A good example is provided by chapters TK CXII-CXIV, a couple of rabbinic *responsa* followed by a decree. Although only the middle one of these chapters bears a date, 15th Tammuz 5328/11th July 1568, they share a common topic⁶⁷ and it is evident that the decree (TK CXIV) is directly based on the arguments contained in the letters, implementing the course of action proposed by the rabbis who sent them. It is therefore safe to assume that the undated first *responsum* was written around the same time as the other letter, and that the resulting statute was issued shortly thereafter. In many other cases, however, the question of dating remains open.

It would be a simplification to divide the chapters of *Takkanot Kandiyah* only into the “dated” and the “undated”. On the one hand, we have seen that even some documents which do not

⁶⁴ However, this approach is complicated by the frequent occurrence of names obviously shared by more than one individual, notably among the members of the prominent del Medigo and Capsali families. For example, the name Elijah del Medigo is listed as a signatory of TK LI from October 1428 and TK LII from October 1406 (in both cases, the person is further characterised as “son of Rabbi Abba”) and as the author of undated TK LXVII, probably issued in the 1460s. A distinguished personality of this name is also mentioned in TK LXXVI from either January 1520 or February 1525 and in TK CII from July 1546 (in which the author of this decree, Elijah Capsali, reminisces on del Medigo's achievements some thirty years before, i.e. in the mid-1510s). This name therefore clearly refers to at least two (and possibly three) different men.

⁶⁵ Although neither letter bears a date, the author explicitly states in the second letter that he wrote it several years after the first (see TK LXVII, 4 and 8).

⁶⁶ It should also be noted that some of the chapters preceding those mentioned bear later dates (e.g. TK LXII from 28th Nisan 5237/11th April 1477), which makes any attempts to postulate a relative chronological order even more uncertain and approximate.

⁶⁷ All three documents condemn the social discrimination of Jews who had formerly abandoned their faith, but subsequently returned to Judaism.

bear a date of their own can at least be tentatively placed on the time axis. On the other hand, not all dated chapters are assigned their date in a straightforward manner. 79 of the 89 dated chapters include a specific calendar date, with the vast majority (72) of them comprising the day and month of the Jewish year of their issue, in some cases accompanied by the specification of the day of the week. In several cases, however, the date is not characterised by a calendar date, but by its religious significance: two decrees (TK LXXX and CII) are dated on *Rosh hodesh* (New Moon, i.e. beginning) of their respective months. Similarly, TK CI is dated on the Fast of Esther (the day preceding the feast of Purim, i.e. 13th Adar) of the year 5305, corresponding to 25th February 1545. Two decrees make a reference to the liturgical period of Omer, which separates the holidays Passover and Shavuot. Thus, TK CIV was issued on the half-holiday Lag ba-Omer (thirty-third day of Omer) 5307, i.e. 18th Iyar 5307/8th May 1547. Chapter TK CVII states the eighteenth day of Omer 5326, i.e. 3rd Iyar 5326/22th April 1566 as its date of origin. Finally, the decree recorded in TK LVI from the Jewish year 5278 was publicly read in the synagogue on the Shabbat on which the *parasha Mikketz* (weekly portion of the continuous reading of the five books of the Torah comprising Genesis 41:1-44:17)⁶⁸ was read, i.e. on 25th Kislev/12th December 1517.⁶⁹ Several of the later dated statutes also demonstrate the level of openness to the non-Jewish culture and lifestyle in the Candiot Jewish community by bearing not only Jewish, but also Julian dates;⁷⁰ this is the case of two 16th-century documents (TK LXXXVII and CV), both written in the lifetime of Elijah Capsali. Julian dates, this time not accompanied by their Jewish counterparts, occur also in two other chapters, which are concerned with official acts by the Venetian authorities. The first of these is TK XLVI, a long record of Venetian legal measures favourable for the Jews of Candia, whose enactment was initiated by constables and other

⁶⁸ It should be noted that the *parashot* cited in *Takkanot Kandyah* for the identification of weeks are often not called by their commonly used names (normally, the first distinctive phrase of the first verse), but by words or phrases taken from the midst of the reading they refer to, chosen possibly so that they correspond to the content of the text, enhance the moral message the author wants to convey, or support the rhetorical effect of the narrative in general. Thus, in this case, the biblical portion is identified not by its current name *Mikketz*, but by the words “and they cried before him, I shall bow the knee” (“ויקראו לפניו”, TK LVI, 23-24) from the middle of Gen 41:43.

⁶⁹ The weekly biblical reading is also mentioned in some documents which include their explicit date, for example in TK CV the date of the earthquake the decree mentions is given in plain Jewish and Christian dates, and is also described as “the third day [i.e. Tuesday] of the week of the *parasha* ‘And when we cried unto the Lord, God of our fathers, He heard our voice’ [Deut 26:7]” (“ביום ג' בפרשת ונצעק אל יי' אלהי אבותינו” (“...on 17th of Elul in the year 5309 after the Creation, or 10th September 1549 according to the Foreigners” (“...ביז' לאלול, שנת ...”).

⁷⁰ See TK LXXXVII, 16: “This happened today, 10th Heshvan 5294, or according to the Christians, 29th October 1533” (“מה שהיה היום, י' חשון הרצ"ד, ולנוצרים כ"ט אוטוברי אתקל"ג”); TK CV, 3-4: “...on 17th of Elul in the year 5309 after the Creation, or 10th September 1549 according to the Foreigners” (“...ביז' לאלול, שנת ...”).

prominent members of the Jewish community;⁷¹ the second is the first chapter of the Appendix, *TK CXX*, which contains the first set of official “articles” or *kapitoli*, i.e. a government-approved set of rules regulating the organisation of Jewish communal affairs.⁷² Finally, the Christian date also occurs unaccompanied by its Jewish equivalent in the final line of the aforementioned *TK LXXXVII*.⁷³

As implied before, 10 chapters of *Takkanot Kandiyah* are not dated specifically; six chapters are dated only to a year (*TK XLVIII* – 5146, i.e. 1385/86; *TK LXXXVI* – 5304, i.e. 1543/44; *TK XCII* – 5293, i.e. 1532/33; *TK XCV* – 5299, i.e. 1538/39; *TK XCVIII* – 5302, i.e. 1541/42; *TK CIII* – probably 5302, i.e. 1541/42), one gives both the month and the year but not the day (*TK LV* – ‘Tevet 5160, i.e. 30th November-28th December 1399) and three refer to the year and the weekly reading from the Torah at the time (*TK XLV* – week of *parasha Devarim* 5218,⁷⁴ i.e. 27th Tammuz-3rd Av 5218/9th-14th July 1458; *TK LXXXIV* – week of *parasha Vayera*⁷⁵ either in the Jewish year 5290 or 5295, i.e. either on 14th-20th Heshvan 5290/17th- 23rd October 1529, or 9th-15th Heshvan 5295/18th-24th October 1534;⁷⁶ *TK LXXXV* – week of *parasha Haazinu*⁷⁷ 5290, i.e. 2nd-8th Tishri 5290/5th-11th September 1529).⁷⁸

⁷¹ See *TK XLVI*, 20, where the date 19th January 1439 (“י”ט יניר אתל”ט”) appears.

⁷² The short introduction to this chapter informs us that the constable Rabbi Jacob Culi and the rest of the communal council submitted the proposed rules to the Venetian authorities, who later approved them. See *TK CXX*, 6-7: “The aforementioned rabbi presented the aforementioned *kapitoli* to His Highness our Lord the Duke, may his Excellency be exalted, on the twenty-eighth day of the month September, 1574” (“הקפיטולי הנ”ל נתנם הרב הנ”ל בידי מעלת אדונינו הדוקס י”ק ביום שמנה ועשרים וים לחדש שטמברי אתקע”ד”); *ibid.*, 8: “...and they were accepted on the tenth day of the month November of that year” (“...והוחזקו ביום עשירי”).

⁷³ Whereas the contract which this chapter records was made on October 1533, this last line was written by the communal scribe who copied this portion of *Takkanot Kandiyah*. See *TK LXXXVII*, 29: “אגושטו י”א אוגוסטו”, i.e. “10th August 1534, [written] by me Isaac Cohen, scribe in the service of our community, may God preserve it.” Cohen’s choice of the Christian date may have very well be influenced by its occurrence in the recorded text.

⁷⁴ This biblical portion (Deut 1:1-3:22) is identified by the words “the Lord God of your fathers make you a thousand times so many as ye are and bless you, as he hath promised you!”, Deut 1:11 (“יוסף י”י עליכם ככם אלף”), *TK XLV*, 91-92). Note that the beginning of the biblical quotation is not entirely precise.

⁷⁵ This biblical portion (Gen 18:1-22:24) is identified by the words “Is it not a little one? And my soul shall live” (“הלא מצער היא ותחי נפשי”), *TK LXXXIV*, 77-78) from the end of Gen 19:20.

⁷⁶ For the reasons behind this uncertainty, see the next paragraph.

⁷⁷ In this case, the author of the statute does refer to the *parasha* in question (Deut 32:1-52) by quoting its opening words “Give ears, o ye heavens, and I will speak” (“האזינו השמים ואדברה”, *TK LXXXV*, 125), undoubtedly because he considered the invocation of the Divine authority a suitable conclusion for the text.

⁷⁸ The time span within which this decree could actually have been issued is in fact shorter. This is caused by the week’s coincidence with the High holidays: Sunday of that week fell on the second day of Rosh ha-Shana (2nd Tishri) and the period of half-holidays on which work is permitted and legal procedures may be undertaken only started on Monday 3rd.

Whereas most of the dated statutes state the year in a straightforward manner, 15 documents use a more elaborate and artistic way of referring to the year, hiding it in a chronogram, i.e. a word or phrase (usually with a religious significance or some relation to the content of the statute) whose letters – either all of them, or those specifically marked⁷⁹ – together form the numerical value of the year in question. Since the last (and therefore numerically highest) letter of the Hebrew alphabet, ת, equals 400, the chronogram usually only refers to the century, decade and year; it is implicitly understood that the year belongs to the sixth millennium after the Creation.⁸⁰ Difficulties with correct interpretation of these dates arise when the chronograms contain the letter ה, whose numerical value is 5, as this letter is also used to stand for the numeral 5,000 in straightforward indications of years according to the so-called great reckoning or *perat gadol* (as opposed to the small reckoning or *perat katan*, in which only lower orders of numerals are recorded, and the millennium is implicit from the context). It is therefore not immediately obvious how a chronogram containing ה should be interpreted. For example, the chronogram in TK XCIX, אש"ה, i.e. “woman”,⁸¹ could be interpreted either as 5301 according to the *perat gadol* (i.e. 1540/41), or as the year 306 of the 6th millennium according to the *perat katan* (i.e. 1545/46). Only context can help us to decide that, in this case, the former interpretation is correct.⁸² In some cases, however, it is not possible to determine with any certainty according to which type of reckoning the year should be interpreted.⁸³ It is appropriate at this stage to recall that in the critical apparatus of the modern edition, the authors supply the conversion of each date to the

⁷⁹ The numerical interpretation normally applies to the whole word, which is marked as a chronogram by the diacritical sign ״, inserted between its last two letters. Less often, only individual letters, marked by the sign ׳, are to be read as a part of the chronogram (see, e. g. “בשנת כי קר׳יב׳ה חשוועתי לבא”, i.e. “in the year for my salvation is near to come [Isa 56:1]”, TK CIV, 15).

⁸⁰ The only decrees issued in the fifth millennium are those contained in Part One of the collection, whose date is given explicitly (see TK II, 18-19).

⁸¹ See TK XCIX, 161. This chronogram may possibly have been chosen because one of the themes in this statute, in which Capsali recollects the circumstances of a fortunately averted pogrom, is the miraculous deliverance of Candiot Jewish women from any physical harm.

⁸² In the case of this statute, the situation is made easier by the fact that the cryptic date does not refer to the issue of the decree itself, but to the communal assembly on which the matter was discussed; the actual document was written by Elijah Capsali ten days later, on 11th Tammuz 5301 (6th July 1541). In this date, the year is given in the standard form, by a numeral composed of Hebrew characters in descending order (הש״א, see TK XCIX, 219). For further discussion of this dating, see the editors’ notes to *ibid.*, 161 in “Statuta Iudaeorum Candiae,” 124-25.).

⁸³ See TK LXXV, 50-52, the short epilogue to this statute (which itself is dated in an unambiguous way), in which the scribe who wrote it comments on the fulfilment of his work; TK LXXVI, 86-87; TK CIV, 15. Without further explanation, the editors’ note to this date states that the aforementioned chronogram קר׳יב׳ה (“near”) should “most likely” be interpreted according to the minor reckoning, i.e. as 1547 (see “Statuta Iudaeorum Candiae,” 139.). However, there does not seem to be a major contradiction for the other interpretation, (1542) and it would therefore appear more appropriate to consider this dating uncertain.

Julian calendar and also note specific problems with identifying the correct interpretations of the chronograms.⁸⁴ They also emended the occasionally incorrectly stated days of the week and any obviously or presumably incorrect dates.⁸⁵ In one case, the editors' emendation appears to be open to debate and may have been misguided: in chapter *TK CIII*, the editors choose to interpret the chronogram **בש"ם** from the midst of the phrase "*then he shall minister in the name [of the Lord his God; Deut 18:7]*"⁸⁶ as standing for the year 5302, i.e. 1541/42, by disregarding the final character **ם**, whose numerical value is 40.⁸⁷ However, if we take the chronogram's full value, it stands for the year 5342, i.e. 1581/82. The editors' conjectured emendation of the chronogram might perhaps be motivated by the fact that the surrounding chapters are from the mid to late 1540s and were written by Elijah Capsali, while 40 years later Capsali was long dead. However, there are a number of valid reasons to accept the year 5342. First and foremost, the name of the constable mentioned in this chapter, Rabbi David Cohen Sepharadi, is the same as that signed under *TK CXVII* from January 1582, the penultimate chapter of the collection (excluding the Appendix); the same holds for the other signatories' names.⁸⁸ The year of this later statute is encrypted in the same word, **בש"ם**, and since the chapter is preceded by a statute from June 1577 and followed by one from October 1583, there is no obvious reason to question the chronogram's validity. Moreover, this is not the only occurrence of a statute in the collection issued only after Capsali's death (cf. *TK LXXVII* from October 1562). Therefore it seems reasonable to disregard the modern editors' emendation in this case and postulate the year 5342 as correct.

As we have seen, the linear chronological succession of the chapters of *Takkanot Kandiyah* is more a broad framework than a strict rule. In some of the cases when this order is temporarily abandoned, this has a logical explanation in terms of the thematic relationships between the statutes in question. This applies to a number of chapters in Part Three, the collection of

⁸⁴ In addition to the aforementioned *TK XCIX*, see also *TK CXIX*.

⁸⁵ The most obvious clue for discovering that the recorded date is wrong is the incongruence of the recorded date and the day of the week mentioned. Where the day and date do not agree, the editors usually assume the day of the week to be correct and suggest that the date should be corrected (see e. g. *TK L*, 5; *TK LXIII*, 2-3, *TK LXXVIII*, 24). Elsewhere, the given date can be safely identified as a scribal error. For example, in the very first statute, *TK II* (the introduction to Part One), the date 15th Elul 4988 is identified as a Monday ("שני", literally "the second [day]", i.e. after Shabbat, see line 19). Since that date in fact fell on a Friday ("the sixth day" or "ששי" in Hebrew), and the distinguishing letters נ and ש are relatively easy to confuse in the semi-cursive handwriting, it is safe to assume that the intended date was indeed Friday, 15th Elul 4988.

⁸⁶ "ושרת בש"ם", *TK CIII*, 13.

⁸⁷ See "Statuta Iudaeorum Candiae," 138.

⁸⁸ See *TK CIII*, 12-18; *TK XVII*, 22-26.

decrees issued in spring 1363. For example, *TK XXXI* was issued on 28th April, while the following *TK XXIII* dates from the 11th of the same month. Both decrees, dealing with issues of public morality in the community, were probably issued in reaction to the same incident, which took place in the community and provoked its leaders to take legal action. It can be assumed that the later statute was given precedence because it is more general (a ban on letting rooms in one's property to prostitutes and their clients) and regulates a broad area of public life, whereas the earlier *TK XXIII* takes immediate legal action as a result of the event. Temporary disruption of the chronological order, with clear rationale, also occurs in Part Four, namely among the chapters (most of which refer to legal acts from his own lifetime) which Elijah Capsali records in confirmation of previously accepted communal legislation. Thus, the aforementioned *TK LVI* from December 1517 confirms the validity of the preceding *TK LV*, which had been issued in autumn 1399. Likewise the two statutes that immediately follow these, *TK LVII-LVIII*, are a thematically connected couple, the former issued originally in November 1435 ("reverting" to the chronological order of the whole collection), and the latter its confirmation from October 1518. The same applies to *TK LXIV* from January 1518, in which Elijah Capsali confirms the validity of the preceding two documents, dated April 1477 and November 1478 (the latter being itself a confirmation of the former), as well as to *TK LXXXVI* from the year 5304, i.e. 1543/44, which comments on the topic dealt with in the decree from September 1529 that precedes it, and *TK XCVIII* from 5302, i.e. 1541/42, which comments on the three rabbinic epistles recorded as chapters *TK XCV-XCVII* (only the first of which bears a date, in the year 5299, i.e. 1538/39). Similarly, chapter *TK LXXVI* from the 1520s is formulated as the reinstatement of a decree that was originally issued in reaction to an incident in December 1439. Sometimes, the interruption of chronology has its explanation in the formal distinction of different types of documents. The first three chapters in Part Four of *Takkanot Kandiyah* (*TK XLV-XLVII*, two letters written by Moses Capsali and a summary of past deeds performed by notable leaders of the community)⁸⁹ are distinctly different from the communal statutes that follow them, providing sufficient explanation for the disrupted chronology. This clear combination of chronological and

⁸⁹ Only the first of these three documents (Capsali's first letter) states the time of its origin, Tammuz – Av 5218/ July 1458. As discussed earlier in this chapter, it can be assumed that the second letter (*TK XLVII*) was sent not long after the third. The only date mentioned in the intervening *TK XLVI* is 19th January 1439, but the names of some of the people mentioned in this document suggest that the events described therein took place mostly if not exclusively in the first half of the 15th century. It is therefore reasonable to see these three chapters as a coherent body of non-*takkanot* documents and a certain "preamble" to Part Four, while the continuous succession of communal statutes (and other related texts from later periods) starts with the aforementioned *TK XLVIII* from May 1362 (originally issued in Retinno and later accepted as a precedent for legal decisions in Candia).

thematic approaches, however, cannot explain all the temporary departures from a strictly chronological succession of chapters. While disruptions to the chronology tend not to be too dramatic (usually not exceeding a couple of decades unless there is an obvious reason), and the overarching succession of Part four from mid-14th towards the end of the 16th century is not contradicted, such instances do occur throughout Part Four.⁹⁰

It may be useful to close these remarks on the chronological arrangement of the texts collected in *Takkanot Kandyah* with a brief breakdown of the dated documents according to the time of their issue. This will show more clearly how evenly the collection represents the legislative activities of the Candiot Jewish communal leadership over the 355 year period the collection covers. Of the 108 chapters to which we can assign a date with certainty, or at least with a degree of reliability,⁹¹ 12 (11.1 %) were originally issued in the 13th century (all of them on a single occasion), the 10 (9.3 %) which comprise Part Two of the collection come either from the 13th or 14th century, 24 (22.2 %) were issued in the 14th century (21 of them, collected in Part Three, in one single year, by the authority of one communal leadership), 14 (13 %) in the 15th century, and the remaining 48 (44.4 %) in the 16th century, most of which come from the long period when Elijah Capsali was active as a communal elder (formally or informally). That more than four in ten of the collected documents come from the century when the editor lived and worked can be explained chiefly by recent sources being better available to Capsali, and by the fact that he was able to carefully collect the official materials that came to being under his watch; it may also be partially attributed, as I will argue later in this dissertation, to Capsali's conscious effort to create a lasting literary memorial to the Candiot Jewish community's legal history, and to celebrate his own role.

⁹⁰ This applies both to the texts Elijah Capsali edited as historical documents and to those issued in his own lifetime (as well as some texts added only after his death. See *TK* LII, LV, LIX, LXV, LXXVII (this decree, surrounded by statutes from the 1520s and written by Elijah Capsali, was only issued in October 1562, i.e. after the original redactor's death), XC, probably CIII and CX.

⁹¹ For the purposes of this overview, the Appendix will be disregarded.

3 Relevant linguistic and stylistic aspects

3.1 The Language of *Takkanot Kandyah*

Although this is not primarily a linguistic study, it is appropriate to assess briefly the main features of the language in which the collection of Candiot Jewish legislation was written, their relation to the style its authors use in various chapters, and the relevance of the linguistic layout of the statutes for their function. A suitable starting point for these remarks may be the simple statement that the overwhelming majority of *Takkanot Kandyah* is written in Hebrew. However banal this observation may seem, it confirms that in Venetian Crete, as elsewhere in the world of medieval European Jewry, Hebrew enjoyed a privileged status as the language of religious discourse, and was also widely used in the general field of literature and in both official and private written communication among educated Jewish men.⁹² How exclusive this knowledge was for the upper levels of the Jewish society and how significant it was for their separation from the majority of Jewish “commoners”, is a crucial question for the interpretation of *Takkanot Kandyah*. To appreciate in the role that this collection of Candiot communal legislation aimed to play in the lives of the local Jews, we must address how understandable the documents it presented were to the members of the community, and how understandable they were supposed to be.

The main language of everyday communication within the Jewish community of Venetian Candia was Byzantine Greek, potentially its Jewish dialect or sociolect.⁹³ Indeed, the Romaniot Jews' deep integration of Greek into their everyday life is demonstrated by the local custom of reading the book of Jonah on the Day of Atonement in its Greek translation,⁹⁴ and further attested by the occasional occurrence of Greek loanwords in the texts, and of proper names of Greek origin – both personal names and, more usually, surnames – among people mentioned in the various documents and among the signatories of the communal statutes. In this context, it is

⁹² Moreover, within the *takkanot ha-kahal* genre, such clear linguistic definition is not to be taken for granted. For example, communal bylaws from 17th- and 18th-century Moravia are written in a specific idiom which freely combines Hebrew and Judeo-German, shifting frequently from one to the other within one paragraph or sentence. See "Constitutiones Congressus Generalis Iudaeorum Moraviensium (1650-1748)," ed. Israel Halpern (Jerusalem: Mekitze Nirdamim, 1951).

⁹³ Cf. Cyril Aslanov, "Judeo-Greek or Greek Spoken by Jews?," in *Jews in Byzantium. Dialectics of Minority and Majority Cultures*, ed. Robert Bonfil, et al. (Leiden, Boston: Brill, 2012). For the mutual influences of Hebrew and Greek on the speech of Greek Jews, see Nicholas de Lange, "Hebraism and Hellenism: The Case of Byzantine Jewry," *Poetics Today* 19, no. 1 (1998).

⁹⁴ For more on this topic, see "The Greek Bible in the Medieval Synagogue," in *Jews in Byzantium. Dialectics of Minority and Majority Cultures*, ed. Robert Bonfil, et al. (Leiden, Boston: Brill, 2012).

worth mentioning that while women are only very rarely referred to by name, the two exceptions to this rule share the Greek given name Kali.⁹⁵ Common use of Greek female given names is also well documented by other sources, in particular notarial records.⁹⁶

Nevertheless, throughout the pages of *Takkanot Kandiyah* we find evidence that Hebrew must have been understandable not only to the intellectual elite but also to the ordinary members of the community, at least to a certain degree.⁹⁷ This evidence is provided by the statement, repeated in many documents, that the statute shall be made public by being read in a synagogue after a Divine service, or at a specifically called communal assembly (or in some cases by an announcement that such a public reading has already taken place).⁹⁸ None of these statements suggest in any way that the decrees were read in Greek or another translation, which by implication means that the legislation must have been generally intelligible to those concerned in its original form. Similarly, several records of business transactions between the Jewish community as an institution and its individual members⁹⁹ indicate that Hebrew was their original language. On the other hand, many of the communal statutes and other documents contain frequent and lengthy passages written in very elaborate and ornamental style which seeks to emulate biblical language or post-biblical and medieval rabbinic literary language. For that matter, many of the Candiot communal leaders were rabbis and as such would have read or even written works that clearly belong to the discourse of medieval rabbinic literature. The inclusion of texts belonging to the decidedly rabbinic genre of the ~~מקחיות~~ in the collection shows that Elijah Capsali had no intention of formally separating the easily accessible and simpler texts from those written for more educated, intellectually inclined readers.

Significantly, the texts fragmentarily recorded in the Appendix of *Takkanot Kandiyah*, which contain Venetian Jewish legislation, are also collected in Hebrew. On the one hand, this probably rendered it more understandable to the average Candiot Jew than it would have been in the

⁹⁵ That is Καλή, “the beautiful one”, in Hebrew transliteration קלי. See TK LXXVI, 12 (here in the form קלי, with the diacritic sign ״ marking the name’s foreign origin); TK LXXXIII, 10.

⁹⁶ Of extreme value in this respect is the catalogue of Jewish proper names in extant documents put together by Rena Lauer. See Lauer, “Venice’s Colonial Jews,” 359-443.

⁹⁷ More precisely, this should read “among ordinary male members”. Knowledge of Hebrew among Jewish women in the pre-Emancipation era has not yet been fully studied, but in general it may be said that barring exceptional cases it was largely restricted to passive knowledge of certain prayers and religious formulae, “female” and “family discourses” took place in the local vernacular.

⁹⁸ See, for example, TK XXXIII, 83-87 (issued in April 1363; it is stated here that the statute shall be read every year at the time of grape harvest); TK XLV, 94-95 (a final remark following the record of Moses Capsali’s letter from July 1458 and announcing its public reading) or TK CXI, 5 (issued in February 1579).

⁹⁹ See TK LXXXIII (from June 1530), TK LXXVII (from October 1533) and TK LXXXVIII (undated, but probably not long after TK LXXXVII).

Venetian original.¹⁰⁰ On the other hand, by translating the governmental regulations into the prestigious language of high Jewish literature, the Venetian *kapitoli* are incorporated into the discourse of Jewish religious literature and given a seal of approval as part of a corpus of texts to be studied and discussed, alongside the sacred “Torah-centred decrees” written with the authority of the Jewish communal leaders.¹⁰¹

These observations lead us to a related question that is somewhat harder to answer: what is the Hebrew of *Takkanot Kandyah* like, what are its characteristic features and how does it change throughout the centuries of the Venetian period? In terms of the historical stages of Hebrew, the language of *Takkanot Kandyah* must naturally be understood as Medieval Hebrew. The difficulty is that this term does not provide us with a very strong definition of linguistic specifics; the term Medieval Hebrew comprises a wide variety of styles employed in Hebrew-written literature roughly between the redaction of the Talmud and the earliest attempts to revive Hebrew as a live language in the 19th century. This phase of Hebrew’s linguistic history is characterised by the dynamics between active efforts to “revive” Hebrew as a refined language of high literature (ranging from secular through religious poetry to philological tractates and biblical exegesis) and the continuing spontaneous (although limited) usage of Hebrew as a practical communicative tool among Jews of various linguistic backgrounds, for whom Hebrew, as the language of their religious upbringing, was an ever-present motive in their lives (a good example of such “everyday” texts would be many of the documents preserved in the Cairo Genizah).¹⁰²

Turning back to the language of *Takkanot Kandyah*, two major points should be brought to our attention. Firstly, the language in which the communal statutes are written is fairly consistent. Apart from the increasing frequency of Venetian loanwords towards the end of the collection, there is not much clear-cut linguistic difference between the older and younger text layers. Whether this testifies more to a uniform approach to the Hebrew language throughout the successive generations of Candiot Jewish leaders, or to Elijah Capsali’s retrospective editorial intervention will be discussed in the fourth chapter of this dissertation. Secondly, throughout all

¹⁰⁰ In one place, the Romance dialect of Northern Italy which was, alongside Latin, the Republic’s *de facto* official language, is referred to as *lashon franko* (לשון פרנקו, TK CXX, 10), clearly the Hebrew equivalent of the term *lingua franca* (in its metaphorical sense of the universal means of communication between people of different linguistic backgrounds). For the cultural implication of the terms “Franks” and “Frankish” in connection with the Western powers in the Levant, see Jean Richard, “Frankish Power in the Eastern Mediterranean,” *Mediterranean Historical Review* 2, no. 2 (1987).

¹⁰¹ “הגדרים התוריים”, TK CXIX, 2.

¹⁰² For a highly informative introduction to Medieval Hebrew, see Angel Sáenz-Badillos, *A History of the Hebrew Language*, trans. John Elwolde (Cambridge: Cambridge University Press, 2004), 202-09.

the historical stages, the linguistic character of *Takkanot Kandyah* is based on its authors' knowledge of Biblical Hebrew. Nevertheless, it is influenced by some innovations introduced in the language of the Mishnah.¹⁰³ Notable among these are the more or less institutionalised use of the active participle with present tense meaning,¹⁰⁴ fairly consistent use of the construct infinitive with the preposition ל- with simple infinitive meaning, the occurrence of the alternative prefix נת- alongside the standard הת-, to denote reflexive verbs, occasional use of the Aramaic masculine plural ending -ין instead of the Hebrew -ים, and use of the relative pronoun ש- instead of אשר. On the other hand, many of the texts, in particular those written by authors known as rabbis and scholars, at times consciously employ linguistic phenomena characteristic in biblical language, most prominently use of the *waw consecutivum*, expressing the personal direct object by joining the pronominal suffix directly to the transitive verb rather than to the *nota accusativi* את, and emphatic verbal constructions combining a finite form with the infinite absolute of the same verb.

We must bear in mind that this intentionally “biblicised” language is very often interwoven with frequent biblical quotations and allusions, with which these statutes, epistles and other texts are richly imbued. Biblical Hebrew, however, is not the sole source of inspiration for linguistically and stylistically more elaborate writing. In many chapters, the authors also insert passages in Aramaic, ranging from separate words and formulaic epithets accompanying the names of the communal elders mentioned¹⁰⁵ to whole sentences and paragraphs where this language freely intermingles with the Hebrew in a style reminiscent of the Talmud.¹⁰⁶ That for at least some of the authors of the Candiot communal statutes the use Hebrew came to a certain degree

¹⁰³ For a summary of these features, which fits remarkably well with the language of *Takkanot Kandyah*, see Miguel Pérez Fernández, *An Introductory Grammar of Rabbinic Hebrew*, trans. John Elwolde (Leiden, New York, Köln: Brill, 1997), 1-15.

¹⁰⁴ This is regularly encountered in the formulaic introductions to new communal legislation, which often have a similar form (especially in the older chapters). See, for example “על כזה וכזה מסכימים, מקבלים” “ומקיימים יחד כלל קהלתנו”, i.e. “For these and suchlike reasons, the whole of our community *agrees, accepts and enacts...*”, TK XIV, 9 (13th or early to mid 14th century) or “אנחנו מסכימים וגוזרים ופוסקים” “we agree and state and declare”, TK XXXVI, 14 (March 1363). However, in other statutes, the perfect tense is used with present meaning (a distinctly biblical grammatical feature).

¹⁰⁵ See e. g. TK LII from October 1406 (the name of R. Shemaryah del Medigo is preceded by the Aramaic honorific “מרנא ורבנא”, “our Master and Teacher”, line 16), or, in contrast, TK CII from July 1546, where the author Elijah Capsali shows his modesty in accordance with literary conventions by introducing his name by the Aramaic self-deprecatory formula “אנא קטינא דמנן ענא” (“I, the tiniest of the lowly”, line 5).

¹⁰⁶ These occur both in the more “literary” passages (see Capsali’s general introduction, TK I, 31-35, where the Aramaic text is in rhymed prose) and in the communal statutes themselves, for example TK LV, 48-53 and 54-56, issued in autumn 1399 (remarkably, and in the context of *Takkanot Kandyah* uniquely, these lines quote biblical passages in the Aramaic translation).

“naturally”, is suggested among other things by occasional non-standard grammatical constructions which from the point of view of the normative grammar of Biblical Hebrew would have to be considered mistakes, but which seem to have spread spontaneously in Medieval Hebrew (some are now common in Modern Hebrew as well). Examples are forms like **שתי פעמים** (literally “two times”) instead of **פעמיים** (“twice”), showing a tendency to abandon the dual,¹⁰⁷ or **הספר תורה** (“the Torah scroll”), where the definite article **ה** is put in front of the whole genitive construction rather than placed in front of its second member or omitted altogether, as the rules of Biblical Hebrew would require.¹⁰⁸

The tendency to deviate from the language of the Bible could also have been strengthened by the influence of Indo-European languages, most obviously Greek and Italian (or more precisely the Venetian dialect).¹⁰⁹ This influence is demonstrable, as far as the pronunciation of Hebrew is concerned. It was without doubt the gradually weakening pronunciation of the phoneme *h* in post-Classical Greek which led to its merger with the glottal stop or even its complete disappearance in Hebrew as pronounced by Greek Jews. This is reflected in repeated omissions of the letter **ה**, or its replacement by **א**, for example in the word **יודים** used instead of the standard form **יהודים** (“Jews”),¹¹⁰ or in the orthography **אליאו**, occasionally used for the proper name **אליהו**, Elijah.¹¹¹ However, it must be noted that in most cases the letter **ה** does occur where expected, which once again shows the dynamics between “conservative” adherence to the rules of Hebrew as learnt from the normative texts, and the authors’ “natural” tendency to accommodate the written language to the circumstances of his everyday reality.

The influence of the non-Jewish languages that surrounded the Jews of Candia in their everyday lives (and which, in the case of Greek, they in all probability used daily), is not surprisingly also manifested in a number of loanwords which appear throughout the texts in *Takkanot Kandiyah*. An overall classification of the origin, meaning and usage of these words will enable us to assess

¹⁰⁷ See *TK LXXXI*, 20 (issued in March 1526).

¹⁰⁸ See for example *TK XLVI*, 54 (the list of notable deeds of the prominent 15th century members of the community, possibly written by Elijah Capsali). In this place, as in many others, the Torah scroll is referred to by the commonly used abbreviation **ס"ת**.

¹⁰⁹ For the sake of simplicity, the term “Venetian” will be used throughout this dissertation and the question as to whether this was an independent Romance language or a more or less distinct dialect of a common “Italian” (which was still developing as a linguistic and cultural concept in the late Medieval and Renaissance period and lacked any formal definition) will be laid aside.

¹¹⁰ This phenomenon occurs throughout all chronological stages of *Takkanot Kandiyah*. See, for example *TK XVII*, 8 (from the undated Part Two, probably issued in the mid to late 13th century or the first half of the 14th century) and *TK CIX*, 19 (issued in July 1567; the term occurs in the singular here).

¹¹¹ See, for example, *TK XLVI*, 4 (Elijah Capsali’s record of the deeds of notable 15th century constables).

which of them were perceived as distinctly “foreign” borrowed external elements, and which of them were fully adopted as an integral part of the Hebrew which the Jews Candia used in their written communication, and which penetrated into the official texts from the “language of the street and home” not as conscious borrowings but as the vernacular's spontaneous and subconscious influence. As would be expected, the majority of the foreign words that have entered the Hebrew text of *Takkanot Kandiyah* are of Greek origin. These loanwords can be divided into two groups according to their origin and linguistic function. On the one hand, a number of Greek words had long been integrated into literary Hebrew by the time the oldest chapters of *Takkanot Kandiyah* were written, having been adopted in Late Antiquity in the Eastern part of the Roman Empire, which was to a great degree Graecophone. These terms appear frequently in the Mishnah, which was the basis for their adoption in the Hebrew of medieval Jewish literature. The occurrence of such terms therefore indicates authors who are safely at home in the classical texts of Rabbinic Judaism and naturally use their idiom. Among the words of this type used in *Takkanot Kandiyah* are *pamalyah* (פמלייה, “household”, “domestic servants”)¹¹² and *akhsani* (אכסני, “external”, “strange”, “foreign”).¹¹³

On the other hand, several Greek loanwords clearly come from the contemporary language spoken in Crete at the time when the communal statutes were issued, although, the frequency of these words may seem lower than one might expect. This must not be interpreted as a symptom of any strict separation between the Candiot Jews and their Greek Christian neighbours, especially considering the ample evidence that Greek was the common medium of communication within the Jewish community (as explained above). When they are used, these words typically refer to objects or aspects of life which the Jews accepted as a part of the Greek culture and lifestyle. For example, one of the key terms used in TK CII, a statute regulating the proper preparation of bread, is the word *turtes* (טורטי"ש, “pies” or “cakes”),¹¹⁴ which was apparently adopted from the Greek τούρτες (including the specifically Greek plural ending) together with the object itself.

¹¹² See TK X, 3-4 (August 1228): “...he and his children and wife as well, his whole household and all who therein dwell” (“...הוא ובניו ואשתו, וכל פמלייתו, הנלויים אתו”). Although the term פמלייה of course ultimately comes from the Latin *familia*, it seems to have entered Hebrew from the *koine* Greek of the Roman period without any direct contact with Latin, and it is therefore appropriate to consider it a Greek loanword.

¹¹³ See TK XXXI, 6 (April 1363): “...foreign evildoers, heretics who have settled in our communities,” (“עבריינים אכסניים פריצים בקלותינו נתגוררו”). The adjective אכסני is derived from the Greek ξένος of the same meaning and gained a widespread use in post-biblical Hebrew. The addition of the euphonising prefix א- which removes the initial consonant cluster is typical for the treatment of Graecisms in Hebrew in late Antiquity and the early Middle Ages.

¹¹⁴ See TK CII, 33 and then *passim*.

The fact that Venetian words enter the language of *Takkanot Kandiyah* much more freely, some of them appearing throughout the whole collection, can be explained to some extent by the language's considerably higher social prestige, and probably also the Jewish communal leaders' high levels of exposure to the language in their dealings with the government authorities. Like the loanwords from their contemporary colloquial Greek, these words tend to represent aspects of life which the Candiot Jews perceived as characteristic for Venetian society, and which entered their lives as a consequence of Venetian domination. It is therefore not surprising that most of the Venetian loanwords in *Takkanot Kandiyah* come from the political and administrative discourse. Such terms were necessary for describing the political reality created by Venetian rule. While, generic Hebrew terms like שררה ("government") or אדונינו ("our lords") are sufficient to describe the more universal aspects of government and governing, specifically Venetian institutions and principles of government introduced by their administration are called by their original names, usually in a partially modified form: the titles of the highest Venetian civil and military officials are commonly used – duke or *dukus* (דוקוס),¹¹⁵ captain or *kapetan* (קפטן)¹¹⁶ and *proveditor* (פריודודור, corresponding to Standard Italian *provveditore*),¹¹⁷ the title of the military governor of Crete. The Venetian state itself, usually referred to simply as Venice (וויניציאה, alongside other orthographical variants) or "the kingdom of Venice" (מלכות וויניציאה),¹¹⁸ is in one place called *republika* (ריפובליקה),¹¹⁹ which shows that the Jews were familiar with the state's official terminology.

¹¹⁵ For the first occurrence, see TK XXV, 16.

¹¹⁶ Ibid.

¹¹⁷ See for example TK XCIX, 13 (Elijah Capsali's introduction to the Appendix, written in October 1519). In the following chapter (issued in November 1574), the title is given in its full form *proveditor yeneral* (פריודודור יינראל). Interestingly, the military governor is preceded in the list of government officials by one identified by the mixed Hebrew-Venetian term *sekan ženeral* (הסגן זינראל, literally "the general deputy"; see TK CXIX, 12-13). This title, which does not occur elsewhere in *Takkanot Kandiyah*, seems to denote a civilian authority and could refer to the Duke or (perhaps more probably) his deputy. The ambiguous transliteration of the Venetian adjective *general* is noteworthy, as it suggests either differing pronunciations in the spoken language, or the Jewish translator's (or scribe's) uncertainty as to its proper rendition in Hebrew characters.

¹¹⁸ At times, the officials mentioned are described as the authorities "of this kingdom" ("של זאת המלכות", TK CXX, 13). The editors of the critical edition explain that this might be caused by the fact that the official name for Venetian-dominated Crete was indeed "the Kingdom of Candia" ("Statuta Iudaeorum Candiae," 155.). However, this might not be the case. From the Jewish communal leaders' perspective, the nuances of the Venetian political system were not of the highest importance, and the term מלכות is widely used in medieval Hebrew literature with the general meaning of "realm" or "empire".

¹¹⁹ See TC CXX, 14. The use of the foreign term here might be influenced by the fact that it occurs in the foreword to the summary of Venetian legislation regarding the Jewish community. This identification of Venice explicitly as a republic is unique in the context of *Takkanot Kandiyah* (see previous note).

No less importantly, terms and concepts borrowed from Venetian administrative discourse were easily adopted to describe offices within the Jewish autonomous self-government. It has already been mentioned that the head of the Jewish community was awarded the official Venetian title *contestabile*, which in its Hebraised form promptly became an organic part of the language of *Takkanot Kandyah*, appearing in the statutes issued throughout the historical period they cover.¹²⁰ Occasionally, the constable's office and the duration of its tenure are also called by the derived term *kondestabularyah* (קונדושטבלריאה).¹²¹ In one case, in TK LXXXIV (issued in October 1534), the constable's title appears in an unusual plural form הקונדושטבלוש,¹²² which is of linguistic (and potentially socio-linguistic) interest. The editors of the modern version interpret this form as *kondestabulos*, with Spanish plural ending *-os*, which would suggest that Sephardic immigration had had a deep impact on the Candiot Jews' language.¹²³ However, since the word occurs in object position,¹²⁴ it could be interpreted with equal justification as a Greek accusative plural *ἡγεμόνες*.¹²⁵ In either case, the direct grammatical influence of either of these two languages would be unique in the context of *Takkanot Kandyah*.

Although the word *kondestabulo* is used as the default term for the head of the Jewish community, Elijah Capsali deviates from this convention in one case in a matter-of-fact way, which reflects on the reception of the Jewish community by the non-Jews of Candia. In chapter TK XCIX from June 1541, Capsali describes an encounter at the marketplace with the townspeople of Candia, who invite him as the representative of the Jews to go with them to the Jewish quarter and witness their search for Turkish spies allegedly hidden there. In this situation, Capsali recalls being called *retor* (ריטור),¹²⁶ which, in the form *rettore*, was an alternative title for the municipal leaders in the Venetian republic. This is the only occurrence of this term in the whole collection and it is probable that Capsali uses it to underline the distinction between the Jews' and Christians' understandings of the Jewish leader's role. Other offices in the Jewish communal council are usually referred to using Hebrew terms, although there is an interesting exception in

¹²⁰ This title (in the form קונדושטטורל"י; n. b. the diacritical sign "י", which in later cases largely disappears) occurs for the first time in the second chapter of Part Two of the collection (see TK XIV, 16). Like the loanword *pamalyah* discussed above, this word may, despite its Romance origin, have entered the Candiot Jews' language from colloquial Greek. In Venetian Crete, *kondostabulos* was the standard Greek word for "mayor". This interpretation is supported by the change of the original *-nt-* into *-nd-*, typical for post-Classical Greek, which is preserved in the Hebrew version.

¹²¹ See TK LXIII, 7 (issued in November 1478).

¹²² See TK LXXXIV, 46.

¹²³ "Statute Iudaeorum Candiae," 101, footnote to the cited place.

¹²⁴ "[Lest these words be tiring] for the beloved constables" ("על הקונדושטבלוש החמודים"), *ibid.*, 45-46.

¹²⁵ I am grateful to Dr Yulia Krivoruchko who brought this possibility to my attention.

¹²⁶ TK XCIC, 95. of

the late document TK CXX, the translation of the Venetian regulations of the Jewish community. In describing which men are eligible to be appointed communal councillors, the translation retains the Venetian terms *di rispetto* (דרישפיטו, “respectable men”, used here as a single noun).¹²⁷

Close contact with the Venetian authorities and their regulations also led to the Jewish authors borrowings a number of terms to describe the legislation itself. Thus, the laws which the republic obliged the Jews of Crete to obey are called by the Venetian terms *lezi* (ליזי), *ordini* (אורדיני) and *terminatzioni* (טרמנציוני),¹²⁸ while the Jewish community's state-sanctioned statutes recorded in chapters TK CXX-CXXI (as opposed to the autonomously enacted *takkanot ha-kahal*, which form the main body of the collection) are called *kapitoli* (קפיטולי).¹²⁹ Different terms are also used for the various collections of official administrative texts. The book of notarial records, a collection of which is now one of the most important sources of our knowledge of the social and economic history of Venetian Crete, is called *diteza* (דישטיזא),¹³⁰ while the records of events that occurred and legal measures were accepted during the reigns of the successive Dukes, in which the official *kapitoli* of the Jewish community were recorded, are referred to as *memorial* (ממוריאל).¹³¹

The use of administrative or political terms of Venetian origin is not exclusive to the statutes describing the work of the Venetian administrative apparatus; words of this nature can also be used to describe the proceedings of the Jewish communal leadership itself. For example, in TK CIV (issued in May 1547), the mechanism by which the communal council reached its decision is described using Venetian terminology: the votes are called *baloti* (בלוטי) and the box into which they were placed during the secret ballot is referred to as *bosolo* (בושול).¹³² The occasional

¹²⁷ See TK CXX, 61. It is possible that this Venetian phrase is also the source of the Hebrew honorific **הנכבדים** of the same meaning, often used in reference to the communal councillors in other parts of the text.

¹²⁸ See TK CXIX, 5-6. For the term *ordini*, see also TK XLVI, 44 (here without the diacritical mark).

¹²⁹ This term occurs for the first time in TK CXX, 1.

¹³⁰ See TK XLV, 46. At the same place, the state official in charge of these records is called *nodar* (נודר), reflecting the voiced pronunciation of the dental consonant in an intervocalic position, typical for Venetian (cf. the Medieval Latin *notarius*).

¹³¹ The text refers to an exact place in the records where the Venetian version could be found, citing “pages 181 *e tergo* [i.e., and the backside thereof]” (“בדפין קפ”א איטירגו”, see TK CXX, 8-9). This is yet another example of the tendency to use Venetian loanwords in the administrative discourse, even where the use of Hebrew words would not be a complication.

¹³² See TK CIV, 9. It is worth noting that in the following text (lines 10-11), the Venetian word for the vote is used with the -s plural (בלוטיש) – probably under the influence of Greek. Remarkably, the sentence in which the term occurs for the first time, includes the Venetian definite article *i* (אי), which is its only

mention of Christian dates in addition to or even instead of Jewish ones also belongs to the set of official terms that demonstrate the secular authorities' linguistic influence. In this context, it should be noted that whereas the name of months seem to have been transliterated in most cases according to their Venetian pronunciation, in one case, the transliteration *oktobre* (אֹכְטוֹבֵרִי), with the preserved phoneme *k* which in Italian dialects tends to be assimilated to the following *t* in this position)¹³³ suggests a Latin influence. This is by no means implausible, since the Jewish elders were familiar with official Venetian notarial documents (specifically those which concerned members of the Jewish community), and these were often written in Latin, or at least included introductory or concluding paragraphs in Latin.

However, it is not only in the official and administrative context that Venetian loanwords enter the language of *Takkanot Kandyah*. Similarly to the borrowings from Greek, terms of Venetian origin would be used to describe elements of those parts of life which the leaders of the Candiot community regarded as distinctly Venetian: a good example is military terminology. The chapter whose content comes into the closest contact with this area of life is *TK XCIX*, describing (as background to the story of a fortunately averted pogrom) the Cretan government's preparation for an imminent Turkish invasion. In this narrative, a number of Venetian military terms are used, for example *soldadi* (שׁוֹלְדָדִי, "soldiers")¹³⁴ or *bastionim* (בִּשְׁטִיוֹנִים, "fortifications", note the Hebrew plural ending).¹³⁵ At times, though, Venetian loanwords also come from much more benign areas of life. In *TK CI*, written in February 1545, Elijah Capsali condemns the habit of firing *roketa* and *skopyeta* (רוֹקֵטָא וְשְׁקוֹפִיטָא, "bangers and firecrackers")¹³⁶ in synagogues whilst the Book of Esther is being read. Furthermore, on rare occasions, words of Venetian origin whose meaning is more general, and which have a standard Hebrew equivalent, are also used. Thus, in *TK LXXXII* from May 1527, public squares are called *platẓot* (פְּלַצוֹת, note the Hebrew feminine plural ending, respecting the word's original gender).¹³⁷ Finally, it should be noted that the influence of Venetian is demonstrated not only through loanwords, but also through

occurrence in whole *Takkanot Kandyah*. The same terms, together with many other pertaining to the electoral and administrative procedures, also occur in *TK CXX*, in the sections of the *kapitoli* which regulate the composition of the Jewish communal council.

¹³³ See *TK LXXXVII*, 16. Cf. *TK CXX*, 7, where the Christian month September is transliterated as *setembre* (שֵׁטֶמְבֵּרִי), which, in contrast, shows that the name was taken from Venetian.

¹³⁴ See *TK XCIX*, 14. Here, this term describes an auxiliary force of *ad hoc* hired soldiers and is presented as a *terminus technicus*: "ועמו יד רמה מהשכירים הנקראים שולדדי", i.e. "...and with him [the military governor], there was a mighty force of hired men called *soldadi*."

¹³⁵ See *TK XCIX*, 17.

¹³⁶ See *TK CI*, 3.

¹³⁷ See *TK LXXXII*, 45.

occasional calques. In the same statute, *TK LXXXII*, the Hebrew word פרח (literally “flower”)¹³⁸ refers to the monetary unit florin, while in *TK CXX*, the constable Jacob Culi, who apparently earned his living as a medical doctor, names his profession הטבעי (literally “the naturalist”, a clear calc from the Venetian *fisico*).¹³⁹

While a few of the loanwords mentioned were adopted early in the history of Venetian Crete, most of them occur primarily in its later chapters, and most prominently in those written in the 16th century by Elijah Capsali himself. While this can partially be explained by the simple fact that the documents from this later period form the largest portion of the collection, it might also be argued that the increased frequency of Venetian loanwords is an effect of the naval republic's prolonged influence as colonial ruler. The last three cited examples in particular (in contrast to the other, more pragmatic borrowings of technical terms that could not readily be replaced by Hebrew words) indicate a deep Venetian influence and suggest that such words were used spontaneously, without much deliberation. This stands in marked contrast with the use of Greek words. On the other hand, we bear in mind that any conclusions we draw from the evidence provided by the language of *Takkanot Kandiyah* can only be provisional. The relatively limited scope of the collection and the uneven distribution of the text from the various stages of the Venetian era do not enable us to consider it a fully representative textual sample. Nevertheless, *Takkanot Kandiyah* is an important testimony to the ways in which the educated elite of Jewish Candia worked with written language, as well as to the relationships between Hebrew, Greek and Venetian and their role in the Hebrew literary production on the boundary between the religious, literary and administrative discourses.

3.2 Elements of style

Equally important for our assessment of *Takkanot Kandiyah* are the particularities of its style. The main questions I set out to answer are: what are the defining stylistic features of the Candiot communal statutes? What role were they meant to play, from a literary, esthetical or moralist point of view? Can these features be found universally, or is there any discernible historical development? Is there any obvious connection between the style and the topic of the statute in question? Is the style of the *takkanot ha-kahal* genre distinctly different from other types of documents recorded in the collection? Additionally, I shall briefly assess to what extent it is

¹³⁸ See *TK LXXXII*, 57.

¹³⁹ See *TK CXX*, 27.

possible to determine whether Elijah Capsali made any substantial editorial changes in the text of the older chapters.

As I have shown in the overview of the collection's linguistic features, it could be said that apart from the Aramaic passages, the language in *Takkanot Kandyah* is largely based on Biblical Hebrew. This does not mean at all, however, that the text of any of the statutes or other documents in the collection could be mistaken for biblical texts at first sight: there are a number of differences from the biblical language, present throughout the collection, both in terms of post-biblical linguistic developments and numerous stylistic specifics. One such characteristic feature is the very frequent use of abbreviations, either *ad hoc*, or used stereotypically with set meanings in certain set places in the text.¹⁴⁰ Perhaps the most prominent feature that sets these texts apart from biblical writing is the very frequent usage of rhymed prose, at times for continuous paragraphs, chapters or whole sections of statutes, at times as a stylistic device (often in combination with other techniques, such as biblical parallelisms) whose purpose is to underline the main point of the text or to bring a sentence to an effective conclusion. In his brief assessment of the two oldest parts of *Takkanot Kandyah*, Louis Finkelstein claims that the use of rhymed prose “so delightful to the French and German Rabbis”¹⁴¹ points to the influence of the Ashkenazi legal and literary tradition (which he connects with the probable identity of the principal author of the oldest set of statutes, Baruch b. Isaac). However, we cannot connect the use of rhymed prose exclusively to the Ashkenazi cultural area, since even a fleeting glance at the world of medieval Hebrew literature reveals that this style was popular among Jews from various cultural areas. For example, we could mention the *Book of Tabkemoni* by Judah Alharizi (composed ca. 1220), which introduces the Arabic tradition of rhymed narrative prose of the **EDTD** genre to Hebrew literature.¹⁴² As an example of rhymed prose used in a decidedly

¹⁴⁰ Abbreviations that are used consistently and are found in Medieval Hebrew literature across genres, time periods and various territories include honorifics preceding the names of respected men (such as **ק"ר** standing for **כבוד הרב רבי...**, “the honoured Master, Rabbi...”) or the whole Jewish community (**ק"ק** standing for **קהילה קדושה**, “holy community”). Other set abbreviations refer to universally familiar terms with high importance in communal life, such as **ב"ח** standing for **בית הכנסת** (“synagogue”). Probably the most extensive category of these set abbreviations are stereotypical eulogies inserted after the names of respected persons, living or dead, such as **י"צ** for **ישמרו צור וגואלו** (“may his Rock and redeemer guard him”) or **ז"ל** for **זכרונו לברכה** (of blessed memory). For a catalogue of traditionally used Hebrew abbreviations, see for example Adolf Stern, *Handbuch Der Hebräischen Abbréviaturen* (Sigherul-Marmatjei: Tipografia A. Kaufman, 1926).

¹⁴¹ Finkelstein, *Jewish Self-Government in the Middle Ages*, 84.

¹⁴² For the adoption of this genre and rhymed prose in general in medieval Jewish literature, see Rina Drory, “Literary Contacts and Where to Find Them: On Arabic Literary Models in Medieval Jewish Literature,” *Poetics Today* 14, no. 2 (1993).

halakhic context by Cretan rabbis, we can cite the collection of *responsa* written by Elijah Capsali and his students in 1538-45. Capsali's introduction to the halakhic opinions of the Constantinople rabbis Tam ibn Yahya and Mattitya Tamar are written in this style.¹⁴³

The distribution of rhymed prose is most consistent in the first section of *Takkanot Kandyah*. All eleven surviving chapters of Part One (the text of *TK III* is lost) are written in this style.¹⁴⁴ Apart from this section, rhymed prose is rarely used consistently throughout the whole text of any statute. The exception to this is Elijah Capsali's general introduction (*TK I*), whose main body is written consistently in rhymed prose, perhaps under the influence of the chapters that follow it. In the older statutes, as in the later ones, the stylistic technique used is the grammatical rhyme, i.e. conscious use of the same grammatical morphemes at the ends of the words (such as plural suffixes or identical verbal endings); on the one hand, this leads to somewhat monotonous repetitions, but on the other it creates a sense of rhythmical development of the topic described. This practice has the potential to draw attention to rhymed clauses, which often contain either the most important part of the sentence or an especially effective rhetorical element (such as a biblical quotation). If we take into account the fact that many of the statutes (as is probably the case with those in Part One) were meant to be read out loud, it is reasonable to consider the rhymed prose to be not only a stylistic ornament, but also a practical tool, making the text more attractive and easier to follow and remember. This applies especially to the statutes which use rhyme as an integrated part of the legislation itself; in others, especially in introductory paragraphs "advertising" a following decree, the use of rhymed prose serves mainly to show the author's eloquence and mastery of the Hebrew language.

Various rhetorical devices and elements of ornamental language often work in combination in these texts. As well as rhymed prose, metrical poetry also occasionally appears, although only in four cases, all of which are poetic insertions from the 16th century, and three of which are written by Elijah Capsali.¹⁴⁵ In the context of *Takkanot Kandyah* we could therefore consider this form of ornamental language to be a late stylistic addition. This does not, however, mean that the style of the four poems is in any way innovative. On the contrary, it follows in the well-established tradition of Hebrew poetry developed under Arabic influence in early medieval

¹⁴³ See Lazar Grünhut, "Handschriftliches Von Moses Ibn Al-Aschkar Und Levi Chabib," *Zeitschrift für Hebräische Bibliographie* 10(1906). Elijah Capsali is mistakenly identified as a rabbi from Canea here.

¹⁴⁴ See *TK II-XIII*.

¹⁴⁵ See *TK I*, 37-54 (Elijah Capsali's undated general introduction); *TK LXX*, 68-69 (June 1504 or 1509); *TK LXXXI*, 33-34 (March 1526); *TK XCIX*, 7-8 (June 1541).

Spain, using traditional quantitative metres and rhyming schemes with apparent ease. The first of the poems, which concludes Capsali's introduction to the whole collection, is by far the longest and most elaborate. Eighteen lines long, it contains the same grammatical rhyme in the middle and at the end of each line, while the first letters of each line form an acrostic with the author's name and patronymic, אליהו קפסלי בן אלקנה, ("Elijah Capsali, son of Elkana").¹⁴⁶ In contrast to that, the other three poems are each only two lines long, and stand at the beginning of paragraphs or statutes, serving as a poetic introduction rather than conclusion. In terms of style, however, they too follow the metric and stylistic conventions of medieval Hebrew poetry, influenced by classical Arabic verse. Nor does the couplet written in the first decade of the 16th century by the then constable Abraham Cohen, at the beginning of his confirmation and formal authorisation of *TK LXX*, differ stylistically in any obvious way from the latter two written by Capsali. All four can be characterised as poetic commentaries on the main text, whose purpose is to point out the text's moral dimension. In the first three cases, the poems emphasise the importance of communal legislation as part of the divine law and praise those who institute it, as well as the Jewish community, which obeys it. In the couple of verses at the beginning of *TK XCIX*, on the other hand, Elijah Capsali comments directly on the content of the statute, offering heartfelt thanks to God for the deliverance of his community, whose circumstances he then describes in considerable detail in the following paragraphs.

The third distinctive stylistic feature of *Takkanot Kandiyah*, and probably the most characteristic, is the extremely frequent use of biblical and to a lesser extent also talmudic quotations and allusions. It would not be possible to provide an exhaustive list of these in the collection, precisely because of the freedom with which they enter the text of the communal statutes, as well as other types of texts. Nevertheless, we can make some general observations.

It is most important that biblical verses are practically never quoted for the purpose of direct exegesis and are only rarely explicitly referred to as a specific source for the communal legislation, despite the fact that the statutes are ultimately derived from canonical law (and the reader is constantly reminded that this is so). This is in accordance with the character of the *takkanot ha-kahal* genre, which could perhaps be characterised as "para-halakhic" literature (this means that its purpose is not to introduce new religious laws, but to implement existing

¹⁴⁶ The last line of the poem, which is not part of this acrostic, starts with the word חזק ("be strong!"), whose addition after the author's encrypted name is one of usual ornamental features in medieval and renaissance Hebrew poetry.

regulations and, most importantly, deal with problems of practical life when and as necessary at the time and place of its issuing). The extremely high frequency of biblical verse citations nevertheless demonstrates that the statutes were seen as part of religious discourse and that it was a matter of course that their authors turned to the basic canonical text for inspiration and to confirm of the authority of their words.

Sometimes, words from the Bible are clearly presented as quotations whose aim is to provide divine inspiration to the main text. For example, the aforementioned poetic couplet by Elijah Capsali (*TK XCIX*, 7-8) is preceded by three biblical verses (lines 4-6),¹⁴⁷ which together with Capsali's own words express gratefulness to God for his act of salvation. Sometimes, the biblical verse is introduced explicitly as a quotation. In this context, it is appropriate to mention the role of the traditional phrase "כמו שנאמר" ("as it is said"). While in halakhic literature proper this formula normally refers to a biblical verse from which the legal principle in question is derived, it can also introduce a biblical quotation that is only vaguely or circumstantially related to the topic, which the author has chosen to illustrate his point while deliberately taking the verse out of its original context: notice *TK XL*, from March 1363, which bans declaring that the boundaries of Candia constitute an *eruv*, or territory within which it is permissible to carry burdens on Shabbat. The text quotes the end of 1 Sam 17:18 ("וְאֵת עֲרִיבְתָם תִּקַּח", i.e. "and [thou shalt] take their pledge", line 87). This quotation is a play on words based on the similarity of the words עֲרִיבָה, "pledge", and עֲרִיב, *eruv*, which was sure to catch attention of the readers (or audience), many of whom would have been experienced students of the Bible.

A biblical verse can be even modified in order to link it explicitly to his description of the present situation; this happens for example at the very beginning of *TK CII* from July 1546,¹⁴⁸ and similar re-contextualisation is common throughout *Takkanot Kandyah*, including in the much more frequent cases of longer or shorter biblical quotes and allusions being included in the midst of sentences. Although this usage of biblical text occurs in all historical stages of the work, it is perhaps most notable and most elaborate in the documents written by Elijah

¹⁴⁷ Ps 118:24, Ex 15:2 and Ps 118:17.

¹⁴⁸ In this text, Elijah Capsali describes his attempt to institute a bakery in which the Jews of Candia could safely make ritually pure bread. As an introduction, the author amends the beginning of Isa 62:6 to give the merit of this enterprise to God and liken it to the divine protection of Jerusalem in biblical times: "I have set watchmen upon thy walls, o Jerusalem, I have set up ovens for preparing thy food, o Crete" ("על חומותיך ירושלם הפקדתי שומרים, על בשולך קריטי עשיתי תנורים", *TK CII*, 2).

Capsali.¹⁴⁹ In contrast, some of the shorter legislative decrees from the late 14th and 15th century are written in a markedly more straightforward (if not necessarily plain) style.

If we compare the style of the chapters of *Takkanot Kandyah* which record communal decrees and statutes with the style of other types of chapters, we can likewise make several general observations. We have already noted that the influence of the Venetian language and administrative style is most pronounced in the chapters that reflect the secular government authorities' influence (TK XLVI and CXIX-CXXI). Secondly, the chapters of a more "literary" nature (which are largely written by Capsali, and include the general introduction and his later summaries of past legislation and important events in the community) tend towards a more florid style. On the other hand, the few records of official dealings between the community as an institution and its individual members (see TK LXXXIII from June 1530, TK LXXXVII from October 1533 and the undated, but probably later TK LXXXVIII), are much more brief, matter-of-fact and succinct in style. Due to the small number of texts of this type, it is not possible to make too authoritative a claim in this respect, but a general trend of this nature seems to exist.¹⁵⁰ The style of the recorded rabbinic epistles, however, is very close to the language of the communal statutes. Although the ten letters recorded in *Takkanot Kandyah* differ in their length and eloquence (the most elaborate being the oldest four of them, written by Rabbi Moses Capsali of Constantinople) they all show considerable unity of style. Despite some systematic differences, such as the absence of the official formulation introducing the new legal measures or exacting adherence to them, the letters sent by rabbis from other Mediterranean communities contain all the basic ingredients of the style typical for the communal statutes proper – ceremonial language, occasional rhymed prose and Aramaic words, frequent conventional phrases and biblical quotations and allusions.

One element of style typical for the epistolary genre is the frequent use of expressions of praise for the community whose members the letter addresses, even if the letter itself is harshly critical of the community members' conduct. For an example, see Moses Capsali's first letter, written in

¹⁴⁹ I will discuss Capsali's style in more detail in Chapter Five, section 5.3.

¹⁵⁰ Nevertheless, certain, if shorter, examples of ornamental language occur here, too. This is unsurprising given that the signatories of these contracts were intimately familiar with the language of the communal statutes, and for many of them, writing in this style was a matter of routine. For an example, see the short rhymed affirmation of the text preceding one of the signatures under TK LXXXVII: "I confirm my assent, to follow the majority is my intent and therefore I am content to say: these are the words of Judah Cohen Ashkenazi in verification of the above" ("הן הואלתי, לנטות אחרי רבים כוונתי, על כן אמרתי: נאם יודא כהן אשכנזי" "מאמת הנ"ל", TK LXXXVII, 25-26).

July 1458. At the very beginning of this letter, Capsali addresses the community in exceedingly flattering terms, as “God-fearing men of valour, eminent sages renowned for their wisdom and understanding, the holy community of Candia”.¹⁵¹ Yet a few paragraphs later, when he turns to the matter in which he has been asked for consultation (which is whether or not a synagogue cantor appointed with the help of secular authorities and without the community’s approval holds his post legitimately), he expresses his unconditional refusal in very emotional terms, using the biblical allusion “*When I heard, my belly trembled* [Hab 3:16]”.¹⁵² This close juxtaposition shows that the somewhat extravagant expressions of both approval and disapproval should be considered mainly a literary convention.

This broad agreement in style (among other factors) supports the view that despite all differences there was no deep or impenetrable divide between the world of halakhic literature and Jewish communal legislation. This notion will be further explored in the next chapter, which sets *Takkanot Kandyah* in the context of its genre and assesses its specific position within it.

¹⁵¹ “הנבונים בעלי שכל וחכמה ק”ק כנדקא אנשי חיל יראי אלהים החכמים”, TK XLV, 4.

¹⁵² “שמעתי ותרגז בטני”, *ibid.*, 19.

4 *Takkanot Kandyah* as a representative of the *takkanot ha-kahal* genre

Takkanot Kandyah is in many respects a unique work of pre-Emancipation Jewish literature, insofar as it documents the whole of a distinct period in the history of the Candiot community with unparalleled complexity, and gives a remarkably intimate insight into the work of the Jewish leaders (or, at any rate, into the way in which these leaders wished to be seen and remembered). Nevertheless, to appreciate the collection properly, it is necessary to assess it in the context of the genre to which most of the documents recorded in it belong. Jewish communal ordinances of the *takkanot ha-kahal* genre have been long recognised as an important part of Jewish religious law in the pre-Emancipation period, and their value for modern scholarship has been seen especially in their potential as a historical source. Some attention has been given to *takkanot ha-kahal* as one of the components of Jewish law, usually in the context of the legal history of Rabbinic Judaism.¹⁵³ However, no comprehensive text-based study analysing and comparing the approaches and leadership strategies of communal leaders in the most important existing collections of Jewish communal legislation of this type exists. Such a comprehensive study would be beyond the scope of this dissertation, but what we can do is establish how *Takkanot Kandyah* relates to the wider world of Jewish legal literature, and crucially, to what extent it is justifiable to categorise the texts collected therein as secular administrative ordinances, standing largely apart from the discourse of Rabbinic law.

In *Takkanot Kandyah* the communal ordinances are most commonly called **תקנות** and **גדרים** (here translated usually as “statutes” and “decrees”). The first term, *takkanot*, has come to denote the whole genre of communal legislation. The Hebrew word **תקנה** is derived from a verb whose meaning is “to reinstate”, “to put in effect again” or even more directly, “to correct”. In Jewish legal terminology, the word has a double meaning. *Takkana*, without a qualifying attribute, belongs fully to the discourse of halakhic law in the proper sense.¹⁵⁴ It refers to a halakhic

¹⁵³ The detailed introduction to the concept of *takkanot ha-kahal* provided by Menachem Elon in his aforementioned encyclopaedic overview of the sources of Jewish Law is a very useful overview. The importance and authority of *takkanot ha-kahal* is touched upon in Turkel's article about possible boundaries of rabbinic authority in traditional Judaism. Eli Turkel, "The Nature and Limitation of Rabbinic Authority," *Tradition: A Journal of Orthodox Jewish Thought* 27, no. 4 (1993). An opposite view, exploring the perception of the autonomous communal organs and legislative by the rabbinic authorities, is taken by Samuel Morell, "The Constitutional Limits of Communal Government in Rabbinic Law," *Jewish Social Studies* 33, no. 2-3 (1971). The relevance of *takkanot ha-kahal* for an understanding of the tensions between secular and religious law in Jewish society is mentioned by Yedidia Z. Stern, "Living with Normative Duality: The Values at the End of the Tunnel," *Jewish Political Studies Review* 12, no. 3-4 (2000): 106.

¹⁵⁴ The following summary is based on Elon et al., *The Principles of Jewish Law*, 73-91.

directive, introducing a new rule to the body of the overall halakhic system, as a “motivated addition” to the body of established halakhic law. The method of deriving the *takkanot* has been characterised as one of the six principal sources of Jewish law,¹⁵⁵ alongside the commandments belonging to the “chain of tradition” beginning with Moses, or direct biblical exegesis. In the most general way, a *takkana* is defined as the result of “legislative activities of the competent halakhic authorities and public bodies in every generation”. *Takkana* is thus recognised as a halakhic instrument, which is applicable universally and in this way responds to the varying needs of the time. *Takkanot* were already instituted in the earliest stages of Jewish legal history¹⁵⁶ and have remained in use throughout all subsequent historical periods. What principally distinguishes a *takkana* from other sources of religious law (biblical exegesis or gradually developed local customs and habits) is the fact that it is a decision taken by a religious judiciary body, whose aim is to secure positive fulfilment of a halakhic commandment in circumstances unpredicted by the original scriptural source. An early example of such a halakhic *takkanot* is the Mishnaic and Talmudic specification of the ways in which a woman whose husband disappears without trace may be declared free to marry again. An important factor in instituting *takkanot* is the emphasis put on their beneficial effect for the public and their compatibility with societal conditions. Unlike the core halakhic commandments, *takkanot* may be altered or superseded, but only under rigorously defined conditions and if it is clear that the change makes it possible for a more suitable legal measure to be accepted.

Roughly from the beginning of the 11th century, we can distinguish two legislative developments regarding directives of the *takkanot* type. On the one hand, *takkanot* continue to be declared by respected halakhic authorities (rabbis and religious courts), and as such are devised as general halakhic principles. Crucial was the work of the Ashkenazi halakhist Gershom ben Judah,¹⁵⁷ whose *takkanot* became very influential, mainly in the area of family and civil law (among other

¹⁵⁵ See *ibid.*, 14.

¹⁵⁶ According to Talmudic tradition, amendments to existing law by means of instituting *takkanot* were undertaken even in biblical times (see *ibid.*, 82).

¹⁵⁷ The original text of Gershom’s most famous *takkanot* regarding polygamy and the enforceability of divorce is not preserved, and the ordinances are known only from later references and subsequent legal development. However, *takkanot* regulating other areas of civil law are attested by quotations and paraphrases in other work. See *ibid.*, 111-138. For a theoretical assessment of the influence of Gershom’s *takkanot* on Jewish communal self-government, see *ibid.*, 20-35. For a more detailed historical account of the dynamics between Gershom’s innovations and the power of the communal authorities in the Ashkenazi world, see Zeitlin, “Rashi and the Rabbinat,” 26-46. That Gershom’s *takkanot* about marital law also had a considerable impact on religious life in Sephardic communities (where polygamous marriages had been an accepted practice under Muslim rule), is shown by Yom-Tov Assis, “The ‘Ordinance of Rabbenu Gershom’ and Polygamous Marriages in Spain,” *Zion* 46, no. 4 (1981).

achievements, he is credited with introducing the ban of polygamous marriages into Jewish legal practice).

On the other hand, another body of legal texts begin to be recognised as a valid source of binding legislation, constituting an addition to the complex of halakhic commandments, created and accepted in the context of individual Jewish communities. The term *takkanot ha-kahal* (that is, “*takkanot* of the community”) clearly denotes the relatedness of the communal legislation and the established halakhic method of deriving new “motivated additions” to the existing law. As Elon reminds us, many of the early- and high- medieval *takkanot* would often be issued jointly by halakhic and non-halakhic authorities, which prevents us from drawing any strict dividing line between the two discourses. Yet there are valid reasons to consider the *takkanot ha-kahal* texts an autonomous genre (or sub-genre) of Jewish legal literature. Whereas the word *takkana* refers to a category of legal instruments (and a method for how to derive such legal additions) which might be applicable universally in appropriate circumstances, the term *takkanot ha-kahal* denotes sets of legislation, issued by a Jewish community (or a joint body of several communities) and intended specifically for the members of that community. This limits the statutes' legal force, restricting it largely to the community whose governing body authorised them. As we shall see using the example *Takkanot Kandyah*, an influential Jewish community's bylaws could present an example for Jews from another place in the same area. A further distinctive feature of *takkanot ha-kahal* is the great extent to which the communal legislation was subject to the influence and at times restrictive power of the non-Jewish governing authorities. The constant attempt to create and preserve a balance between the fulfilment of the *halakha* and the secular (i.e. non-Jewish) ruling power's requirements is a key theme in *Takkanot Kandyah*.

As a distinct sub-genre of Jewish legal literature, *Takkanot ha-kahal* is specific in that it is both an instrument of enacting halakhic law and simultaneously the object of scrutiny and approval by halakhic authorities. This could be as the formal assent of a rabbinic court, or, as is commonly the case in *Takkanot Kandyah*, by means of a rabbi's participation in the very communal governing body which issued the legislation, or, more implicitly, by including rabbinic documents which express their approval of the proceedings of the communal leaders (as do many authors of the *responsa* in the collection). This meets the requirement to obtain “authorisation by a distinguished person,” which Elon cites as necessary for the *WDNDQBAW* validity.¹⁵⁸ In

¹⁵⁸ See Elon et al., *The Principles of Jewish Law*, 659.

Takkanot Kandyah, there are indeed many references to the rabbis' consent, especially in matters that concern religious observance more directly. However, it is not possible to discern a methodical way in which the ordinances would defend or prove their legitimacy by invoking the rabbis' blessing. On the contrary, it follows quite clearly from the contents and tone of the statutes, that the collective body of leaders was perceived and respected as the legitimate ruling authority in the Candiot Jewish community's everyday affairs.

This shows that the status of a “distinguished person” could be successfully claimed not only by a halakhic scholar, but also by generally respected representatives of the people, the “worthy ones of the community”, to use a phrase which occurs repeatedly in *Takkanot Kandyah*. In general, the authority of the *takkanot ha-kahal* is not based on any specific decision made at a certain point in Jewish legal history, but on a gradually developed consensus. The underlying principle of this authority has been the assumption that communal legislation exists to corroborate the Torah commandments in local circumstances and according to the needs of the day, even if some of the legal arrangements occasionally diverted from the detailed requirements of the *halakha*. Whereas the principle of *takkanot* in the purely halakhic sense has a continuing presence in Jewish religious law, the relevance of *takkanot ha-kahal* as a legal phenomenon vis-à-vis the non-Jewish rulers is bound to the most important characteristic features of pre-Emancipation Jewish society, namely the effective exclusion of the Jewish community from the majority society and its subjection to a special legal treatment by the state to whose jurisdiction it belonged. With the emerging concept of legal equality, the limited legislative authority of the Jewish community lost its rationale and the inner rules and regulations were, in the eyes of non-Jewish law, relegated to the private sphere.

Ordinances of the *takkanot ha-kahal* type were produced in communities in various parts of Europe, across the various cultural territories, in the Sephardic and Ashkenazi cultural spheres, as well as in the Mediterranean world, where the various traditions (including the Italian and Greek Romaniot rites and Middle Eastern Jewish heritage) met and influenced one another. Many of the relevant collections of communal legislation have been edited and published in scholarly articles and books devoted either to the development of Jewish law or to the specifics of Jewish history in the various cultural areas. Most of the examples cited in Finkelstein's work on the self-government of medieval Jewish communities come from the 11th to 14th century, although he does include a treatise on the *takkanot ha-kahal* issued by the communities of Northern and

Central Italy in the 15th and 16th century, and also the short collection of communal ordinances of Corfu, issued in 1642.¹⁵⁹

Other important sets of communal *takkanot* come from the Rhineland halakhic centres, West-central Germany and Spain. Significantly, Finkelstein does not rigorously distinguish between the “*takkanot* proper” and *takkanot ha-kahal* specifically (i.e. he does not categorise the enactments according to the source of their authority), and assesses them strictly in the view of their impact on the development of the Jewish communal organisation. Thus, he seems to consider most of the communal legislation to be a product of “rabbinic synods” either directly or indirectly, inspired by their proceedings (for example, the creation of the first 13th-century set of communal legislation in Candia is attributed largely to the influence of Ashkenazi rabbinic centres). Likewise, in the important collection of studies on the sources of Jewish law, edited by Hecht et al., *takkanot ha-kahal* are given only passing attention.¹⁶⁰ There has been little research devoted to the question of the continuity or development of the *takkanot ha-kahal* literature from the beginning of its recorded history until the last major collections of Jewish bylaws from 17th and 18th century. The historical link that leads from the early 14th-century ~~7DNNDDQRW6KXBm~~ Western Germany to the collections of communal enactments from baroque era Eastern-central Europe¹⁶² is still waiting for detailed scholarly assessment.

From the very oldest texts in the collection, the authors invoke the legal principal at the heart of *takkanot kahal*: their function as an instrument to secure proper fulfilment of the halakha. From the preserved sections of the introduction to Part One of *Takkanot Kandiyah* (issued in 1228) onwards, it is apparent that the statutes were presented as a beneficial complement to canonical law.¹⁶³ In the section above, on the linguistic aspects of the texts, I pointed out that the deliberate

¹⁵⁹ See Finkelstein, *Jewish Self-Government in the Middle Ages*, 86-98, 281-327. The Corfiot set of ordinances is the only other preserved collection of Jewish bylaws from a Venetian *stato da mar*, although thanks to the references in *Takkanot Kandiyah* we do know that *takkanot ha-kahal* were issued elsewhere, too.

¹⁶⁰ See Eliav Schochetman, "Jewish Law in Spain and the Halakhic Activity of Its Scholars before 1300," in *An Introduction to the History and Sources of Jewish Law*, ed. N. S. Hecht, et al. (Oxford: Clarendon Press, 1996), 284-87.; Avraham Grossman, "Ashkenazim to 1300," in *An Introduction to the History and Sources of Jewish Law*, ed. N. S. Hecht, et al. (Oxford: Clarendon Press, 1996), 307.

¹⁶¹ For excerpts from this set of bylaws, see Finkelstein, *Jewish Self-Government in the Middle Ages*, 218-256.

¹⁶² Among them are the important *Takkanot Medinat Mehrin* from Moravia, whose critical edition was published as the *Constitutiones Congressus Generalis Iudaeorum Moraviensium*.

¹⁶³ See TK II, 16-17. Here, the ten original *takkanot* are likened to ten early *takkanot* (in the stricter sense), ascribed to the biblical priest Ezra the Scribe. For these halakhic rules, see Solomon Zeitlin, "Takkanot 'Ezra," *Jewish Quarterly Review* 8, no. 1 (1917).

use of biblical terminology in relation to the communal legislation was apparently intended to enhance the connection between the two sides of Jewish law. Moreover, the Mishnaic concept of “the fence around the Torah” (סיג לתורה), which refers to the basic task of all additional halakhic rules, is explicitly mentioned repeatedly in texts from various time periods. Elijah Capsali invokes this principle in his general introduction, where he refers not only to the generations of respected scholars who created the collected legislation, but also to the communal enactments as “our fences”.¹⁶⁴ The editor’s attitude stems from his own work as a communal elder, but also echoes the approach taken by generations of his predecessors: the metaphor of a protective fence is already mentioned in the undated second set of communal legislation from the 13th or 14th century.¹⁶⁵ Other than referring to this fundamental relationship between the Candiot communal legislation and the body of *halakha* proper, however, it is remarkable how few explicit references to religious institutions as the source of legal authority are made (while there are frequent mentions of biblical texts and later rabbinic literature).

In *Takkanot Kandyah*, the statutes’ legitimacy is much more commonly derived from the status of their signatories, as “worthy men of the congregation”, and by the examples set by previous generations. This is reflected in the language of the statutes: new legislation is routinely introduced with the phrases such as “it is to be known that...” or “we have agreed and decreed that...” without further explanation of the legitimacy of such decisions.¹⁶⁶ *Takkanot Kandyah* thus confirms the specificity of the genre that most of its chapters represent. While upholding halakhic law in the community is one of the statutes’ proclaimed purposes, they do also make a clear claim of their autonomy and legitimacy.

¹⁶⁴ See *TK* I, 19-23.

¹⁶⁵ See the title of *TK* XXXVIII – “A decree to constitute a fence around the Shabbat Eves” (“גדר וסייג ערבי” “שבתות”). The explicit quotation of the whole phrase “to erect a fence around the Torah” can also be found in the latest statute, issued in 1583 (see *TK* CXVIII, 2), which shows the consistency of this approach.

¹⁶⁶ This phrase is especially typical for the decrees in Part Two of the collection where it introduces six out of the nine surviving chapters.

5 The question of authorship

Since the extra-halakhic source of the communal *takkanot*'s authority is a central distinguishing feature of the genre, it is important to systematically assess the names of the communal councillors and other personalities who are authors and signatories of the respective statutes, as they are recorded in *Takkanot Kandyah*. In this chapter, I assess the signatories of the respective documents, pointing out the diverse origins of various family names, and the prominent role played by a number of significant families, especially the Capsalis and the del Medigos. In separate sections, I will discuss the input of the foreign rabbis whose letters are included in the collection, and the importance of Elijah Capsali's final redaction of *Takkanot Kandyah*.

5.1 The signatories

Takkanot Kandyah is unique among medieval and early modern collections of Jewish communal law, in that it is not a mere record of communal proceedings, but an organised collection of texts whose eventual form is the result of careful edition carried out by one person, Elijah Capsali. His role in shaping *Takkanot Kandyah* is essential. Before him, however, due attention must be paid to those men who were Capsali's predecessors in the leadership of the Candiot Jewish community, and to other people whose names are recorded and who contributed, in various ways, to the resulting collection of legal materials. The nature of *takkanot ha-kahal* texts inevitably means that many of the statutes are collective works, whose validity is conditioned by the consensus of a larger body of communal representatives. It is therefore not always possible to determine a specific author behind each individual ordinances, as; often, the language of the ordinances does not shed any light on the author's identity or his individual contribution. The authors usually present themselves as spokespeople for the communal council, which in turn is delegated by the community at large to be arbiter in public affairs, acting in the best interests of all. This general feature of *Takkanot Kandyah* begins to change only when we reach the period during which Elijah Capsali served in the communal leadership, since he adds his own recollections of specific incidents in which he himself is involved to the official communal statutes, elaborating on his own personal involvement in the matters and on his contribution to the community's proper conduct. Before this period, the communal legislation is almost always presented as a fully collective enterprise.¹⁶⁷

¹⁶⁷This approach, it should be noted, is not abandoned with Capsali's additions, but rather modified and amended.

The only known person who we can consider to be the author of the collection as a unified, organised and partially commented work of legal history is therefore Elijah Capsali. Nevertheless, the names of the successive communal councils' members, as recorded by Capsali, reveal a great deal of information about the composition and functioning of the leading bodies in the Candiot community and about those who held the authority to declare the communal regulations. On the one hand, certain family names tend to occur throughout generations. This suggests the existence of a well-established group of privileged families, which tended to provide members to the community's leadership bodies.¹⁶⁸ On the other hand, in most of the lists of signatories we also see names that do not recur in this way, and which in addition reflect a rather wide variety of cultural backgrounds, coming from many parts of the Jewish world. This dualism points to a tendency towards conservatism and continuity in the uppermost levels of the community, which nevertheless allowed for some flexibility and reflected the changing demographic situation in the community.

Throughout the collection, the statutes dating from the “pre-Capsali era” are only very rarely presented as the work of a particular individual who asserts his own specific merit for the decree in question. This is in no contradiction to the fact that the statutes do often contain the name of the constable under whose administration the legal measure was accepted. Similarly, in the lists of signatories, the leading positions in the communal council (constable – קונדושטבלו, assessor, i.e. the constable's deputy, usually in the form “one of the assessors” – אחד הממונים, or secretary – חשבן) often, although not always, accompany the names of their holders. These mentions, however, do not aim to celebrate individual merit, but rather to demonstrate the statute's legitimacy, derived from the authority of the communal offices. The role of individual members of the communal council as instigators of the statute is only pointed out comparatively rarely. This is the case, for example, in TK LXXXI from March 1526, which opens with the words

When we, Menachem del Medigo and Emmanuel Hen from the house of Shaltiel, saw that some of the sons of our community which bears the name of Israel, sinfully follow their bodily desires and [...] men take women without marriage or betrothal, [...] we decided, in agreement with his Highness the sage Elijah Capsali [...],¹⁶⁹ who is currently a

¹⁶⁸ Many of these families would have been related through mutual marriages. For Elijah Capsali's relation to the del Medigos, see Paudice, *Between Several Worlds*, 51-52.

¹⁶⁹ We may consider it an open question whether it was Capsali's example that persuaded his contemporaries to point out their own individual merits. However, similar examples do also occur, albeit rather rarely, in earlier statutes.

councillor and head of our community [...], and with the rest of the councillors and leaders of our community [...], all as one, [to accept the following statute].¹⁷⁰

This explicit mention of those who initiated the legislative action is clearly meant to emphasise their personal role in solving this halakhically and socially sensitive issue. However, it would be wrong to assume that del Medigo and Hen were the principal authors of the ordinance and that it came into being solely by their authority. On the contrary, the language of the statute makes it clear that it was issued by the standard mechanism of communal politics, by general consensus in the council.

In this context, we should address the question of the authorship of the two oldest layers of *Takkanot Kandiyah*. At the end of Part One of the collection, the list of signatures under the ten statutes from 1228 opens with a statement given by Rabbi Baruch ben Isaac, who expresses his consent to the legislation.¹⁷¹ Rosenberg identifies this rabbi as an Ashkenazi halakhist who wrote the compendium *Sefer ha-terumah*¹⁷² and, according to 16th-century author Samuel Algazi, visited Candia *en route* to the Land of Israel.¹⁷³ Based on this connection, Finkelstein sees Baruch as the “president of a rabbinic synod” and even accredits Baruch with introducing the institute of legislative rabbinic council to Crete.¹⁷⁴ This conclusion, however, finds little support in the text. Finkelstein’s hypothesis might well be correct, since Rabbi Baruch is indeed identified in the opening chapter of this section as a temporary visitor to Candia.¹⁷⁵ However, nothing in the one

בראותנו אנחנו, מנחם דלמדיגו ועמונאל חן לבית שלתיאל, שקצת מבני קהלתנו [...] יכנו זנו אחרי התאוות הגשמיות [...] ¹⁷⁰ ויבואו אנשים על הנשים, בלי חופה וקדושין [...] הסכמנו בהסכמה ג"כ הנעלה החבר הנ"ר אליהו קפשלי יצ"ו, כהיום ממונה *TK LXXXI, 2-11* "ופרנס לקהלתנו יצ"ו, ושאר ממוני וסרכי קהלתנו יצ"ו, כולנו כאחד. ...

¹⁷¹ See *TK XIII*, 3-4: "I, Baruch, son of Rabbi Isaac, do approve these ordinances, together with the rest of my colleagues signed below, the wise men of Candia, saints in the eyes of the Most High, in order to arouse and awaken the hearts [of the members of the community], to show the path which we should follow" ("אני ברוך בר' יצחק הסכמתי באלה התקנות עם יתר חברי היתומים מטה, חכמי קנדיאה קדושי עליון, אשר יעירו ויביעו את לבבות ההורוה הדרך אשר נלך בה"). All the other signatories recorded only their names, followed by the word "agrees".

¹⁷²Rosenberg, "Die Statuten Der Gemeinden Auf Der Insel Candia," 268-69. Baruch is listed in Hayyim Azulai's influential catalogue of famous rabbinic figures, see Hayyim Joseph David Azulai et al., *Shem Ha-Gedolim Ha-Shalem* (New York: Grossman, 1960), 39. See also Abraham Epstein, "Das Talmudische Lexicon ואמוראים ויחוס תנאים Und Jeh. B. Kalonymos Aus Speyer, Teil II," *Monatsschrift für Geschichte und Wissenschaft des Judenthums* 39(1886): 454.

¹⁷³ Samuel Algazi, "Toldot Adam," ed. A. M. Habermann (Jerusalem: Bamberger et Wahrmann, 1943), 18. Algazi, himself a Candiot Jew and Elijah Capsali's pupil, is also signed under one of the statutes of *Takkanot Kandiyah*.

¹⁷⁴ See Finkelstein, *Jewish Self-Government in the Middle Ages*, 82-83.

¹⁷⁵ See *TK* II, 11, where Baruch's name is followed by the comment "who at the moment dwells among us" ("הנמצא כעת בינינו"). The fourth man mentioned at the beginning of *TK* II, Rabbi Menachem, is identified as Baruch's son in law (see *ibid.*, 12). There is no indication whether Menachem visited Candia together with

sentence written by Baruch himself suggests that the assembly that issued the statute was a rabbinic synod. While Baruch was identified as the principal instigator of the original ordinances in a statute written under Elijah Capsali's constabulary in 1525,¹⁷⁶ we cannot say with certainty whether the rabbi was called to Candia to give his halakhic opinion to the communal leaders, or whether his presence in the city was a coincidence which the Jewish councillors took advantage of to ask him for his expression of approval, thus enhancing the ordinances' authority and paying respect to an honoured guest. In any case, Baruch's brief contribution to *TK XIII* gives us no grounds for seeing him as the main author of the ten oldest statutes. By describing the other signatories as "the rest of my colleagues", Baruch clearly presents himself as their peer (or at most a *primus inter pares*), rather than a superior.

A similar case is that of the otherwise unknown Rabbi Tzedaka, mentioned in the short opening paragraph before chapter *TK XIV*, which opens the following undated Part Two.¹⁷⁷ The prologue describes the following set of ten statutes as ordinances "re-enacted for our community by R. Tzedaka, may he live long".¹⁷⁸ This single mention was enough for Finkelstein to conclude that Tzedaka was a Cretan rabbi who felt obliged to re-establish the presumably forgotten "statutes of Rabbi Baruch".¹⁷⁹ It is true that in the context of *Takkanot Kandiya*, this mention of a single person as the man responsible for (re-)issuing a set of communal legislation is relatively uncommon. However, Tzedaka does not specify his position within the community, nor does he make any assertion of authority as a religious figure. While he is the only one whose name appears in the introduction to Part Two of *Takkanot Kandiya*, the same paragraph characterises the following ten ordinances as "the ten statutes which [our] princes, the heads of the children of Israel issued for us."¹⁸⁰ Finkelstein interprets this as a reference to the original ten statutes; the "heads of Israel" would therefore be the signatories of *TK II-XIII*. Whether the ten statutes in Part Two were issued by the collective decision of a later (i.e. post-1228) communal council, or

his father-in-law, or whether he was a local resident (which would potentially call into question Baruch's identification with the Rhineland halakhist).

¹⁷⁶ See *TK LXXX*, 45-46. We must bear in mind that this text was already written at the time when Capsali had read the old ordinances and was working on the present collection. The preferential mention of Rabbi Baruch does not therefore necessarily reflect any habitual reverence towards Baruch as a founding figure of the Candiot legislation; it may simply be Capsali's understandable choice to cite the name on the top of the list of signatories.

¹⁷⁷ Steinschneider, "Candia li," 284. identifies Tzedaka as one of the 14th-century Candiot rabbis.

¹⁷⁸ "והחזירם לקהלתנו ר' צדקה שיחיה", page 21 of the manuscript, the first of the four unnumbered lines before the beginning of *TK XIV*.

¹⁷⁹ Finkelstein, *Jewish Self-Government in the Middle Ages*, 84. The question of the motives for re-issuing the original statutes in Part Two of the collection is discussed elsewhere in this dissertation.

¹⁸⁰ "עשר תקנות שתקנו לנו הנשיאים ראשי בני ישראל", introduction to *TK XIV*, line 2.

whether they are a revision of the older texts written by a sole individual, the wording of the prologue to TK XIV establishes a clear link with the first collection of ordinances. We can therefore agree with Finkelstein's conclusion that Part Two is a re-working of Part One for a later generation of Candiot Jews and that the two sets of legislation are very much in the same style a genre. This genre, however, is that of the collectively issued *takkanot ha-kahal*. The ordinances of Part Two are consistently written in the first person plural and their opening phrase "Firstly, we have agreed and declared that from this day on..."¹⁸¹ is in full accordance with the language of the previous statutes (and indeed the later ones, which are without any doubt classic communal *takkanot*, both consistent with and inspired by the first two sets of legislation). Although any more precise identification of Rabbi Tzedaka is probably not possible, there is no reason to suppose he was the head of a rabbinic synod rather than a representative of a lay communal council. The short comment added to the end of TK XXIII by Elijah Capsali, concluding the whole of Part Two, is worth our attention in this context. By stating "there are no signatories,"¹⁸² Capsali points this fact out as an irregularity, perhaps caused by loss of material, and indirectly shows that he, too, considers the second collection of statutes to be standard *takkanot ha-kahal*. A similar notice is given again at the end of Part Three.¹⁸³

The pages of *Takkanot Kandyah* include 35 lists of signatories in all, which confirm the validity of individual statutes or longer sets of legislation or other acts issued by the communal council. Many of the signatures are only in the form of given personal names with patronymics, which do not enable any precise identification of family or origin, but can still be of use for identifying possible family relations across generations. In some cases, it is not possible to determine whether a word accompanying a signature is part of the name or denotes the signatory's position or profession. For example, among the signatures under the first set of legislation we find a "Parnas Capsali".¹⁸⁴ While *parnas* (פרנס) is a commonly used title for the head of a Jewish community, and is occasionally used in *Takkanot Kandyah* as an equivalent for the term *kondestabulo*, here it seems to be either a (relatively rare) given name, or an honorific title (perhaps signifying that its bearer used to be the community's head).¹⁸⁵ The reason why we can exclude the

¹⁸¹ "ראשונה הסכמנו ותקננו לאמור שמן היום הזה ולהלאה...", TK XIV, 1.

¹⁸² "לא נמצאו חותמים", TK XIII, 8. This phrase could be also interpreted more literally "no signatories were found", which would suggest that Capsali had expected a list of names to follow the statutes.

¹⁸³ "לא נמצאו שמות חותמי הגדרים הנ"ל על כן לא כתבנום" ("No names of the signatories of the above ordinances have been found, therefore we have not recorded them"), TK XLIV, 10.

¹⁸⁴ See TK XIII, 13. This is the first Capsali to appear in *Takkanot Kandyah*.

¹⁸⁵ The latter possibility is rendered somewhat less probable by the fact that the patronymic *ben Joseph* follows immediately after the word *parnas*.

possibility that this Capsali was the constable at the time is that that title is attached to another signatory: the penultimate signature in this the list belongs to a “Menachem ben R. Jacob, the *parnas*”.¹⁸⁶ Similarly, the often-recurring attribute “the physician” (הרופה) refers in most cases to the actual profession of its bearer, but we cannot exclude the possibility that in some cases it might be the Hebrew translation of the surname del Medigo (one of the most common family names in the collection).

Most of the names in the lists of signatories occur only once and refer to persons otherwise unknown. This is especially true for the first three parts of *Takekanot Kandiyah*, which are records of separate legislative acts, between which many years intervened. In Part Four, the situation is different. Many of the individual statutes recorded here were issued in short succession and thus within the active years of many communal councillors, whose names therefore appear repeatedly, often in different functions within the communal council. Part Four of the collection therefore tells us not only which people participated in the communal leadership, but also how long some of them stayed there, and, consequently, what degree of influence upon their co-religionists they enjoyed.

Among the most frequent and long-lasting family names in the collection is the name of the editor himself, Capsali. As we have seen, this name is first mentioned already in 1228. In total, twelve members of the Capsali family are listed among the community’s leaders before, alongside and after Elijah Capsali (not including the chief rabbi of Constantinople, Moses Capsali, who appears in the collection as an external religious authority). Several of these Capsalis are especially notable. Elijah Capsali the Elder is recorded as the constable who initiated the issue of TK LV (autumn 1399) and is referred to in a later summary written by his great-grandson¹⁸⁷ and namesake.¹⁸⁸ The older Elijah was the father of Constantinople Rabbi Moses Capsali, and of the younger Elijah’s grandfather David.¹⁸⁹ It is plausible that Jeremiah Capsali, a communal elder

¹⁸⁶ Ibid., 19.

¹⁸⁷ For the Capsali family tree, see Paudice, *Between Several Worlds*, 42.

¹⁸⁸ See TK LXXX, 53-54.

¹⁸⁹ David, too, was active in the communal leadership, signing several statutes and serving as the constable in 1478 (see TK LXIII, 3-4). TK LXIII also indicates that during or shortly before his lifetime, another Capsali named David lived in Candia. The decree is co-signed by an Eliezer Capsali, “son of the honoured sage, the excellent Rabbi David, may his memory be worthy of the world to come” (“בן כהנב”ר דוד קפסאלי זלה”ה”, *ibid.*, 18-19). Eliezer’s father is thus clearly identified as deceased. Yet another David ben Elijah Capsali was a member of the communal leadership in Retinno, which in May 1362 issued a statute later adopted by the Candiot community (see TK XLVIII, 35).

active in the 1420s and '30s,¹⁹⁰ was a younger brother of the first Elijah, whose patronymic (**בן משה**) he shared. Elkana ben David Capsali, father of the Renaissance editor of the whole collection, is listed under four statutes (TK LXIX, LXXII, LXXV and LXXVIII), dating from January 1489 to December 1520.¹⁹¹ The younger Elijah Capsali, the fourth constable in a direct line, was not the only member of his generation active in the communal leadership. His brother Isaac's signature is associated with several documents recorded in the final chapters of the collection, extending beyond Elijah's death. Isaac's name is also the first among the communal councillors who authorised the communal *kapitoli* sanctioned by the Venetian Government in November 1574.¹⁹² The presence of the Capsali family thus spans the whole extent of *Takkanot Kandiyah*, which establishes it as one of the most prominent families in the legal history of Cretan Jewry during the Venetian period.

In terms of numbers, however, the Capsalis are surpassed by the del Medigo family. Despite their Spanish name, the del Medigos were of Ashkenazi origin,¹⁹³ which nevertheless did not prevent the family (or at least its later generations) from identifying with the local Romaniot Jewish traditions prevalent in Crete.¹⁹⁴ The del Medigo family produced two of the most prominent Jewish personalities hailing from Venetian Candia, philosopher Elijah del Medigo (late 1450s-early 1490s), and rabbi, Renaissance scholar and physician Joseph Solomon del Medigo, also known as the Yashar of Candia (1591-1655). Both men spent most of their lives outside Candia and there is no evidence that either took part in the work of the Jewish community's council. Nevertheless, their family upbringing in the milieu consisting of rabbis, doctors and communal notables must have provided a most favourable background to their intellectual careers.¹⁹⁵ Due to the common occurrence of some given names and inconsistent use of

¹⁹⁰ Signed as a secretary to the constable in TK LIX, 81 (written before October 1424) and TK LXXVI, 52 (December 1439). He is also mentioned in the younger Elijah Capsali's summary of deeds of notable constables (see TK XLVI, 21-24).

¹⁹¹ The latter date is uncertain, as TK LXXVIII is dated by an ambiguous chronogram which could also signify the year 1525. In a statute from March 1526, Elijah Capsali is already identified as the son "of my father, master and Rabbi Elkana, may he rest in peace" (" **בן לא"א ורבי החכ"ר אלקנה עלי השלום** ", TK LXXXII, 60-61).

¹⁹² See TK CXX, 39. The same list includes another Elkana Capsali. Although his patronymic is not given, we may assume, in the knowledge of the custom of naming Jewish boys after their grandfathers, that he was Isaac's son or nephew.

¹⁹³ See Benayahu, *Rabbi Eliyahu Capsali*, 98.

¹⁹⁴ This is documented by a preserved religious text that was owned and used by the del Medigo family in the 17th century, which is explicitly described as belonging to the Romaniot rite. See Starr, "Jewish Life in Crete," 100.

¹⁹⁵ On the life of Elijah del Medigo, see David Geffen, "Insight into the Life and Thought of Elijah Del Medigo Based on His Published and Unpublished Works," *ibid.* 41-42 (1973-74). Regarding Joseph

patronymics in the signatures, we cannot establish the exact number of del Medigos who contributed to *Takkanot Kandyah*, but there are without doubt at least 25 individual members of the family mentioned.

The earliest occurrence of the name comes from May 1362 with Shemaryah del Medigo, who is described as being originally from Negroponte.¹⁹⁶ He may, therefore, belong to the first generation of del Medigos who settled in Crete,¹⁹⁷ since his name appears under the aforementioned statute that was originally issued in Retinno before being adopted in Candia in the Jewish year 5146, i.e. 1385/86. A Shemaryah del Medigo, who without a doubt was a communal councillor in Candia, is also listed under *TK LII*, issued in October 1406. That the two documents refer to the same person is not unconceivable, but it is equally plausible that the latter refers to a later Shemaryah, possibly a grandson of the former. A del Medigo signs statutes in practically every subsequent decade, often as the constable,¹⁹⁸ including the latest document in the whole collection, *TK CXVIII* from October 1583 - the list of signatories at the end of this chapter finishes with a "Rabbi Abba del Medigo the Younger",¹⁹⁹ the fourth del Medigo in *Takkanot Kandyah* who bears this name.

That the del Medigos and the Capsalis were related by mutual marriage is well established; Elijah Capsali's mother was born a del Medigo,²⁰⁰ hence the editor of the collection is therefore a representative of both the arguably most influential Jewish families of Venetian Candia. Furthermore, the text of *Takkanot Kandyah* provides evidence that marriages between the two families also occurred in earlier generations. The aforementioned *TK LII* from October 1406, which refers to Shemaryah del Medigo, also informs us that he was related by marriage to one of the constable's secretaries, Jeremiah Capsali,²⁰¹ and that because of that he was excluded from the communal council on the instigation of the Venetian authorities.²⁰² The multiple unions between the two important Jewish families are a testimony to the existence of a distinct class of Jewish

Salomon del Medigo, see Isaac Barzilay, *Yoseph Shlomo Delmedigo (Yashar of Candia): His Life, Work and Time* (Leiden: Brill, 1974).

¹⁹⁶ "שמריה דלמדיגו מאגריפון", *TK XLVIII*, 32.

¹⁹⁷ Cf. Jacoby, "Quelques Aspects," 112.

¹⁹⁸ For example Elkana del Medigo (*TK LVII* from November 1435).

¹⁹⁹ *TK CXVIII*, 45.

²⁰⁰ See Paudice, *Between Several Worlds*, 46.

²⁰¹ It is not possible to determine with certainty whether he is identical with the aforementioned Capsali of the same name (brother of Elijah Capsali the Elder) who *floruit* in the 1420s and '30s. However, the fact that the Jeremiah from *TK LII* held a senior position in the council some 30 years before his namesake seems to speak against this interpretation.

²⁰² See *TK LII*, 15-18. This remark will be further discussed in the section devoted to the mechanisms of communal leadership of the Candiot Jewry.

communal elites. However, this does not necessarily mean that the relations between the two families were always harmonious. Mosè Lattes records a serious argument between Elijah Capsali and his kinsman Judah del Medigo, whose daughter's marriage Capsali (as a rabbi rather than a communal elder) declared null and void, supporting his decision with a rabbinic epistle by Rabbi Moses al-Ashkar (who is also the author of two other letters included in *Takkanot Kandiyah*).²⁰³ That feud between Capsali and Judah del Medigo remained permanent, as is testified by the collection of rabbinic epistles mentioned in the previous chapter, in which Capsali gathered support against del Medigo and his allies.²⁰⁴ Very subtle echoes of this animosity are detectable in *Takkanot Kandiyah*, too, as we will see.

Besides the Capsalis and the del Medigos, there were a number of other families who participated in the communal council across several generations, and whose members included notable personalities in Jewish spiritual and public life. The most notable names include Nomiko (referring to nine individuals mentioned in five documents issued between 1406 and 1574),²⁰⁵ Cassani (eight individuals signed under 15 documents issued between 1399 and 1582),²⁰⁶ Astruc (six individuals signed under six documents issued between the early 15th century and 1520 or 1525),²⁰⁷ Culi (probably referring to six individuals, mentioned in eleven documents issued between 1504 or 1509²⁰⁸ and 1583; many of this family's members served in leading positions on the communal council), Graziani (probably referring to six individuals whose names appear under 17 documents issued between 1513 and 1583),²⁰⁹ Balbo (referring to five individuals

²⁰³ See Lattes, *De Vita Et Scriptis Eliae Capsali*, 23.

²⁰⁴ See Grünhut, "Handschriftliches Von Moses Ibn Al-Aschkar Und Levi Chabib."

²⁰⁵ This time span might very well be longer. The first Nomiko, Elijah, is mentioned in *TK XLVI*, Elijah Capsali's record of the deeds of eminent constables. This short entry (*TK XLVI*, 8-10) bears no indication of date, but the next Nomiko, Jeremiah, who is signed under *TK LII* from October 1406, has a patronymic *ben Eliyahu*.

²⁰⁶ Furthermore, it is probable that a Malkiel Cassani was a member of the communal council that issued Part Three of the collection in 1363. A constable of this name is mentioned by Elijah Capsali (see *TK XLVI*, 13-16) in reference to a case which is in detail described in *TK XXXII*.

²⁰⁷ The earliest statute signed by an Astruc is *TK LIX* issued before October 1424. The latest occurrence of the name, dated by an ambiguous chronogram indicating either the year 1520 or 1525, is slightly problematic. The name is mentioned in a short note at the end of *TK LXXVI*, referring to a person who copied the main body of this chapter, an older statute from December 1439: "these are the words of the youngster Elijah, son of my beloved father, the honoured Rabbi Astruc Dalāl" ("נאם אליהו הצעיר בן לא"א כ"ר" (*TK LXXVI*, 85). Thus, we cannot be sure whether the name Astruc signifies the family or a given name, especially since the family name ibn Dalāl occurs elsewhere in *Takkanot Kandiyah* (by coincidence in the very same chapter, in the list of signatories of the original statute, see *ibid.*, 67). The latest unambiguous member of the Astruc family is Eliezer ben Solomon, signed under *TK LXIX* from January 1489.

²⁰⁸ The earliest chapter where the name occurs, *TK LXX*, is dated by an ambiguous chronogram.

²⁰⁹ This name is usually signed in Hebrew translation חן ("grace", "mercy"), the only exception is found in a statute from January 1513, where one of the councillors is signed as *Grasyan Kohen* (גרסיין כהן, *TK LXXI*,

mentioned in five documents, issued between 1369 and 1529), and Cohen (Katz) Ashkenazi (referring probably to five individuals mentioned in ten documents issued between 1428 and 1566).²¹⁰ Only a minority of these family names are undoubtedly Greek (Nomiko, together with the less frequently mentioned Proto, Maurogonato or Agora), while many are clearly foreign, showing that a family's non-Romanian heritage was no obstacle to continuous service to the community and a rise to prominence.

Some of these families played an important role in the political, economic or intellectual history of Candiot Jewry. The collection of Hebrew manuscripts copied (and partially authored) by members of the Balbo family in the 15th century²¹¹ is worth mentioning, as is the theological dispute between one of them, Michael Balbo, and a scion of another prominent Candiot family (which, as we have seen, also figured prominently in the ranks of the Jewish communal council), Moses Cohen Ashkenazi, with whom he exchanged a series of polemic poems on the subject of metempsychosis.²¹² One of the Cassanis, a rabbi named Samuel, was the author of a *responsum*

58). This Grasyan could possibly be identical with Emmanuel Hen, whose name is signed under three statutes from the 1510s and '20s (*TK* LXXV, LXXX-LXXXI), but the connection must remain hypothetical. "Judah Hen the physician", mentioned as the constable who issued *TK* LXXVII from October 1562, is probably identical with "Judah Hen, son of R. Emmanuel", listed under *TK* CIX from July 1567. Many members of the family use the predicate "of the house of Shaltiel/She'altiel". The extended Sephardic family of the Shaltiels claimed descent from the Babylonian Jewish exilarchs, which corresponds to the quasi-aristocratic fashion in which its members referred to themselves. Stavroulakis mentions the heraldic symbols preserved in their former residence and a 16th-century controversy when some members of the family claimed the title *gaon*, despite not being rabbis. See Nicholas P. Stavroulakis and Timothy J. DeVinney, *Jewish Sites and Synagogues of Greece* (Athens: Talos Press, 1992), 238. The Shaltiels also purchased a valuable illuminated manuscript of the Passover Haggadah (now in the British Library), whose commented facsimile with an English translation was published by a contemporary scion of the family. See "Saltellus Haggadah," ed. Moshe A. Shaltiel-Gracian (Saltellus Press, 2002). The preface contains a summary of the family history, including its Cretan branch.

²¹⁰ It must be noted that the relation of the earliest of them, Eliezer Ashkenazi Katz, signed under *TK* LII from October 1428, to the five men called Cohen Ashkenazi who are signed under later statutes during the 16th century, is not absolutely certain. "Ashkenazi" can be used either as a fixed family surname (as it is without doubt in the case of the four 16th-century Ashkenazis, whose mutual relations are shown by shared and repeated patronymics), or as a reference to the individual's or family's land of origin. The same *mutatis mutandis* applies to the terms Cohen and Katz. There are two more councillors named Ashkenazi, Malkiel ben Meir (signed under *TK* L from March 1369) and Meir, possibly Malkiel's son or nephew (mentioned as the communal leader of the day in *TK* LIII, Capsali's record of communal proceedings probably from the turn of 14th and 15th centuries). These two men do not bear the epithet Cohen and we therefore have no sound grounds to assume even tentatively any relation to their later namesakes.

²¹¹ For information about this collection and the successive generations of the Balbos living in Candia, see Zvi Malakhi, "From the Writings of the Members of the Balbo Family of Candia in the 15th Century," *Michael* 7 (1981).

²¹² See Ogren, *Renaissance and Rebirth*, 41-70.

discussing a statute issued by the communal council of Candia.²¹³ The mention of the important 15th-century Jewish figure David Maurogonato is notably brief.²¹⁴

The presence of some names, such as Astruc (of Catalan origin)²¹⁵ or Culi (another family of Sephardic roots) witnesses to Candia's position as an important destination for Jewish immigrants from the Iberian Peninsula, long before the final expulsion in the late 15th century. As we can see from the examples of names such as Ashkenazi or Sepharadi, surnames denoting their bearer's origin are not uncommon. In some cases, these names indicate a specific location: two refer to Crete itself – *ba-Ikriti* (האקריטי, TK XIII from 1228)²¹⁶ and *Kandiyoti* (קנדיוטי, TK LI from 1428; this can be reference either to the town, or the whole island) – two to other locations within the Greek cultural area – *Alkostandin* (אלקוסטנדין, TK CVII from 1567)²¹⁷ and *Saloniko* (שלוניקו, TK CXX from 1577) – and two to the Land of Israel – *Yerushalmi* (ירושלמי, TK LXXVI from 1439) and *Algazi* (אלגזי, TK CIII from 1581/82).²¹⁸ As in the case of the names Sepharadi and Ashkenazi, we must nevertheless bear in mind that these “foreign” predicates can both indicate the geographic origin of their bearer or his immediate ancestors and a well-established surname used by generations of Jews who already identified as indigenous Candiot.

As we have seen, some of the signatories are occasionally identified as coming from other communities. Generally, the references are to other Jewish communities in Crete or Negroponte, which was likewise a Venetian colonial possession. It is plausible that these comments indicate the other communities simply as the birthplaces of people who had by that time settled in Candia, as seems to be the case for the surnames mentioned in the previous paragraph. Alternatively, they may refer to members of other communities who were invited to co-sign the Candiot legislation either because they happened to be visiting the town, or because they were

²¹³ See Yaakov Shmuel Spiegel, "A Response of Rabbi Samuel Cassani of Candia, Regarding the Candiot Ordinance Concerning Excommunications, and Regarding Prisons," *Moriya* 29, no. 5 (2009).

²¹⁴ See TK XLVI, 64-67. Long after David Maurogonato's lifetime, in September 1574, the family name occurs once more in *Takkanot Kandiyah* – among the signatories of the Hebrew translation of the Venetian *ordini* of the Jewish community is a councillor named Michael Maurogonato (see TK CXX, 52).

²¹⁵ See Rena Lauer, "Cretan Jews and the First Sephardic Encounter in the Fifteenth Century," *Mediterranean Historical Review* 27, no. 2 (2012): 131.

²¹⁶ Note the euphonic vowel *i*, preventing a consonant cluster at the beginning of the word. When used as a geographical reference in the later stages of *Takkanot Kandiyah*, the name has the form *Kriti*.

²¹⁷ A later bearer of this surname, Moses b. Menachem, was a rabbi in Candia after 1670 (see Marcus, "The History of the Jews in Chania," 167.), which shows that the family's presence in the city outlasted the Venetian domination.

²¹⁸ As mentioned above, Samuel ben Isaac Algazi, whose signature probably dates from the year 1581 (the date is ambiguous), is one of the Candiot communal councillors who were also noted authors in their own right. For a summary of his works, see Moshe David Gaon, *Oriental Jews in the Land of Israel* (Jerusalem 1943).

notable and widely respected figures who were specifically requested to support the statutes. One of these cases is the aforementioned late 14th-century Shemaryah del Medigo, originally of Negroponte, who signed the ordinance in Retinno. In turn, two signatories of a couple of early 15th-century decrees are from Retinno.²¹⁹

5.2 The authorship of the rabbinic epistles

While we can safely dismiss claims that Parts One and Two of *Takkanot Kandyah* are products of “rabbinic synods” or that their redaction was made by a single religious leader, the collection does include a category of documents whose authority is clearly based in the religious office of their authors and where, consequently, the author’s (or authors’) role is correspondingly prominent. This is the case of the ten rabbinic epistles sent to Candia upon the communal councillors’ request, to lend support to their decisions. The very fact that these letters were included in the collection shows that the connection between communal legislation and halakhic law was perceived as important. Indeed, Elijah Capsali explicitly mentions that he asked external rabbis to corroborate the communal *takkanot*.²²⁰ Nevertheless, we must bear in mind that what we witness here is the co-operation of two discourses, not their merging or identity.

The author of the first four of these epistles, TK XLV, XLVII and LXVI-LXVII, is the 15th-century chief rabbi of Constantinople Moses Capsali. His halakhic opinions contributed significantly to Candiot communal legislation and his influence on the younger scion of his family, Elijah, was considerable. Some of the following *responsa*, sent to Candia in the sixteenth century, have more than one signatory, and therefore claim, like the *takkanot* themselves, a collective authority.

The first of these letters, recorded in the collection as TK XC, was sent in September 1532 from an unspecified Jewish community in Egypt, which appears to be Cairo,²²¹ by three rabbis whose names are Moses al-Ashkar (משה אלאשקר), Samuel ha-Levi (שמואל הלוי) and David, son of Abi Zimra (דוד בן אבי זמרה). The first of the named rabbis, Moses al-Ashkar, is a relatively renowned

²¹⁹ Eliezer ben Gershon, signed under TK LI-LII from October 1428 and October 1406, respectively, and Judah ben Moses, signed under the latter (i.e. earlier) ordinances.

²²⁰ See TK XCIV, 76-84 (undated). Here, Capsali maintains that he copied the following three epistles (TK XCV-XCVII) “word by word”, when he heard that “there were those who doubt” the preceding statute regarding the ritual purity of wine.

²²¹ “מקהלת הקדש אשר בארץ מצרים”, (“...from the holy community in the land of Egypt”), TK XC, 1-2. Al-Ashkar is known to have served in Cairo, and the use of a determined noun (“the community”) suggests that the authors are referring to the principal Jewish congregation of the land.

figure and the author of numerous *responsa*. He was born in Spain and, after emigrating in the wake of the expulsion of 1492, lived in various parts of the Mediterranean, including mainland Greece, before settling in for a long time Egypt and finally relocating to the Land of Israel.²²² Rabbi David Abi Zimra was another scion of the Sephardic exile, a prolific author of *responsa* and a *dayan* (judge at a religious court), whose legal decisions are preserved in the Cairo Genizah.²²³ Moreover, a rabbi of the same name signs a letter sent to Candia from the Land of Israel in 1568.

Moses al-Ashkar is also the sole author of the next rabbinic epistle recorded in *Takkanot Kandiyah*, TK XCV, written in the Jewish year 5299 (1538/39). This letter is the first in a series of three addressing a single matter: the treatment of wine. Like this first letter, the other two (neither bearing a date) were written by a single rabbi. The second and third letters were sent from Constantinople, the second by R. Menachem Kavali, and the third by R. Tam, son of David, son of Yahya.²²⁴ Owing to the absence of dates and the fact that both letters are preceded and succeeded by chapters in which Capsali summarises his stance on this issue, it is not possible to determine with certainty whether the two letters were sent at the same time, possibly by rabbis representing Jewish communities of different cultural heritage, or whether the second rabbi was a successor of the first.

The identification of the authors of the next letter, TK CXII, probably written in the late 1560s, is even more tentative. The two rabbis who sent the letter, Moses Damo (משה דמו) and Isaac Beirab (יצחק בי רב), do not state their home community, and Elijah Capsali characterises them in his opening words to this chapter as rabbis “from a seaside country”.²²⁵ The editors of the critical edition suggest that this might mean either Egypt or the Land of Israel, and point out that Rabbi Isaac Beirab was probably the son of Jacob Beirab, another Sephardic émigré who settled in the Upper Galilean town of Safed, an important centre of Jewish immigrants in the

²²² A summary of Moses' life can be found in a short article on the life and work of his relative Joseph. See Adolf Neubauer, "Literary Gleanings X. Joseph Al-Ashkar," *Jewish Quarterly Review* 6(1894): 402. His contact with Elijah Capsali has already been discussed.

²²³ See MS Heb e 98 – Folio 57a from the Bodleian Library in Oxford. Electronic source, http://genizah.bodleian.ox.ac.uk/fragment/MS_Heb_e_98/57a, accessed 13th May, 2014. For information about the rabbi and his family, see Israel M. Goldman, *The Life and Times of Rabbi David Ibn Abi Zimra; a Social, Economic and Cultural Study of Jewish Life in the Ottoman Empire in the 15th and 16th Centuries as Reflected in the Responsa of the Rdbz* (New York: Jewish Theological Seminary of America, 1970).

²²⁴ This rabbi was also one of the authorities which Capsali consulted in the collection of *responsa* cited by Grünhut. Like them, these letters, too, were sent to Capsali to help him in his argument against Judah del Medigo.

²²⁵ “ממדינת הים”, TK CXII, 1.

Land of Israel.²²⁶ This identification, if correct, would establish a direct link to the following document, *TK CXIII*. This is a copy of another rabbinic epistle (the last in the collection), sent by group of rabbis from Safed in July 1568. Assuming the second letter was written in consultation on the same matter as the previous one, which is plausible since they address the same topic (discrimination against re-converted Jewish apostates), we can conclude that *TK CXII* must have been written in another town, but by religious leaders of a similar background.

This interpretation is strongly supported by the name of one the signatories of the letter from Safed, Rabbi Joseph Karo (1488-1575). This influential halakhist and one of the leading figures of the 16th-century Jewish settlement in the Land of Israel is certainly the most prominent figure whose name is recorded in *Takkanot Kandiyah* (together with Moses and Elijah Capsali). As mentioned above, one of the signatories of this letter, called R. David, son of Abi Zimra, bears the same name as one of the authors of the *responsum* sent to Candia from Egypt in 1532, 36 years earlier. Considering the time, it is conceivable that it is the same person, writing both at the beginning and close of his career. Alternatively, this later Rabbi David could be his earlier namesake's relative, possibly a grandson. While it is impossible to draw any more definite conclusions, it seems obvious that there was continuity in the choice of which rabbinic authorities the communal leaders of Candia consulted, and that this continued even after the death of Elijah Capsali.

Apart from the lists of communal leaders and signatures of the authors of the halakhic *responsa* included in the collection, the surviving text of *Takkanot Kandiyah* partially sheds light on another question connected to its authorship. Towards the end of the collection, a number of statutes are complemented by notes written by the communal scribe, about his work. The scribes who recorded their names are Isaac Atalioni or Atilioni (אטליוני/אטיליוני),²²⁷ Isaac Cohen²²⁸ and Matityahu Spanyolo (שפניולו).²²⁹

We may close these remarks by observing that the lists of communal leaders preserved and recorded in the present version of *Takkanot Kandiyah* have a double value (and have had so since

²²⁶"Statuta Iudaeorum Candiae," 146., note to *TK CXII*. For the details of the 16th-century Jewish settlement in the Holy Land, see Avraham David, *To Come to the Land: Immigration and Settlement in Sixteenth-Century Eretz-Israel*, Judaic Studies Series (Tuscaloosa, Ala. ; London: University of Alabama Press, 1999).

²²⁷See *TK LXXV*, 54, issued in December 1520 and *TK LXXXVIII*, undated, probably 1530s.

²²⁸ See *TK LXXXVII*, 29, issued in October 1533.

²²⁹ See *TK CX*, 12 (issued in February 1579), *TK CXVI*, 26, (issued in June 1577).

they were first recorded in a unified collection by Elijah Capsali): When the communal leaders first signed the legislation, they did so to give it validity, to back the statutes with the authority of their office, which was acknowledged by their coreligionists and approved by the secular government of Crete. Elijah Capsali collected the documents that were available to him, or which he was able to reconstruct. He recorded the legal measures with the desire to give posterity a set of precedents, which could guide them in conducting communal matters. Simultaneously, however, Capsali strived to perpetuate the memory of the efforts of those who had cultivated through the generations what they, and he too, saw as the ideal way of conducting communal affairs and preserving the continuity of service to the community. In the next section of this chapter, I explore how Capsali saw his own role in this enterprise.

5.3 ■

It is thanks to Elijah Capsali and his determination to preserve the legal history of the Candiot community that *Takkanot Kandyah* exists in its current form. In order to assess his work appropriately, we must consider that, on the one hand, he compiled the whole collection, and on the other, that he was one in the line of successive communal legislators whose work the collection recorded. In this chapter, I will analyse the position of *Takkanot Kandyah* in the context of Capsali's life and work, and explore whether and how Capsali's contribution to the form and content of *Takkanot Kandyah* makes him stand out amongst other Candiot Jewish leaders.

Elijah Capsali, like his great-uncle Moses, gained his education not only in his hometown, but partially also in the centres of Jewish scholarship in Northern Italy, where he came into contact with rabbis of the Ashkenazi tradition.²³⁰ Unlike other eminent Candiot Jews who gained first-hand knowledge of the culture of the Venetian *terraferma* both before and after him, Capsali then returned to his hometown, where he spent the rest of his life devoting much of his energy to public service. Elijah Capsali is known chiefly as an author of historiographic literature. His name has been mentioned in the debate about how “natural” a place writing history has in Jewish literature and understanding of the world. According to the well know model formulated by Yosef Haim Yerushalmi, historical writing proper was largely absent from Jewish literary

²³⁰ See Paudice, *Between Several Worlds*, 53-57.

production for most of the medieval and early modern periods.²³¹ The stark contrast Yerushalmi proposes between the notions “historical consciousness” and “collective memory” that, claiming that the former is not naturally close to the traditional Jewish perception of the world, has raised much debate and remains a contentious issue in modern Jewish scholarship. Yerushalmi’s views are radical in many respects, and it has been pointed out that the Jews never fully abandoned their interest in studying the past. A notable critic of Yerushalmi’s model, Robert Bonfil, has argued that there is little evidence in favour of a “golden” age of sixteenth-century Jewish historiography, a renaissance after centuries of neglect.²³² However, the fact remains that the 16th century did see a considerable wave of interest in history among Jewish authors and that Capsali’s work holds an important place in this phase of Jewish historiography.²³³

Capsali’s historical works consist of the shorter *Divrei ha-yamim le malkhut Wenetzyah* (“A Chronicle of the Venetian Empire”), which he started writing in September 1517,²³⁴ and the longer and more ambitious *Seder Eliyahu Zuta* (“A smaller order of Elijah”),²³⁵ which deals with the history of the Ottoman Empire and the Jews from various parts of the world who came to settle there.²³⁶ Capsali wrote this chronicle in 1523, when Candia was afflicted by the plague and the city was under quarantine.²³⁷ From the perspective of his work as the editor of *Takkanot*

²³¹ See Yosef Hayim Yerushalmi, *Zakhor : Jewish History and Jewish Memory*, The Samuel and Althea Strum Lectures in Jewish Studies (Seattle ; London: University of Washington Press, 1982), 31-52. For the “resurgence” of Jewish historiography in the 16th century, see *ibid.*, 57-75.

²³² E.g. Amos Funkenstein, *Perceptions of Jewish History* (Berkeley ; Oxford: University of California Press, 1993); Robert Bonfil, “How Golden Was the Age of Renaissance in Jewish Historiography?,” *History and Theory* 27(1988), and “Jewish Attitudes toward History and Historical Writing in Pre-Modern Times,” *Jewish History* 11(1997).

²³³ Other works of comparable importance were later written by authors of various cultural backgrounds. The works of Sephardic émigré Joseph ha-Kohen (1496-1558) and the chronicle *Tzemah Dawid* (1592) by Bohemian rabbi and scholar David Gans (1541-1613) are especially noteworthy.

²³⁴ Despite its name, the chronicle not only maps the history of Venice, but also records Capsali’s experience from the rabbinic academies in Northern Italy.

²³⁵ The name is a Talmudic allusion (Ketubot 106), see Paudice, *Between Several Worlds*, 79. All references are made to the three-volume critical edition of 1975-83. This edition contains also *Divre ha-yamim le malkhut Wenetzyah*, under the heading *Sippure Wenetziyah* (“The Stories of Venice”) as the last part of vol. 2, 215-327.

²³⁶ Capsali’s approach to Ottoman history is analysed by Martin Jacobs, “Exposed to All the Currents of the Mediterranean: A Sixteenth-Century Venetian Rabbi on Muslim History,” *Association for Jewish Studies Review* 25(2005). The same author also studied this problematic in a broader context and presented Muslim history as a constant source of interest for Jewish writers (besides Capsali also Joseph ha-Cohen and Joseph Sambari), see *Islamische Geschichte in Jüdischen Chroniken : Hebräische Historiographie Des 16. Und 17. Jahrhunderts*, Texts and Studies in Medieval and Early Modern Judaism, (Tübingen: Mohr Siebeck, 2004). Capsali’s chronicle is used as a source for study of Jewish reflections of Ottoman history by K. E. Fleming, “South Balkan Rabbinic Readings of Ottoman Rise and Decline: Eliyahu Kapsali of Crete and Yehuda Alkalai of Zemlin,” in *Greece and the Balkans: Identities, Perceptions and Cultural Encounters since the Enlightenment*, ed. Dimitris Tziouvas (Aldershot, Burlington: Ashgate, 2003).

²³⁷ See Paudice, *Between Several Worlds*, 63.

Kandiyah, other areas of his scholarly and literary activity are of equal importance. As we have seen in the general overview of the collection, it was Capsali who wrote most of its poetic passages; these verses are only a small part of Capsali's poetical oeuvre. His other works demonstrate that he approached important events of his own lifetime not only as a historiographer: Capsali presents these events as moral stories, whose legacy is to remind the reader of the constant presence of divine providence in human life.

Some of his historically inspired poetry also has purely practical, liturgical purposes. Thus, the dramatic events of a nearly averted anti-Jewish pogrom from 1538, which are described in full detail in *Takkanot Kandiyah*, inspired Capsali to write a celebratory *piyyut* (liturgical poem) *Mi kha-mokcha* ("Who is like Thee?") in 1538.²³⁸ The poem provides us with a unique opportunity to assess the similarities and differences in the depiction of the same events in different contexts and with different purposes. One of Capsali's works that reflects historical events is the poem *Hasdei ha-Shem* ("The Lord's merciful deeds").²³⁹ This composition renders a moralistic narrative of the rebellion in the Ottoman-dominated Egypt in 1524, during which the country's Jews were temporarily threatened by mobsters but eventually saved by the rebellion's failure. The development of events is interpreted as the manifestation of divine Providence and mercy, a theme that is also strongly articulated in some of the passages of *Takkanot Kandiyah* written by him.²⁴⁰ Sometimes, parts of Capsali's historical narrative are strongly influenced by the style and language of liturgical poetry, even in his prosaic accounts of history; this is the case of his "elegy" (קִינָה) – thus titled although the passage is not written in metric poetry but in rhymed prose – for the Jewish victims of the plague epidemic of 1523, which was eventually incorporated into the *Seder*.²⁴¹

Apart from his historical and poetic works, Capsali also wrote important halakhic works, both in form of tractates on specific topics (OHDKNVKHIDUJ devoted to the commandment to honour one's parents) and in the form of rabbinic *responsa* on various topics, largely connected to problems in Jewish communal life in Candia. The number of *responsa* (which remain mostly in

²³⁸ See Weinberger, *Jewish Poets in Crete*, 3. And Leon J. Weinberger, *Jewish Hymnography: A Literary History*, The Littman Library of Jewish Civilization (London: Littman Library of Jewish Civilization, 1998), 355.

²³⁹ See Eliyahu Kapsali, "Meah Shearim," ed. Avraham Shoshana (Jerusalem: Mekhon Ofek, 2000), 92-93.

²⁴⁰ For additional information about Capsali's poetic works, see Paudice, *Between Several Worlds*, 62-63.

²⁴¹ See *Seder*, vol. 2, 205-211.

manuscripts, with only some of them published in collections of epistles sent to other rabbis)²⁴² shows that Capsali was a respected authority in halakhic law, and no less so than he was respected in communal politics and legislation.

Unlike his historical works, Capsali's editorial work on *Takkanot Kandiyah* cannot be precisely dated. We have already observed that the first and most substantial (but only partially preserved) "literary" passage of the collection, the general introduction (TK I), gives no indication of the time when it was written, but Capsali's introduction to TK CXIX, the intended collection of Venetian *kapitoli* of the Jewish community, does bear a date: 18th Heshvan 5280 (i.e. 13th October 1519). Although Capsali does not refer explicitly in this text to the time when he began working on the collection of statutes, it is apparent from the first sentence that this enterprise had been going on for some time:

Behold, so far the Lord has helped me to fulfil my will, which longed [to honour] the Lord with offerings and sacrifices, with Torah-inspired statutes, which direct [human] souls on the path towards perfection and towards good, pure and godly qualities. Thus, they bring us [closer] to the ways of the Covenant, [...] to knowing how Israel should [rightly] act. And now, I have told to myself that it is good and proper to add and join to these the enactments, *lezqij*, *ordini* and *terminatzyonni* issued by the noble government of Venice...²⁴³

While we cannot ascribe a definite date to the time when the edition of *Takkanot Kandiyah* began, it is obvious that the project was long-term and took up most of Capsali's active life. He returned from his studies abroad in January 1510,²⁴⁴ and by the end of the following decade he had already been active in the leadership of the community for some time, and had even served as its head in 1517-18.²⁴⁵ Meanwhile, many of the statutes he co-signed or commented upon come from much later stages in his life, and there is no indication of any first redaction having been completed at some point before being continued, revised or amended later.

²⁴² For details, see Benayahu, *Rabbi Eliyahu Capsali*, 129-31. and especially Jeffrey R. Woolf, "Towards an Appreciation of Elijah Capsali as a Halakhist," *Tarbiz* 65(1995).

²⁴³ עד הנה עזרנו י"י להשלים חפצנו, חפץ ל"י בעולות וזבחים, בגדרים התוריים, המיישרים אל השלמות הנפשיות, ואל "המדות התהוריות, הטובות האלהיות, להביא נפשנו במסורת הברית", TK CXIX, 2-6. Cf. also TK LXXX, 45-56 and then *passim*. These passages in a statute, issued in November 1525 under Capsali's constabulary, explicitly refer to older decrees included in *Takkanot Kandiyah*. This shows that at this stage Capsali was not only aware of the old legislation, but used it as a source for newer statutes.

²⁴⁴ See Paudice, *Between Several Worlds*, 57.

²⁴⁵ See TK LVI, 14.

In order to assess Capsali's own input and contribution to *Takkanot Kandiyah*, it is crucial to appreciate the double role in which he appears on its pages. Capsali's name appears among the signatories under eleven statutes,²⁴⁶ issued between December 1517 and September 1549. In six of these documents (three issued in December 1517 and January 1518 and three between November 1525 and May 1527) he is explicitly described as the constable. These dates prove that Capsali was first active in the communal executive several years before he wrote the introduction to the Venetian rules of the Jewish community, and at the time when he wrote his Venetian chronicle. It is therefore very plausible that his work on collecting and editing *Takkanot Kandiyah* as a unified collection started in the late 1510s. It is also apparent that Capsali stayed in communal service for much of his life, since the last statute co-signed by him was issued not long before his death.

As the editor of *Takkanot Kandiyah*, Capsali reviewed all the older documents, collected them in a given order (combining chronological and topical approaches), and summarised the texts that were either unavailable or which he did not consider worth publishing in full length. Whether Capsali made any changes to the older texts, in terms of stylistic and linguistic revisions, is an interesting question. A tentative answer, based on indirect evidence found in the text, would be negative. Given the many grammatical inconsistencies, differing orthographies of the same loanwords or topographic terms, and other occasional minor differences, it seems probable that Capsali intentionally refrained from making any changes and had the older documents copied in their original form, perhaps with the intention of demonstrating the respective communal leaders' individual styles (and maybe of contrasting them with his own).

In other respects, Capsali's editorial work is clearly recognisable. It is he who is responsible for the inclusion of all of the documents that are not communal statutes proper. In addition to the rabbinic epistles (which, as we have seen, are immediately connected to the statutes regarding their topics) and a few other documents recorded in their original form (such as *TK LXXXVII-LXXXVIII*, which directly concern Capsali), these include Capsali's own summaries and comments on previous legislation. In my earlier general review of *Takkanot Kandiyah*, I mentioned that the first two of these documents, *TK XLVI* and *LIV*, are concerned with proceedings that took place long before Capsali's lifetime, in the 14th and 15th centuries. Later records of events in which Capsali himself was personally involved are, however, more insightful

²⁴⁶ *TK LVI, LVIII, LXIV, LXXII, LXXV, LXXVIII-LXXXII, LXXXV, CIV and CVI*. Chapters *TK LXXIX-LXXX* are in fact one two-part document, the former being a lengthy preamble to the latter.

for our understanding of Capsali's self-presentation as the communal leader. There are nine such documents in total, of varying length, most of them written in the 1540s and often containing some version of the comment "נאם אליהו קפסלי", "these are the words of Elijah Capsali".²⁴⁷ Some of them seem to be brief editorial remarks, in which Capsali shortly states that the preceding statute was re-issued by the communal council in a subsequent year.²⁴⁸ More often, however, Capsali provides lengthy and detailed descriptions of legal problems, the events that caused them and the legislative solutions to them. In these cases, the author regularly emphasises his own contribution to the proceedings and openly presents his own merits for the well-being of the whole community, without abandoning his modest tone and conventional self-deprecations as effective rhetorical devices when appropriate.

This is best illustrated by three late documents based on Capsali's personal reminiscence of past events: *TK XCII*, which declares the unacceptability of playing games of chance on Tisha b'Av,²⁴⁹ *TK XCIX* from June 1541, which introduces a communal day of rejoicing and thanksgiving for a miraculous deliverance from the 1538 pogrom (and describes Capsali's merit in bringing it about), and *TK CII* from July 1546, which deals with the problem of the Jews using ovens owned by the Christians.²⁵⁰ In all three texts, the elements of style and the structuring of the text work together to emphasise the urgency of the problem and Capsali's instrumental role in solving it. To examine Elijah Capsali's approach in such situations and his method of self-presentation, it is worth having a closer look at this point at one of these texts. *TK XCII* provides a particularly good sample of Capsali's typical style.

²⁴⁷ See, for example, *TK XCVIII*, 9: "נאם אליהו קפסלי הקטן, המכתיב בשנת ה'ש"ב" ("the words of Elijah Capsali the Younger who dictated [this text] in the year 5302", i.e. 1541/42).

²⁴⁸ See, for example, *TK LX*, which states that the undated preceding ordinance was renewed in October 1424 and May 1446.

²⁴⁹ The record itself is undated, but refers to an event that occurred on the 9th of Av 5293, i.e. 31st July 1533.

²⁵⁰ *TK CII* will be discussed in more detail in chapter seven, section 7.3.2. *TK XCIX* is one of the few chapters of *Takkanot Kandiyah* that reflect specific historical events which affected the life in Venetian Crete. For my recently published assessment of this record and its place in the context of Capsali's work, see Martin Borýsek, "The Jews of Venetian Candia: The Challenges of External Influences and Internal Diversity as Reflected in *Takkanot Kandiyah*," *Al-Masāq* 26, no. 3 (2014): 241-43. See also Danon, "Quelques Pourim Locaux." The events of the third Veneto-Ottoman war (1537-1540) and their wider political connotations are concisely summarised in Stanford J. Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey*, 2 vols. (Cambridge ; New York: Cambridge University Press, 1976), 98-99. For the more general assessment of Veneto-Ottoman relations, see Stephen Ortega, *Negotiating Transcultural Relations in the Early Modern Mediterranean : Ottoman-Venetian Encounters, Transculturalisms, 1400-1700* (Farnham: Ashgate, 2014).

The relatively short TK XCII declares the unacceptability of playing dice (and other games of chance) on the principle day of mourning, Tisha b'Av, when the Jews commemorate the destruction of both the first and second Temple of Jerusalem.²⁵¹ Capsali devotes 26 out of the chapter's 42 lines to describing how he chanced upon Jewish men desecrating the day by casting dice. The opening sentences use elements of rhymed prose and are abundant with biblical quotations. The dramatic narrative places Capsali firmly in the centre of events from the very beginning:

*The hand of the Lord was upon me [Ez 37:1] when I was on the ninth day of Av in the synagogue, sitting down astonished (sic KJV) [after Ezd 9:3] over the ruin of the house of our God, since the dwelling of our Holiness and Splendour, where our fathers had worshipped, was burned by fire and all our pleasures were destroyed. But now, behold, he cometh [Song 2:8], [a man] telling me in haste that some ungodly, unworthy men played the dice, sitting down in the streets of our town. When Elijah heard, he wrapped his face in his mantle [1 Kings 19:13] and all the majesty [of the] day was destroyed for me. Truly devastated [by the news], strengthened by my wrath, embittered in my heart and with bitter words on my lips, I left the synagogue. I found them, sitting and playing, and raised my voice, crying out loud...*²⁵²

Capsali then describes his harsh reproaches to the perpetrators and his urgent pleas to the then constable to assemble a meeting of the communal council, which would immediately ban the criticised behaviour by means of a statute, and thus protect the sanctity of the fast day. The record concludes with Capsali's remark that he does not remember the constable's name; this suggests that the record was written significantly later, possibly around the same time as his other accounts of individual incidents in which he played a major role, i.e. in the early-to-mid 1540s.

²⁵¹ For attitudes towards gambling (specifically in the synagogue) in Jewish law, and attempts to regulate it, see Leo Landman, "Jewish Attitudes toward Gambling the Professional and Compulsive Gambler I," *The Jewish Quarterly Review, New Series* 57, no. 4 (1967); "Jewish Attitudes toward Gambling the Professional and Compulsive Gambler II," *The Jewish Quarterly Review, New Series* 58, no. 1 (1967). That disorderly behaviour in synagogues also caused considerable trouble in Jewish communities in other cultural areas is shown by Joseph Schatzmiller, "'Tumultus Et Rumor in Sinagoga': An Aspect of Social Life of Provençal Jews in the Middle Ages," *Association for Jewish Studies Review* 2 (1977).

²⁵² "היתה עלי יד יי, ובהיותי ביום תשעה באב בבית הכנסת, יושב ומשומם על חרבן בית אלהינו, משכן קדשנו ותפארתנו אשר הללו אבותנו, היה לשרפת אש, וכל מחמדנו היה לחרבה, והנה זה בא, וימהר המגיד להגיד כי קצת מהעריצים והפריצים יושבים ומשחקים בקוביא, ברחובות קריה. כשמוע אליהו וילט פניו באדרתו, והודי נהפח עלי למשחית, והיטב הרע לי עד מות, ובחמת כחי, מר שיחי ומר רוחי, יצאתי מבית הכנסת והלכתי ומצאתים יושבים ומשחקים והרימותי קולי ואקרה בקול גדול... TK XCII, 3-9.

Capsali's style in *Takkanot Kandiyah* often stands out also in those passages where he figures as an "ordinary" co-signatory. As we observed in the previous chapter, the councillors generally act as a collective body and do not attempt to imprint their own personality on the text. The only consistent exception is in the formulae sometimes accompanying the signatures, in which the signatories occasionally comment on the contents of the documents, indirectly praising the dignity of their families and showing their eloquence and mastery of the Hebrew language. In Capsali's case, these extempore passages are at times extremely long and expressive in style. In TK LXXXI, a statute from March 1526 regarding the problem of children born to unmarried parents, Capsali is signed as the sixth of the nine councillors and as the current constable. Whereas all his colleagues were satisfied with signing their names and a very brief expression of agreement, Capsali's affirmation consumes 33 out of the total 65 lines of the chapter and is in effect a semi-poetic ode, celebrating the statute. Capsali's text opens with a short declaration of the praiseworthiness of the statute, which is followed by a poetic couplet with a complex system of inner rhymes, condemning transgressors and praising those who uphold the ordinance. The main body of the passage then consists of ten short paragraphs in the form of rhetorical questions, framed by the words **מי**, "who" at the beginning and **ישראל**, "Israel", at the end. In this section, Capsali proceeds from praising the statute and urging the members of the community to follow it to expressing his agreement with the text:

Who am I [after Ex 3:11], O Lord God, and who are my ancestors, *that Thou should* bring me here and make me a servant of the holy community of Candia, may her Rock protect and keep her, [as precious as] turquoise, sapphires and diamonds? Elijah Capsali the Younger, son of my beloved father and master, the revered Rabbi Elkana, peace be upon him, confirms everything which is written above to honour God. But who am I and what is my life, or the family of my father in all Israel?²⁵³

Capsali writes similarly eloquent text at times in the statutes themselves, as is demonstrated in the next chapter, TK LXXXII from May 1527: thirty-five out of its 80 lines are taken up by Capsali's lengthy preamble, each paragraph of which starts with the word **כי**, ("for" or "since").

This brief assessment of Capsali's style and method of writing enables us to conclude that his role in the creation of *Takkanot Kandiyah* is immediately connected to the way in which he

²⁵³ "מי אנכי, מי אלהים, מי ביתי, כי הביאותני עד הלום, ותשיתני משרת לק"ק קנדיאה יצ"ו, נופל, ספיר ויהלום. אליהו קפסלי" "הקטן בן לא"א ורבי החכ"ר אלקנה עליו השלום, מאשר כל הכתוב לעיל, לכבוד האל, מי אנכי ומי חיי, משפחת אבי בישראל. TK LXXXI, 59-62.

presents himself as one of its protagonists.²⁵⁴ In other words, it seems that from the beginning of his editorial work on this collection of communal legislation, Capsali intended it to be as much a testimony to his own personal merits and untiring service for the community as a compendium of the legal history of Jewish Candia and a source of precedents for later generations of the communal councillors.

²⁵⁴ A characteristic detail which supports this interpretation is the fact that the records of past events and Capsali's personal recollections, although not communal ordinances in the proper sense, are routinely called *takkanot* in their titles (that is the case of *TK XCII* against gambling on the Tisha b'Av, as just discussed).

6 The Candia of *Takkanot Kandiyyah*

Although *Takkanot Kandiyyah* is a superb source regarding the economic and social history of Cretan Jews in the Venetian period, it was not intended to be a work of historiography in the proper sense, and therefore does not attempt to provide a detailed scholarly account and analysis of historical events or of their impact on the Jewish community. Nevertheless, developments in Cretan and more widely Eastern Mediterranean history are reflected in the statutes, insofar as they shaped the everyday reality of the Jewish community.

Similarly, *Takkanot Kandiyyah* contains a number of topographic terms and geographic references, and these convey a partial picture of the world in which the Candiot Jews lived. These references are not made with the intention of educating the reader, who (as a member of the community) would not need such instruction, but rather for the purpose of locating the described issue in topographical settings to which the reader could easily relate. References of this sort are made both to the town of Candia and more specifically to its Jewish quarter and buildings within it, and also, less frequently, to other towns in Crete and localities in the wider Greek and Levantine area. Although the topographical references are sometimes crucial for the contents of *Takkanot Kandiyyah*, the statutes and associated texts do not use any systematic or codified terminology, but rely on common knowledge of the shared environment. This renders *Takkanot Kandiyyah* a less than sufficient source regarding the development of the area of the Jewish quarter or the number and names of its synagogues through the Venetian period. On the other hand, it enables us to observe how Candiot Jews related to the world in which they lived, both within their city and beyond its bounds. Moreover, however incomplete and inconsistent the picture of the Candiot Jewish quarter in *Takkanot Kandiyyah* is, it still enables us to reconstruct at least partially what life in the Jewish quarter looked like (especially towards the end of the period covered in the collection) and tells us much about the prevailing importance of some institutions (such as the ritual bath) and certain buildings (most importantly, the Great synagogue of the prophet Elijah).

While Starr provides a brief overview of the Jewish district of Candia in his pioneering work on the history of Cretan Jews,²⁵⁵ more detailed accounts of the urban landscape of medieval and

²⁵⁵ Starr, "Jewish Life in Crete," 61. The author cites a 16th-century Venetian source (Lorenzo da Mula 1571) according to whom the Jewish district occupied an especially favourable position in the north-west corner of the walled city and that its houses were among the best in the town (see Starr's footnote 9 on p.

early modern Jewish Candia are given by Zvi Ankori and Aleida Paudice.²⁵⁶ Ankori focuses chiefly on the major changes in the Jewish settlement in the 17th century, during the transition from Venetian to Ottoman dominion. Paudice, on the other hand, is interested in the interplay between physical settlement and religious segregation under the Venetians. Maria Georgopoulou gives a detailed survey of the history of the Jewish quarter and the segregation of the Candiot Jews in the context of Venetian colonial urbanism.²⁵⁷ The virtual library of sources and material evidence regarding the Jewish communities in the Byzantine Empire and Venetian *stato da mar* is also extremely valuable.²⁵⁸

The Jewish district of Venetian Candia, called *giudecca* in Italian and *zudecha* in the Venetian dialect (both derived from the Greek $\kappa\alpha\iota$) was a direct continuation of the older Jewish settlement.²⁵⁹ The district faced the waterfront in the north-western part of the city and as such was included within the Byzantine city walls that were built no later than in the eleventh century (i.e. more than one hundred years before Crete's fall to the Venetians).²⁶⁰ Like much of Venetian Candia, the Jewish district was substantially damaged during the Ottoman war of conquest (1645-1669). During the centuries of Turkish dominance, it also underwent far-reaching changes, culminating in the economic and demographic decline of the Jewish community in the 19th century and the destruction of the Jewish district during the Second World War.²⁶¹ As Paudice points out, in the early stage of the Venetian period the Jewish settlement was not physically secluded from the Christian districts of the town by any walls, and the Jews' presence outside their district was not subject to any harshly enforced limitations. This changed in the 14th century,

61). This claim, however, is not consistent with other sources, which indicate overcrowding and variable quality of life in the Jewish quarter.

²⁵⁶ Zvi Ankori, "From Zudecha to Yahudi Mahallesi: The Jewish Quarter of Candia in the Seventeenth Century," in *Salo Wittmayer Baron Jubilee Volume*, ed. Saul Lieberman and Arthur Hyman (Jerusalem: American Academy for Jewish Research, 1974); Paudice, "Religious Identity and Space."

²⁵⁷ Maria Georgopoulou, *Venice's Mediterranean Colonies: Architecture and Urbanism* (Cambridge: Cambridge University Press, 2001), 192-210.

²⁵⁸ Nicholas de Lange, Alexander Panayotov, and Gethin Rees, "Mapping the Jewish Communities of the Byzantine Empire [Www.Byzantinejewry.Net](http://www.Byzantinejewry.Net)."

²⁵⁹ Paudice, "Religious Identity and Space," 100.

²⁶⁰ While there is broad scholarly agreement that the Jews had been present in the Greek Eastern Mediterranean since the Hellenistic period, we cannot track the origins of the Candiot community with absolute certainty. Ankori suggests that the Jews came to Candia soon after its establishment during the Arab period (9th-10th century), and that Candia's subsequent successful development triggered a wave of Jewish immigration (see Ankori, "From Zudecha to Yahudi Mahallesi: The Jewish Quarter of Candia in the Seventeenth Century," 67.). Although this interpretation is plausible, it must be considered a hypothesis rather than a definitive answer, due to the lack of material evidence.

²⁶¹ See *ibid.*, 92-97. For information about the surviving Jewish buildings, see Stavroulakis and DeVinney, *Jewish Sites and Synagogues of Greece*, 238.

when the quarter was physically separated from the Christian neighbourhoods.²⁶² Rather characteristically, the profound change this event must have brought about for the life in the *zudecha* is left without any mention in *Takkanot Kandiyah*. This may be explained, among other factors, by the paucity of texts from the 14th century, and possibly (although this is mere conjecture) also by Capsali's careful editing out of any texts which could appear to deliberately criticise government policies. At any rate, physical segregation was probably not only a result of restrictions from above, but to a certain degree also correlated with the Jews' spontaneous tendency to live together. The realities of life in a small, constrained district concentrated along one main street, which was home to around 500 - 800 people at the height of its population,²⁶³ are naturally reflected in the legislative statutes that regulated this life.

The quarter itself is never referred to in *Takkanot Kandiyah* by its Venetian name, but is consistently called קהל, (*kahal*), i.e. "congregation". Generally, this term usually denotes a religious community in the sense of a confessional group (as would correspond to the Latin official term used in the Venetian Republic – *universitas Iudaeorum*).²⁶⁴ In *Takkanot Kandiyah*, however, this meaning is most commonly conveyed by another usual Hebrew naming – קהילה קדושה קנדיאה, *kehilla kedosha Kandiyah* ("the holy community of Candia", the first two words often abbreviated ק"ק) or, very commonly and less formally קהלתנו, *kehillatenu* ("our community").²⁶⁵ The word *kahal*, on the other hand, is the default reference to the Jewish district in the territorial sense. In the collection, this practice is documented from the early decades of the Venetian period until the very latest documents. The word *kahal* is thus used already in the second part of the collection, probably written between mid-13th and mid-14th centuries.²⁶⁶ In *TK*

²⁶² See Paudice, "Religious Identity and Space," 97.

²⁶³ See Starr, "Jewish Life in Crete," 60. This is an estimate for the late 16th century.

²⁶⁴ In some Jewish communities in Greece, the term *kehilla* and *kahal* could also refer to synagogues. See Ankori, "Jews and the Jewish Community in the History of Mediaeval Crete," 316., who cites occurrences of this custom in Crete, or Stavroulakis and DeVinney, *Jewish Sites and Synagogues of Greece*, 106., referring to the Old synagogue (ק"ק ישן) of Ioannina. This corresponds to the Judeo-Spanish word for synagogue, *kal*, derived from the Hebrew *kahal*. In *Takkanot Kandiyah*, however, this usage is not encountered.

No such case is documented in *Takkanot Kandiyah*. On the other hand, it can occasionally be used to mean the whole community (i.e. as a synonym to *kehilla*).

²⁶⁵ The term *kehilla*, however, does not have one firmly assigned meaning in all the statutes. Occasionally, it can be used to describe the respective synagogue congregation, as will be discussed later.

²⁶⁶ "...that from this day on none of the members of our community (*kehillatenu*) shall be allowed to leave the quarter (*kahal*) on the Shabbats, new moons and holidays, without a pressing reason" ("... שמהיום הזה ... והלאה לא יהיה רשאי שום אדם מאנשי קהלתנו לצאת בשבתות ונחדשים ובמועדים מתוך הקהל, לבלתי היות לו סבה מכרחת", *TK* XVIII, 28-30). It should also be mentioned that another statute on the same topic and bearing the same title ("A Statute regarding the Prayer") was also part of the first section of *Takkanot Kandiyah* as

XXXVIII, one of the sets of statutes issued in spring 1363, which regulates the times when it is necessary to start preparing for the coming Shabbat celebrations, it is stated that the latest time after which no one is allowed to work is “the hour when the monastic brothers, who [dwell] on the edge of the district (*kahal*), ring their bells [for Vespers].”²⁶⁷ This is at the same time the first of only very few references to the topographic situation of the Jewish quarter. The word remains in constant use from this point on, and occurs also in the documents written by Elijah Capsali.

While Paudice claims that the term *kahal* as used by the Candiot Jewry shifted its meaning with the arrival of the Sephardic immigrants during 15th century, and that the word came to denote a community of people within the Jewish community (rather than a territory), as usual elsewhere,²⁶⁸ this is not documented on the pages of *Takkanot Kandyah*. The usage of the word *kahal* with the abstract meaning “congregation” (instead of the usual *kehilla*) does occur, but is relatively rare.²⁶⁹

The most important and usually most architecturally prominent building of every Jewish community is the synagogue. In *Takkanot Kandyah*, mentions of synagogues are very common, referring both to the general concept and to specific buildings. The synagogue, as usual in medieval and modern Hebrew, is called **בית הכנסת**, *beit ha-keneset* (“house of assembly”, often abbreviated **ב"ה**), and occasionally simply *keneset*, “assembly”. As mentioned above, the statutes do not aim to provide a precise account of the number, names and locations of the community’s synagogues during the period the collection documents, which leaves us with some uncertainty in this regard. The synagogue mentioned most often is the Great synagogue of the prophet Elijah (**בית הכנסת הגדול של אליהו הנביא**), occasionally called simply Great synagogue. It is already explicitly named (for the first time) in the introduction to the first set of statutes accepted in August 1228, where it is mentioned that the ordinances were accepted and publicly declared at a general communal assembly in this synagogue.²⁷⁰ Further mentions of communal assemblies or

TK III. Its text, however, is now lost, but it is plausible, that it too contained the word *kahal* with this meaning.

²⁶⁷ “היא השעה אשר מקשקים האיחם הכמרים שהם בגבול הקהל”, TK XXXVIII, 13-14.

²⁶⁸ See Paudice, “Religious Identity and Space,” 99-100.

²⁶⁹ See, e.g., TK XL (a statute from April 1363 against erecting an *eruv* around the outskirts of Candia) or TK XLV, 43 (a letter by Moses Capsali sent to Candia from Constantinople in July 1458). The former example shows that the word *kahal* can be used in the sense of community, rather than neighbourhood, including in communal legislation proper, and decades before a more substantial flow of Sephardic immigration began.

²⁷⁰ See TK II, 20-22:

public readings of the statutes in the synagogues are relatively common and usually (but not always) refer to the Great synagogue. This house of worship is also mentioned in Elijah Capsali's list of the remarkable deeds of the 14th and 15th-century constables: an Elijah Parnas (who could possibly be identical to the Parnas Capsali signed under the statutes from 1228, although this cannot be decisively proved or disproved)²⁷¹ is credited with securing a *terminatẓion* (government order) protecting the Great Synagogue, which had been closed “for our manifold sins” (possibly because it had fallen into a state of disrepair or been damaged by a disaster), from looting and desecration.²⁷² The Great Synagogue as a corporate body is also the subject of the three contracts included in *Takkanot Kandiyah* between the Jewish community and its individual members. Besides the agreements concerning the sale of parts of the synagogue treasure to Elijah Capsali (TK LXXXVII-LXXXVIII, the first from October 1533, the second undated) the Great Synagogue is mentioned as a corporate body in TK LXXXIII, from June 1533. Its text is somewhat unclear, but its object is a gift by member of the community, called Mekhir ben Abraham Cohen, to the congregation of the Great Synagogue.²⁷³ There are also several passages in *Takkanot Kandiyah* from which it is apparent that the Great Synagogue was where Elijah Capsali worshipped.²⁷⁴

In his review of the demographic and architectural developments in Jewish Candia during the transition from the Venetian to the Ottoman period, Ankori mentions that in the last decade of the 17th century the new Ottoman administration sanctioned the reconstruction of an old synagogue which had fallen into disrepair after being damaged (the cause of which is not mentioned, but according to the author the damage occurred during the siege of Candia prior to

...and they all gathered in the Great Synagogue of the prophet Elijah, may his memory protect us. The great rabbi, our master Baruch, [then] took the Book of the Torah and held it in his arms, after which he announced to us all the statutes and decrees on which they had agreed among themselves

(...ונתקבצו כלם בבית הכנסת הגדול של אליה הנביא ז"ע, והוציא הרב הגדול רב' ברוך ס"ת ותפסו בחיקו, ואח"כ (הודיעו לנו כל הגדרים והתקנות אשר עשו בימיהם).

The fact that Baruch is described as a “great rabbi” who announced the decrees in the name of his colleagues supports the interpretation that he was a greatly respected religious authority, as discussed above.

²⁷¹ The only tentative indication that this may be so is the fact that Parnas is the first, and therefore presumably the earliest, constable to be mentioned.

²⁷² See TK XLVI, 4-7.

²⁷³ See TK LXXXIII, 3-5.

²⁷⁴ Such a reference can be found in TK LXXXV from September 1529. Here, Capsali records the names of four men appointed as “bridegrooms of the Torah” in the four synagogues of Candia. Whereas in the case of the Great synagogue, he uses the word מנינו (“we appointed”), in the later three cases, the same verb occurs in the third person – מנו (“they appointed”). See TK LXXXV, 129-132.

1669).²⁷⁵ This synagogue, known to the Ottoman officials as one of “the Jews’ ancient synagogues”, was one of two that had survived from the original *zudecha*.²⁷⁶ The two synagogues were known as the Upper and Lower; the latter was reconstructed in the 1690s and survived until the Second World War. Whereas *Takkanot Kandiyah* does not contain any mention of a Lower synagogue, a “High synagogue” (בית הכנסת הגבוה), possibly identical with the 17th century Upper synagogue, is also mentioned. The High synagogue is explicitly referred to only in September 1529, in the aforementioned TK LXXXV, a statute regarding the office of the “bridegroom of the Torah”. This statute is a valuable historical source, since it contains a list of four Candiot synagogues, presumably all the houses of prayer in use at that time. In addition to the Great and High synagogues, there were also the Priests’ synagogue and the Ashkenazi synagogue (ב”ה של אשכנזים and ב”ה של כהנים, respectively). The latter, built around 1400, was probably named so in the memory of its donor, Abba del Medigo (mentioned by Capsali as one of the prominent constables in TK XLVI), whose family, as we know, had Ashkenazi roots.²⁷⁷ Whereas the High and Ashkenazi synagogues are mentioned only once in the collection, the Priests’ synagogue is referred to repeatedly, starting with TK LVII from November 1435, a decree regulating the particularities of holiday observance, which states that it was accepted at the communal assembly in the Priests’ synagogue²⁷⁸ (unlike previous mentions of such assemblies, which took place in the Great synagogue).

Scholarly works on the Jewish history of Venetian Candia generally agree that there were four principal synagogues in the community.²⁷⁹ This is supported by the text of *Takkanot Kandiyah*, which occasionally contains phrases like “all four synagogues” or “all four congregations.”²⁸⁰ However, this is complicated by two factors – firstly, there is also one reference to “all three

²⁷⁵ Ankori, "From Zudecha to Yahudi Mahallesi: The Jewish Quarter of Candia in the Seventeenth Century," 89-90.

²⁷⁶ See *ibid.*, 96.

²⁷⁷ Allegiance to this prayer house did not, by all evidence, bind or set apart the Ashkenazi synagogue congregation from the rest of the Jewish community. This is demonstrated in the very statute which refers to it: the “bridegroom of the Torah” in the Ashkenazi synagogue was Abba del Medigo (the younger). However, another del Medigo, Moses, was appointed to the same function in the Priests’ synagogue, while in the Great synagogue (the traditional centre of the Romaniot-rite community), the “bridegroom of the Torah” was Samuel Cohen Ashkenazi. This shows that the Ashkenazi Jews were deeply integrated into the life of 16th-century Candia and suggests that by that time the Ashkenazi synagogue had no exclusive link with Jews of Ashkenazi origin.

²⁷⁸ See TK LVII, 25.

²⁷⁹ See Georgopoulou, *Venice's Mediterranean Colonies*, 196-97., who confirms the uncertainty over assigning the recorded names to the known buildings.

²⁸⁰ This is the case of the very first set of ordinances, where the phrase “all four congregations of Candia” (“כל ארבע קהלות קנדיאה”) is used in the introduction to the list of signatories (see TK XIII, 1-2).

synagogues”²⁸¹ and secondly, it is not possible to establish that the four synagogues already mentioned existed and/or kept the same names throughout the Venetian period. This is because other synagogue names, all of them Greek, are also mentioned – TK L, issued in March 1369, refers not only to Elijah’s synagogue (which is not called “Great” here), but also to synagogues called Seviliatiko (שׁוּוֹלִיטִיקוֹ)²⁸² and Kritiko (קְרִיטִיקוֹ), i.e. Cretan. Another synagogue with a Greek name, Istrobouleitiko (אִשְׁטְרוּבּוֹלִיטִיקוֹ), is mentioned as the place where the following statute, TK LI, was issued in October 1428. The names of Greek origin suggest a connection with the Romaniot rite, possibly dating from the Byzantine times. It is, however, impossible to determine how long these synagogues stayed in active use or, indeed, whether some of the other synagogue names mentioned elsewhere do not refer to the same buildings.

Although the text of *Takkanot Kandiyah* quite clearly shows that the Jewish community in the city was a single, coherent unit during the whole Venetian period, it also suggests a degree of plurality within this unity in several places. However, there is not much evidence that allegiance to a particular congregation had any institutional relevance. All the information in *Takkanot Kandiyah* regarding the elections of communal officials and administrative proceedings, incomplete and patchy though it is, suggests that Candia’s Jewish community directly included and represented all the city’s Jews.²⁸³

Not only synagogues are repeatedly mentioned in the text, but also various other public buildings. Most frequent reference is made to the ritual bath (*mikveh*), one of the core institutions in every Jewish community. A statute regulating the bath’s ritual purity already appears in the first set of legislation (TK XII) and ordinances on the same topic recur regularly – in total, the *mikveh*

²⁸¹ See, for example, TK L, 5 and 17-21. Cf. Sassoon, *Ohel Dawid : Descriptive Catalogue of the Hebrew and Samaritan Manuscripts in the Sassoon Library, London*, 351.

²⁸² A synagogue of this name is also mentioned in a much later statute, TK LXXII, issued in June 1518 when Elijah Capsali was the constable. This decree mentions a communal assembly gathered “in the Great Synagogue called Seviliatiko” (“בבית הכנסת הגדול הנקרא שׁוּוֹלִיטִיקוֹ”, TK LXXII, 18-19), which suggests that the term “Great Synagogue” was not used exclusively as a reference to Candia’s chief synagogue, but simply as a technical description, or potentially as an honorific. The name שׁוּוֹלִיטִיקוֹ has been transliterated as *Soileitiko* (sic Starr, “Jewish Life in Crete,” 98.), but the reading Seviliatiko seems more appropriate (cf. Georgopoulou, *Venice’s Mediterranean Colonies*, 196.). If correct, it would be an indication that by the 1360s, a community of Sephardic Jews from Seville (or connected with Seville in the eyes of the general Jewish public) was present in Candia. I am grateful to Professor de Lange who brought this detail to my attention.

²⁸³ The only document that deals explicitly with the particularities of the several synagogue congregations and treats them as semi-autonomous units is the aforementioned 16th-century TK LXXXV, which mentions elections that took place within these congregations.

is mentioned in seven statutes, issued between 1228 and Elijah Capsali's lifetime.²⁸⁴ However, all of these decrees refer to the bath-house in general terms, which does not give away any details. Thus, these documents do not mention such basic facts as the number of bathhouses in the community or their allegiances to the respective synagogue congregations, although from the older statutes it appears that originally there was one bathhouse for the whole community.²⁸⁵ Crucially, the statutes contain no information about the whereabouts of the bathhouse within the community.

A similar pattern emerges with regard to other places mentioned in *Takkanot Kandiyah*. Capsali's 1546 record of the institution of the Jewish bakery, mentioned above, is a valuable source inasmuch as it informs us that there had previously been no facilities of the kind in the quarter, but does not elaborate on particular details.²⁸⁶ A number of statutes are devoted to the particularities of funerals, especially funeral processions and proper conduct at cemeteries.²⁸⁷ However, other than a general statement that the funeral procession led out of the territory of the Jewish quarter, which confirms that the cemetery was outside the city's limits, no more specific information about the cemetery's location is provided. Typically for *Takkanot Kandiyah*, practically no information about living condition in the district is given, beyond the immediate interest of the respective statutes. Thus overpopulation within the restricted territory of the Jewish quarter, one of the most pressing problems for the Jewish community, is scarcely mentioned and when it is, only in passing. This can be seen in *TK CVI* from 1549, which abolishes the practice of conducting religious services in houses of mourning. This change is explained by the fact that these domestic services were used as an excuse to neglect proper synagogue attendance.²⁸⁸ It is, however, also mentioned that at the time when this ordinance was

²⁸⁴ More about their contents and implications for the communal life will be discussed in the next chapter.

²⁸⁵ The undated *TK XV*, for example, talks about the well in the bathhouse's courtyard, which suggests that the authors had in mind a specific structure rather than a general concept. This decree does not, however, include any further details about the building's whereabouts, doubtless because the community's members were familiar with them and no specific description was needed. The halakhic and social implication of the use of the *mikveh* will be discussed in more detail in the next chapter.

²⁸⁶ With one notable exception: Capsali does mention that the ovens in the newly erected bakery were marked with signs reading "Dairy" and "Meat" – this was to ensure compliance with the requirements of halakhic law (see *TK CII*, 129). Ankori states that by the time of the Ottoman conquest, the bakery was either in a state of disrepair or had ceased to exist (Ankori, "From Zudecha to Yahudi Mahalles: The Jewish Quarter of Candia in the Seventeenth Century," 102.).

²⁸⁷ These, too, will be addressed in the next chapter.

²⁸⁸ See *TK CVI*, 9-12: "... and that is partly because this was in the old days which were better than these. The district was then in [good] state and [people] were going both to houses [of mourning] and to synagogues, so that the prayers were said at their appointed times. But now, for our sins, most of the people rise early to come to houses of mourning and then go their own way, and the synagogues remain

issued “most of the houses in the district (*kahal*) are small and not truly fit (literally “clean”) for prayer.”²⁸⁹ This passing remark confirms the overcrowding and general decline of living standards in the ghetto. It is, however, one of the very few indications as to the physical appearance of the Jewish quarter and as such does not enable any more systematic reconstruction.

Besides these scattered and unsystematic pieces of information about the communal institutions, *Takkanot Kandiyyah* also provides some insight into the usage of local toponyms, especially those connected to the community’s hometown and island. Candia itself is most usually called קנדיאה, *Kandiyyah*, in a direct transliteration of the Venetian name. In a few cases, the Greek version of the city’s name, Χάνδαξ (or more precisely its accusative form Χάνδακα) appears in the Hebrew transliteration, כנדקה. Sometimes, this version appears²⁹⁰ in texts written by authors who were resident outside of Candia, namely Moses Capsali²⁹¹ and Elijah Lago,²⁹² but this connection is not exclusive and the Greek form is, rarely, also used by members of the Candiot community.²⁹³ *Kandiyyah*, in accordance with the Venetian practice, is also often used to denote the whole island of Crete,²⁹⁴ yet this is not entirely consistent, since the original name in the transliteration קריתי is, commonly but unsystematically, used as an equal alternative.²⁹⁵

יש לחלק שזה היה בימים הראשונים היו טובים מאלה, שהיה הקהל בקיומו, והיו הולכים בבתי האבלים ובבתי “כנסיות, והיתה תפלה נעשית בזמנה, אך עתה בעונותינו הרבים משכימים בבתי האבלים ואיש לדרכו יפנו, ונשארים הבתי “כנסיות ריקנים”.

²⁸⁹ “אף כי עתה רוב בתי הקהל קטנים ואינם נקיים להתפלל בקמא”, *ibid.*, 14-15. Ankori interprets this as the principal reason for this ordinance, but that may be open to dispute. See Ankori, “From Zudecha to Yahudi Mahallesi: The Jewish Quarter of Candia in the Seventeenth Century,” 86., where he mistakenly cites this statute as *TK LXXXI*.

²⁹⁰ However, in the older text layers of *Takkanot Kandiyyah*, this name is also used by the communal council – see the title of *TK XL*, one of the statutes issued in spring 1363, where the community is called “the holy community of Khandax” (“ק”ק כנדקא”). Bearing in mind the scarcity of evidence, we might tentatively assume that at the beginning of the Venetian period, the Greek name was in wider circulation (concurrently with *Kandiyyah*), whereas later it mainly survived in active use outside the Venetian sphere.

²⁹¹ See the letters he sent to Candia: *TK XLV*, 4; *TK XLVII*, 4.

²⁹² See *TK LXXXVI*, 57. Lago’s name is followed by the phrase “who is currently here in Khandax” (“הנמצא כהיום במתא כנדקא”). This statement marks him as a member of another Jewish community, possibly Canea, where a Matityahu Lago acted as a witness of a marriage in the 16th century (see Marcus, “The History of the Jews in Chania,” 165.). Canean Jews would be more likely to use the name Candia as a reference to the whole island.

²⁹³ For example, the Greek version of the name is in the undated *TK LIII* (issued in all probability in the latter half of the 14th century) which refers to “our community, the holy congregation of Khandax” (“קהלתנו ק”ק כנדקא”, *TK LIII* 2).

²⁹⁴ The first reference to קנדיאה, “the Isle of Candia” already occurs in the introduction to the 1228 set of statutes (see *TK II*, 8).

²⁹⁵ This inconsistency extends to writing by a single author within a single document. See *TK XLVII*, an undated epistle by Moses Capsali, where he calls the town both *Khandaka* (line 4) and *Kandiyyah* (line 53), while the island is called *Ikriti* (line 47).

In summary, we can conclude that *Takkanot Kandiyah*'s approach to the physical environment is in line with its approach to facts and themes beyond the immediate points of concern of the respective *takkanot*. While the information the collection contains can be, and has been, used by scholars to contribute to building up a picture of the Jewish district in Candia, it is not sufficient for this purpose on its own. Rather, the topographic references show that *Takkanot Kandiyah* is primarily an instrument for internal debate, intended for those who are familiar with both the institutional and social frameworks of life in the community.

Part II. The Themes

One of the key points for the interpretation of *Takkanot Kandyah* (and the peculiar genre of *takkanot ha-kahal* in general) is our understanding of the relation between the halakhic law and the reality of communal policy making. As has been argued in the first part of this dissertation, the view that *takkanot ha-kahal* are merely a sub-category of the halakhic principle of *takkanah* must be considered incorrect, since it does not reflect either the importance of the extra-halakhic source of their authority or the intimate connection between the communal statutes and the specific conditions of life in the context of their respective communities. That said, we must not make the opposite mistake of perceiving *takkanot ha-kahal* in isolation, as an independent current in Jewish legislation.

Elijah Capsali himself says as much at the beginning of his introduction to the Appendix to *Takkanot Kandyah*, where he explicitly describes the communal statutes as “Torah-centred decrees” whose fulfilment leads to the strengthening of a man’s “Torah-inspired qualities”.²⁹⁶ Saying this, he claims that for centuries, the statutes of the Candiot community expressed its religious zeal and desire to organise communal matters in accordance with the Torah and other canonical texts. On the surface, then, Capsali’s words advertise the fundamental unity of the communal self-government and the halakhic law. In practice, however, *Takkanot Kandyah* confirms the distinctness of genre of *takkanot ha-kahal*. Nevertheless, this independence must not be mistaken for separation from the spiritual world of Judaism or attempts to create a legal system parallel or even competitive to the halakha. In other words, texts of the *takkanot ha-kahal* genre oscillate between asserting the halakhic principles and accommodating them to the local conditions and demands of the day on the one hand, and on the other, being an instrument of upholding law and order within the community and securing smooth relations with the secular powers. The important third side of a metaphorical triangle would then be the role *takkanot ha-kahal* play in confirming the authority and enhancing the prestige of the Jewish elders.

In the following chapters, I will analyse first those ordinances which are most closely connected with the discourse of halakhic law, then turn to those problems which would be more appropriately characterised as “civil-law cases” and to statutes addressing the organisation of the Jewish community. Finally, in the last chapter I will assess the ways in which the communal leaders dealt with individual cases and controversies, and how through their legislative actions

²⁹⁶ See TK CXIX, 2-4, a passage already cited in the chapter on Elijah Capsali’s redaction.

they strove to strengthen their power and cement the social order they represented. The collection shows that the influence of halakhic commandments on the contents of the communal legislation is undeniable, but that in many cases, the ultimate goal of the ordinances is to solve tensions and arguments in the community in the interest of a basic social harmony.

7 ■

The prominent position of halakhic commandments as a major theme of *Takkanot Kandiyah* is obvious. Most of the documents tend to have a direct or indirect connection to halakhic law and often refer explicitly to important halakhic authorities. While the boundary between halakhic and civil law, as presented in *Takkanot Kandiyah*, is often subtle and requires a closer scrutiny, there are also many ordinances which are explicitly devoted to particular halakhic problems. Some of these themes intersect with broader regulations of matters of everyday life, while a smaller number of documents is more specialised and could be seen as extrapolations and clarifications of specific halakhic commandments. More than sixty chapters of *Takkanot Kandiyah* are more or less directly concerned with ritual and theological problems of Jewish religion and could be therefore loosely categorised as “halakhic”.

They can be broadly divided into several types by their topics. Only a relatively small group of decrees explicitly addresses some highly specific details of halakhic law. When this happens, it is often *à propos* of more general legislation.²⁹⁷ Only exceptionally is the halakhic requirement mentioned out of any obvious context, such as in TK XLI from 1363, which enforces the biblical ban on mixing wool and flax in preparation of cloth (Lev 19:19; Deut 22:11).

Most often, however, the halakhic statutes can be categorised according to the area of religious and public life which the relevant halakhic commandment regulates. One consistent theme of the halakhic statutes is the regulation of Shabbat and holidays observances, a direct consequence of which was the regulation of working hours on their eves. These ordinances may be considered “borderline” cases between halakhic ordinances and general “civil-law” legislation, but since their primary concern is undeniably religious, it seems appropriate to consider these statutes to be “halakhic” in their nature.

²⁹⁷ See TK XL from Part Three of the collection (March 1363). This statute bans the practice of erecting an *eruv* around the boundaries of Candia. This ordinance was clearly intended to uphold general Shabbat and holiday observance and to support other, more general ordinances issued at the same time and addressed in the immediately preceding chapters.

Associated with these ordinances are those statutes which deal with procedural questions pertaining to religious ceremonies and institutions – namely, the appointment and conduct of synagogue cantors, particularities of marital law, and the specific problem of the appointment of the “bridegrooms of the Torah”. These decrees should probably not be considered “halakhic” *stricto sensu*, as they are not primarily concerned with the interpretation of halakhic requirements or securing their fulfilment in general, but react to tensions between various sections of the Candiot Jewish community or to problematic behaviour of its individual members. In these cases, the halakhic law is not the focus of the statutes, but rather a contextual framework of the problems addressed. It seems that these statutes in *Takkanot Kandyah* should be approached as a part of a halakhic-civil law continuum, whose opposite poles accentuate various problems of communal life but have in common the effort to secure the “proper” behaviour of the community’s members.

Among statutes which can be categorised as halakhic, an important place is occupied by ordinances concerned with ritual purity. For example, many decrees throughout the years regulate the proper use of religiously significant institutions (especially the ritual bath or *mikveh*)²⁹⁸ and dietary laws. Because of the central positions of *kashrut* in the Jewish religion, these statutes must be considered halakhic, although they, at the same time, introduced far-reaching regulations of the economic life within the community and their effects were therefore not confined to the religious discourse.

7.1 Religious observance

Decrees concerning the attendance of religious services and observance of Shabbat and holidays occur in *Takkanot Kandyah* between the years 1228 and 1582.²⁹⁹ In total, twenty statutes address this topic. In the first section from August 1228, in which the proportion of what we can call halakhic statutes is especially high, there are three documents devoted specifically to the matter of synagogue attendance and holiday observance. The text of the first of them (and the first legal measure in the collection), *TK III*, is lost, and only its title, “a decree concerning the

²⁹⁸ Connected to these are decrees which regulate the attendance of funeral processions. This topic, however, is more appropriate to discuss together with the “civil law” decrees, as it is concerned more with the general questions of interpersonal relations and morality.

²⁹⁹ Probably the latest statute on this topic, *TK CIII*, is dated by the chronogram *ושרת בט"ם*, which refers to the Jewish year 5342 (1581/82). As discussed in chapter three of this dissertation, Artom and Cassuto conjecture that the chronogram should be interpreted as referring the year 5302 (1541/42). The implausibility of this conjecture was discussed above. The latest statute with an unambiguous date is *TK CX* from February 1579.

prayer”, is preserved. However, a statute with an identical title is included in the undated Part Two of *Takkanot Kandyah* as TK XVIII, and again in Part Three from spring 1363 as TK XXX. We can therefore deduce that like TK XVIII, TK III is a general declaration of the importance of proper synagogue attendance which must not be neglected.

The older of the two preserved texts, TK XVIII, is distinctly moralistic in its tone, decrying the “huge, grave, enormous sin”³⁰⁰ of ignoring the communal prayers. The moral dimension is underlined by contrasting “bodily pleasures”, i.e. leisure activities to which many members of the community prefer devoting the days of rest, to the “spiritual pleasures” of the divine service.³⁰¹ The focus of the statute is on services on Shabbats and other holidays. The decree’s concerns are distinctly practical – it is explicitly mentioned that idleness in religious observances is harmful for the whole community as it is often impossible to summon the quorum of ten men necessary for a synagogue service.³⁰² This unsatisfactory situation is addressed by a ban from leaving the precincts of the Jewish quarter before the end of a Shabbat or holiday morning service, although exceptions in extraordinary cases are explicitly permitted.³⁰³ The penalty for transgression, as is generally the case in the older chapters of *Takkanot Kandyah*, is excommunication.³⁰⁴ The later TK XXX, which bears the same title, is very close to its predecessor in tone and uses the same argumentation, including the use of the same characteristic *topoi* (examples of activities which the Jews prefer to synagogue attendance, contrasting mentions of spiritual and bodily pleasures),³⁰⁵ and is even more elaborate in evoking the moral damage of religious negligence.³⁰⁶

A distinct sub-group within the statutes concerned with synagogue observation regulates the Jews’ behaviour on Shabbat and holidays’ eves, restricting the right to work during the last hours before the day’s beginning. We can discern a development in the terms set by the communal leaders to the Jews working on Friday afternoon and an ongoing unease about how strict these terms should be. The earliest ordinances of this type are contained in the two oldest parts of *Takkanot Kandyah*. Both TK IX from August 1228 and its undated revision, TK XVI, state that in

³⁰⁰ “החטא הגדול והאשם המופלג”, TK XVIII, 2.

³⁰¹ See *ibid.*, 34-35.

³⁰² See *ibid.*, 12-13.

³⁰³ See *ibid.*, 27-30.

³⁰⁴ See *ibid.*, 28.

³⁰⁵ See, for example, TK XXX, 10-14.

³⁰⁶ See references to the personified divine presence, hovering in the empty synagogues and waiting in vain for somebody to come *ibid.*, 7-8.

order to establish a protective “fence” around the Shabbat and holidays, no-one shall be allowed to work after midday on Fridays and holiday eves.³⁰⁷ However, the latter of the two is the first to show some flexibility in setting the time when all work should be forbidden. While noon is again announced as the desired hour, the statute states that the work must cease “from the midday of the eve of Shabbats and holidays on, in accordance with the commandment of our rabbis of blessed memory, and certainly by the time when the evening shades start to spread, when the day is nigh to its close”.³⁰⁸ The next decree, *TK XXXVIII* from March 1363, contains the same provision and repeats the arrangements for the early stopping of work almost word by word.³⁰⁹ This statute is further interesting for its references to the wider context of working before the days of rest. The quoted passage is immediately followed by the reference to the church bells, which shows that that by mid-14th century, the Venetian Catholicisation of the public life in Candia was accepted by the Jews as a natural framework of their lives. Furthermore, this decree explicitly mentions that the negligence of the imminent coming of the festive rest is widespread, “particularly if the employer is one of the uncircumcised.”³¹⁰ The Jewish elders’ awareness of the dangers that close contact with non-Jews could present for proper religious observance shall be discussed in Chapter Eight.

The approach to the pre-holiday work ban changed after a relatively short time. *TK LII* from October 1406 is one of the “eclectic” statutes, addressing not only holiday observance, but also the conduct of butchers and meat merchants, as well as certain duties of synagogue cantors. The relevant section of this statute introduces an important change: rather than setting a fixed time, the decree declares that every Friday, a cantor shall go around the community and announce to the public that they are obliged to devote themselves to Shabbat preparations.³¹¹ The ban of working in the hours preceding the sunset (despite its effective shift from midday to late afternoon) was apparently widely neglected, which caused this change of rule. However, later 15th-century statutes show that the problem was still not solved. *TK LVII* from November 1435

³⁰⁷ See *TK IX*, 8 and *TK XVI*, 8.

³⁰⁸ “מחצות היום ולמעלה בערבי שבתות וימים טובים כמצות רז”ל אף כי ינטו צללי ערב ופנה היום”, *TK XVI*, 8-9. Whereas the former decree merely states the need to ensure that people have enough time to prepare for the coming of the Shabbat or holidays, the latter starts with deploring the widespread negligence of proper Shabbat observance and introduces the ban of work under the pain of excommunication (see *ibid.*, 6).

³⁰⁹ The decree declares that Jews shall not work “...from the midday on, and certainly at the close of the day when the evening shades spread” (“... מחצי היום ואליך, ואולם אחרי פנות היום וימטו צללי ערב”, *TK XXXVIII*, 13).

³¹⁰ “ובפרט אם בעל המלאכה הוא מהערילים”, *ibid.*, 6.

³¹¹ See *TK LII*, 29-33. Despite its brevity, this paragraph contains a quotation from the Babylonian Talmud (*Shabbat*, 118), which praises the spiritual benefits of Shabbat observance.

is the only decree of this type which does not only deal with holidays in general, but specifically addresses business activities on the middle days of longer holidays (the *chol ha-mo'ed* or half-holidays). On these days, all shops are ordered to close, with the exception of those which sell goods necessary for the holiday celebrations (a provision often mentioned also in statutes regulating the meat trade). The statute commissions the constable to appoint ten worthy members of the community as an advisory body which would have the power to issue relevant legislation regulating these matters (it is not quite clear if the ten signatures under the statute refer to these ten men).³¹² The rules proposed in the statute are then presented as the work of these men. This statute, as the only one of its type, admits that there were those (even among the ten appointed experts) who considered the midday term untenable. Consequently, it is the first ordinance to drop the requirement that no work should be done after midday and mentions only the late afternoon as the start of the pre-Shabbat rest. The decree addresses this question directly:

Concerning those who continue to work up until the beginning of the holiday, we saw it fit to regulate [this matter], but not according to the will of most of the legislators [i.e. the authors of the previous decrees]. This is in order to offer everybody a way to follow and fulfil our words, so that no man can fail. Rather, all men shall see and comprehend [that they must] refrain from their work two hours and a half before the eve of the day and turn their minds and effort to the preparations necessary for the Shabbat.³¹³

This shift is kept by all subsequent decrees. Like the 14th-century *TK XXXVIII*, *TK LXV* from November 1467 uses the start of Christian services in the nearby monastery as the signal for the work ban, stating explicitly that this is so in order to ensure that the Jews need not “be reminded by the elders [to stop working] or to rely on the sunshine.”³¹⁴ This arrangement is made “for all times.”³¹⁵ Nevertheless, despite this proclamation the terms had to be affirmed again in the next century.

³¹² See *ibid.*, 27-35. However, decrees issued only several years thereafter make no mention of similar advisory bodies.

³¹³ “ועל הממשיכים במלאכתן עד כי יקדש היום, ראינו לתקן, אך לא עמדנו בה על דעת רוב הפוסקים, וזה למען תת דרך לכל” אדם לעמוד ולקיים דברינו. ואיש לא יכשיל בה, והוא שכל אדם יראה ויעין ליבדל ממלאכה שתי שעות ומחצה קודם עריבת היום, *ibid.*, 50-53.

³¹⁴ “לבלי יצטרך להתראת הנכבדים, גם לא יצטרך לאור החמה” *TK XXXVI*, 19. The prayer for which the bells are rung is described as the Vespers (הווישפר, *ha-wesper*, *ibid.*), identifying the service as Roman Catholic. Although the text does not explicitly mention that the bells belong to the monastery, there is no reason to assume otherwise. Cf. the discussion in the previous charter.

³¹⁵ “לכל עת”, *ibid.*, 20.

In November 1525, the matter is briefly mentioned in *TK LXXX*, an eclectic statute issued by Elijah Capsali as the constable of the day. This ordinance is the only one to state the Friday afternoon synagogue service (*mincha*) as the start of the work ban.³¹⁶ “To uphold the extension of Shabbat [i.e. the Friday afternoon ban of work],”³¹⁷ the decree orders the synagogue cantors to open the house of worship two hours before the start of Shabbat and as an important innovation, orders them to remind the community about the Friday work ban every Thursday in the synagogue. This trend is confirmed by *TK LXXXIV* from October 1529 or 1534 (the dating is uncertain). This document contains a list of decrees (otherwise not preserved) which the constable is obliged to read out at a communal assembly. The first two of these decrees reportedly stated the terms of the pre-Shabbat ban of work, combining the two methods used before (setting a fixed hour and commissioning the cantor to remind people of their duty to fully devote themselves to the holiday preparations). They also retained the cantors’ duty to remind this arrangement regularly during the Thursday services. The decrees in question reportedly stated:

[...] the people shall stop working on the eve of the holidays and Shabbats from 22 hours on”, that “the cantor shall remind the people every Thursday, when the Torah Scroll is taken out [of its ark], that from the aforementioned time on they are forbidden [to work]“ and that “the cantor shall announce the opening service of Shabbats and holidays in advance at 23 hours on the Shabbat and holiday eves.”³¹⁸

This text uses the so-called Italian reckoning of hours, with the first hour starting at sunset of the previous day (this system thus coincides with the traditional Jewish reckoning of days). Twenty-two and twenty-three hours, therefore, mean two hours and an hour before the start of Shabbat, respectively. Although the usage of this counting system is one of the indications of the Candiot Jews’ considerable level of accommodation to the Venetian way of life, it is left without comments by Artom and Cassuto.³¹⁹

³¹⁶ See *TK LXXX*, 36.

³¹⁷ “כדי לחזק תוספת השבת”, *ibid.*, 69

³¹⁸ “לשבות העם ממלאכתם בערב ימים טובים וזבתות מכ”ב שעות ולמעלה; להזכיר החזן העם בכל יום חמישי בהוצאת ספר “ תורה שיבטלו מזמן הנז ולהקדים החזן קבלת שבת ויום טוב מן כ”ג שעות של ערבי ימים טובים ושבתות” *TK LXXXIV*, 47-49.

³¹⁹ For the specifics of the Italian reckoning of hours, see Michael Talbot, “Ore Italiane: The Reckoning of the Time of Day in Pre-Napoleonic Italy,” *Italian Studies* 40, no. 1 (1985). I am grateful to the makers of the sundial in Selwyn College, Cambridge, which first taught me about the existence of the *ore Italiane*.

TK LXXXIV is the last statute which addresses the topic of the pre-Shabbat ban of work and confirms the centuries-long negotiating and re-negotiating of terms. On the development of conditions set by the successive statutes we see that “setting up the fence around Shabbats and holidays” was a contentious issue which apparently provoked resentment among some members of the community (presumably because it both interfered with the business activities of the economically active Jews and restricted possibilities to buy food and other commodities immediately before the start of Shabbat) and was widely transgressed. In this context, it is worth recalling that only one decree states a sanction for disobedience and there is no suggestion in *Takkanot Kandiyah* that anyone was ever prosecuted in this matter. Simultaneously, these decrees show that at times, the terms set by the Jewish leaders allowed a certain degree of flexibility, clearly responding to popular demand.

In the example of these statutes we can observe the pragmatic dimension of the Candiot communal legislation in the course of centuries: while the decrees plead emphatically for the fulfilment of one of the core religious duties of Judaism, some of the communal councils were in practice prepared to agree with a compromise solution which would prove satisfying for both parties. On the other hand, this more liberal approach was in enduring competition with a more stringent approach to “halakhic” communal legislation, as demonstrated by the repeated attempts to renew the midday as the beginning of the obligatory stop of work. The dynamics between flexibility and strictness is typical also for many other areas of communal life addressed by *Takkanot Kandiyah*.

Several statutes address the problem of Shabbat and holiday observance from a different perspective, aiming not only to uphold the ban of work, but also to ensure that the days of religious significance will be observed with dignity and peace of mind, according to halakhic law. A distinct subgroup of decrees in this category declares the ban of lawsuits on holiday eves.³²⁰ In the oldest sets of legislation, these ordinances follow immediately those which ban work on Friday afternoon (TK X from August 1228 and its undated revision, TK XVII). Both statutes explicitly claim that the court disputes immediately preceding the Shabbats and holidays spoil the

³²⁰ This arrangement was apparently respected by the Christian authorities throughout the Venetian period and was even officially sanctioned by the state authorities, as shown by official ordinances to the same effect, issued by the Venetian government of Crete in 1635 and 1654. Cf. Anastasia Papadia-Lala, "The Jews in Early Modern Venetian Crete: Community and Identities," *Mediterranean Historical Review* 27, no. 2 (2012): 144-45, 48, n.31.

festive spiritual pleasure and thus cause discord within the community.³²¹ Like with the ban on work, the first of these decrees forbids to conduct any legal disputes after the midday of the holiday's eve, whereas the other mentions only the Fridays (and holiday eves) in general. Both decrees explicitly state that this ban applies both to Jewish and non-Jewish courts.³²²

It is remarkable, especially in contrast to the relatively great number of statutes on the previously mentioned topic, that the only decrees to address this problem thereafter appear no sooner than in the sixteenth century: Moreover, the aforementioned TK LXXX from November 1525 explicitly refers to the original statute accepted in 1228, reminding the present members of the Jewish community of the merits of their ancestors which ought to be upheld.³²³ This paragraph contains one important addition to the original arrangement, namely the declaration that this arrangement will be valid only "if it be the will of the government".³²⁴ Thus, in this decree Capsali the communal legislator shows the same concern as Capsali the editor in his comments about the purpose of *takkanot ha-kahal* and their recording; the text exemplifies the tension between the communal leaders' devotion to the halakhic law and their resolution to maintain good relations with the Venetian government (which is here explicitly acknowledged as the ultimate authority). This decree thus demonstrates that the "halakhic statutes" within *Takkanot Kandyah* did not exist in separation, but were an integral part of negotiating law and order in the actual circumstances of the day.

As we have seen, the problem of lawsuits before the start of holidays is addressed much less often than the regulation of work on these days. Moreover, the only other decree explicitly addressing a holiday other than Shabbat does not set any general rules, but is specifically concerned with lawsuits during the spring festival of Purim.³²⁵ TK CIII, dated by the Jewish year 5342, i.e. 1581/82, repeats the claim that conducting legal disputes mars the festive atmosphere of the holiday. Thus, this decree returns to the concept of "spiritual pleasures" (here called

³²¹ See TK X, 2-4 and TK XVII, 8-9.

³²² See TK X, 5-6 and TK XVII, 7-8.

³²³ See TK LXXX, 45-48.

³²⁴ "ובלבד אם יהי רצון השררה בכך", *ibid.*, 47-48. This subordination of the communal legislation to the will of the Venetian authorities is declared once more towards the end of the decree: "We declare these decrees for ourselves by the authorisation (lit. "grace") of our government, let its Majesty be extolled, so that we may act in accordance with our holy faith. But should they not be acceptable in their eyes, they shall be null and void." ("ואלה התקנות אנו מקבלים עלינו בכח החן שיש עלינו משררתנו יר"ה, שנוכל להתנהג על פי דתנו הקדוש, " *ibid.*, 72-74).

³²⁵ This is another example of a communal *takana* extending the restrictions beyond the boundaries set by *halakha*: Purim is not a day of work ban and engaging in a court dispute would therefore not constitute a breach of a halakhic commandment.

“feast of the commandment”),³²⁶ introduced by the oldest decrees regulating the Shabbat observance. The inspiration of the oldest legislation is detectable also in that this statute (unlike all those which precede it) does mention a penalty of excommunication for negligence of the rules which it imposes.³²⁷ The later decree in *Takkanot Kandyah* thus confirms the great emphasis on continuity with the previous generations and consistence in approach, despite partial variations in specific terms.³²⁸

While the decrees discussed so far aimed to have a permanent validity (although that did not prevent the necessity of renewing them repeatedly), there are also two *ad hoc* measures whose aim is to protect the sanctity of Jewish holidays. These were issued in reaction to specific incidents with the intention to eradicate an objectionable practice reportedly widespread among the members of the community. Both chapters are personal records written in first person by Elijah Capsali, in which he describes his contribution to the eradication of the problem in question and thus presents himself as the guardian of the standards set by his predecessor.

Besides TK XCII (probably from August 1533) which bans the playing of dice on Tisha b'Av and which has been already described in detail, there is another decree of much the same nature; in TK CI, Capsali describes that a communal assembly, summoned by him in February 1545, banned firing rockets and firecrackers in synagogues during the reading from the Book of Esther during the Purim service. The decree was issued by the communal council on the Fast of Esther, the day immediately preceding the feast of Purim. It is therefore clear that the decree reacts to negative experience from previous years and its timing shows that the communal councillors, prompted by Capsali, attempted to ensure its maximal effectiveness.

It is worth noting that considerations for holiday observance are reflected also in some other decrees, all of them written by Elijah Capsali. Most notably this is the case in TK XCIX from June 1541. Describing the circumstances under which the Jewish community narrowly escaped a pogrom, Capsali points out his efforts to convince the Venetian government to postpone by one day the Jewish men's participation in the building of the city walls in preparation for an Ottoman

³²⁶ “סעודת מצוה”, TK CIII, 6-7.

³²⁷ See *ibid.*, 11. The punishment is announced in an acrostic נח”ש (abbreviating the words “נדוי, חרם, שמתא”, “banishment, excommunication, expulsion”, the resulting word meaning “snake”).

³²⁸ We should also bear in mind that this late statute was issued several decades after the death of Elijah Capsali, i.e. at the time when *Takkanot Kandyah* already existed as an organised collection. The older decrees were therefore readily available to the communal councillors and it can also be assumed that Capsali's effort to increase general awareness of the old legal tradition of Jewish Candia was still a living memory.

invasion,³²⁹ since the day on which the authorities ordered the works coincided with the Jewish fast day on the 18th day of the month Tammuz. Although the constable's effort was eventually unsuccessful and the able-bodied Jewish men had to work on the day (the communal council having decided that the workers should transfer their fasting to another day),³³⁰ Capsali makes it clear that the considerations for proper religious observance play a crucial role even in the sensitive negotiations between the Jewish leaders and the secular government.

7.2 Statutes concerning the *mikveh*

Securing the proper conduct of important religious customs and ceremonies is a recurring theme in *Takkanot Kandiyah* not only when it concerns synagogue attendance or respecting the holiday rest from work. A great deal of attention is paid also to upholding halakhic principles in everyday life. Here, too, we can observe that some decrees aim to set general rules as a permanent arrangement in certain areas of religious life, while others were apparently written *ad hoc* in reaction to specific incidents. Prominent are statutes which regulate the operation of the ritual baths (*mikveh*).³³¹ A common feature of the decrees concerning the ritual bath is their reactive character – they condemn current imperfections and less-than-desirable practices and aim to improve matters.

The first decree of this type, TK XII from the oldest set of Candiot communal legislation from August 1228, declares its intent to protect the “glorious commandment”³³² of purification in the ritual bath. To achieve this, the decree outlaws using the bath for profane purposes, specifically washing laundry,³³³ as this makes the bath impure and unable to serve its true purpose. This particular misuse is repeatedly mentioned by subsequent legislation as well and others are added, such as washing the household dishes or softening the leathers and pieces of wood used for cooping wine-barrels.³³⁴ These latter two bans indicate that the misuse of the *mikveh* took place on a larger scale not only by private individuals (especially women), but also as a part of business enterprise.

³²⁹ A detailed account of this historical event will be given in a later chapter.

³³⁰ See TK XCIX, 66-76. The fast, normally observed on the 17th, was in the Jewish year 5298 (1538) transferred to the following day, since the official date fell on the Shabbat.

³³¹ It should be noted that in the statutes, the Hebrew word מקוה (*mikveh*) is used interchangeably with the alternative term בית הטבילה (“house of immersion”).

³³² “מצוה מעולה”, TK XII, 2.

³³³ See TK XII, 9-12.

³³⁴ See, for example, TK XV, 6-8 (undated), TK XXVIII, 14-16 (March 1363).

TK XII introduces another important aspect of the ritual bath's use: it refers explicitly to the special significance of the *mikveh* for the ritual purification of married women after the completion of their monthly cycle. Also in later ordinances, this theme clearly dominates the legislation addressing the bath, which shows that its use was associated with this particular purpose more than any other.³³⁵ The oldest statute of this type reminds us that if the ritual purity of the bath is compromised, the women who use it afterwards are likewise impure and any child they might conceive would therefore be a *mamzer*, or person born from forbidden sexual contacts, whose legal status according to halakhic law is not equal to a child conceived under normal circumstances.³³⁶ This consideration, too, is enduring and remains the central concern of some of the later statutes addressing the purity of the ritual bath, suggesting that the ritual purification of women was seen as the main function of the *mikveh* in the religious and social life of the community.³³⁷

The second decree addressing the purity of the bath, does not mention this problem, but, on the other hand, does introduce one interesting innovation. TK XV from the undated second set of decrees decides that in order to secure the purity of the bathhouse and its fitness for religious rituals, the constable of the day is given the duty (under the strict penalty of excommunication, usual in this set of legislation) to conduct ritual purification of the bath every two months. The procedure is described in considerable details: the constable is instructed to close the access to the well in the courtyard from which the bath is filled, until the hired workers remove all of the old contents of the bath.³³⁸ This procedure is confirmed in TK XXVIII from spring 1363 with the frequency changing to six months (probably for practical reasons).³³⁹ This solution, once again, shows the pragmatic dimension of *Takkanot Kandiyyah* – while the desecration of the ritual

³³⁵ For evidence that securing the proper purification of women was a prominent theme in bylaws of Jewish communities across different cultural areas, see Debra Kaplan, "'to Immerse Their Wives': Communal Identity and the 'Kahalische' Mikveh in Altona," *Association for Jewish Studies Review* 36, no. 2 (2012). This article addresses communal legislation from Northern Germany in the late 17th century.

³³⁶ See TK XII, 6-8. Being conceived of a *nidah* (a woman not ritually purified after her menstruation) is here identified as one of the ten ways of becoming a *mamzer*, with references to Talmudic tractates Qiddushin and Nidah. The same claim is repeated in TK XXVIII, 9-10. For the biblical and Mishnaic foundations of the concept of *mamzer* and for its significance in later Jewish religious tradition, see Shaye J. D. Cohen, "The Origins of the Matrilineal Principle in Rabbinic Law," *ibid.* 10, no. 1 (1985).

³³⁷ In the first line of the statute from 1363, the *mikveh* is even characterised as a "place of purification for the daughters of Israel" ("מקום טהרה לבנות ישראל", see TK XXVIII, 2), rather than "for the children of Israel", a phrase used elsewhere.

³³⁸ See TK XV, 8-12.

³³⁹ See TK XXVIII, 16-23.

bath is strictly condemned in most emotional terms,³⁴⁰ the statute tacitly acknowledges the state of affairs and makes arrangement which would minimise the damage.

The continuing of this state of affairs apparently triggered further action by the communal leaders. Thus, *TK LII* from October 1406, which summarises regulations of various problems, contains this brief announcement:

The cantor shall keep and guard the key of the *mikveh*. There is a good reason for this, namely [the verse] which says *Thus shall ye separate the children of Israel from their uncleanness* [Lev 15:31].³⁴¹

This same statute is remarkable for introducing a penalty not in general terms for the members of the public, but very specifically for the cantor who would fail to act according to its words – such a cantor would be expelled from his office for up to six months.³⁴² By this regulation of the institutional and business life of the community,³⁴³ this statute falls out of the strict definition of a “halakhic” ordinance and confirms that the different types of the Candiot communal legislation form a continuum, rather than two distinctly separate “blocks” of “halakhic” and “non-halakhic” ordinances.

This situation is even more obvious in a much later statute, which was issued in reaction to a specific incident. *TK LXXII* from June 1518 does address the purity of the *mikveh*, but reflects a deeper conflict which was at the time troubling the community. Issued by the communal assembly gathered by Elijah Capsali as the constable, the ordinance condemns the disrespectful behaviour, attributed chiefly to the “newcomers who came recently and our fathers had not

³⁴⁰ See *ibid.*, 4-5: “Now, some of the sons of our people neglect the law by using [the bathhouse] for all sorts of their [everyday] purposes, (...) so that it is spoiled and defamed and its waters turn to mud and dirt.” (“ועתה קצת מבני עמנו חלפו חק, בעשותם בו כל צרכם (...) עד ילכלכוהו, והיו מימיו כרפש וטיט”)

³⁴¹ “החזן יהא תופש עליו מפתח המקוה ושומרו, וזה לסיבה טובה, וכן הוא אומר והזהרתם את בני ישראל מטאומתם” *TK LII* 41-42.

³⁴² Similar to the ongoing renewals of the ban of work before the Shabbat, however, this arrangement clearly was not widely respected by either side. We have already seen that *TK LVII* from November 1435 declares that during the synagogue services, the *mikveh* and the public well in its courtyard must be closed (see *TK LVII*, 54-55). This clearly shows that despite the cantor’s duty to keep the bath locked, it was in fact accessible and presumably used for the purposes forbidden by other decrees. *TK LVII* thus presents an intersection of legislation protecting holiday observance and the purity of the ritual bath.

³⁴³ The same provision is made for butchers and meat merchants, involved in other problems this statute regulates (preparation of kosher met and trade with it). In other words, the decree proposes an equal treatment of the employees of the community and private individuals.

known them”³⁴⁴ who demand entrance to the bathhouse at the time when women perform their ritual purifications there. Although the statute does not state it explicitly, its tone suggests strongly that besides protecting the women’s privacy (and assuring the ritual purification will be conducted without disturbances), the decree’s intention is to eliminate all possibilities to any illicit intimate contacts which might occur in the bath. In reaction, the statute bans any unwarranted person to enter its premises at the time when the ritual purifications of women take place. In contrast to the older decrees, *TK LXXII* refers to nightfall (specifically, the time when the first stars are visible in the sky) as the time when the ritual purifications routinely take place.³⁴⁵ The penalty for breaking this ban is excommunication and public announcement of the transgressor’s crime.³⁴⁶ Uniquely among the statutes concerning the bathhouse, this decree also turns directly to the women who use the *mikveh* during the summer season

[...] to wash and refresh themselves, closing the door (...) behind them, thus preventing [other] women from immersion in its right time, according to the Torah and our sages of blessed memory.³⁴⁷

Therefore no woman, “young or old”, is to enter the bath unless it is to perform the purification.³⁴⁸ Thus, this 16th-century statute confirms the almost exclusive connection in the Candiot communal legislation of the ritual bath to the purification of women. Interestingly, this decree is also one of the few which refers to the rabbis as the authorities to decide, alongside with the elected communal councillors, which is the proper course of action in case this last provision is not respected.³⁴⁹ It is significant that the rabbis (as religious authorities) are specifically involved in the legislative action to help to decide the women’s punishment for the illegitimate occupation of the bath on a case-to-case basis. The fine is not imposed straight away by the statute as a general arrangement. The decree seems to prefer a peaceful solution of

³⁴⁴ “חדשים מקרוב באו לא שערם אבותינו”, *TK LXXII*, 15. Later in that statute, however, the ban of the condemned practice is pronounced “for outsiders and residents” alike (“הן נכרי הן תושבי”, *ibid.*, 23-24.).

³⁴⁵ See *ibid.*, 25-26.

³⁴⁶ See *ibid.*, 26-26. In its closing paragraph, the decree also instructs every succeeding constable to read it publicly on the first Shabbat after assuming the office and display its text at the synagogue’s entrance (see *ibid.*, 39-41).

³⁴⁷ “ועוד ראינו שקצת נשים פנויות בקיץ הולכות לבית הטבילה לרחוץ עצמן ולקרר, וסוגרות בית הטבילה אחריהן, וזה “ נמנעות הנשים מטבילה בזמנה כדין התורה וחכמינו ז”ל”, *ibid.*, 30-32.

³⁴⁸ See *ibid.*, 32-33.

³⁴⁹ See *ibid.*, 35-37: “The honourable constable with his honourable secretaries with the rabbis of the community and its honourable members [i.e. councillors], let their Rock keep and protect them, shall deal with [the women] as they shall see fit and consider right to do, according to the need of the time and the hour” (“אז הנכבד הקונדושטבלו עם חשבניו הנכבדים, ועם רבני הקהל ונכבדיו יצ”ו, יעשו להן כטוב בעיניהם, כפי מה שיראה “ (”להם לעשות להן פכי צורך הזמן והשעה.”).

possible conflict situations, allowing for a more nuanced approach (and probably also trying to prevent possible scandals). In doing so, it differentiates between the male transgressors and negligent women, clearly designating the former as the chief source of problems concerning the ritual bath.

The last statute of this type does not address the problem in general, but is concerned with negative aspects of the everyday running of the *mikveh*. Doing so, the decree shows by a specific example that the system which the previous statutes created could fall victim to abuse by the very people who were commissioned to protect the proper use of the bath. TK XCI is another personal reminiscence recorded by Capsali probably in the early 1530s.³⁵⁰ According to his own words, the author was among those who made the communal council issue this decree. The record is written in the first person plural, but unlike in most other statutes, this does not refer to the communal council in general, but points out Capsali himself and another prominent member of the community, Judah Hen (Graziani).³⁵¹ This decree is even more specific than those which addressed the topic of the women's ritual purifications in general, and turns to a specific habit which developed among the synagogue cantors charged with keeping the keys of the *mikveh*. The cantors are reproached for preventing the brides from immersing themselves into the bath before their wedding, unless they receive a "gift" in return. This abuse of the cantors' authority had resulted in one woman (who is not named in the decree) turning away and subsequently marrying without having purified herself according to halakhic commandments.³⁵²

Thus, the community officials responsible for the availability of the ritual bath have instead become a major obstacle. To improve matters, the decree states that no cantor or synagogue warden (שמש) shall be allowed to deny access to the *mikveh* to anyone or to demand anything in return for their services.³⁵³ The decree applies explicitly to men and women (possibly women supervising the immersions), outsiders and residents, as well as to "him who stands here today

³⁵⁰ The decree is not dated, but the time of its issuing can be tentatively reconstructed based on the dates of the surrounding chapters, issued in September 1531 and summer 1533, respectively.

³⁵¹ Judah Hen is later credited for issuing TK LXXVII from October 1562 (here, he is called "his Excellency the great rabbi" and his signature is the first to appear under TK CIX from July 1567 (here without the predicate "the physician").

³⁵² See TK XCI, 2-5. The required gift in question is not specified here, but the context seems to imply a financial contribution.

³⁵³ See *ibid.*, 9-11.

with us and him who is not present”,³⁵⁴ which implies that this decree, like many issued in the later stages of the Venetian period, is partially aimed against the Jewish newcomers to Candia. Interestingly, the text also explicitly states that if the bride is willing to reward any of the bath attendants, they shall be free to accept it.³⁵⁵ This implies that the habit to demand unofficial “entrance fees” grew out of originally voluntary remuneration of the cantors. Although no penalty for transgressing these rules is mentioned, the decree’s tone is remarkably solemn, as were the circumstances of its declaration. This ordinance was first read publicly in the Great Synagogue on the Day of Atonement, whilst the Torah Scroll was taken out of the Ark (a token of special importance and significance of the matter). Similarly, this decree, as is the case with some “halakhic statutes”, refers explicitly to the agreement of the rabbis, together with the elected communal leaders, to this arrangement.³⁵⁶ Thus, the protection of the proper use of the *mikveh* is presented as a joint effort of religious and lay authorities.

Similar to the statutes protecting the synagogue attendance and holiday observance, the decrees regulating the use of the ritual bath present very good sample material for the study of the ways in which the non-halakhic communal authorities sought to promote halakhic laws. At the same time, these decrees show how apparently halakhic questions can reflect more general social processes in the community’s life. Most importantly, it is obvious that the “halakhic statutes” are not by any means “theoretical” but that they address problems which were perceived as acute and highly significant for the social life and coherence of the community.

7.3 Statutes concerning the dietary laws and connected topics

In the life of every pre-Emancipation Jewish community, one area of halakhic law is of especially high importance for its everyday functioning, namely the laws of *kashrut*, or dietary laws. In *Takkanot Kandyah*, there are many statutes dealing with the proper preparation and handling of food and wine, and it is characteristic that most of them address specific questions connected to various trades and professions. Indeed, this area of Jewish law constitutes the largest single sub-category of the “halakhic legislation” in *Takkanot Kandyah*.³⁵⁷ It could even be argued that the statutes concerning dietary laws were among those with the greatest impact on

³⁵⁴ “הן אשר ישנו פה עמנו עומד היום הן אשר איננו פה עומד היום”, *ibid.*, 10-11. This comment apparently refers to the congregation in the Great Synagogue to which the decree was publicly read.

³⁵⁵ See *ibid.*, 12.

³⁵⁶ See *ibid.*, 6-7.

³⁵⁷ Only the most important statutes from the successive stages of *Takkanot Kandyah* will be discussed in this section.

the economic and, consequently, social life in the community.³⁵⁸ The numerous and detailed (and often very confrontational) decrees regulating kosher slaughter, preparation of meat, its treatment and the transactions between the butchers and meat merchants show that the legislation concerning dietary laws had most practical consequences for the economic life in Jewish Candia. Given the utmost importance of wine to some religious rituals and the complicated procedure necessary for ensuring its ritual purity, it is remarkable that only a relatively small amount of attention is devoted to the specifics of viticulture, treatment of grapes and production of wine and wine-trade.³⁵⁹ In contrast, other branches of food production are represented considerably more. David Jacoby has pointed out the great importance of Crete as a major provider of cheese for the Eastern Mediterranean and the significant role it therefore played in the food market of the Venetian *stato da mar*.³⁶⁰ *Takkanot Kandiyah* does not make any explicit comments on foreign trade with cheese or other dairy products produced by Candiot Jews, but it does contain a number of statutes regulating the cheese production and treatment in considerable detail, which indicates that this branch of food production was rather prominent among the Jewish inhabitants of Candia.

7.3.1 Statutes concerning wine and viticulture

The oldest decrees concerning the rules of *kashrut* are, perhaps surprisingly, not contained in the two oldest collection of Candiot communal legislation. It is only the third of the older collections of statutes, issued in spring 1363, that includes decrees addressing various problems connected with dietary laws. Wine production is the first topic to be raised. TK XXXIII, called simply “a decree regarding the purity of the wine and wine-pressing”,³⁶¹ addresses one of the issues which would prove vexing also for the later generations – how to ensure the proper treatment of grapes which are pressed immediately after the harvest on the country vineyards where proper religious supervision is not possible and wine presses owned by Gentiles have to be used. The decree, referring to Talmudic sources, states that the presses must be purified by

³⁵⁸ For the importance of the laws of *kashrut* in the economic activities of the Levantine Jews, see Joshua Holo, *Byzantine Jewry in the Mediterranean Economy* (Cambridge: Cambridge University Press, 2009).

³⁵⁹ For a study of the role of kosher wine from Crete in the Levantine economics, see Benjamin Arbel, “The ‘Jewish Wine’ of Crete,” in *Monemvasian Wine – Monovaisa – Malvasia*, ed. Ilias Anagnostakis (Athens: National Hellenistic Research Foundation, Institute for Byzantine Research, 2008).

³⁶⁰ See David Jacoby, “Cretan Cheese: A Neglected Aspect of Venetian Medieval Trade,” in *Medieval and Renaissance Venice* ed. E. E. Kittell and T. F. Madden (Urbana, Chicago: University of Illinois Press, 1999).

³⁶¹ גדר להכשר היין ודריכתו, TK XXXIII, 1.

adding honey inside.³⁶² Unless this happens, or if any Gentile takes part in the process, the wine must be declared unfit for consummation by Jews (יין נסד). The text states that it is the Gentiles' desire to make them commit the sin of drinking the non-kosher wine by violently preventing them from purifying the wine-presses and bribing them to sell the impure wine as kosher. The Jews who participate in this "in pursuit of filthy gains" willingly are harshly condemned.³⁶³ On the other hand, the decree recognises that the Jews harvesting grapes often fail to treat them properly "out of their fear of the Greeks"³⁶⁴ and implies that the Christian countrymen spitefully prevent the Jews from adhering to their religious duties. However, it seems that the reference to fear is an intentional allusion to the book of Esther³⁶⁵ which makes it harder to estimate how seriously a threat these tensions were in the eyes of the Jewish elders.³⁶⁶ In any case, the lax supervision of wine treading is penalised in the same way as the intentional deception when selling the wine, namely by excommunication. The urgency with which the confrontation with the Christians is described is unusual in the context of the the earlier statutes of *Takkanot Kandyah*.³⁶⁷

The next decree which mentions the preparation of wine appears, after a long gap, in December 1520 or 1525 (the dating is ambiguous). Although TK LXXV is less confrontational in its tone, it addresses a similar misdemeanour with great strictness. The decree is aimed against members of the community who "pollute themselves by drinking Christian wine"³⁶⁸ and even offer it to their fellow Jews, making them transgress the laws of *kashrut*. To end this practice, the decree obliges

³⁶² The addition of honey is one of the standard procedures to ensure the *kashrut* of wine if it is not certain that no non-Jew touched the grapes. However, the acceptability of this technique was later questioned by some members of the Candiot community, as will be discussed later in this chapter.

³⁶³ "להוטים אחרי בצע, מקבלים מחיר ואתנן מן הגוים", *ibid.*, 30-31.

³⁶⁴ "מפחדם מהיוונים", *ibid.*, 7. Incidentally, this is one of only two occasions in *Takkanot Kandyah* where the non-Jews are called Greeks rather than Gentiles. The other mention refers to even more dramatic circumstances, namely to the nearly averted pogrom (see TK XCIX, 171).

³⁶⁵ Cf. Est 8:17: "...and many of the people of the land became Jews, for the *fear of the Jews* fell upon them".

³⁶⁶ In contrast, it is undeniable that in the mid-16th century, Elijah Capsali considered the danger for the Jews on the countryside vineyards to be clear and present (see below).

³⁶⁷ The same set of decrees contains one more immediately following statute on a related topic. Much briefer, TK XXXIV does not directly concern the ritual purity of wine, but the circumstances of wine trade. It stipulates that wine may not be "effectively sold" on Shabbat, banning "some arrogant members of our community" ("קצת מבי עמנו המתהרים", TK XXXIV, 2), namely the owners of taverns and wine cellars, to let people enter their establishments on the Shabbat. The decree condemns the practice when such people agree to pay for the wine after the Shabbat, thus circumventing the ban of financial transactions on the day (see *ibid.*, 10-11). Thus, this statute provides an example of intersection between the legislation regulating wine businesses and holiday observance.

³⁶⁸ "ויתגאלו בין משתה הנוצרים", TK LXXV, 2. Note the use of the word "Christian" (rather than Gentile) which seems consistent with the use of the name "Greek" in the similarly confrontational context in the statute cited previously.

every future constable and his deputies to supervise the sale of wine in the community and mark every wine barrel with an iron seal, securing it against mistreatment and marking it clearly as kosher.³⁶⁹ It is explicitly stated that this is especially important when selling the wine outside Candia. This statute is one of the few within the whole *Takkanot Kandyah* which describes problems connected to dietary laws in such detail. Even more remarkable is the fact that it is the representatives of the communal council who are given the authority to perform an act of a fundamentally religious nature and are entrusted with the position of “perfect witnesses.”³⁷⁰ This statute, too, contains a reference to the “consent of the rabbis” known from other halakhic statutes.³⁷¹ However, this case stands out as it assigns the lay communal elders, rather than rabbis, a permanent role as guarantors of the wine’s ritual purity.

Approximately two decades after this decree, the topic is revisited once more by Elijah Capsali, who recapitulates his own efforts to protect the proper treatment of wine. In the sequence of chapters *TK XCIV-XCVIII*,³⁷² the main topic is the apparently heated argument about ensuring the purity of wine by adding honey. In this way, Capsali’s record is an interesting addition to information contained in *TK XXXIII* from 1363. While the older statute does mention honey, it sanctions its use only in purifying the wine-presses before they can be used for treating the grapes, but says nothing about adding honey into the wine itself. Capsali’s 16th-century record therefore testifies to a change in practice that took place in Candia some time before³⁷³ and which remained controversial until his own days.

In the opening chapter, Capsali describes in great detail the religious importance of the dietary laws³⁷⁴ and the difficulties connected to the harvest of grapes in the country vineyards. He praises “the olden days which were better than our own”³⁷⁵ when the Jews of Candia ensured

³⁶⁹ See *ibid.*, 13-22.

³⁷⁰ “עדים כשרים”, *ibid.*, 20.

³⁷¹ “בעצת והסכמת הרבנים”, *ibid.*, 13.

³⁷² The first and last of these texts are Capsali’s treatises on the problem and a short final summary of the debate. The three chapters in between are rabbinic epistles sent in support of his decision. Only *TK XCV* and *XCVIII* bear a date, both referring only to the year – 5299 (1538/39) and 5302 (1541/42), respectively.

³⁷³ Capsali refers to the aforementioned statute *TK XXXIII* and mentions also another one, accepted under the constabulary by of his own grandfather, David Capsali, who was active in the last quarter of the 15th century (see *TK XCIV*, 67-68). This decree, however, is not included in the collection.

³⁷⁴ It is symptomatic that the three verses quoted from the Song of Solomon (4:11, 5:1 and 1:8) by which Capsali opens this preamble contain the word “honey” twice (see *ibid.*, 3-6). After stating the core argument of the statute in its title, the author strengthens his position by an implicit evocation of scriptural support to his intentions.

³⁷⁵ “בימים הראשונים היו טובים מאלה”, *ibid.*, 17.

that wine be always pressed in the presence of Jewish guards. Capsali then cites an epistle sent to Candia by his 15th-century great-uncle Moses Capsali of Constantinople who declares that wine must be either harvested in the presence of Jewish guards or purified by adding honey.³⁷⁶ That the younger Capsali strongly prefers the latter option is made very clear by his reminder that the position of the Jewish supervisors in the vineyard is extremely dangerous. To prove this point, he mentions a case of a Jewish guard murdered in Canea.³⁷⁷ Accordingly, the assembly of the communal council which Capsali initiated to decide in this matter does approve of the Jewish guards as a praiseworthy arrangement,³⁷⁸ but clearly approaches seasoning the wine with honey as the standard practice, stating that unless this has been done, it shall not be considered fit for consumption by Jews.³⁷⁹

Significant is the last paragraph of the statute, in which Capsali reminds his audience that “there are some who doubt this decree”, who point out that great halakhic authorities of the past were not unanimous in their support of the practice.³⁸⁰ It seems that the leader of this opposing faction was Judah del Medigo, whose relations to his relative Elijah Capsali were generally strained.³⁸¹ To address such doubts, Capsali decided to record copies of three epistles from foreign rabbis whom he asked for consultation in this matter. Not surprisingly, all three letters, sent from Egypt and Constantinople, unequivocally support the way proposed by Capsali. The Egyptian rabbi Moses ben al-Akshar, the author of the first letter, explicitly calls the wine cured by honey as kosher as the wine which has been boiled (יין מבושל), referring to a practice common in many other Jewish communities, and reminds the reader that honey is routinely added to wine used in Egypt and “the lands of Ishmael”, too.³⁸² In the final chapter, written several years afterwards, Capsali states that over the years he received many more letters expressing the same opinion,³⁸³ which he presents as a token of firm support for the statute which he advocated. The discussed group of chapters is not only the most detailed insight into the Candiot legislation concerning wine, but also one of the most illustrative examples of

³⁷⁶ See *ibid.*, 37-47. Unlike other letters sent by the same rabbi, this epistle is not recorded in *Takkanot Kandyah*.

³⁷⁷ See *ibid.*, 53. No further details are mentioned and the time of the accident is therefore impossible to reconstruct. Simon Marcus does not mention this incident in his article on the history of Canean Jews.

³⁷⁸ See *ibid.*, 63: “If anyone is able to appoint the guards, *behold, how good and how pleasant it is!* [Ps 133:1]” (“מי שאפשר לו להשים שומרים, הנה מה טוב ומה נעים”).

³⁷⁹ See *ibid.*, 71-75.

³⁸⁰ “שיש קצת מגמגמים בתקנה זו”, *ibid.*, 76. The whole paragraph is eight lines long and closes with a paraphrase of the same biblical verse which opens the whole statute (Song 4:11).

³⁸¹ See “Statuta Iudaeorum Candiae,” 116. (footnote to the cited place).

³⁸² See *TK XCV*, 13-14.

³⁸³ See *TK XCVIII*, 3.

Capsali's use of *Takkanot Kandyah* as a platform to portray himself as a devoted leader who pursues the best interest of the community even against considerable opposition.

7.3.2 Statutes concerning bread and pastries

Similar to wine, not much attention is given in *Takkanot Kandyah* to the preparation and sale of bread and pastry. Only two statutes of remarkably different character are specifically devoted to this subject. The older one of them is found in the set of ordinances from spring 1363 and is relatively short. *TK XXXIX* addresses a particular halakhic question, namely whether it is permitted to eat bread finished only after the beginning of Shabbat.³⁸⁴ It reaches the conclusion that this is permitted only if the bread was put into the oven before the Friday sunset and gives a number of technical details regarding treating such bread. A remarkable feature of this chapter is that it does not introduce a communal decree *stricto sensu*, since it does not contain a rule which must be obeyed under the pain of penalty, but simply provides a detailed explanation of a halakhic decision very much in the style of a rabbinic epistle. This shows that the 1363 communal council which issued a set of more than twenty legal decisions at once did not make any formal distinction between texts of different types, nor did Elijah Capsali see a reason to point out this difference in his editorial work.

Capsali himself is the author of the only other statute regarding the preparation of kosher bread, laconically called "A statute regarding the ovens of the Gentiles."³⁸⁵ This chapter, recorded as *TK CII*, opens by deploring the laxity of his Candiot coreligionists regarding the proper preparation of bread. In particular, he complains about the widespread practice of baking it in ovens owned by non-Jews, which have not been ritually purified beforehand.³⁸⁶ This was unacceptable because the Greeks often used their ovens to bake pies (*tourtes*) containing both cheese and meat, a combination banned by halakhic law.³⁸⁷ Capsali states that he is deeply troubled by the fact that both Christian and Jewish bread come from the same oven at the same time and claims with great consternation that the Jews "do not understand and appreciate the difference between the two."³⁸⁸

³⁸⁴ See *TK XXXIX*, 7-16.

³⁸⁵ "תקנה על תנורי הגוים", *TK CII*, 1.

³⁸⁶ See *ibid.*, 13-15.

³⁸⁷ See *ibid.*, 33-34. These *tourtes* fit the description of κρεατόπιττα, a type of meat pie still popular in Crete today (I am grateful to Professor de Lange for this information).

³⁸⁸ "ואינם מבינים ואינם מבחינים ההפרש שיש ביניהם" *ibid.*, 28-29.

After consulting the matter with the communal leadership, Capsali was authorised to build a communal bakery in the Jewish quarter, with two separate ovens, in which only “the loaf of Israel” would be produced.³⁸⁹ However, “since for our sins there was no Jewish baker in our community,” Capsali was “forced to lease the aforementioned ovens to a Gentile.”³⁹⁰ He explained to this Gentile the importance of baking meat and dairy products separately, and instructed him always to bake bread and pastries for the Shabbat and other Jewish holidays before sunset on their eve. Thus, it was with the active assistance of a Gentile that production of ritually pure bread and pastry for the community was secured. From the tone of Capsali’s account, it is apparent that he sees the collaboration with a Gentile as a last resort, a solution forced by unfavourable circumstances. Nevertheless, it does show that in the eyes of the Jewish establishment, pragmatic and properly regulated business transactions with Christian neighbours were acceptable. Moreover, the very situation to which this decree reacts, i.e. the apparently daily visits Jews had been making to Christian bakeries and households, is testimony to rather intensive social contact between the ordinary Candiot Jews and local Christians. Considering this record in context of Capsali’s other texts where the encounter with the Greek neighbours is portrayed as an unequivocal threat, this statute provides a different perspective and shows that the mutual relations had more facets, not always confrontational.

7.3.3 Statutes concerning dairy products and meat

The connection between the halakhic legislation and regulation of economic and social life in the Jewish community is even more apparent in those statutes which concern the *kashrut* and treatment of meat and dairy products. Like all the decrees concerning dietary laws, they are represented for the first time in the 1363 set of legislation. The decrees contained addressed problems which proved to be regularly revisited by later generations of the communal legislators. The production of dairy goods and meat is often approached as a “twin problem”, as is attested by the very first decrees addressing this problem. TK XXXVI-XXXVII are both aimed against the import of meat and cheese from outside of Candia, specifically singling out the Jewish community in the inland village of Castelnovo.³⁹¹ Both decrees harshly criticise the quality of

³⁸⁹ For a detailed description of the whole process summarised in the following text, see *ibid.*, 121-148.

³⁹⁰ “ויען שאינו נמצא בעונות אופה יהודי בקהלתנו, הוצרכתי והשכרתי התנורים הנזכרים לנוי”, *ibid.*, 126-127.

³⁹¹ The former statute does in addition refer to “all places surrounding us” (“מכל סביבותינו”, TK XXXLVI, 3), but the emphasis on Castelnovo is clear in both. In the latter decree, its inhabitants are condemned as “empty-headed people with no [knowledge of the] Torah and the commandments” (“אנשים ריקים ופוחזים” “באין תורה ומצות”, TK XXXVII, 4-5).

the imported commodities, question their compliance with the halakhic law and categorically condemn their being sold as kosher in Candia.³⁹² The criticism is aimed both against the outside providers and the Candiot Jews who resell the meat and cheese to their neighbours, who in turn are reproached for their eagerness to buy food which has not been officially declared kosher.

The legal steps taken in response are the same in both cases: no meat and cheese from Castelnuovo is to be sold in Candia unless it has been duly checked by the corresponding “experts” from Candia.³⁹³ This couple of statutes is the first expression of Candia’s contentious relation to other Jewish communities in Crete, recorded in *Takkanot Kandiyyah*. It is also the first example of what could be called protectionist legislation, ostensibly concerned with the observance of the halakhic law, but also setting clear and strict rules limiting the freedom of outside Jews to pursue their business interest in Candia. The regulation of economic activities in the name of halakhic purity is a constant theme in the decrees concerning meat and dairy, both in relation to other Cretan Jewish communities and regarding the affairs within Candia.

In this context it is noteworthy that the first statute in *Takkanot Kandiyyah* which specifies the duty of a kosher butcher was adopted from the outside: TK XLVIII is a copy of a decision taken by the Jewish leaders in Retinno in May 1362 and was accepted by the Candiot community as a precedent in the Jewish year 5146 (1385/86). The original document specifies the duties of a man upon his impending appointment as Retinno’s ritual butcher and synagogue cantor, putting a great emphasis on the butcher’s availability for the community’s members and his expertise in the matter of *kashrut*.³⁹⁴ It is also specifically stated that the simultaneous service as a butcher and a cantor is not in accordance with established practice and is not to be repeated.³⁹⁵ From the short paragraph added to the original decree by the Candiot communal leaders it is apparent that

³⁹² See TK XXXVI, 5-9; TK XXXVII, 7-11.

³⁹³ TK XXXVI states that these experts (מומחים) shall be selected from among Candiot kosher butchers. It is these experts who are ordered under the penalty of excommunication to announce to the communal council if the checked meat is not found kosher (see TK XXXVI, 17-22). TK XXXVII, on the other hand, does not explicitly tie the choice of the experts to the profession, and simply states that the ritual purity of the cheese brought from Castelnuovo shall be checked by the communal councillors (see TK XXXVII, 12-16). Interestingly, although this task is given to successive communal councils, the statute also specifically calls for the presence of one person, Menachem Kalomiti, among those who would verify the *kashrut* of the imported cheese (see *ibid.*, 27). It seems likely that he was an expert in the matters of dietary requirements, perhaps himself involved in the cheese production and trade. The reference to Kalomiti is one of the very few cases where *Takkanot Kandiyyah* refers to a specific person (other than a communal elder or a rabbi) appointed to an official function.

³⁹⁴ See TK XLVIII, 10-20.

³⁹⁵ See *ibid.*, 27-29.

this anomaly was not followed in Candia, where one cantor and two butchers were appointed.³⁹⁶ It was the well-defined description of the communal official's duties, rather than a precedent for the cumulation of functions, which inspired the Candiot Jews to adopt a decree from another community.

This acknowledgement of a positive outside influence stands in marked contrast to the confrontational attitude towards Castelnovo demonstrated in 1363 and shows that the relations to Jews from other Cretan communities were differentiated and reflected the needs and concerns of the hour.³⁹⁷ A possible influence of the Retinno statute may be detected even before it was officially adapted: in March 1369, the Candiot communal council issued the decree *TK L* which addressed the need to find new butchers and appointed a committee of experts who should find appropriate candidates.³⁹⁸ The same statute then contains a very detailed list of the butchers' particular duties, ranging from general to very particular.³⁹⁹ It is important to notice that the person appointed as one of the two new butchers was already a synagogue cantor. The situation in Candia was thus parallel to that in Retinno, and it may have been Retinno's influence which inspired the Candiot elders to commission one man to serve simultaneously in two important communal functions.

The language of *TK L* is remarkable as well. For example, the decree decides that no animal may be checked for *kashrut* if it has been slaughtered without the butcher's supervision. The communal leaders declare that such an animal must be considered impure, since "it is our will" that the animals shall be slaughtered transparently, while, in contrast to many other statutes, they do not refer to any halakhic authority substantiating this decision. The weight of the decree is therefore based on the authority of the communal leaders who, consequently, saw it as their prerogative to decide in the halakhic matters. However, the key innovation brought by this statute is the regulation of relations between the kosher butchers (שוחטים) and meat merchants (קצבים). Out of the twelve specific rules of meat trade set by the statute, eight implicitly or

³⁹⁶ See *ibid.*, 38-40.

³⁹⁷ The willingness to follow the Retinno example may well have been influenced by the fact that one of the signatories of the original statutes was David Capsali, a member of a family which was in all probability already long established in Candia (where Elijah Capsali the Elder was to become constable three decades later).

³⁹⁸ See *TK L*, 15-22. This decree is remarkable in that it suggests a relative institutional autonomy of the respective synagogue congregations, each of which sent its representative to the committee.

³⁹⁹ For example, besides the general principal that animals may be killed only in the slaughterhouse (see *ibid.*, 32-33), the decree also specifies that all animals which have been found unclean must be marked by no less than six signs, "and if more, behold, that is praiseworthy" ("ששה סימנים לא פחות ואם יואת הרי זה" "משובח", *ibid.*, 51-52).

explicitly address the cooperation between the two professions, suggesting that so far the conduct of the meat merchants has been perceived as unsatisfactory and at times damaging for their customers. Among these regulations is for example the provision that the merchants must let their customers choose what part of the slaughtered animal they want to purchase before it is portioned or the ban for the butchers to work with any meat merchants who fail to obey the decree.

The next chapter of *Takkanot Kandiyah*, issued some sixty years later, in October 1428, is in all probability directly inspired by its predecessor since it, too, addresses the problem of choosing appropriate candidates to hold the post of ritual butchers, mentioning the chosen apprentices and their supervisors by name. Similarly, the decree states in detail the conditions of the butcher's conduct and penalties for any transgressions, thus affirming the community's control over the kosher slaughters. It is clear that this chapter was listed as TK LI deliberately because of its thematic relation to TK L, since the next chapter which concerns the preparation of kosher meat, TK LIX, predates it,⁴⁰⁰ being issued between 1406 and 1424.⁴⁰¹ This decree, too, was inspired by specific cases of misconduct in the treatment of meat and is largely concerned with the relation between the butchers and meat merchants. It is the latter group who is generally the object of some suspicion and restricting legislation. In this decree, too, the main points made by the previous legislation are reiterated, and it elaborates on an "anti-cartel" agenda, banning the meat merchants from associating into one enterprise, effectively monopolising the meat trade in Candia.⁴⁰²

In this context, it is worth remembering Lauer's suggestion that this measure is a veiled expression of bias against foreign Jewish immigrants who were perceived as a threat towards the established order.⁴⁰³ Lauer bases this claim on the fact that earlier in the statute, the authors urge the community to return "to the path on which our ancestors [lit. "the first generations"] walked."⁴⁰⁴ While this formulation proves that this statute, like many others, is concerned with upholding the standards which were reportedly respected by the previous generations, there is

⁴⁰⁰ As does the aforementioned TK LII, issued already in October 1406. Several of the points of this eclectic decree concern this problem, regulating in particular the relation between butchers and meat merchants and working hours on Shabbat eves (see TK LII, 34-40). In contrast to the relatively detailed regulations of the access to the ritual baths with which this decree concludes (see above), these points are stated as a brief summary, possibly referring to the previous legislation introduced by the earlier statutes.

⁴⁰¹ Cf. Lauer, "Cretan Jews and the First Sephardic Encounter in the Fifteenth Century," 133, 37.

⁴⁰² See TK LIX, 27-35.

⁴⁰³ See Lauer, "Cretan Jews and the First Sephardic Encounter in the Fifteenth Century," 133.

⁴⁰⁴ "למסילה דרך הלכו ראשונים", TK LIX, 13.

otherwise no direct (explicit or implicit) suggestion that the deterioration is caused by the Jews from outside. It is certainly true that from the 14th century onwards, the complaints about the newcomers become a constant theme in *Takkanot Kandyah*, but there is not enough textual evidence in *TK LIX* to interpret it in this light. The call for the return to old standards can be sufficiently explained as an expression of consistency with the older statutes, with which this decree agrees both in tone and in tenor.

Later in the 15th century and in the 16th, statutes regarding the same topic were occasionally issued, but occur less frequently.⁴⁰⁵ Some of them concern minute details of the slaughtering procedure, as is the case of *TK LXI* from the 1470s,⁴⁰⁶ which orders the butcher to check the slaughtered animal's head carefully in order to make sure it is free of any blood clots,⁴⁰⁷ and of *TK CX* from 1579, which reinforces the ban of slaughters on Shabbat and holiday eves. In contrast to the more technical nature of this decree, *TK LXXI* from 1513 as well as *TK LXXVII* from 1562 take a sharply moralistic approach and present the proper treatment of meat as one of the crucial questions. Both statutes imply that the consumption of meat which did not meet the halakhic requirements was rather widespread in the community and that at the core of this problem was the laxity of both the ritual butchers and the meat merchants. The last statute, *TK CX* from February 1576 takes a similarly sharp attitude towards slaughters performed immediately before the start of Shabbat, unless the meat is urgently needed for the festive meals.⁴⁰⁸ Interestingly enough, this ordinance is also one of the few chapters of *Takkanot Kandyah* written in the first person singular (by someone other than Elijah Capsali). Moses Spanyolo, the communal scribe, claims to write "with the authorisation of both their Excellences the rabbis and of the leaders of [our] community, may her Rock keep her and protect her."⁴⁰⁹ Thus, *TK CX* is also one of the statutes which *à propos* of their main topic give us some insight into the operation of the communal executive.

⁴⁰⁵ In fact, there are only three statutes specifically devoted to this problem – *TK LXXI* from January 1513, *TK LXXVII* from October 1562 and *TK CX* from February 1579.

⁴⁰⁶ The dating is unclear. The recorded date 29th Nisan 5231 (20th April 1471), fell on the Shabbat, and must be therefore mistaken. The text explicitly refers to the signing of the document on the given day, an action forbidden on the Shabbat. Artom and Cassuto suggest either 5235 (1475) or 5238 (1478) as the correct years.

⁴⁰⁷ This regulation repeats the provision introduced by *TK LIX*, 73-74.

⁴⁰⁸ The urgency of tone is established by the very first words of the statute, where the negligence of the working ban on Friday evenings is called "trickery and wickedness of heart" on the part of the meat merchants ("הערמת ורוע לב הקצבים", *TK CX*, 2).

⁴⁰⁹ "ברשות מעלת הרבנים וברשות מנהיגי הקהל יצ"ו", *ibid.*, 12-13. We have already seen that the reference to the rabbi's approval does occasionally occur in "halakhic statutes".

While there is a definite increase in attention to the treatment of kosher meat in *Takkanot Kandyah* in the later 14th and early 15th centuries, a similar trend cannot be traced regarding statutes addressing the *kashrut* of cheese and dairy products. There are in total five statutes addressing the treatment of milk and dairy products as their main topic. Their distribution in the collection is by no means even: the first three documents were issued in the second half of the 14th century,⁴¹⁰ whereas the remaining two come from the 16th century – TK LXXX was issued in November 1525, under the constabulary of Elijah Capsali,⁴¹¹ and TK CVII, written only after Capsali's death, in April 1566. The problems dealt with in these statutes are partially analogous to those addressing the treatment of meat. For example, TK XXVII can be seen as complementary to TK XXVI, criticising the Jews from Castelnuovo for producing food (in this case, cheese) of doubtful ritual purity.

In addition to decrees specifically addressing the treatment of dairy products, several other statutes raise concerns about the observance of separating meat and dairy products during the preparation of food. This theme features prominently in the aforementioned TK CII from July 1546, when ensuring this separation was the impulse for establishing a communal bakery in the Jewish quarter. Similar concerns are voiced by the only 15th-century statute which briefly touches on the *kashrut* of dairy products. TK LXV, issued in November 1467, is not primarily devoted to this topic, but to ensuring the Shabbat and holiday observance. This ordinance differs from others on the same topic in that it appoints a committee to oversee that the ban of work is respected. Almost as an afterthought, the statute declares that this committee shall also make

⁴¹⁰ The oldest of them, TK XXXVII, is one of the statutes issued in spring 1363 and immediately follows a decree regulating the import of cattle and meat to Candia. TK LV was issued in Tevet 5260, i.e. in October or November 1399 (when Elijah Capsali the Elder was the constable). The intervening TK LIII is not dated, but most probably was issued in the same century.

⁴¹¹ This particular statute can serve as evidence of Capsali's dual role as a communal leader and the chronicler of Candiot Jewry's legal history. In this "eclectic" decree, several of the old statutes are, out of Capsali's initiative, renewed and re-enacted, with an explicit reference to the original texts and the constables of whose initiative they were issued. One among them is the aforementioned TK LV from 1399 (see TK LXXX, 49-56). This statute supports the view that Capsali was familiar with the old communal legislation and was working on the compilation of *Takkanot Kandyah* since the early stages of his public service in Candia. The treatment of dairy products is addressed also by the "eclectic" TK LXXXIV (issued either in October 1529 or October 1534) which, as has already been mentioned, recapitulates a number of older decrees which the constables are obliged to read in the synagogue. Four of these decrees concern the production of cheese and butter and trade with them. It is notable that this particular document is not signed by Elijah Capsali. The character of TK LXXXIV shows that Capsali's interest in using the older legislation as precedent was adapted by his colleagues and successors in the communal leadership.

sure that in the inspected households, no food shall be prepared containing the banned mixture of meat and dairy products.⁴¹²

When we look at the statutes specifically devoted to the treatment of milk and production of cheese, we find that there is less interest in setting general rules for trade than in the case of the statutes concerning meat. Instead, those decrees which do concern trade in dairy products are issued in reaction to cases when ritually impure products were consumed. Exemplary in this sense is the undated *TK LIII* (probably second half of the 14th century), which was written not as a communal statute proper, but as a *PDIDV* (מעשה, “story”), a record of a specific incident which was presented as an example to be followed. The document informs that “one day”,⁴¹³ an unnamed Gentile imported milk to Candia which was not subjected to the usual supervision “according to the regulations of the sages of Candia and its rabbis of blessed memory”.⁴¹⁴ To prevent the consumption of the milk by the city’s Jews, one Meir Ashkenazi⁴¹⁵ bought all the available milk from the Gentile and destroyed it, which inspired all the Jews who had already bought from the Gentile to do the same.

The next statute concerning dairy products, *TK LXXX* from November 1525, was written by Elijah Capsali and is one of the several decrees which specifically refer to older legislation concerning several topics, among them three which concern the production of cheese and trade with it. Thus, the decree explicitly renews the validity of a statute issued by Elijah Capsali the Elder in 1399 (i.e., *TK LV*), which bans the production of cheese without the constable’s authorisation, and which, to strengthen the effect of this ban, obliges the constable of the day to mark every produced cheese with a special sign (similarly to the practice which was prescribed to the treatment of wine). It is an interesting question whether the issuing of this statute was motivated by the renewed need to address the described issues, or rather by Capsali’s ongoing work on editing the older legislation, which motivated him to resurrect it from oblivion.

Takkanot Kandiyah provides textual evidence that the renewed interest in older *kashrut*-oriented legislation did result in the production of new ordinances even after Capsali’s death and at the

⁴¹² See *TK LXV*, 32. This provision is only few words long and is inserted into the very last sentence of the statute.

⁴¹³ “פעם אחת”, *TK LIII*, 2. No more specification regarding the time of the event or the identity of the perpetrator is given. It is possible that the text is deliberately vague.

⁴¹⁴ “כדת וכמנהגי וגדרי חכמי קמדיאה ורבמיה ז”ל”, *ibid.*, 3.

⁴¹⁵ It is very possible that he was the father of Malkiel b. Meir Ashkenazi, one of the signatories of *TK L* from 1369.

same time shows that the concerns about keeping the dietary laws remained very real. In April 1565, the Jewish communal council (including also Capsali's brother Isaac) issued a statute which, in the second of its two sections, proposes to “banish from the sons of our people the abomination”⁴¹⁶ the buying and consuming dairy products made by Gentiles or without the supervision of the Jewish authorities.⁴¹⁷ This is punishable by the penalty of banishment and the guilty person is to be publicly announced as “a transgressor of the statutes” (פורץ גדר), which, as we have seen, seems to be a standardised type of punishment, ensuring public ostracising of the culprit. It should be noted that the term “excommunication” is not used and that the statute explicitly states that the expulsion from the community is to be temporary, until the sinner change his behaviour.⁴¹⁸ Even so, the mention of the penalty marks a return to the practice of the older and oldest statutes which, as we have seen, pronounce the exclusion from the community very often (although usually its terms are considerably stricter), and for some transgressions almost routinely. On the other hand, this penalty is almost absent in the middle sections of *Takkanot Kandyah*. This fact can be read in connection with other indications, which indirectly suggest that thanks to Capsali's redaction of *Takkanot Kandyah*, the next generation of Candiot Jewish elders turned to the old decrees, now available as a source of inspiration.

7.4 - Conclusion

Those sections of *Takkanot Kandyah* which we can most appropriately categorise as “halakhic legislation” teach us several important things about the ethos and method of the Candiot communal legislators through time. Firstly, the scope and thematic variety of these statutes is remarkably wide, covering most aspects of the religious life of the community. Some areas of halakhic law are addressed more systematically, with the apparent intention to create a permanent legislative framework aiming to settle disputes regarding these matters, adequately to local conditions and with respect for past precedents. These ordinances chiefly address problems which have some palpable impact on the community's economic and social life. Some other, much more specialised and purely halakhically-oriented decrees are also sporadically present, especially in older texts issued apparently *ad hoc*, after they had caught (or been brought to) the

⁴¹⁶ “להסיר המשכלה מבני עמנו”, TK CVII, 26.

⁴¹⁷ Ibid., 27-28. It is worth our attention that these two categories are listed separately here. This suggests both that the consumption of non-Jewish dairy was banned universally and without distinction, and that there were Jewish dairymen who avoided the attention of the authorities.

⁴¹⁸ See *ibid.*, 31-32: “...he shall be called transgressor of the statute and banished from the congregation of Israel until he turns away from his wickedness and the sin he committed, and [then] he shall be pardoned” (“פורץ גדר יקרא לו, ויבדל מעדת ישראל עד שיובו מרשעו ומחטאו אשר חטא, ונסלח לו”).

attention of the communal elders. It should be noted that there is no formal distinction between these two types of decrees, and also that all the “halakhic” ordinances stand side by side with those which deal with other areas of life, not directly connected to the world of the halakhic law. In other words, the content and style of the halakhic ordinances shows that the genre of *takkanot ba-kahal* was seen as an appropriate platform to regulate matters of religious significance, even if the authority by which this was done was that of laymen. This remains true even if we take into account the occasional references to the “approval of the rabbis”. Whenever such mentions occur, they do so as a part of a “twin reference” to both the rabbis and the elected communal leaders. It would therefore appear that the religious figures were invited to authorise the communal decrees specifically in cases which concerned their area of expertise (although, as we have seen, even in such statutes, these mentions are made only in a minority of cases).

We may conclude that from the perspective of the bylaws of Jewish Candia, the “religious legislation” was an integral part of the communal, and therefore ultimately lay, legislative enterprise, insofar as it addressed either the practical needs of the community and its proper functioning, or any religious question which arose and required a swift and immediate settlement. It is clear that most decrees of *Takkanot Kandiyah* were inspired by the prominent role which allegiance to the halakhic commandments played in any medieval Jewish community, and in that sense prove that no Jewish code of laws in this period can be understood outside the religious discourse. However, the fact remains that within the institutional boundaries of a single Jewish community, even these religiously highly important issues were under the authority of the eminent laymen elected to the community’s representative bodies.

8 'Civil-law' statutes

As has been shown in the previous chapter, the constant and close attention to halakhic problems and the utmost emphasis on the importance of the religious law in *Takkanot Kandyah* is undeniable. However, the very character of the genre *takkanot ha-kahal* means that areas of life which do not fall strictly or wholly under the jurisdiction of the *halakha* could not fail to attract the attention of the community's leaders. When assessing the engagement of *Takkanot Kandyah* with what could be called general (as opposed to specifically religious) legal discourse, we must be aware of two important factors.

Firstly, any legal action or more permanent regulation was possible only within the boundaries of the *zudecha*, affecting only people and problems which, with the approval of the government, belonged under the jurisdiction of the Jewish community. Naturally, any legal matters of criminal nature could only be dealt with by the official Venetian courts, and handing a "transgressor of the decrees" to secular power was seen by the Jews themselves as an acceptable method of settling disputes amongst members of the community. There were also many civil law procedures which Jews, just like any other Cretan subjects of the Venetian administration, conducted with the assistance of civil officers, notably the notaries. Therefore, the "civil-law" statutes of *Takkanot Kandyah* cannot be understood as an authoritative summary of legal activities of Candiot Jews, but as a testimony on the internal regulations of such activities by the Jewish executive bodies.

The second caveat when we divide the statutes in *Takkanot Kandyah* to "halakhic" and "general" is the somewhat nebulous border between the two. As explained in the previous chapter, the two sides of the Candiot Jewish bylaws form a continuum: respect for law and order in everyday situations is approached as a religious duty, no less than obedience of the specific requirements of the religious code. For a Jew of the pre-Emancipation era, the ban on stealing from his neighbours is (at least in theory) primarily a religious duty, just like the ban of mixing dairy and meat. Nevertheless, it does make sense to make a tentative distinction between those statutes which are in the first place concerned with matters of ritual and religious life in the stricter sense, and those which touch more directly on the sphere of general interpersonal relations. The "extra-halakhic" nature of these ordinances must not be seen in their supposed separation from or ignoring of the religious law, but in the fact that their existence is dictated by specific, exclusively Jewish halakhic requirements. Most of these ordinances would belong to the

discourse which we could consider civil law, since their aim is to negotiate between the conflicts of interests of the various members of the Jewish community and uphold standards of public order and morality (as interpreted by the communal authorities) in a way that is not necessarily unique for a Jewish religious context. Ordinances addressing the very same topics could, *mutatis mutandis*, be found in municipal bylaws of many medieval communities, irrespective of their religious affiliation. What is, however, peculiar to the texts of the *takkanot ha-kehal* type is the inevitable subjection to the authority of the non-Jewish government of Crete, which kept the ultimate power to regulate the life of the island's Jews.

Similar to the “halakhic” statutes, there are several areas of life on which the “non-halakhic” ordinances tend to focus. Unsurprisingly, only a relatively small number of decrees concern the relations between Candiot Jews and Christians. Those which do deal with this topic have generally character of instructions for the Jews how to behave (and not to behave) when dealing with their Christian neighbours, typically in the context of possible confrontation or suspected wrongdoings. The ordinances directed at the behaviour of “Jews among Jews” are, by contrast, more varied, but they too can be loosely categorised into several subcategories, depending on the area of life upon which they touch. Only a small portion of these decrees is clearly distanced from the religious context, while most do relate in some way to matters of religious observance and general piety. The key point in characterising such statutes as “non-halakhic” is the fact that they do not promote solely the respect for the halakhic commandments, but in the first place attempt to uphold law and order and confirm the authority of the communal leadership.

8.1 Regulation of contacts with the Gentiles

We have already seen that the attitudes of the Candiot Jews towards their Greek neighbours are often portrayed as wary and reserved, although some level of mutual cooperation was not unthinkable.⁴¹⁹ Accordingly, the portrait of the Gentiles does not have to be necessarily hostile. This can be seen in the first two non-halakhic statutes which concern the behaviour of the Jews towards Christians, pronouncing the utter ban on any deviousness in dealings with them. These very ordinances put into question our tentative labelling of the “non-halakhic” current in *Takkanot Kandiyah* as “civil-law” statutes, since they clearly address activities deemed not merely inappropriate, but outright criminal, which makes them exceptional in the context of the whole

⁴¹⁹ Cf. the tense relations with Gentile winemakers in the country vineyards, discussed in Chapter Seven, section 7.3.1.

collection. Nevertheless, it seems appropriate not to exclude them from the category of “civil-law” statutes, because they are not primarily concerned with the criminal consequences for the perpetrator (which were beyond the control of the Jewish authorities in any case), but with denouncing the very nature of the criticised act as incompatible with the behaviour of a pious Jew. The topic was first raised already in August 1228, in what is now *TK V*. As is apparent from its title,⁴²⁰ this decree aims to prevent any misconduct in everyday interactions with the Gentiles, especially in business transactions. It is a short statute, written in emphatic if syntactically loose rhymed prose, and condemns any treachery in dealings with non-Jews as a desecration of the divine Name (חלול ה') and a criminal act (עון פלילי), stating the utter unacceptability of such behaviour categorically:

No-one shall be allowed, not a priest, not a man of the common crowd, to steal from the Gentiles and to lie to them, or treacherously deceive them, for those who lie to the Gentiles and steal from them commit, God forbid, defamation of the Divine Name, which is a grave sin and a great shame, for then, people may say ‘God is not with Israel’, *Oh, Ariel, oh Ariel!* [Isaiah 29:1]⁴²¹

The statute’s final phrase is a reminder that deceiving one’s non-Jewish neighbours is not only a sinful act, but also compromises the reputation of the whole community, and as an implicit warning against the consequences such behaviour might have.

The statute was without doubt implemented in response to actual incidents, and it may have been issued to prevent any repressive action on the side of the Venetian authorities, or a potentially violent eruption of anti-Jewish sentiment among the local inhabitants. The fact that *TK XXIII*, part of the second section of the collection, addresses the same topic and takes the same stance suggests that this problem was a long-lived and recurrent issue. The later statute also proves that even the extra-halakhic statutes were not wholly separated from the religious discourse: stealing from the Gentiles is condemned primarily as the defamation of the divine name, and the members of the community are reminded of the ban concerning such acts by citing “our sages of blessed memory” (i.e. the authors of Mishnah and Talmud and their later

⁴²⁰ “Statute against stealing from the gentiles and lying to them” (גדר שלא לגנוב לגוים ולשקר להם)

⁴²¹ “לא יורשה שום אחד, כעם ככהן יחד, לגנוב לגוים ולשקר להם, ולגנוב דעתם מהם, כי המשקרים לגוים וגוברים אותם” *TK V*, 2-4. “גורמים ח”ו חלול ה’, והוא עון פלילי ורושם, כי יאמרו אין אלוה לישראל, הוי אריאל אריאל

Why should the Gentiles say, ‘Where is the God of these wretched Jews? Behold, are they not accomplices of thieves? Do they not contradict the will of the Lord by stealing, looting and fraud, by buying [stolen goods] for a low price? Do they not rebel against our illustrious government, usurping the wealth of others?’⁴³⁰

The decree then closes with an urgent appeal to the *kondestabulo* to report any transgressors to the Venetian authorities, with the provision that should he neglect his duty, the other councillors shall be responsible for doing so and will be obliged to announce the constable’s reprehensible behaviour publicly.⁴³¹ This closing remark shows great tension in the community’s leadership, and suggests that some of the councillors did not trust the constable to intervene accordingly. This in turn suggests a divided opinion on the permissibility of reporting (or denouncing) members of the Jewish community to the government. However, from the final text of the decree, it is clear which approach prevailed.

Another, much later statute which touches on questionable relations between Jews and non-Jews may have even been issued as a result of the government’s intervention, although its text does not declare it openly. Despite bearing a very general title,⁴³² TK LXXIV from October 1518 addresses a very specific topic: the employment of Christian servants by Jews, and specifically by Jewish artisans.⁴³³ Capsali describes this issue as a serious moral problem which compromises the religious integrity of the community. He deplores the fact that

...the Jews who dwell in our community, some of the artisans living in our midst, are beginning to split and separate from us. They do not say to themselves ‘Let us fear the Lord our God!’ but take as servants in their homes whomever they like among the local people from the lands of the Gentiles.⁴³⁴

If we take Capsali’s account at its face value, we could conclude that he is genuinely concerned about the religious unacceptability of Christians working in Jewish households. However, this practice is not by any means contradictory to the rules and principles of halakhic law. It is purely the context of the situation which makes it problematic. In pre-Enlightenment Europe, the

ולמה יאמרו הגוים איה אלהיהם של אלה היהודים האמללים, הלא גם המה חברי גנבים, הלא גם היהודים הולכים נגד רצון “⁴³⁰ ibid., 9-11.

⁴³¹ Ibid., 30-37.

⁴³² “Statute regarding Jewish artisans” (גדר בשביל היהודים האומנים).

⁴³³ The occurrence of this phenomenon in this particular social group is declared in TK LXXIV, 28-29.

⁴³⁴ “השם בגנוב וגזול לרמאות, לקנות בזול וללכת נגד האדנות ירום הודה, להחזיק בממון של אחרים היהודים היושבים בקהלתנו, קצת מבעלי האומנות הנמצאים בתוכנו, הכלו לפרוץ פרצות בנו, ולא אמרו נירא נא את יי”⁴³⁴ ibid., 28-30.

employment of Christian domestic servants by Jews was generally frowned upon, and was often explicitly banned by the secular and Church authorities. As is apparent from the text, this was the case in 16th-century Candia, too. Capsali chastises the guilty Jews not only for their alleged lack of piety, but also for not “pay[ing] any attention to the will of our ruler, the glorious Empire of Venice, let its majesty be exalted, which in its wisdom decreed that no gentiles may live in the houses of the Jews in order to serve them.”⁴³⁵

It is thus clearly stated that the described practice was prohibited by secular law in Candia, and that the statute in question is effectively its implementation in Jewish communal regulations. Despite this, in Capsali’s version we note that the Venetian authorities are not portrayed as an intrusive power, but as enlightened rulers whose wisdom helps the Jews to observe their own religious customs properly. *TK LXXIV* can therefore be seen as a diplomatic attempt to re-interpret an ultimately restrictive measure as being beneficial for the Jews, with the aim of protecting and maintaining peaceful coexistence with the ruling power and eliminating any possibility of confrontation.

There is, however, another aspect of this affair that shows it from a different perspective, without necessarily contradicting the interpretation suggested above. While the employment of Gentiles as domestic personnel does not contradict halakhic commandments, it can be seen as a problematic issue not only for the Christian authorities, but also for the communal leaders in their perceived role as guardians of morality and piety among the Jews. The underlying reasons why Capsali enforces the government’s policy so willingly may not only be found in his effort to maintain good relations with the authorities, but also in his determination to prevent any intimate contact between Jewish employers and their Christian servants. Concern about possible sexual transgressions is one of the dominant themes of the “civil law dimension”⁴³⁶ within *Takkanot Kandyah* and is often identifiable in the background of statutes that address tensions and unrest not only between the Jews and non-Jews of Candia, but within the Jewish community itself.

⁴³⁵ “לא שתו לבם בנימוס שררתנו מלכות ויניזיא”ה הרוממה “ק שגזרו בחכמתם לבל ימצאו הגוים תדירים בבתי היהודים “ לשרתם”, *ibid.*, 39-41.

⁴³⁶ However, as we have seen, these concerns are prominent also among some of the later “halakhic” statutes.

8.2 Statutes against sexual misconduct

The emphasis on sexual purity is obvious from the great number of the extra-halakhic decrees which address the “problem of the bridegrooms”. This is one of the longest-lived themes in *Takkanot Kandiyah*, appearing for the first time in August 1228 (TK VIII), and for the last time in May 1547 (TK CIV), shortly before the death of Elijah Capsali. In most of the cases, the problem is the presence of young men in their future wives’ houses prior to the marriage. There are in total seven decrees⁴³⁷ which ban this practice as a source of temptation and resulting in immorality.⁴³⁸ In the first statute of this sort, we find a reference to “the fathers of our father” who, as the text claims, “from the very beginning behaved” in this matter “in a saintly way.”⁴³⁹ TK VIII is thus one of the ordinances in the oldest layer of *Takkanot Kandiyah* which looks back to the deeper past of legal tradition in Jewish Candia. Whether the invocation of the supposed moral virtues of the ancestors is a mere rhetorical device or sincerely meant reference to a “better” past, it clearly intends to add gravitas to the introduced legislation and enhance the notion that by following it, the Jews of Candia fulfil the legacy of their ancestors.

In contrast to TK VIII, TK XIX from the second set of ordinances is much more detailed and its text is interspersed with references to religious texts, which corroborate the statute’s message. Its opening words “our sages of blessed memory”, which introduce a quotation from a Midrash⁴⁴⁰ and are followed by several biblical references, clearly link the world of communal regulation with the principle of building a protective fence around the Torah. This reminds us once again about the impossibility of a clear-cut separation of the halakhic and non-halakhic dimensions of *Takkanot Kandiyah*. TK XIX also introduces one new feature to this regulation, explicitly exempting from the ban those youth whose future father-in-law is their teacher of the Torah

⁴³⁷ In addition to the two ordinances already mentioned, there are TK XIX (the undated re-instatement of TK VIII), TK LXII from April 1477 and LXIII, its confirmation from November 1478, and TK LXIV from January 1518, one of the chapters inserted by Elijah Capsali out of the chronological order because of their topical relation. Capsali then mentions the same problems once again, as one of the points in his eclectic statute TK LXX, issued in November 1525. On this occasion, Capsali explicitly refers to TK VIII and TK LXII as the basis for the legal practice which should be observed.

⁴³⁸ In addition to them, there is one more decree under similar heading (“An ordinance regarding the bridegroom of the Torah and the rest of the bridegrooms”, TK LXXXV), which, however, concerns a different issue. The second part of this statute from September 1525 reproaches the synagogue cantors who refuse to give the newlywed couples their marriage certificate until they have been offered payment (see TK LXXXV, 81-111). This text is therefore analogous to the statute regarding the *mikveh* discussed before.

⁴³⁹ “אבות אבותינו מעולם נהגו בדבר קדושה”, TK VIII, 8.

⁴⁴⁰ “Wherever you introduce ordinances promoting chastity, you introduce holiness” (“אמרו רז”ל כל מקום שאתם מוצאין מוצאין גדר עריו מוצאין אתה מוצאין קדושה”, TK XIX, 2, quoting *Leviticus Rabba* 24).

Their presence in his house to receive instruction is therefore a religious merit.⁴⁴¹ This exception is an additional reminder of the universal presence of religious motives in Jewish communal life.

The next decree on the same topic, *TK LXII* from 1477, largely repeats the terms of its predecessors, but it is generally more confrontational in its tone, and also the ban it introduces is stricter: including not only the bridegroom's visit in the bride's house, but their meetings anywhere.⁴⁴² In his first decree on this topic (*TK LXIV* from 1518), Elijah Capsali blames the transgression on "arrogant villagers".⁴⁴³ It is true that this term could be understood as a general denigration of unsophisticated *boi polloi*. On the other hand, *Takkanot Kandyah* does often blame the foreign Jews newly-settled in Candia (to whom the Hebrew term translated here as "villagers" could also potentially refer) of introducing disorder and immorality to the city. It is possible that Capsali draws an intentional link between several individual cases when a foreign Jew was blamed of sexual misconduct (as will be described in Chapter Ten).

As we have seen, the attempts to prevent sexual misconduct are a constant theme in *Takkanot Kandyah*. Not surprisingly, there is also textual evidence that these efforts were not always successful: in the 1520s, the communal leadership deemed it necessary to react with a legal arrangement punishing those who, against all bans, did engage in extramarital affairs. The result is *TK LXXXI* from March 1526, titled "An ordinance regarding sons born out of marriage".⁴⁴⁴ This text is one of those which may be considered "borderline cases" bringing together the "halakhic" and "civil-law" dimensions of *Takkanot Kandyah*: it explicitly focuses on a particular religious ceremony, but its main motivation is the desire to penalise behaviour seen not only as disrespectful towards the halakha, but as immoral and generally undesirable.

This statute condemns in customarily emotional terms those members of the community, "pursuing their bodily desires [...] throw behind their backs God's law and commandments",⁴⁴⁵ who engage in illegitimate intimate relations. To punish such behaviour, the decree states that no boy born as a result of such relations shall be circumcised according to the rite customary in Candia. The addressees of the ban are cantors of the four Candiot synagogues, who are forbidden to pray during such a boy's circumcision and instructed to ensure the ritual will not be

⁴⁴¹ See *ibid.*, 23-25.

⁴⁴² See *TK LXII*, 16-17.

⁴⁴³ "רבים מעמי הארץ מתיירים", *TK LXIV*, 3.

⁴⁴⁴ "גדר על הבנים הנולדים בלי חופה וקדושין", *TK LXXXI*, 1. Note the preposition על (which, in addition to its meaning "about" could be also translated as "against") used instead of the more usual למען.

⁴⁴⁵ "זנו אחרי התאוות הגשמיות [...] ואת חקו האלהים ומצותיו השליחו אחרי גום", *ibid.*, 3-5.

performed in the synagogue. Instead, the boys in question are to be circumcised “in the house into which [he] was born, without chanting and singing.”⁴⁴⁶ Additionally, the communal leaders are instructed to read the statute publicly, “twice or at least once per year, on the Feast of Unleavened Bread or on the Feast of Sukkoth”.⁴⁴⁷

That this statute remained in the institutional memory of the Candiot community is proven by *TK LXXXIV* from October 1529 or 1534, the aforementioned list of statutes which every constable is obliged to read in the synagogue on the first Shabbat after assuming the office. Here, the “statute regarding the circumcisions” is mentioned as the sixteenth out of seventeen listed statutes. It is very probable that this is a direct reference to *TK LXXXI*, since all the main provisions are retained. Thus, *TK LXXXIV* is another testimony to the 16th-century communal leaders’ tendency to intervene in matters which were seen as threats to proper religious life in the community.

Among these statutes, *TK LXXXI* stands out insofar as it implies that the guilty members of the community are not worthy of the full benefits of the customary circumcision rite. The statute clearly establishes a discriminatory policy in the hope that marginalising the guilty party will lead to the restoration of morality. Indeed, the text states explicitly that it aims to “remove this evil burden” (i.e. the extramarital affairs) from the community and to restore it to its former glory.⁴⁴⁸ At the same time, it could be argued that it is the statute’s intention to prevent possible scandals and public protests against “advertising” the boys born out of wedlock. While the communal leaders’ disapproval of the existence of extramarital offspring is beyond doubt, it is not their wish to encourage uproar and conflict between the guilty parents and the rest of the community. Despite the harsh condemnation of the extramarital affairs, the penalty of excommunication is not imposed on the parents, but on anyone, “whoever he may be”, who would afford the child a festive circumcision in a synagogue.⁴⁴⁹ Instead of idealistically trying to eradicate the evil, the decree realistically attempts to minimise the damage – the ordinance ensures the illegitimate children will be kept low-profile, but does not prevent them from assuming their place in the

⁴⁴⁶ “אבל יומל בבית שם יולד הנער ההוא, בלי ניגון וזמר”, *ibid.*, 15-16. A similar way of punishing reprehensible intimate relations is applied in the aforementioned *TK CIV* where an engaged couple who met in the bride’s house before the wedding are banned from marrying in the synagogue (see *TK CIV*, 11-13). The same decree informs that the punishment had been used before, even though some councillors questioned this practice (*ibid.*, 4-11).

⁴⁴⁷ “שתי פעמים בשנה, או פחות פעם בשנה, בחג המצות או בחג הסוכות”, *ibid.*, 20.

⁴⁴⁸ “להסיר המכשול הרע הזה, להחזיר עטרה לישונה”, *ibid.*, 9.

⁴⁴⁹ See *ibid.*, 16-18.

Jewish community. What makes this decree especially noteworthy is that it ostracises a practice which does not constitute a serious breach of the halakhic law.⁴⁵⁰ Thus, *TK LXXXI* exemplifies *Takkanot Kandiyah*'s character as the instrument of power, through which the lay leaders of the community upheld their ideas of public morality and confirms the ability of *takanot ha-kahal* to function as an extension of certain halakhic commandments.

The effort of Candiot communal leaders to eradicate sexual misconduct resulted not only in bans of specific types of behaviour, but also in longstanding legal arrangements. Thus, the case of a Spanish Jew called Abraham 'Tofer from 1439 (discussed in Chapter Ten) resulted in the communal councillors' decision that no betrothal and marriage ceremonies shall be valid unless ten irreprehensible witnesses are present.⁴⁵¹ This arrangement aimed to guarantee (with the highest possible reliability) that both partners are free to marry according to halakhic regulations and that no breach of public morality had occurred. That this arrangement became a stable part of the life in Jewish Candia (and that, at the same time, it was necessary to repeatedly remind people to obey it), is shown by *TK LXX* from 1504 or 1509, which also conditions the marriage by the consent of the bride's parents or legal guardians.⁴⁵² This is another example of legal instrument going beyond the halakhic requirements, which became a specific local custom and was cemented by the communal bylaws.

Probably the most robust evidence that the public immorality was in the eyes of the Candiot Jewish elders connected to the influx of Jewish immigrants is provided by the late statute *TK CIX* from July 1567. Although it is not explicitly acknowledged, it appears that the "new dwellers" (גרִים), whose behaviour is reproached here, are Jewish newcomers from Islamic countries. The core of the problem consists in the foreign Jews' marriages to Candiot women, although "most of them have wives in another country."⁴⁵³ To prevent this from happening, every member of the Candiot community is forbidden from allowing his daughter or female relative in his custody⁴⁵⁴ to be betrothed or married to any Jewish newcomer, until he has been settled in Candia for at least a year, after which the rabbis of Candia are to make sure the man

⁴⁵⁰ From the perspective of the *halakha*, the situation can be amended *post factum* by the marriage of the boy's parents even if the father was already married (since the religious ban of polygyny is a medieval innovation rather than a core principle of Rabbinic Judaism). A different matter would be the cases of female adultery, which, however, this ordinance does not mention or allude to in any way.

⁴⁵¹ See *TK LXXVI*, 41-43.

⁴⁵² See *TK LXX*, 42-52.

⁴⁵³ "הרוב הם נשואי נשים בארץ אחרת", *TK CIX*, 6.

⁴⁵⁴ Interestingly, the decree remembers to clarify that the same rule applies also to women who are *sui iuris*, i.e. widows, divorcées or orphans without close male relatives (see *ibid.*, 19-20).

has no other wife.⁴⁵⁵ This ordinance is unique in the bluntness with which it discriminates one segment of the community (Jewish newcomers) and subjects it to discriminatory treatment. While we can say with justification that this decree aimed to favour long-established local families, based on mistrust of foreign influences, it would be wrong to interpret it simply as an expression of prejudice on quasi-ethnic grounds. Rather, the main objective of this stringent rule is the prevention of polygamous marriages, a practice deemed unacceptable in the eyes of Jews in Venetian Crete. This decree is thus in accordance with earlier attempts to ostracise extramarital affairs in favour of solid monogamous marriages. *TK CIX* therefore confirms that the Candiot communal *takkanot* grew to function as the defence of the established social order in the community.

8.3 Statutes regarding funeral rites

As demonstrated by the ordinances just discussed, the regulation of certain religious customs does not have to be viewed as primarily “halakhic” in the narrow sense if it had wider connotations for the life and social cohesion in the Candiot community. An example of such legislation is the number of decrees which address particularities of funeral rites, in most cases promoting the attendance of funeral processions by the Jewish public. Similar to other statutes which deal with longstanding problems, the oldest statute is contained in the oldest collection of *Takkanot Kandiyah*. Unfortunately, the text of *TK VII* is almost completely lost, with only one sentence partially preserved: “... up to the cemeteries; he shall go [with the funeral procession] at least up to the place to which it is customary [to accompany the dead] according to the custom of the countryside.”⁴⁵⁶ This fragment confirms, as far as it can be interpreted, the later statutes’ concern for the attendance in the funeral processions, but also contains a term which is not encountered elsewhere – “funeral procession according to the custom of the countryside” (לִוּיַת מִנְהַג הָעִירִיּוֹת). It seems that according to the decree, this custom of conducting funerals is a necessary minimum as opposed to the ideal option favoured by the statute, but the fragmentary character of the text does not allow a more detailed analysis.

Like the rest of the original ten statutes, this decree has a direct counterpart in Part Two. *TK XX* has been preserved in full and, being the second longest in this section, gives us considerable details about the funeral customs from the earlier stages of the Venetian period. Like other

⁴⁵⁵ See *ibid.*, 17-22.

⁴⁵⁶ “...עד בתי הקברות, לפחות ילך עד מקום לויַת מנהג העיריִוֹת”, *TK VII*, 2.

statutes in this section, *TK XX* states at the very beginning the urgent need to remove the detrimental practices which have become widespread in the community and to restore what is described as “an important, dignified habit, which all mankind observes with care,”⁴⁵⁷ i.e. paying proper respect to the deceased. This formulation is one of the very few moments in *Takkanot Kandiyah* when the decrees in their moral argumentation appeal not only to the community members’ religious duties as Jews, but also to more universal values which should be upheld by everybody. Nevertheless, the utmost importance of this religious practice as a core value in Judaism is emphasised. Although funeral processions are not explicitly named until relatively late in the text, the “act of mercy performed to the seat of the soul [i.e. the body] which has departed, going to dwell in its own world and returning to the soil from which it had been taken”⁴⁵⁸ is described as a great commandment from the halakhic category “performing charitable deeds” (מצות גמילות חסד).

The rather abstract praises of this commandment are specified only later, when the decree turns to reproach some of the members of the community who “throw the respect to the deceased in Israel behind their backs”,⁴⁵⁹ neglecting their duty to accompany them on their last journey. The decree links this negligence to the commercial interest of the transgressors, once again confirming the underlying tension between the fulfilment of halakhic law (and, more generally, living in accordance with basic moral principles) and the practical requirements of daily life. This tension is clearly reflected in the decree itself. It briefly states (comprising only the last paragraph of the statute)⁴⁶⁰ that when any member of the community aged five years or more⁴⁶¹ dies, no working man in the community shall be “under any circumstances”⁴⁶² allowed to continue his business activities until the funeral procession has reached the city gates. However, this strict ban

⁴⁵⁷ “הנהגה מדינית חשובה, משגיח כל המין האנושי עליה”, *TK XX*, 3-4. It seems that the (הנהגה מדינית, lit. the “urban custom”) should be read as an opposite to a less refined, more basic *minhag ha-ayarot* (מנהג העיירות, “rustic custom”) mentioned in the previous decree.

⁴⁵⁸ “שמצחות גמילות חסד הנעשה למשכן הנפש אחרי הפרדה ממנו ללכת אל בית עולמו ולשוב אל האדמה אשר ממנה לקח”, *ibid.*, 5-7.

⁴⁵⁹ “כהיום נמצאים אנשים מאנשי קהלתנו המשליחים אחרי גום”, *ibid.*, 10-11. The words “כהיום נמצאים אנשים מאנשי קהלתנו”, might suggest that the people in question are Jewish newcomers from other places. However, the formulation is too vague to be considered conclusive. It should also be taken in consideration that express criticism of external influences becomes more prominent only in the later decrees, especially from the 15th and 16th centuries. Rena Lauer interprets some of the repeated references to the “customs of our fathers” from the beginning of the 14th century as a way of implicit distancing from the newcomers. See Lauer, “Cretan Jews and the First Sephardic Encounter in the Fifteenth Century,” 133.

⁴⁶⁰ See *ibid.*, 19-29.

⁴⁶¹ See *ibid.*, 22. This provision suggests a pragmatic approach to infant mortality in the *zudecha*, whose rates must have been rather high.

⁴⁶² “בשום סבה” (literary “for any reason”), *ibid.*, 23.

is immediately redressed by allowing those whom “any reason prevents from accompanying [the deceased] to the place of his burial,” to pay their respect by watching the procession “until it passes from their sight, and then shall each man turn to his work and profession.”⁴⁶³ Yet again, then, we encounter a decree sending its recipients a mixed message: at the beginning it categorically states its adherence to the religious custom, but goes on to reveal a much greater degree of flexibility and nuance. As is usual for this collection of legislation, the penalty proclaimed for the transgression is excommunication. If we consider *TK XX* in the context of Part Two of the whole collection, we may argue that the mention of this punishment is an innovation since statutes in Part One usually do not include sanctions. Beyond this and the aforementioned reference to the “custom of the countryside” in *TK VII*, it is impossible to assess how consistent or innovative this decree is in comparison with its 13th-century predecessor.

The next statute devoted to this problem does allow for a direct comparison with its predecessors. *TK XLII* is the 21st of 23 statutes included in the last larger collection of communal legislation recorded in *Takkanot Kandyah*, issued in spring 1363. This decree closely follows the previous one, both in content and form.⁴⁶⁴ The connection between the neglect of funeral processions and pursuit of greater profits by Jewish businessmen and artisans is pointed out.⁴⁶⁵ Correspondingly, the conditions of the actual statute (which again comprises only the last paragraph of the chapter),⁴⁶⁶ are almost exactly the same, with only one difference: *TK XLII* contains no clause allowing exceptions for merchants and artisans not to join the processions and thus (at least in theory) calls for even stricter observance of the habit. In accordance with this is the more emotional tone of the decree: for example, the allegedly widespread neglect of the funeral processions is cited as a proof “that all laudable qualities are vanishing from our community day by day.”⁴⁶⁷ Later, the decree claims that those who avoid funeral processions do so because they foolishly “think that they will live forever” if they avoid visiting the cemetery.⁴⁶⁸ Thus, this decree confirms both the high importance of the custom in the eyes of the communal

⁴⁶³ L ואם סיבה תעכבהו מללוותו עד מקום קבורו, יעמוד במקום סמוך לעמידת המלווים עדי התרחק המה מעיניהם וחיזירו “פניהם איש איש אל מלאכתו ואומנותו”, *ibid.*, 25-27.

⁴⁶⁴ That the later statute is directly inspired by the older one is demonstrated by their very titles, since both of them refer to the deceased, using the honorifics (“let their memory gain the life of the world to come” and “of blessed memory”, respectively; see *TK XX*, 1 and *TK XLII*, 1). In this respect, these two statutes differ from all the other decrees addressing this topic.

⁴⁶⁵ See *TK XLII*, 14-16.

⁴⁶⁶ See *ibid.*, 31-41.

⁴⁶⁷ “שכל המדות הטונות הולכות וצתצטטות מקהלנו מדי יום יום”, *ibid.*, 10-11.

⁴⁶⁸ “ואין איש שם על לב שהמות הוא טבעי מתפשט אל סוג כל מין החי, וחושבים כי הם לעולם יחיו”, *ibid.*, 16-17.

leadership and the strong tendency of the 14th-century statutes towards continuity with the older legislation. *TK XLII* is also for a long time the last decree which deals with the problem of funeral processions in general terms and pronounces a universal ban on neglecting the practice, which suggests that the statute from 1363 was considered sufficient and probably was generally respected.

After a long gap, it was Elijah Capsali who, as the constable of the day, addressed the topic in his usual florid style in July 1518. In *TK LXXIII*, issued less than three weeks after *TK LXXII*, a decree on the purity of the ritual bath quoted in the last chapter, the communal council turns to a more specific problem which arose in connection with posthumous rites. According to this statute, many members of the community hasten to remove the recently deceased from their house to the cemetery, even if their graves have not yet been prepared. This results in long hours during which the members of the funeral processions have to wait for the burial, prompting many of them to leave without witnessing the funeral itself, thus transgressing the commandment.⁴⁶⁹ The decree therefore bans all members of the community in whose family anyone dies to start the funeral procession before all works on digging the grave have been completed.⁴⁷⁰ Similar to the preceding chapter, *TK LXXIII* specifies that it is binding for all members of the community, “whoever they may be”,⁴⁷¹ whether or not they are present there at the moment. While this decree declares its validity “from generation to generation”,⁴⁷² it refrains from setting a specific penalty, giving the communal leaders of the day the power to decide “according to the need of the day”.⁴⁷³ This ordinance, then, indicates some of the trends discernible in later sections of *Takkanot Kandyah*: addressing a highly specific problem with wider implications for the religious and social life of the community, it appeals to different segments of the community to adhere to the same rules and gives the communal councillors considerable freedom in their application of the decree.⁴⁷⁴

⁴⁶⁹ See *TK LXXII*, 13-18. According to this passage, this behaviour was adopted by most members of the community. The statute then mocks the mourners who leave the cemetery prematurely, accusing them of complaining of the cold in the winter and of sun and heat in the summer.

⁴⁷⁰ See *ibid.*, 21-27. It is worth noting that the authority issuing the decree is identified as “we, the holy community of Candia” (“אנחנו ק”ק קהל קנדיאה”, *ibid.*, 21), with the constable and other executive leaders referred to as counselling bodies, effectively speakers of the whole community. This shows a strong corporate ethos of the statute.

⁴⁷¹ “יהיה מי שיהיה”, *ibid.*, 25.

⁴⁷² “בכל דור ודור”, *ibid.*, 27.

⁴⁷³ “כפי צורך הזמן והשעה”, *ibid.*, 30.

⁴⁷⁴ Capsali would later return to the topic once more, possibly as a consequence of his work on the compilation of *Takkanot Kandyah*. In an undated chapter *TK XCIII* (written probably in the 1530s), he informs his audience about the negotiation in the communal council which resulted in a statute which

The following decrees which regulate funeral processions react to specific incidents. *TK LXXVIII*, issued in June 1521,⁴⁷⁵ is the first one which is not concerned with the attendance in the funeral processions, but aims to protect processions (and the cemeteries in general) from mockery and disrespect.⁴⁷⁶ The statute, like its predecessors, decries the lack of respect enjoyed by the funeral rituals in general, and singles out two of them: firstly, it condemns “an ugly practice, widespread in our midst”,⁴⁷⁷ namely the open “contempt for the living and for the dead”,⁴⁷⁸ shown to the funeral processions by “flamboyant youths, who ride their horses in front of the bier”⁴⁷⁹ which is harshly condemned as a desecration of the Divine Name. Furthermore, this practice is condemned for exposing the Jewish ritual “for mockery and ridicule in the eyes of the Gentiles standing around.”⁴⁸⁰ The other criticised misbehaviour had even greater potential for harm: the decree makes it clear that since the rabbis declared that no-one may “behave recklessly”⁴⁸¹ in cemeteries, it is unacceptable to let one’s cattle graze there, as was apparently common practice.⁴⁸² Interestingly, in the actual terms of the statute, it is cattle grazing only that is forbidden, while there are no more mentions of riding horses in front of the processions. The only penalty mentioned is the public announcement of the perpetrator’s deeds and his designation as “the one who transgresses the statutes”.⁴⁸³ This is in accordance with many of the decrees issued in the early 16th century. After several years, the same provision is mentioned once more in *TK LXXXIV* (issued either on October 1529 or in October 1534). The ban of letting cattle graze in the cemeteries is mentioned here among the other statutes which the constable is ordered to read publicly.⁴⁸⁴

reintroduced the ban of work from the moment a death in the community was announced until the funeral had been completed. *TK XCIII* thus reiterates the conditions set by the oldest legislation. Capsali points out that it was he who “with the agreement of the communal leaders” read the statute in the synagogue (*TK XCIII*, 10).

⁴⁷⁵ The constable under whose authority this decree was issued was Samuel Cohen Ashkenazi, while Elijah Capsali was one of the members of the communal council.

⁴⁷⁶ This is reflected by its very title – “Statute concerning the cemeteries” (“גדר בעד בתי הקברות”, *TK LXXVIII*, 1) without an explicit reference to funeral processions.

⁴⁷⁷ “מעשה מכוער נעשה בתוכנו”, *ibid.*, 3.

⁴⁷⁸ “בזיון לחיים ולמתים”, *ibid.*, 6.

⁴⁷⁹ “כִּי בְהוֹצָאת הַמֵּת יֵלְכוּ נַעֲרִים בּוֹעֲרִים רוֹכְבִּים עַל סוֹסִים וְעִירִים לִפְנֵי מִטַּת הַמֵּת בְּשִׂמְחַת לֵב”, *ibid.*, 3-4.

⁴⁸⁰ “וְגַם לַעֲג וְקַלַּס בְּעֵינֵי הָעַמִּים אֲשֶׁר סְבִיבוֹתֵינוּ”, *ibid.*, 5-6. Unlike in most other cases, this statute does not refer to the non-Jews by the usual term גוֹיִם, but העַמִּים (literary “peoples”).

⁴⁸¹ “נוהגים בהן קלות ראש”, *ibid.*, 11-12.

⁴⁸² See *ibid.*, 6-12. This behaviour is described here as “fulfilling desires of the stupid” (“התעצם תשוקת” “הכסילים”, *ibid.*, 7).

⁴⁸³ “פּוֹרֵץ גֶּדֶר”, *ibid.*, 21. This term is used consistently, especially in the later statutes, to describe those who disrupt the public order and oppose the authority of the communal leadership.

⁴⁸⁴ See *TK LXXXIV*, 61-62. It is not explicitly mentioned whether the decree in question is *TK LXVIII*, but since there is no reference to any other statute, we may tentatively suppose this.

The topic of funeral processions arises once more at the very end of the time period covered by *Takkanot Kandyah*. In November 1576, the communal council led by the constable David Culi issued the statute *TK CXV* which, like its predecessors, aims to increase the attendance at funeral processions. In doing so, it assumes a different strategy: the decree orders the synagogue cantors to take part in the procession.⁴⁸⁵ This statute is worth our attention for several reasons: firstly, it does not appeal to universal attendance, probably expecting that the enforced presence of the cantors would have a positive influence on the general public. In addition, the argumentation which the decree uses is significant. The custom that the cantors should accompany the deceased from his house up to the cemetery, chanting funeral lamentations, is here called “a simple habit, [common] in the whole exile of Israel.” The ordinance states that the impulse for its issuing was the “cry of our community, saying ‘Why should we, the community of Candia, among all the communities of Israel, be deprived of the honour?’”⁴⁸⁶ Unlike the previous legislation regarding funeral processions, this decree explicitly claims that it has been initiated by popular demand, not solely by the communal leaders. Moreover, the text suggests that the situation created a split in the community which the statute aimed to remove.⁴⁸⁷

Although there is no indication that this split was caused by the internal diversity of the community, this interpretation is plausible, taking into account the tensions which are reflected by other statutes from the latter half of the 16th century. Noteworthy is also a comment made at the very end of the statute by one of the signatories, Samuel Cassani. He explains that he supports the decree “not because this is the law, but because such is the need of the hour.”⁴⁸⁸ This statement confirms once again that communal legislation stands outside the complex of halakhic law and that its authors were prepared to use the freedom which this gave them. At the same time, Cassani’s words might be interpreted as a direct reference to the older statutes which delegate the power to decide the specific terms of the legislation to the successive communal councils. In this way, the councillor reminds the members of the community of the continuity of the Candiot legal tradition.

⁴⁸⁵ See *TK CXV*, 7-10.

⁴⁸⁶ “בא באזנינו צעקת הקהל על זה, באמרם למה נרגע אנחנו קהל קנדיאה מזה הכבוד מכל קהלות ישראל”, *ibid.*, 5-6.

⁴⁸⁷ See *ibid.*, 6-7. Here, the statute’s authors declare their aim “to bring reconciliation, so that the community becomes united, as it always has been” (“להשוות הדיעות, ולחבר הקהל להיות אחד, אשר מעולם היינו כן”). Immediately afterwards, they state that the decree is issued with the approval of the rabbis (a practice which we encountered also in the case of halakhic statutes).

⁴⁸⁸ “לא שהדין כך, אלה שהשעה צריכה לכך”, *ibid.*, 19.

The last two decrees to address problems connected to funeral processions are also the last two chapters of Part Four of *Takkanot Kandyah*. These two documents stand in stark contrast to all their predecessors, since they do not promote greater attendance in the processions, but on the contrary forbid female members of the community to join them. This was made necessary by increasingly frequent attacks on the funeral processions by the non-Jewish inhabitants of Candia. The first of these two decrees, TK CXVII from January 1582, describes in highly emotive terms that it has become a common practice that the Christians would throw stones and mud on the Jewish mourners, forcing them to run away.⁴⁸⁹ In this situation, the communal leaders decided to protect Jewish women, whom they considered the most vulnerable, by stating that they may not follow the funeral processions further than to the thresholds of their houses. In fact, their attendance in the processions is strictly forbidden and made punishable by excommunication. The guilty person shall also be officially designated a “transgressor of the statutes” (פורץ גדר).⁴⁹⁰ The common occurrence of this term in the later statutes suggests that it gained an official status, referring specifically to the transgression of the communal legislation (as opposed of the halakhic commandments) and thus establishing a separate legal category.⁴⁹¹ What is more, the threat of excommunication is also imposed on a constable and his secretaries, who would fail to make the transgressor’s identity known and publicly “shame her”.⁴⁹² One of the very few places in whole *Takkanot Kandyah* where possible sanctions against the communal leaders are mentioned, this arrangement also shows the sensitive character of the matter.

Whereas all of the older decrees aimed to eradicate the laxity with which some members of the community apparently approached the ritual, TK CXVII, actually excludes some of the community’s members from participating in it. The strictness with which the ban of the women’s attendance is pronounced indicates that it was expected to meet a strong opposition. This in turn suggests the existence of a group of Candiot Jews for whom the rigorous implementation of the community’s custom was so important that any restrictions, even if forced by danger of physical harm, were likely to meet with their disapproval.

How difficult it was to negotiate under such circumstances is demonstrated by the complicated legislative process proposed for the statute’s acceptance. It was issued only for a limited period

⁴⁸⁹ See TK CXVII, 2-7.

⁴⁹⁰ See *ibid.*, 8-13.

⁴⁹¹ Whilst this term occurs repeatedly in our collection as a *terminus technicus* of sorts, in the fragmentary preserved ordinances from Corfu (the closest extant “relative” of *Takkanot Kandyah*), there is no appearance of this phrase. See Finkelstein, *Jewish Self-Government in the Middle Ages*, 316-28.

⁴⁹² See *ibid.*, 15.

of time, namely two years, after which it was to be either renewed or revoked, while the constable of the day was obliged to discuss the matter with his secretaries and the rabbis.⁴⁹³ This indeed happened and resulted in the release of *TK CXVIII* in October 1583, which explicitly points out that the former decree was “for some reason”⁴⁹⁴ only temporary, and prolongs its validity for further three years, confirming it in all its details.⁴⁹⁵

Although *TK CXVII-CXVIII* are the only statutes which explicitly mention physical attacks on the funeral processions, there is some indirect evidence from the previous century that Jewish funeral rites provided to some Christians an opportunity for abuse. In *TK XLVI*, Elijah Capsali’s records of momentous merits of some past prominent members of the community, it is stated that thanks to constable Ephraim del Medigo,⁴⁹⁶ a *terminazione* (government order) against stealing from the bodies of deceased Jews awaiting funeral was issued, making such actions punishable “by the same penalty as the penalty due to [common] thieves.”⁴⁹⁷ This record, together with the last two decrees regarding the funeral processions, shows that communal bylaws which touched on religious procedures could at times have an immediate connection to very practical issues and be highly relevant not only for the relations within the community, but also for negotiating its relation to the non-Jewish majority.

8.4 Statutes against house price speculations

Despite the concerns voiced by the decrees cited in the last paragraphs, most of the “civil-law” statutes deal with arguments and tensions within the Jewish community. A distinct sub-group of these texts is the legislation issued against some house owners’ intention to expel their poor tenants through undue increases of rent, in the apparent hope to obtain more lucrative deals. In the context of the whole collection, these ordinances stand out as the only ones which clearly have primarily a social motivation and strive to protect weaker members of the community against their richer coreligionists.

⁴⁹³ It should be noted that this statute, too, explicitly refers to the “counsel and approval” of the rabbis, here called “teachers of the Torah” (“*בעצת ובהסכמת מעלת מורי התורה נר"ו*”), see *ibid.*, 9).

⁴⁹⁴ “*לסיבה מה*”, *TK CXVIII*, 13. This comment might imply that the councillors who issued the latter statute were not fully supportive of the limited validity of the former.

⁴⁹⁵ See *ibid.*, 13-15. Three of the seven signatories of this decree had also signed the previous one.

⁴⁹⁶ Del Medigo is signed, as an ordinary member of the council, under *TK LXII*, issued in April 1477.

⁴⁹⁷ “*טרמינציען בעד מתי ישראל שלא יוכלו הגוים להשפיטם, ומי שיעשהו יענש כעונש גנב*”, *ibid.*, 31-32. In the following sentence, Capsali recapitulates the case of a Christian criminal prosecuted in accordance with this protective measure.

The three decrees concerned with this problem are contained in the three oldest layers of the whole collection. *TK XI* from 1228 is the first to condemn the practice, without giving any specific details. In contrast, *TK XIV* from the undated Part Two is not only considerably longer (19 lines of the edited text compared to eight), but contains detailed instructions on how to proceed in such cases – every landlord who expels his tenants prematurely from his property against the tenant’s will is banned from leasing it again for the duration of one year.⁴⁹⁸ As is common for the decrees in this section, the penalty for transgression is excommunication, together with a public announcement of the transgressor’s guilt. The terms of this later statute are then repeated, almost exactly, in the third collection of statutes from spring 1363, in *TK XXIX*.⁴⁹⁹ This is the last decree of *Takkanot Kandyah* devoted to this topic, and the last addressing problems of housing in the community.

That this problem did not disappear, however, is made clear by two of four rabbinic epistles sent to Candia from Constantinople by Rabbi Moses Capsali. Both letters, listed as *TK LXVI-LXVII* and written five years after one another,⁵⁰⁰ are without a date, but their position within the collection suggests that Elijah Capsali considered them to be written probably in the 1470s or 1480s. Both letters contain an unequivocal condemnation of the criticised practice, and in the latter, Capsali demands in very emphatic terms the excommunication of the transgressor and his family should he fail to make amends.⁵⁰¹

8.5 Statutes regarding mutual excommunications

While such clear demonstrations of social division and abuse of the poor are rare, the mediation of arguments within the Jewish community is an important part of the agenda of *Takkanot Kandyah*. Through the period covered by the collection, it is possible to observe a tendency towards greater specificity of the decrees. In the later stages, there is a definite increase of *ad hoc* statutes, clearly inspired by specific cases and often explicitly using them as precedents on which the legal tradition was to be built. In contrast, the older sets of legislation tend to provide a more general legal framework for settling conflict situations. Similarly to the decrees against oppression of the poorer tenants, Parts One to Three of *Takkanot Kandyah* all contain statutes

⁴⁹⁸ See *TK XIV*10-12.

⁴⁹⁹ This is one of the few decrees in Part Three which are a direct reintroduction of earlier legislation, although this is not explicitly acknowledged.

⁵⁰⁰ See *TK LXVII*, 4.

⁵⁰¹ See *ibid.*, 15-20.

which react to a problem which apparently grew to be alarmingly widespread. The statutes condemn mutual excommunications (חרמות), pronounced by individual members of the community against each other, as a means of settling private arguments and channelling personal animosity.

Most of *TK VI*, the first of these, is lost, but the short fragment of preserved text (the decree's very beginning) contains the crucial information that no one is to pronounce excommunications "unless it is done with the approval of duly appointed officials and by the advice of [our] leaders and sages."⁵⁰² This tells us that the mutual excommunications must have been used extensively and without any official authorisation. Most importantly, the power to decide this matter lay, according to the authors of the decree, with the communal councillors, not with the "sages", presumably rabbis, who are recognised as advisors, but not the ultimate authorities. The same arrangement is confirmed by the undated counterpart of *TK VI* from the second set of ordinances, *TK XXII*. Here, the arrangements are even clearer, as the authority to approve an excommunication is given explicitly to the constable, while no mention whatsoever is made of the rabbis.⁵⁰³ This suggests that excommunication was from the earliest stages seen by the Jewish authorities mainly as a penalty serving the maintenance of law and order. This is in accordance with the free use as the most common punishment for transgressions in later statutes. In the last ordinance specifically devoted to this topic, *TK XXVII* from spring 1363, the penalty of excommunication is (maybe somewhat ironically) imposed on those who pronounce unauthorised excommunications. Being much longer than its predecessor, it condemns the criticised practice in much more detail, describing the negative effects mutual excommunications had on the religious life of the community, as their victims were routinely denied access to synagogues.⁵⁰⁴

Given the apparent seriousness of the situation, it is rather remarkable that no new ordinances against unauthorised excommunications are found in the later chapters of *Takkanot Kandyah*. There is, however, not much doubt that the problem persisted in later decades, as is apparent from at least two places. In 1529 or 1534 (the dating is ambiguous), the constable Samuel Cohen Ashkenazi and his colleague issued a list of seventeen statutes which all future constables were to read publicly in a synagogue, recorded as the aforementioned *TK LXXXIV*. As the sixth item on

⁵⁰² "אם לא ברשות הממונים הרשומים, ובעצת השרים והחכמים", *TK VI*, 2-3.

⁵⁰³ See *TK XXII*, 4-5.

⁵⁰⁴ See *TK XXVII*, 10-12. *TK XXII*, 3 also alluded to this situation, but only in passing.

this list, we find an otherwise unrecorded statute banning the pronouncement of excommunications in synagogues “in matters worth less than one ducat.”⁵⁰⁵ This marks a considerable shift from the unequivocal condemnation of excommunications in the earlier stages and suggests that this religious act became a partially accepted instrument of settling private arguments, provided that it was not abused in trivial affairs.

The very last word given on the matter of excommunication presents the problem from a different perspective. The fourteenth of the fifteen Venetian *kapitoli*, or regulations of the Jewish communal life (whose stance to the functioning of the community will be discussed in the next chapter), issued in September 1574, bans the rabbis, under the harsh penalty of 100 ducats and three years of banishment from Candia, from pronouncing the excommunication unless it had been approved by the constable and councillors.⁵⁰⁶ This arrangement agrees with the protection of the constable’s right to decide about the excommunications which we have seen in the older decrees. What is new, however, is the open antagonism between the rabbis as the spiritual leaders of the community and the lay communal council. There are two possible explanations, which could both play a role. Firstly, it was clearly in the government’s interest that the authority within the Jewish community remained centralised, under the control of the constable, who in turn was directly responsible to the Venetian officials.⁵⁰⁷ Secondly, we can easily assume that this provision may have been included into the *kapitoli* on the request of the Jewish councillors themselves, who would gain official support to their long-running attempts to take this issue under their control.

8.6 -ODVDHIVROVLR

Those chapters of *Takkanot Kandiyah* which we may appropriately consider “civil-law” legislation testify to the overarching importance of Jewish religion in the public life of the community, which nevertheless did not mean automatic subjection of the communal bylaws to the religious authorities. On the contrary, the ordinances show convincingly that “the need of the day” was a

⁵⁰⁵ “בדבר השוה פחות מדוקטן”, TK LXXXIV, 54.

⁵⁰⁶ See TK CXX, 112-117.

⁵⁰⁷ Notably, this article is the only one in the whole of *Takkanot Kandiyah* which makes a direct reference to the Inquisition, whose representative is said to have approved a similar arrangement authorised by the Venetian government in 1515 (see *ibid.*, 116). Given the great power enjoyed by the Inquisition in the Venetian Republic, it is remarkable that its activities are not reflected in the earlier statutes. For an early 14th-century case when the Doge himself intervened against undue imposition of the Inquisitors to the Jewish communal affairs, see David Jacoby, “Inquisition and Converts in Candia and Negroponte in the Fourteenth and Fifteenth Centuries,” *Sefunot* 8(1964): 301-05, 12-13.

significant factor in creating the communal legislation. In successive chapters of *Takkanot Kandiyah*, we witness that several areas of public life kept their importance as the subjects of legal regulation. In the approach to such topics as public morality, showing respect to the dead (and thus strengthening the notion of togetherness) or preventing the excessive use of mutual excommunications, the communal leaders show their resolution to keep a basic level of coherence and sense of unity. At the same time, it is apparent that this effort goes hand in hand with the promotion of their own authority, keeping the control over the communal affairs. In the next chapter, I will examine how *Takkanot Kandiyah* addresses the procedural and executive functioning of the community and how it can be used in to study the relations of Jewish autonomous bodies and the Venetian government authorities.

9 The organisation of the Candiot Jewish community as regulated by *Takkanot Kandyah*

Another category of themes addressed in *Takkanot Kandyah* is the organisation of political life in the Jewish community. Ordinances of this type define the communal institutions and their powers and address the problems arising in their functioning. The decrees which deal with these topics could perhaps be characterised as “organisational” or “self-regulatory” (as compared to the “halakhic” and “civil-law”) statutes. In addition, *Takkanot Kandyah* also contains one collection of the Venetian regulations of the organisation of the Jewish community. Apart from the more or less clearly defined regulatory statutes, indirect indications of how the community was run and what powers belonged to its various officials are scattered through many other chapters. There are statutes or parts thereof which are not aimed at the Jewish general public, but are specifically devoted to the inner administrative and political processes within the community’s leading bodies. This observation supports the view that *Takkanot Kandyah* in its current form can be seen as an organised sum of Candiot Jewish bylaws, a “communal constitution” of sorts which aimed to provide a complex legal framework for the community’s functioning.

9.1 Distribution of organisational regulations through *Takkanot Kandyah*

It is already the oldest part of *Takkanot Kandyah* from August 1228 that includes a decree which explicitly addresses communal politics. “An ordinance regarding the [communal] assemblies” (גדר בעד הקבוצים) is listed as its second item (TK IV), immediately after a “statute regarding the prayers” whose text is lost.⁵⁰⁸ The text of TK IV is preserved only in fragments: its beginning (apparently comprising most of the text) is on the lost page 13 of the manuscript. The preserved rest (three lines of the critical edition) formally introduces the constable’s⁵⁰⁹ duty to attend the meeting of the council when summoned to do so.⁵¹⁰ This fragment also reveals another

⁵⁰⁸ Presumably, the text of this statute was still legible when an excerpt of it was commissioned by Tedeschi. In his description of the oldest section of *Takkanot Kandyah*, Gudemann says that this statute “demands a punctual attendance of the communal assemblies convoked by the שלשה הממונים” (Gudemann, *Geschichte*, 308.).

⁵⁰⁹ The *kondestabulo* is not explicitly mentioned and the text uses the third person singular masculine with an implicit subject. However, later on, it is stated that “he” shall sit in the council with the three assessors, which indicates that it is indeed the constable to whom this rule applies.

⁵¹⁰ See TK IV, 3: “When our messenger calls upon him, let him immediately come unto us, so that we may put our efforts, like lions, to the service of our community” (“בהגיע אליו שלוחנו, יקום ויבוא לקראתנו, למען “נשתדל כאריות בצורכי קהלתנו”).

important piece of information – for the first time, the constable's assessors (ממונים, secretaries or deputies, literary “appointees”) are mentioned and it is stated that there shall be three of them.⁵¹¹

The undated second section of *Takkanot Kandiyah*, essentially a revision of its predecessor, includes an identically named statute *TK XXI*, whose text is unfortunately wholly lost. Like *TK IV*, it was rather lengthy and occupied the whole page 18 of the manuscript. We can assume that like other statutes in this second section, this decree largely repeats the provisions of the earlier text. It would be very interesting to know whether this chapter, too, imposed the penalty of excommunication, common in Section Two. That would mean that the second set of statutes makes the transgressions committed by the elected officials against proper institutional order as serious an offence as those committed by the community's members against the bylaws promulgated by their elders.

The third larger collection of early statutes, issued in spring 1363, opens with two decrees which are devoted to procedural matters. *TK XXV* is the first statute which allows us to take a closer look at the inner organisation of the Jewish community. Although its text is for the better part lost (its middle section comprises the whole of the illegible page 35 of the manuscript), the information it does contain is in many respects revealing. Already its title, “a statute regarding the selection of the seven eminent [literary “good”] men of the community”,⁵¹² indicates a very detailed regulation of the communal leadership. The preserved fragment of the text of the statute declares:

[It will be the constable's duty to] choose seven renowned men among the community's eminent men, and let them swear on the Torah scroll to be prepared and duly appointed to administer and uphold all that the community instructs and charges them [to do] in all the matters concerning our community.⁵¹³

The composition of the communal council was therefore decided by the constable.

⁵¹¹ See *ibid.*, 4.

⁵¹² “גדר לבחירת שבעת טובי הקהל”, *TK XXV*, 1.

⁵¹³ “ושהקונדושוטוולו יתחייב לבחור שבעה אנשים חשובים מטובי הקהל, ולהשביעם בס”ת היותם מוכנים ומזומנים לקיים” *ibid.*, 8-11. “ולחזיק את אשר הקהל מסדרים ומתקנים על כל העניינים שהם צורך בקהלנו זה...”

It appears that also the office of the constable was under some degree of control, since the preserved text stipulates that the constable shall be “at all times” chosen (or elected – the Hebrew verb can mean either) “according to the custom which is practiced since then,”⁵¹⁴ presumably referring to older organisational statutes recorded in *Takkanot Kandiyah* which are lost today. It seems that the electing body was not the community at large, but the members of a wider communal council, since the statute declares that “they” (i.e. the electors) shall swear in the constable. The chief duties of the constable, according to the preserved text of the statute, were the regular summoning of the communal assembly (upon assuming his office and every three months thereafter),⁵¹⁵ where he was to announce the resolutions and ordinances agreed upon and issued by the councillors, as well as intervening against all disruptions of the public order. Another provision established already at this early stage is the constable’s duty to announce publicly any transgressions of the communal legislation.⁵¹⁶ The text of *TK XXV* also suggests that in that time, the synagogue congregations into which the community was divided functioned as semi-autonomous representative bodies of their members. This follows from the formulation in the decree’s introduction, where the signatories of the statute are characterised as “the general assembly (כללות, literary “the sum”) of the men of the three synagogues.”⁵¹⁷

Although the statute concludes with a solemn proclamation of its perpetual validity, it adds that this shall be true “only if it be the will of our lords the Duke and the Captain and their advisors, let their Majesty be exalted.”⁵¹⁸ This is the first explicit reference in *Takkanot Kandiyah* to the community’s legal subjection to the Venetian administration and its supreme civil and military officials, by whose representatives, as the decree implies, the Jewish bylaws had to be approved and who had the power to change or revoke them. On the other hand, the statute (as far as we

⁵¹⁴ “כמנהג הנהוג מאז”, *ibid.*, 6.

⁵¹⁵ See *ibid.*, 7-8 and 12-13.

⁵¹⁶ See *ibid.*, 14-15.

⁵¹⁷ “כללות אנשי שלשת בתי כנסיות כאיש אחד”, *ibid.*, 4. It is worth noting that the signatories of the first set of statutes from 1228 likewise characterise themselves as representatives of the synagogue congregations, but in that case, there were four of them (see *TK XIII*, 1-2). This shows the consistence in the successive statutes’ approach to procedural questions, as well as the development in the number of synagogues in Candia.

⁵¹⁸ “ובלבד אם רצון אדונינו הדוקוס והקפטן ויועציו ירום הודם יהיה בכך”, *ibid.*, 16. In the preceding preamble to the whole Section Three, *TK XXIV*, whose text is also severely corrupted, there is no extant reference to the Venetian authorities. On the other hand, the preamble does mention by name the constable, Rabbi David ben Judah (and probably also several others communal leaders – these references are unfortunately too fragmentary to be interpreted with certainty – see *TK XXIV*, 4 and then *passim*), as the provider(s) and guarantor(s) of the statutes. Religious authorities (called “the sages of Israel” חכמי ישראל, *ibid.*, 11) are mentioned in general terms as teachers of moral and theological principles on which the statutes are based, rather than direct participants of the legislation process.

can judge from the preserved text) does not establish any framework for changes of the procedural regulations from within the community, although it is apparent that during the later decades and centuries, these ruled did indeed change.

It seems most probable that the beginning of the first sentence of *TK XXVI*, the only preserved part of this decree from spring 1363, postulates the assessors' duty to attend the regular communal assemblies.⁵¹⁹ Nothing more can be established about this statute with certainty. Due to their fragmentary character, neither of the organisational statutes from Part Three reveals much about the duties and powers of the communal executives. Nevertheless, we can conclude that the attention to procedural aspects of the communal life is a common feature of the three oldest sections of *Takkanot Kandyah*, issued during the first two centuries of the Venetian period. All three sets of legislation aimed to provide a general legal basis not only for the behaviour of the community's members, but also to its proceedings, allowing for a basic level of transparency and system of rules.

In stark contrast with the first three sections of *Takkanot Kandyah*, its longest part (the collection of individual decrees and other documents collected and partially commented by Elijah Capsali) contains not a single ordinance specifically devoted to organisational or procedural questions. On the other hand, many of these statutes do contain passages or phrases which allude to the rules regulating the communal leadership and relations within the governing bodies. Most notably, there are numerous references to the constable's duty to read the statute in public, usually in the synagogue. *TK LXXXIV*, issued either in October 1529 or October 1534, is even titled "A statute [establishing] that the constable shall have the duty to read the decrees in the synagogue." However, the statute itself does not enact this provision as a general rule, but merely recapitulates the most pressing matters which had been (or were to be) addressed by various communal statutes.

9.2 Powers and responsibilities of communal representatives and public servants

The numerous lists of signatories provide some useful information about the executive posts within the communal council. We must bear in mind that these lists vary greatly regarding the

⁵¹⁹ This passage contains the expression "obliged by their oaths, unless there is a pressing cause" ("בלתי סבה מכרחת אותם מחייבים בשבועתם", *TK XXVI*, 3) in the connection with the constable's convoking the assembly. This provision, if interpreted correctly, is in accordance with the content of the preserved section of the previous decree on the same topic in *TK IV* from 1228.

number of signatories and the amount of information they convey. It has already been discussed that their style also differs markedly, from a simple signature to lengthy eloquent praises of the signed documents. This can be explained by the fact that many of these statutes were intended as *ad hoc* measures dealing with an immediate problem and their signatories were at the time of issuing publicly known figures whose mere names (unaccompanied by any official titles) were enough to lend the decree the desired authority when it was read in public.

The remarkable variability in the number of signatories⁵²⁰ also indicates that the signatories of the later statutes did not feel bound by strict procedural rules which would prescribe what form the communal ordinances must take. Custom seems to have played a greater role than strict adherence to a firm set of rules. Nevertheless, the lists of signatories in the later chapters of *Takkanot Kandyah* confirm that the issuing of the communal legislation remained a collective enterprise. The lists confirm also the special position of the constable's closest advisors, the assessors (ממונים) or secretaries (חשבנים). It is worth mentioning that these very titles are not mentioned in the surviving fragments of the older organisational statutes; these terms being used only in the documents from the 15th and 16th centuries. In total, seventeen statutes are signed by people who identify themselves as "one of the assessors" or in similar terms.

The statutes collected in *Takkanot Kandyah* do not shed much light on the exact role of another official employed by the community, the communal scribe (סופר לקהלה). The first reference to the post is made in the couple of contracts between the community and Elijah Capsali (TK LXXXVII-LXXXVIII). Both documents say that it is the scribe who wrote the record.⁵²¹ In TK CX from February 1579, which regulates slaughtering of animals on holiday eves, the communal scribe assumes an even more prominent role, since it is written in first person by the scribe Matityahu Spanyolo. Although he presents himself as a civil servant who is acting on his superiors' orders, it is remarkable that throughout the text, Spanyolo uses such terms as "I saw

⁵²⁰ The longest lists, both comprising 27 signatures, are found under a statute from December 1439 (TK LXXVI, 50-84) and under the preamble to the translations of the Venetian-sanctioned *kapitoli* from September 1574 (TK CXX, 38-54). On the other hand, many decrees are signed only by three or four councillors.

⁵²¹ See TK LXXXVII, 15 and 29 (scribe Isaac Cohen) and TK LXXXVIII, 30 (scribe Isaac Atilione). Interestingly, the former document contains the scribe's signature twice, with two different dates (both of them recorded according to the Christian calendar, which suggests that the scribe was probably used to writing official documents used for the contact with the non-Jewish authorities). The first (29th October 1533) is the day when the original contract was made, the second (10th August 1534) indicates the day when the same scribe copied the text into Capsali's collection.

[the misdeed]” or “I agreed,”⁵²² when referring to the discussed problem and the steps taken to solve it. This suggests that at that time, the communal scribe held a considerable influence, either directly participating in the council’s work, or serving as an officially approved witness whose signature confirmed the decree’s validity. Due to the lack of similar scribal confirmations elsewhere, however, it is difficult to make any definite conclusions in this matter.

9.3 Mutual relations within the communal council and its functioning, as reflected by *Takkanot Kandyah*

It is not only decrees specifically regulating the community’s functioning and official records like contracts or lists of signatories which reveal the conditions within the communal council. There are several *à propos* comments which show how the rules and regulations interacted with the reality of life at the given moment. Probably most telling is the brief mention of an incident which occurred in December 1439. The description is included in *TK LXXVI*, which deals with one of the gravest disturbances of public peace recorded in *Takkanot Kandyah*, the case of the Sephardic Jew Abraham Tofer.⁵²³ Selecting respected members of the community to investigate the matter proved more difficult than expected. The decree says that the two men originally nominated to this role, Eliezer ben Gershon and Elijah del Medigo, were prevented by the communal councillors from taking their positions because they apparently held a longstanding grudge against one another.⁵²⁴ The statute comments on this situation with a reference to the Mishnaic tractate Sanhedrin, saying “those who hate each other are forbidden from sitting in the court together.”⁵²⁵ Subsequently, the two were replaced by another couple of respected men, including the constable Jeremiah Capsali (who also, as the speaker of his colleagues, wrote the statute). This situation reveals that personal acrimonies could on occasions become an obstacle to the execution of public service as required by the communal leaders. Even more remarkable is the fact that this feud was not passed by in silence by the authors of the official communal ordinance, but was duly recorded. We can only speculate whether this incident was a culmination

⁵²² “ריאיתי” (*TK CX*, 3); “הסכמתי” (*ibid.*, 7).

⁵²³ This incident will be discussed in the next chapter.

⁵²⁴ The decree uses the phrase “ברחוק דברים” (which would loosely translate to “[they were] in disagreement”, see *TK LXXVI*, 23). Interestingly, earlier in the same sentence it is also said that Eliezer was in poor health and refused the appointment, possibly as a way of keeping appearances. In correspondence with this situation, del Medigo’s signature appears under the decree, while ben Gershon’s does not.

⁵²⁵ “שונים זה את זה אסורין לישיב בדין”, *ibid.*, 24. It should be noted that this reference is made almost as an afterthought and that the quoted Mishnaic principle did not prevent the councillors from making the nomination in the first place.

of some deeper rift within the community, which must have been considerably upset by the sensitive character of the Tofer affair.

In the chapter devoted to the identity of the signatories of *Takkanot Kandyah*, we have noticed that many families provided multiple members of the community's leading bodies, not only through the generations, but often at the same time. The example of Elijah Capsali serving in the communal council together with his father Elkana is only one of many.⁵²⁶ This fact, together with the frequent (and possibly prolonged) service of some councillors raises the question whether official limitations regarding the term of office and simultaneous presence of close relatives existed. Whereas there is no doubt that in the 16th century this matter was under rather strict government regulation, the situation in the earlier stages of the Venetian period is less clear. However, it is apparent that this problem was perceived as important.

In the introductory section of *TK LII* from October 1406 (an eclectic decree dealing chiefly with the particularities of meat trade), it is mentioned that one of the four assessors to the constable, Jeremiah Capsali, was removed from his position after he married into the family of one of his colleagues, Shemaryah del Medigo. Moreover, it is explicitly written there that this happened on the insistence of "part of the members of the community"⁵²⁷ who pointed out the unsuitableness of such a situation. It is significant that the change of the composition of the constable's inner council was affected only by the intercession of the Venetian authorities, who had the resulting changes entered in the official government records (in the Hebrew text called **פנקס דדייט**). Although the statute immediately assures the reader that both Capsali and del Medigo appreciated the necessity of such an arrangement,⁵²⁸ one suspects that this comment is little more than a face-saving gesture. Jeremiah Capsali's removal from his position was the result of dissent within the community (possibly at its highest executive level). What is more, the record is another proof that informing the government authorities about objectionable conduct of some Jewish leaders was considered an acceptable instrument of settling disagreements, despite the ardent opposition which such behaviour occasionally provoked, as attested in several chapters of *Takkanot Kandyah*. Although there is no detailed and explicit discussion about the permissibility of close relatives working together in the communal council in *TK LII* or another

⁵²⁶ For example, the member of the inner council Jacob Abbas is signed under the statute just cited together with his son Samuel (see *TK LXXVI*, 59-61 and 83).

⁵²⁷ "קצת מהקהל", *TK LII*, 16.

⁵²⁸ See *ibid.*, 18-19.

chapter of *Takkanot Kandyah*, the practice apparently continued through the 15th and 16th centuries, despite the reported governmental ban in 1406.

9.4 Venetian regulations of Jewish communal politics as preserved in *Takkanot Kandyah*

At the very end of the period it covers, *Takkanot Kandyah* contains clear evidence that in the late 16th century, the Venetian government took steps to prevent the accumulation of executive posts in the hands of close relatives in the Jewish community. This evidence consists of the preserved fragments of Venetian *kapitoli* or government-approved regulations of the Jewish community. We have noted that it was Capsali's apparent intention to collect a comprehensive corpus of these translations parallel to his collection of the inner Jewish legislation (as follows from his 1519 introduction to what is now the Appendix of *Takkanot Kandyah*, TK CXIX). However, only one set of government regulations, issued in 1574, survived in an incomplete form, followed by a later (but undated) set of amendments and adjustments from which it appears that there were in total 18 articles. The style of these regulations is markedly different from those of the inner Jewish statutes which touch upon procedural questions. The so-called *kapitoli* are remarkably brief and terse, but despite their brevity, they cover a remarkable range of procedural questions, both regarding the inner functioning of the Jewish community and its relations to the non-Jewish government authorities.

One of the prominent themes is the admissibility of close relatives serving together. This question is addressed at the very beginning. The first article is the first place in *Takkanot Kandyah* which explicitly sanctions the wider communal council (as opposed to the inner circle of the constable's assessors and advisors). The text describes this body thus:

[A] council, counting up to twenty-five [men], given that we shall be able to find as many, in whose midst there will be no relatives, that means neither father and a son, nor brothers, but an uncle and a nephew from one family shall be allowed to enter this council.⁵²⁹

This is the first and only definition of unqualified relatives in relation to the political representation of the community. As has been pointed out, close relatives did work close together in earlier days. Due to the lack of primary evidence, we cannot tell much about the

⁵²⁹ ... וועד עד מנין חמשה ועשרים, לפי שעד מנין זה נוכל למצוא אותם, שלא יהיו בתוכם קרובים, ר"ל אב ובן ואחים, אבל " TK CXX, 55-57.

details of the government's attitude to the composition of the Jewish representative bodies before the late 16th century. However, the Jewish community (as well as the Christian Greek majority) were naturally under constant and close supervision of the Venetian colonial government, of which the Jewish leaders were acutely aware, as we know thanks to the comments and very occasional critical remarks and complaints dispersed throughout *Takkanot Kandyah*.

The case of Jeremiah Capsali and Shemaryah del Medigo shows that long prior to the issuing of the set of *kapitoli* in 1574, the government was prepared to intervene if an opportunity to do so presented itself, or indeed was presented by someone from the Jewish community itself. We may assume that there was some awareness of the rules or customs concerning the eligibility for the communal council, but they seem to have been followed less than rigorously. It is possible that the clear ban on close relatives serving together, whilst explicitly allowing more distant relations, was an attempt to bring this situation to an end. However, the minimal number of statutes included into *Takkanot Kandyah* after autumn 1574 does not allow us to assess more closely whether the new rules were upheld vigorously, or whether the situation continued in more or less the same fashion as before. We cannot be sure whether the *kapitoli* from 1574 were a major breakthrough in the way in which the Venetian administration regulated the proceedings within the Candiot Jewish community, or only one such document amongst many, which by chance were not preserved in the Hebrew translation or in any way commented upon by the inner Jewish legislation.

The chapters containing the translations of the *kapitoli*, TK CXX-CXXI, contain a large number of other, surprisingly detailed regulations not found in the Jewish ordinances themselves. Most of the articles deal with the details of assuming the various offices in the communal council. Most remarkable in this respect is Article Six,⁵³⁰ which declares the limits of the terms of office for the constable and all the members of the inner council (one year in all cases) and interestingly, also the period of ~~NRQWXPDMWMDM~~ (שש שנים), during which the former holder of an office shall not be allowed to run for it again (six years for the constable, four years for his secretaries and three years for the other councillors). Thanks to the documents preserved in *Takkanot Kandyah* we know that if a similar provision was in force earlier, it was not always strictly observed. In June 1541, not long before the issuing of the *kapitoli*, Elijah Capsali

⁵³⁰ Ibid., 75-77.

remarked that he had been made constable for four consecutive terms, starting with the feast of Hanukkah 5298 (late November 1537).⁵³¹ This irregularity may have been a reaction to the exceptional conditions of the third Veneto-Ottoman war (1537-1540), but on the other hand, the frequency of some family names in *Takkanot Kandiyah* is so high that we can assume that holding public functions for prolonged periods of time was rather widespread during peacetime as well.

9.4.1 Relations between the Jewish community and the government, as regulated by the Venetian *kapitoli*

While a detailed discussion of the relations between the Venetian authorities and the representatives of the Jewish community in Candia would be beyond the scope of this dissertation, it is appropriate to close by showing how the government related to the division of power within the Candiot Jewry. The very end of the *kapitoli* recorded in the extant text of *TK CXX*, the beginning of its Article 15, postulates that the constable and other members of the inner council shall have the duty to consult the government “in every matter of renown.”⁵³² The text explicitly mentions that the Jewish leaders shall see “every judge and *representante* of their Highnesses, may their glory ever increase, to help and support the community.”⁵³³ The phrase “judges and representatives” may possibly be a simple hendiadys used for rhetorical purposes, but it is also plausible that it refers specifically to matters of administrative nature on the one hand, and to legal arguments on the other. This division would be fully in accordance with the long-established practice which we observed in many previous cases in *Takkanot Kandiyah*: from time to time, the statutes would refer a transgressor of the communal legislation to the hands of secular justice or would impose punishments which could only be pronounced by (or with the approval of) Venetian judges.⁵³⁴

Similarly, the cooperation with the government officials both from the civil and military branch of the Venetian administration may have been a controversial issue, but it was certainly considered an acceptable way of controlling the “transgressors of the statutes” and, even more

⁵³¹ See *TK XCIX*, 57-60.

⁵³² “כפי העסק אשר יזדמן”, *ibid.*, 118-119.

⁵³³ “כל דין וריפריזינטנטי ממעלתם י”ק, לעזר ולסיוע הקהל”, *ibid.*, 119-120. It is worth noting that similarly to some statutes, this government document presents the constable’s subjection to the non-Jewish authorities as beneficial for the Jews.

⁵³⁴ The most obvious example can be found in *TK XLVI*, 13-16, where Capsali recapitulates the case of Shalom the Sicilian (without mentioning his name) which resulted in a government’s *terminazion* according to which spreading gossip about Jewish women was made punishable by incarceration and a corporal punishment. Capsali also emphasises that this was done with the approval of all the Jewish elders and “masters of Torah”, i.e. rabbis.

importantly, securing the protection of the ruling power in circumstances when the authority of the Jewish elders did not suffice. This is most clearly shown in the list of the various protective measures negotiated by the successive generations of the 14th- and 15th-century constables, recorded by Elijah Capsali in *TK XLVI*. Similarly, *TK CII* gives an account of the military governor's protection which helped to prevent the pogrom, apparently threatening the Jewish community in 1538. Equally interesting is the information contained in Articles Eleven and Twelve of the Venetian *kapitoli*. These touch once again upon the extremely sensitive question of mutual relations between the spiritual and lay authorities in the Jewish community, this time from the perspective of the Venetian administration. Each new constable was made responsible for presenting regular financial reports to the government, concerning both the community's accounts and the profits from charity in the community's synagogues. These donations were under the control of so called "masters of the charitable money-boxes" (בעלי קופות של צדקה), appointed to each of the synagogues.⁵³⁵

Significantly, it is the constable who is charged with choosing the "seven most suitable members of the congregation of each synagogue, according to his own judgement,"⁵³⁶ who shall be responsible for the income from charity for the constable's whole term of office. Later on, in Article Twelve, the constable is charged with regular checks of the "masters'" work, and, importantly, with receiving their oath of office.⁵³⁷ The Venetian authority therefore charged the lay head of the community, rather than the rabbis or representatives of the synagogue congregations with control over the synagogue's finances. It is conceivable that this subjection of synagogue matters under municipal (i.e. secular) control was negotiated by the communal councillors, but it is equally plausible that it was the government who wanted a centralisation of authority in the Jewish community to secure an easier control over its administration with clear emphasis on financial control.⁵³⁸ Irrespective of the government's motivations, the last chapters

⁵³⁵ Apart from them, there was also the office of the "head of the graves", apparently responsible for the charity donated to the cemetery. As an interesting detail, it may be pointed out that unlike the "box masters", this position is subjected not to the constable, but to the whole inner council. This clearly shows that the synagogue congregations formed (also in the eyes of the government) a distinct sub-unit of the Jewish community which had a lower level of inner autonomy and thus belonged to the agenda of the constable, but the cemetery, as an institution with significance for the whole community, was the responsibility of Jewish executive as a collective body.

⁵³⁶ "יהיה מחוייב הקונדושטבולו יהכניס מכל שבעה מהמתפללים היותר ראויים אשר יראה לו", *TK CXX*, 99-100.

⁵³⁷ See *ibid.*, 105-106. It is also clearly stated here that the validity of this oath is subject to the approval of the government.

⁵³⁸ In this respect, the Appendix of *Takkanot Kandyah* is markedly different from the rest of the collection, when finances in general fees are mentioned very rarely and those references which are made usually concern fees due to be paid to the for various transgressions (see, for example, *TK LXXXIII*, 10-12).

of the preserved text of *Takkanot Kandyah* confirm that in its eyes, the authority within the Jewish community was fully vested in the elected body of communal councillors and their constable.

Besides being informative in its own right, the translation of the Venetian *kapitoli* is a remarkable testimony on the ways in which the ruling officials of late Venetian Crete defined and specified their control over the limited autonomy of the Jewish community. We do not know why previous collections of Venetian legislation concerning the Jews were not preserved in their Hebrew versions, but we do know that the regulation of the communal life was a constant part of the agenda of the authors of the Candiot communal *takkanot*, and that the subjection to the secular powers was always present as a framework limiting the councillors' authority. How this authority was understood, asserted and negotiated both within the community and towards the outside world will be the subject of the final chapter of this dissertation.

10 *Takkanot Kandiyah* as a statement of authority and an instrument of social control over the Jewish community of Venetian Candia

When read as one, internally coherent work of Jewish legal literature, *Takkanot Kandiyah* reveals several principal motives which bind the ordinances together, overarching the long time period it covers. As we have seen in many examples, the proclaimed interest of the authors of the ordinances was twofold: to uphold the halakhic and general law, and at the same time, to secure the basic social equilibrium in the community. While we cannot rely on the internal legislation of a Jewish community as the sole source for reconstructing its history and relations with the non-Jewish authorities,⁵³⁹ we can read the statutes as an indirect statement on the Jewish elders' understanding of their role and the direction in which they aspired to steer the course of public affairs. When we try to identify and interpret this dimension of *Takkanot Kandiyah*, we must not be content with the *prima facie* picture of the texts themselves, but we have to take into consideration the implied intentions and motivations of their authors. Doing so, it appears that the core ambition of the Jewish legislators through generations was promoting continuity on the one hand, and exercising power and influence in communal matters on the other.

It would be a mistake to draw any definite dividing line between these two intentions. This is perhaps best seen of the example of TK XLVII, the second epistle sent to Candia by Moses Capsali of Constantinople. This undated letter, like its predecessor from July 1458, addresses the invalidity of a divorce certificate issued in “*kastil*” (i.e. a fortified dwelling), probably Castel Bonifacio.⁵⁴⁰ However, Moses Capsali uses this opportunity to present a more general defence of loyalty to the old habits and traditions as he understands them. This approach is already displayed in the title of this epistle:

“An epistle sent to our community [...] by our Teacher and Master Moses Capsali of blessed memory, [saying] that the customs and ordinances of the sages of Candia, issued in our community, shall not be altered.”⁵⁴¹

⁵³⁹ This argument constitutes the core of Lauer's thesis, see Lauer, "Venice's Colonial Jews," 1-15.

⁵⁴⁰ This term could refer both to Castelnovo and Castel Bonifacio, the two inland walled hamlets whose small Jewish population were effectively dependencies of the Candiot community. It is more likely that in this place, Castel Bonifacio is meant, since Castelnovo is usually called קסטילנובו in Hebrew texts. Artom and Cassuto consider this to be an open question (see "Statuta Iudaeorum Candiae," 42., footnote to TK XLVII, 6).

⁵⁴¹ “אגרת ששלח בקהלתנו יצ”ו ה”ה מהר”ר משה קפשלי ז”ל שלא לשנות מנהגי וגדרי חכמי קנדיאה אשר תקנו בקהלתנו יצ”ו”, TK XLVII, 1-3.

Although the title is apparently Elijah Capsali's addition, it accurately outlines the contents and argument of the original letter: Moses Capsali did indeed proceed from concrete criticism of the aforementioned incident to a passionate defence of the "old ways" and established communal order. After summarising the problem (issuing of a divorce certificate by a doubtful authority, which creates the danger that a woman who is still lawfully married might enter into matrimony with another man), Moses Capsali goes on to reminisce about the days of his own father, Elijah Capsali the Elder, under whose leadership – so Moses claims – the affairs of marital law had been administered both according to halakhic law and to long-established local custom. Moses Capsali recalls cases which he himself as a youth witnessed in Candia, such as that of a divorce certificate sent there from the Jewish community of Corfu. He uses this recollection to pronounce elaborate praise of the leadership of his father and "all the eminent sages,"⁵⁴² an honorific title which might refer either to the members of the communal council, or possibly the members of the community in general. In his commentary on the problems in question, Moses Capsali puts great emphasis on dealing with matters of religious and legal significance in public, so that the proceedings are as transparent as possible.

It is characteristic that his letter to the Candiot community combines the elements of conventional praise and expressions of respect with very sharp criticism. In this respect, it is reminiscent of that figuring prominently also in statutes written by the Candiot elders themselves. Moses Capsali, although nominally an outsider, shows a deep involvement and personal interest in the development of the Jewish community in Candia. Although Moses Capsali was asked for consultation as a respected foreign rabbi, the concerns he voices in his letter are not primarily of a halakhic nature. He does not deplore any obvious breach of the religious law, but instead a situation which he sees as a slacking of standards, an unacceptable abandoning of traditional, more desirable ways of dealing with communal affairs. This letter can therefore be interpreted as an apology for an established social order. This apology was all the more effective since it was supported by the author's considerable authority as a high ranking rabbi of an influential and well-respected Jewish community, and as a highly successful member of a well-respected Candiot family.

In order to appreciate the situation fully, we must also bear in mind that Moses Capsali's intervention could hardly have come "out of the blue" – it seems more probable that Capsali

⁵⁴² "כל חכמים המופלאים", *ibid*, 30.

was approached by those in the Candiot community who rightly recognised this Constantinople rabbi as an useful ally in their effort to shape the public life in the community according to their ideas. Finally, when we read the document today, we do so because more than fifty years after it had been written, Elijah Capsali came across his great-uncle's letter and decided to include it in his nascent collection of the Jewish bylaws from Candia. TK XLVII is therefore an excellent example of the multi-layered character of *Takekanot Kandiyah*. If we want to recognise and formulate the underlying argument of the work in its resulting form, we must read it from the perspective of both the men who held the leadership of the community from generation to generation and the 16th-century editor. Capsali combined the antiquarian's effort to preserve the old documents for their very historical value with his ambition to build a monument to the work of the Candiot Jewish representation and to the men (many of them his own kin) who saw themselves as the protectors of public good and upholders of the rule of law in their community and in their time.

In previous chapters of this dissertation, I showed how successive generations of Jewish elders approached various problems of halakhic and extra-halakhic nature. In this final chapter, I will turn to instances of direct assertion of power or authority claimed by the community as a collective body or by its representatives. These assertions can be explicit or implicit, understated or emphatic; they can take the form of a harsh diatribe or can obviously strive for reconciliation. What they all have in common is that they address individual cases, chastising an individual transgression of law and thereby creating a precedent to be known and remembered by contemporaries and descendants.

10.1 Opposition against external interferences

One of the most sensitive and at the same time most important issues connected to the communal leader's agenda is the effort to prevent outside intervention into matters of communal policy. It is not surprising that the authors of the communal *takekanot* had to employ great care when formulating such concerns. Although the communal ordinances were written in Hebrew and aimed at a Jewish public (and therefore unlikely to be scrutinised too closely by non-Jewish authorities), there was a considerable danger in voicing protests against perceived restrictions too openly, as the following example shows.

TK XLIV, the last and shortest statute in the collection of ordinances from spring 1363, touches on a subject of great controversy, namely the appointment of synagogue cantors not by the Jewish communal authorities, but with the help of powerful Christians.⁵⁴³ Remarkably brief and succinct, the statute laconically states:

Let it also be known that no candidate for the post of the cantor may be granted it through the intervention of mighty Gentiles. [...] This is not in accordance with the Law of Moses and Judah and [the candidate] is therefore not apt to be exalted above his brothers. Let him not gain the sacred office of cantor, for he is not acting for the good of his own people.⁵⁴⁴

It is not stated explicitly who these “mighty Gentiles” are, but it seems probable that the words refer to wealthy aristocrats and patricians with considerable influence and connections to the ruling circles. The statute most likely aimed at those Christians who owned the grounds on which the Jewish synagogues were built, and as such felt entitled to interfere in the appointment of synagogue staff, which the Jewish leaders saw as their prerogative.⁵⁴⁵ It must remain an open question whether this statute also refers to the Venetian government itself. In any case, the decree does not only explicitly refuse to accept external intervention in the nominating process, but also condemns those Jews who were willing (or even eager) to rely on Christian support and circumvent the authority of the Jewish communal leaders. These Jews, it seems, should be considered the primary addressees of the statute, and one of the parties (the other being represented by the communal council) of a conflict dividing the Jewish community. The communal councillors’ opposition to the criticised behaviour is easy to understand. What is remarkable, however, is the succinctness with which it is expressed, which stands in contrast to the eloquence of other statutes issued by the same communal council. The reason for their reticence in this case could be the Jewish leaders’ reluctance to provoke any more anger than necessary among the Christians concerned.

⁵⁴³ For the historical development of the office of the synagogue cantors and its importance for the religious life of Jewish communities, see Leo Landman, “The Office of the Medieval ‘Hazzan’ I,” *The Jewish Quarterly Review, New Series* 62, no. 3 (1972); “The Office of the Medieval ‘Hazzan’ II,” *The Jewish Quarterly Review, New Series* 62, no. 4 (1972).

⁵⁴⁴ “יש לדעת שלא יורשו המבקשים החזנות לקחתו באמצעות גוים אלמים, [...] שלא כדת משה ויהודית, ולא יהיה רצוי לרוב” “אחיו, לא יגש אל הקדש להיות חזן כיון שלא טוב עשה לעמו”, TK XLIV 2-4.

⁵⁴⁵ The Greek churches faced a similar problem. On the status of the Eastern Orthodox Church in Venetian Crete and its subjugation to colonial administrative control, see Margaritis, *Crete and Ionian Islands*, 47-50.

This interpretation is further supported by the fact that *Takkanot Kandiyah* contains another document from almost a century later which criticises this practice much more openly and expressively. This document, which Elijah Capsali recorded in his collection immediately following TK XLIV, is a copy of another letter sent to Candia by Moses Capsali, this time in July 1458. Similar to his letter cited at the beginning of this chapter, the Constantinople rabbi expresses very strong views about the desired state of communal affairs, and does not hesitate to reproach the addressees in the harshest terms. At the beginning of his letter, the author states that he has been asked how to react

[...] regarding the cantor whose appointment was forced by the rulers of the country, by princes and nobles of Gentile lands, and not conducted [...] according to the laws and customs of our holy fathers.⁵⁴⁶

Capsali expresses his deep discomfort about this situation⁵⁴⁷ and claims that those who seek the office in this manner “conspire *against the Lord and against His Anointed* [Psalms 2:2].”⁵⁴⁸ Not only is this later document more confrontational in its tone than TK XLIV, it is also much more explicit in its opposition to the criticised practice. Capsali declares that the cantor in question has no legitimacy, and that only wise, experienced and eminently intelligent men are eligible for the post⁵⁴⁹, and goes as far as to decree “by the authority of [the Lord’s] holy Torah”⁵⁵⁰ that the unworthy cantor must leave the office within three days of the letter’s arrival. If he does not obey, the Jews of Candia are advised to boycott any religious services officiated by him.⁵⁵¹ The juxtaposition of the two chapters addressing the same topic in different periods shows that reactions to an identical problem could be expressed in very different terms. Whereas we can only speculate about the precise reasons, a consideration of the “social climate” of the day may provide a plausible explanation.

⁵⁴⁶ על ענין החזן שנתמנה באלמות מפי מושלי הארץ הפרתמים וששרי המדינות ולא נתמנה [...] כדין וכמנהג אבותינו “הקדושים”, TK XLV, 15-16.

⁵⁴⁷ “When I heard, my belly trembled [Hab 3:16]” (שמעתי ותרזג בטני), *ibid.*, 19.

⁵⁴⁸ “והעזו פניהם נגד השם ונגד משיחו”, *ibid.*, 32-33.

⁵⁴⁹ See *ibid.*, 51-52. Capsali summarises these requirements by the means of a play on words: the Hebrew word for cantor, חזן, is interpreted as חז”ן, an acronym composed of the first letters of the adjectives חכם, “wise”, זקן, “old”, and נבון, “intelligent”.

⁵⁵⁰ “בכח תורתו הקדושה”, *ibid.* 81.

⁵⁵¹ See *ibid.*, 81-83.

10.2 Intervention against individual Jewish transgressors and consequences of their deeds

Harsh condemnations of those who try to subvert the social order are not always general and anonymous. From time to time, the communal statutes intervene against specific individuals whose behaviour and actions were perceived as a threat to the community's proper functioning. It is notable that in all cases when the perpetrator whose conduct is reprimanded is explicitly named, his foreign origin is also mentioned.⁵⁵² The earliest of these cases is described in *TK XXXII*, issued in April 1363 by the same communal leadership which first intervened against the improper appointments of cantors. Although according to its title, this statute is intended as a general measure “regarding fornicators and those who cause evil gossip about the chaste daughters of Israel,”⁵⁵³ it explicitly states that it was provoked by the actions of a Jewish newcomer, Shalom the Sicilian (שלום הציציליין). This person, accused of spreading slander and thus compromising the good reputation of numerous women in the community, is harshly condemned as an “enemy of the Torah and the faith”⁵⁵⁴ and a man of most despicable habits, known to “pollute himself by frequenting brothels.”⁵⁵⁵ His wrongdoings are summarised in this highly expressive sentence:

In his impudence, he opens his mouth lawlessly, spreading slander and defaming all the fine daughters of Israel in this community, making no distinction between high-born and lowly women, between brides and dignified matrons, between widows and those who are poor and weak, attacking them both in person and through others...⁵⁵⁶

Both the narrative that describes the whole incident and alludes to wider connotations, as well as the choice of terms in which the perpetrator is depicted, imply that the Jewish leadership perceived Shalom's actions not only as a transgression against the religious and communal law, but also as a direct attack against the established communal order. The authors of this statute declare that since they feel “obliged to honour our Creator, blessed and extolled be He, His holy

⁵⁵² This criticism has its counterpart in the frequent general mentions of “foreigners who recently came to dwell among us” (in reference to the wrongdoers) which are inserted in many of the later ordinances.

⁵⁵³ “גדר בעד הנופאים ומוציאי לשון הרע על בנות ישראל הכשרות”, *TK XXXII*, 1.

⁵⁵⁴ “אויב התורה והאמונה”, *ibid.*, 12.

⁵⁵⁵ “מתגעל תמיד בבתי הזנות”, *ibid.*, 26-27.

⁵⁵⁶ “יפתח פיהו לבלי חוק בעזות מצחו, בהומיאו דבה ושמץ דופי על כלל בנות ישראל העדינות אשר בקהלתנו, לא הבדיל בין כבודות לנקלות, בין נשואות לבעולות, בין אלמנות לאמולות, בהשליכו פגם עליהן מצד עצמו וזולתו...” *TK XXXII*, 15-18.

Torah, those who keep its commandments and decrees and the whole of our highly praised community,”⁵⁵⁷ it is their task to intervene in a “wicked and scandalous affair”, which is described as an assault against “the honour of this community, adorned and distinguished by good deeds and observance of the Torah since the olden days of its first generations.”⁵⁵⁸ The sins that the foreigner Shalom committed are thus contrasted with the proclaimed age-old integrity of the community. It seems to be no coincidence that the original Hebrew uses the phrase “דבר זר ומוזר” (here translated as “wicked and scandalous affair”). Both adjectives share the same root, whose original meaning is “extraordinary” or “foreign”.⁵⁵⁹ Shalom is also characterised as one of the “heretics who have come in our days”,⁵⁶⁰ which gives this statute a more general dimension and openly states that the problem has its roots in the clash between the established order and its disruptors from the outside. The decree concludes with the unconditional and immediate banishment of Shalom from the community and obliges the *kondestabulo* to report him to the Venetian authorities should he attempt to come back.⁵⁶¹

This *ad hoc* decree was in all probability the inspiration for a more general statute (TK XXXI), which immediately precedes it in Capsali’s redaction of *Takkanot Kandiyah*. TK XXXI was issued just *seventeen days* after TK XXXII, and its goal was to eliminate prostitution from the community. This “horrendous villainy”⁵⁶² is explicitly linked in the text to “foreign transgressors, heretics who have settled in our communities.”⁵⁶³ To achieve its elimination, the statute bans any members of the community from renting rooms in their houses to prostitutes and their clients. That these two documents, issued by the same communal leadership within the space of three weeks, are interconnected, is a conjecture, but one that is strongly supported by their tenor and context. Such a connection clearly shows that the case of Shalom the Sicilian was seen as the climax of an existing internal crisis. From the perspective of the communal leaders, this crisis had a clear cause: a sudden inflow of newcomers who had no respect for the long-established social order in the community, or even for the basic religious principles of Judaism. They

⁵⁵⁷ נתחייבנו לכבוד בוראנו ית' וית', לכבוד תורתו הקדושה ולכבוד שומרי מצותיה וסייגיה על נכון, ולכבוד כלל קהלתנו “המהוללה”, *ibid.*, 4-5.

⁵⁵⁸ “דבר זר ומוזר [...] נגד כבוד קהלתנו זאת ההדורה והמנושאה במעשים טובים ובשמירת התורה מימי קדם דורות ראשונים”, *ibid.*, 8-9.

⁵⁵⁹ The meaning “sinful” or “wicked” was acquired only secondarily under the influence of the phrase “עבודה זרה”, i. e. “idolatry” (literally “foreign divine service”).

⁵⁶⁰ “יובעת הזאת באו פריצים”, *ibid.*, 10.

⁵⁶¹ See *ibid.*, 31-41.

⁵⁶² “הנבלה העצומה”, *ibid.*, 5.

⁵⁶³ “עבריינים אכסניים פריצים בקהלותינו נתגוררו”, *ibid.*, 6.

therefore deemed it necessary to take swift and radical action. However, it should be noted that this action does not include any generally applicable sanctions against new Jewish immigrants. It seems that the Jewish establishment of Candia was determined to bring peace to the life of the community, in accordance with its own conception of its proper conduct, rather than to enforce any physical homogeneity in its midst.

Both *TK XXXI* and *TK XXXII* allude to a certain degree of discord or mistrust within the community's governing body. *TK XXXI* contains an urgent and eloquent plea to the communal leaders to act decisively, should they detect any transgression of this statute,⁵⁶⁴ while the earlier *TK XXXII* states openly that "if, God forbid, the constable's eyes turn blind and he fails to hand the criminal to the government to arrest him,"⁵⁶⁵ his seven colleagues from the council shall call a communal assembly in a synagogue, where the constable's failure will be publicly announced. Such an unconcealed threat to the highest representative of the community is highly unusual in the context of *Takkanot Kandyah*. It is worth noting that the ordinances from spring 1383 were issued shortly before the outbreak of the Revolt of Saint Titus (in August of the same year), the most serious rebellion of the Cretan Greeks against the Venetian colonial rule.⁵⁶⁶ In the preceding months, the atmosphere on the island grew increasingly tense, which may have contributed to a sense of danger in the Candiot Jewish community. This in turn could contribute to discord and mistrust in the communal council. Whether or not the atmosphere was influenced by outside events, it is beyond doubt that the case of Shalom the Sicilian severely tested the inner cohesion of the Jewish community and confirmed the resolution of the communal elites to maintain a harsh opposition against illegitimate sexual contacts and marital misconduct (which was repeatedly expressed in the numerous statutes against pre-marital relations, as we have seen in Chapter Eight, section 8.2).

Clashes with individual Jewish newcomers were reflected in the proceedings of the communal council more than once. Another, somewhat similar incident is documented by a statute issued more than 70 years after the case of Shalom the Sicilian. Similar to the previous statutes, *TK LXXVI* dating from December 1439,⁵⁶⁷ is a general legal instrument inspired by a specific matter concerning a Jewish immigrant, Abraham Tofer, and his interaction with members of the

⁵⁶⁴ See *ibid.*, 24-34.

⁵⁶⁵ "וְאִם חָ"ו הָעֵלֶם יַעֲלִים הַקּוֹדֶשׁ שֶׁבְּלֹו עֵינָיו לְבַלְתִּי מִסּוּר אוֹתוֹ הַנָּבֵל בְּיַד הָאֲדוֹנוֹת לִיִּסְרוֹ", *ibid.*, 42-43.

⁵⁶⁶ For a summary of the revolutionary events and their wider connotations, see McKee, *Uncommon Dominion*, 132-45.

⁵⁶⁷ "Statute forbidding any marriage arrangements, unless ten witnesses are present" (גִּדּוּר שֶׁלֹא לִקְדֹשׁ אָדָם) (אִשָּׁה בַּפְּחוֹת מַעֲשֶׂה כָּל דָּבָר שֶׁבִּקְדוּשָׁתוֹ).

Candiot community. The newcomer in question was a Sephardic Jew, one of the refugees from the Iberian Peninsula. Tofer attempted to marry a Candiot Jewish girl called Kali,⁵⁶⁸ despite her existing engagement to another man to whom she had been betrothed three years previously. The author of this document, *kondestabulo* Jeremiah Capsali,⁵⁶⁹ reacted by immediately calling an assembly of “the elders of my people (...), all those whom I was able to summon”⁵⁷⁰ and announced the incident. The outcome of this conference was the appointment of an expert group whose task was to investigate the matter in detail and propose the proper course of action.⁵⁷¹

The investigators reached the conclusion that Tofer’s claim of engagement to Kali lacked any legal substance, and that any witnesses he might claim to have were not to be trusted. The woman was released from any obligation she might have felt towards Tofer, without the need of a formal divorce certificate, and he was forbidden from her presence. The communal leadership also formally decreed that from that time on only marriage engagements that were witnessed by ten respected men from the community would be deemed valid.⁵⁷² Although Abraham Tofer, like Shalom the Sicilian in the previous century, is condemned as an “unworthy man”,⁵⁷³ the decree does not pronounce any punishment for him, and restricts itself to declaring clear and rigorous rules for the conduct of marriage which will prevent any such incidents in the future. Also the tone of the statute, while urgent and decisive, is not as confrontational as the earlier decree, and puts more emphasis on the practical side of the matter. Rena Lauer⁵⁷⁴ cites *TK LXXVI* as evidence of the suspicion with which the Candiot establishment viewed Sephardic immigrants. She accurately interprets this text as a means of asserting the former’s authority over the latter, and also as an active offensive against external (non-Romaniot) influences. It is indeed possible that one of the objectives of the resulting statute was the prevention (or at least strict control

⁵⁶⁸ Although no further personal information about this woman is given, her Greek name defines her as a member of the indigenous Candiot Jewish community (whether she was of Romaniot origin herself, or came from an originally foreign family which assimilated to the Greco-Jewish culture of Candia does not seem to be relevant for the authors of the decree).

⁵⁶⁹ Due to our incomplete knowledge of the Capsali family tree, Jeremiah’s precise relation to Elijah Capsali is not certain. However, it seems possible that he was a younger brother of Elijah Capsali the Elder, signed as constable under a statute from 1399 (father of Moses Capsali of Constantinople and great-grandfather of his 16th-century namesake). Cf. Benayahu, *Rabbi Eliyahu Capsali*, 13-15.; Paudice, *Between Several Worlds*, 41.

⁵⁷⁰ “וקבצתי זקני עמי [...] כל אותם שהיה בידי כח לקבץ”, *TK LXXVI*, 15.

⁵⁷¹ Procedural complications that affected the communal council’s meeting in this matter have been discussed in the previous chapter.

⁵⁷² See *ibid.*, 34-49.

⁵⁷³ “האיש הבליעל הזה”, *ibid.*, 36.

⁵⁷⁴ Lauer, “Cretan Jews and the First Sephardic Encounter in the Fifteenth Century,” 129-30.

and easier regulation) of intermarriage between indigenous Candiot and Sephardic Jews. It is, however, important to keep in mind that the claim of authority made by the communal elders does not necessarily have to go hand in hand with a notion of cultural superiority, or with any inherent enmity towards Sephardic Jews on the basis of their origins or cultural differences.⁵⁷⁵

The call for unity within the community,⁵⁷⁶ which this statute purportedly aspired to ensure, suggests that its authors' primary concern was, once again, to achieve a basic level of inner harmony supported by clear and universally binding legal norms. These can be seen both as an instrument of control and as a means of regulating the newcomers' integration. The case of Abraham Tofer is one of several incidents that are mentioned twice in *Takkanot Kandiyah*. Before being recorded as a chapter in its own right, the incident is included in a list of the 15th-century constables' notable deeds.⁵⁷⁷ Here it is stated that Tofer attempted to have his marriage with Kali approved by the Venetian authorities; however, on the intervention of Rabbi Jeremiah, his petition was denied and Tofer (whose Sephardic origin is not mentioned in this shorter summary) was threatened with punishment and extradition from Candia should he continue his attempts. This short note proves the level of influence the Jewish constables could have on the colonial government, with the potential to result in interaction between the internal and external legal powers, effectively helping the Jewish communal establishment.

Finally, a third case of a very similar nature concerning a Jewish immigrant to Candia was documented by a 16th-century communal council. In September 1531, three rabbis of Egypt⁵⁷⁸ sent a letter to Candia in which they pronounce the excommunication of a "worthless rascal",⁵⁷⁹ an Egyptian Jew called Judah Kurkus, who had settled in Candia. This action had the same reasons which had provoked the action against Shalom the Sicilian 170 year earlier. Kurkus was condemned for spreading evil gossip, especially against "chaste women" of Candia, subverting public morality, and for contempt of rabbis and their students.⁵⁸⁰ As is apparent from *TK*

⁵⁷⁵ This is not to say that more obvious "cultural clashes" between the Sephardic Jews and the older Jewish population are not documented in the 15th-century Eastern Mediterranean. A good example of such a conflict would be the polemics between the chief rabbi of Constantinople Moses Capsali and the city's Sephardic rabbis regarding particularities of religious and liturgical practice. See Benayahu, *Rabbi Eliyahu Capsali*, 46-54.

⁵⁷⁶ "... lest there be any more divisions in Israel, lest the Torah be torn in two parts..." ("כדי שלא ירבו" ("מחלקאות בישראל, ותתחלק התורה לשנים"), lines 45-46.

⁵⁷⁷ See *TK* XLVI, 21-24.

⁵⁷⁸ Among them were the notable author of *responsa* David b. Abi Zimra and Moses al-Akshar who would later support Elijah Capsali in his campaign to allow the "medication" of wine with honey.

⁵⁷⁹ "נבל בליעל", *TK* XC, 4.

⁵⁸⁰ See *ibid.*, 13-15.

LXXXIX, the chapter preceding the copy of this letter, the excommunication was initiated by Elijah Capsali, whose tone is even harsher.⁵⁸¹ Remarkably, Capsali claims that he copied the letter in his collection of *Takkanot Kandiyah* to warn other Jewish newcomers from imitating Kurkus' detrimental behaviour.⁵⁸² This shows us that Capsali, at least to an extent, shared the suspicious attitude towards the immigrants as a potential danger for the communal order.⁵⁸³ At the same time, he intended his ongoing project of collecting old and new Candiot bylaws to be a practical tool for promoting legal consciousness in the community.

Nine years later, in October 1542, the Jewish elders issued a new general ban on gossip and defamation, which may have been influenced by Kurkus' case. Although it does not mention him or the foreign Jews in general, it is very close in its contents and tone. Moreover, the constable responsible for this decree, David Culi, authorised another, much later ordinance which unequivocally favours the indigenous Candiot Jews over the newcomers. TK CXVI from June, unlike the other decrees cited here, is not concerned with public morality, but with rabbinic education and ordination. It states that some "rude-hearted"⁵⁸⁴ youths seek to be appointed to the rabbinate by foreign rabbis,⁵⁸⁵ without asking for approval from the local Candiot religious leaders. This behaviour is harshly condemned as a transgression of the Torah,⁵⁸⁶ but it is also stated that "it leads to diminishing the dignity of the sages [i.e. the rabbis] of our community". This late ordinance is probably the clearest expression of local patriotism in the Candiot bylaws.⁵⁸⁷ While there is no explicit mention of foreign immigration in this statute,⁵⁸⁸ it is obviously aimed against outside influences which were seen as subversive and endangering the prestige and unity of the community by the Candiot Jewish establishment. Accordingly, the resulting legislation declares all rabbinic offices gained in the banned way null and void. This

⁵⁸¹ At the beginning of his report, Capsali calls Kurkus "a thorn and a thistle" ("קוץ ודורר", TK LXXXIX, 4).

⁵⁸² See *ibid.*, 11-14.

⁵⁸³ Notwithstanding this, it is known that Capsali heartily approved of and highly praised his father's generous help to the Sephardic émigrés arriving to Crete in the late 15th century, as attested in *Seder Eliyahu Zuta*.

⁵⁸⁴ "שלבים גס", TK CXVI, 2.

⁵⁸⁵ That is, rabbis from outside Crete, rather than the city of Candia ("מחוץ האי", *ibid.*, 1).

⁵⁸⁶ See *ibid.*, 5.

⁵⁸⁷ It is significant that David Culi, the constable who issued this statute, signed (as an ordinary councillor) also TK CIX, a decree preventing recent immigrants from marrying Jewish girls from Candia, as has been discussed in a previous chapter of this dissertation.

⁵⁸⁸ It is worth remembering that the constable Culi himself was of Sephardic origin, as was the communal scribe Matityahu Spanyolo, while another signatory was Samuel Algazi, whose family had roots in the Arab-speaking world. Candiot local patriotism is thus clearly non-ethnic in its character.

decree is also an example of cooperation between the lay councillors and rabbis, who were naturally interested in this arrangement – four of the signatories are identified as rabbis.⁵⁸⁹

10.3 The case of the 16th-century *anusim*

It would be a mistake to assume that all decrees asserting the authority of communal leaders and intervening against individual transgressors are oppressive and exclusivist in their nature. On the contrary, there are examples of statutes which actively protect those who found themselves in a difficult position, exposed to ridicule and discrimination and unable to protect themselves effectively. Unsurprisingly, these people were among a distinct group of Jewish immigrants.

The coexistence with Sephardic Jews continued to be a sensitive issue in the community for many decades after the Sephardic Jews first arrived in Candia, as documented by three texts issued in the late 1560s (at the very end of the period covered by *Takkanot Kandiya*). Chapter TK CXII-CXIV,⁵⁹⁰ a communal statute preceded by a couple of rabbinic *responsa*, addresses the pressing problem of the reintegration of the so called *anusim* into the Jewish society. *Anusim* (אנוסים, “the Coerced”) are Jews who have been forced under threat to convert to another faith. In the specific historical context of late medieval and early modern Europe, this term refers to Spanish and Portuguese Jews who accepted Christianity in order to avoid ruin and to be allowed to stay in their home countries. After the expulsion of Jews from Spain and Portugal at the close of the 15th century, a large proportion of these New Christians or *conversos*, as they were seen from the Christian perspective, continued to practice Judaism privately and a crypto-Jewish culture gradually developed. During the years that followed, the New Christian community was viewed with increasing hostility by the Crown and Catholic Church, which resulted in a new wave of persecution and emigration. In exile, the Sephardic *anusim* faced the difficult task of re-entering the world of Judaism and becoming members of often reluctant and suspicious Jewish communities. In the example of Candia, we will see that in this situation, they could find allies in the communal leaders, who took them under their protection against ridicule and social discrimination.

⁵⁸⁹ See *ibid.*, 13-15. At the same place, the decree also states that another man, Eliezer del Medigo, was called to sign, but did not come. This suggests a possible division of opinion within the community.

⁵⁹⁰ Among these documents, only TK CXIII, from July 1568 bears a date, but there is no reason to doubt that all the documents concern the same case and were therefore written shortly after one another.

Both the letters in chapters TK CXII-CXIII and the decree that follows have the same theme: they forbid the community from calling the re-converted Jews *meshumadim* (משומדים). This offensive word is semantically very close to the term *anusim* and has the same root as the noun שמד, “forced conversion”. In practice, however, it is used exclusively as an insult, and implies that its addressee has abandoned his ancestral faith of his own free will, out of religious laxity or pragmatic motives. By issuing a communal statute, supported by two independent rabbinic epistles categorically condemning the use of this word, the leaders of the Candiot community made a clear statement of support for the immigrant *anusim*. That this action was necessary shows the unease with which these newcomers were received into the community.

To appreciate this situation, we must take its context into consideration. By the 1560s, the Sephardic Jews were present in Candia for nearly two hundred years (if not longer) and had become a largely accepted and integrated part of the mixed and diverse, yet basically coherent community. It therefore seems reasonable to assume that the confrontational attitude shown here by some members of the “established” Jewish community towards the *anusim* was provoked specifically by the fact that the newcomers used to profess Christianity, rather than being a veiled expression of a general dislike towards foreign immigrants. As in the earlier cases, the communal leaders saw it as a matter of high importance to renew the social equilibrium in the community and prevent a more serious crisis. Nevertheless, the strictness of the resulting statute’s terms and the choice of rabbis who were consulted suggest that the Jewish elders did not only seek to calm the community’s emotions, but that discrimination against the re-converted Jews was a serious moral problem in their eyes, and indeed a transgression of the basic religious principles of Judaism.

We can find evidence in support of this interpretation in all three of the cited documents. TK CXII, a relatively short letter sent by rabbis from “a seaside country”,⁵⁹¹ describes the *anusim* in a favourable light as people who escaped a terrible disaster and came to Candia “to hide under the wings of the Divine presence and turn wholeheartedly back to the Lord.”⁵⁹² Although the rabbis cannot take binding legal action in the matter, they remind their “brothers” in Candia’s communal leadership that they have the power and responsibility to be the judges, “to take

⁵⁹¹ “מדינת הים”, TK CXII, 1. According to the authors of the modern edition of *Takkanot Kandiyah*, this term probably refers to Palestine or Egypt. See *Statuta Iudaeorum Candiae*, 146 (footnote to the cited line).

⁵⁹² “לחסות תחת כנפי השכינה, ושוב בכל לבם עד ה...”, *ibid.*, 8.

revenge, show righteous anger and *scurge with whips and scorpions* [1 Kings 12:11]⁵⁹³ the men who “scurge with their mouths and tongues those who seek the Lord.”⁵⁹⁴ The following chapter, TK CXIII, is a letter sent from the town of Safed in Upper Galilee, which uses less emotional language but is equally firm in its support of the mocked *anusim*, and strictly reproaches those who ridicule them.⁵⁹⁵ As is typical for the genre of *responsa*, the authors cite a respected halakhic authority – in this case the 11th-century Ashkenazi scholar Gershom ben Judah, who declared the abusing of re-converted Jews a serious religious transgression – and urge the Candiot community to punish the perpetrators following the precedent set by Gershom.⁵⁹⁶ It is worth mentioning that one of the signatures under this letter belongs to Joseph Karo (1488-1575), an important religious thinker of his time, author of the influential halakhic compendium *Shulchan Aruch* and himself a Sephardic émigré.

In accordance with both epistles, TK CXIV, the communal statute itself, addresses the problem with utmost strictness. In their description of the problem, its issuers claim that the guilty members of the community, who are called “wicked men and sinners in the eyes of the Lord, those who sow discord in the midst of our people,”⁵⁹⁷ have not only mocked the former New Christians, but have done so to try to expel them from their new refuge, “to hand them over to the Gentile nations, to let them be burnt.”⁵⁹⁸ Their acts and intentions are declared a “desecration of the Divine Name”,⁵⁹⁹ which is, in the Jewish religious discourse, the gravest category of sin. The statute also claims that in “all holy communities of Israel”,⁶⁰⁰ the punishment for the abuse of re-converted forced apostates is unconditional excommunication.⁶⁰¹ This penalty is therefore introduced in the community of Candia and anyone who ignores the ban is to be condemned in the harshest terms:

[Any transgressor] shall be expelled and excluded from Heaven and from the fellowship of Creation, in this world and in the world to come, and a curse shall be upon him day and night. May the Lord not vouchsafe to forgive him, but

⁵⁹³ “לכם משפט הגאולה, להעלות חימה ולנקם נקם, ליסד בעקברים ובשוטים” *ibid.*, 18-19.

⁵⁹⁴ “שוטים קלקלו בפייהם ובלשונם מבקשי ה” *ibid.*, 19-20.

⁵⁹⁵ The *anusim* are described here as “people who sank in the waters of forced conversion” (אנשים שטבעו) (בימי השמד). In medieval Jewish religious literature, this is a usual reference to forced baptisms.

⁵⁹⁶ See TK CXIII, 20-26.

⁵⁹⁷ “אנשים רעים וחטאים לה’ מאוד מכרעי עמנו” *TK CXIV*, 5-6.

⁵⁹⁸ “למסורם ביד האטמות לשורפם” *ibid.*, 7.

⁵⁹⁹ “חלול ה” *ibid.*

⁶⁰⁰ “בכל הקהילות הקדושות” *ibid.*, 8.

⁶⁰¹ See *ibid.*, 8-9. The punishment is described here as a “complete, gruesome, terrible banishment” from the community (חרם גמור איום ונורא).

banish him from all tribes of Israel in payment for his evil deeds, and may He erase the transgressor's name from the face of the Earth.⁶⁰²

However, no legal action against those who have already committed the transgression is mentioned. The decree was apparently meant as an instrument to renew stability. The prosecution of members of the community was not in the interest of the Jewish elders, however grave their sins and however harshly they were reproached for them.

These three late documents are an especially good example of what could be called the ethos of *Takkanot Kandyah*. It is reasonable to assume that the authors of TK CXIV were careful readers of Elijah Capsali's collection of the communal legislation who saw themselves as his successors as well as the successors of the many generations of Jewish elders before him. In the documents cited in this chapter, we have witnessed a strong continuity: all of them show the determination of the Jewish leaders to shape the life in the community according to their ideas. One of the constant themes is a suspicious attitude to those who are perceived as potentially subversive elements, endangering the cohesion of the community. On the other hand, this suspicion must not be confused with a blind prejudice along quasi-ethnic lines. On the contrary, all of the ordinances try to find a peaceful solution, aiming for integration based on acceptance of common values, as they are interpreted for the community by its leaders.

10.4 Chapter Ten - Conclusion

Read as a coherent collection, *Takkanot Kandyah* is not just an ultimately accidental mass of separate legislative acts. It is more appropriate to approach it as successive and mutually connected chapters of one work of legal literature. This unity must be considered virtual until the point in the early 16th century when Elijah Capsali gave it a physical form. Long before that, however, we can detect a chain of tradition, consisting in the continuous awareness of older legislation and their acceptance as an inspiration and, at times, a direct precedent. Together with this goes the gradual development of distinct awareness of an existing tradition and willingness to exploit it to perpetuate what was seen as the desirable communal order. We have seen that *Takkanot Kandyah* reflects the fragility of the mutual relations between the Candiot Jewish community to the Venetian administration as well as the inner tensions caused by the diversity of the Jewish population. The portrait of the Jewish elders as it emerges from the respective

...יהיה מוחרם ומנודה לשמים ולבריות, בעולם הזה ובעולם הבא, ארור הוא ביום, ארור הוא בלילה, לא יאבה ה' סלוח לו, " 602
"והבדילו ה' לרעה מכל שבטי ישראל, ומחה ה' את שמו מתחת השמים", *ibid.*, 11-13.

ordinances shows them as an ultimately conservative group aware of their own privileged status and determined to maintain it. However, this does not mean that the deep interest in the spiritual wellbeing of the community, proclaimed time and again through the decades, should be understood purely as a disguise of the author's real intention. On the contrary, the examples of general legislative solutions as well as treatments of individual cases show that the status-awareness of the Jewish elders went hand in hand with sincere attempts to maintain inner peace in the community and to find a *modus vivendi* acceptable for all its inhabitants.

11 Conclusion: the ethos of *Takkanot Kandyah*

In this dissertation I have shown that *Takkanot Kandyah* is an internally coherent work of Jewish literature. Within the genre of *takkanot ha-kahal*, the Candiot bylaws stand out as one of the largest collections and give the reader an unprecedented insight into more than three centuries of the Candiot Jews' communal life. This dissertation advocates the view that one of the most valuable aspects of *Takkanot Kandyah* is its portrayal of the community's leadership and the ways in which the Jewish elders promoted their ideas about law and order, while at the same time strengthening their own status. The main objectives of this dissertation can be summarised in the following questions:

Who were the men responsible for the leadership of Jewish Candia and what was the basis of their authority?

How should we interpret the communal leaders' approach towards the various topics and areas of religious and non-religious life of the Candiot Jews?

How did the communal leaders themselves see their role and what were their major concerns in taking responsibility for the behaviour of their fellow Jews?

To what extent does the situation in Candiot Jewish legislation depend on the changing conditions in the various stages of the Venetian period?

A careful investigation of these questions reveals the communal legislative process as a distinctly collective enterprise. The office of constable undeniably carried the highest prestige and the names of various constables stayed in the memory of the Candiot Jews as the principal leaders of the community. Accordingly, the ordinances of *Takkanot Kandyah* often refer to older pieces of legislation as achievements of particular constables: let us think of the mentions of "takkanot of Rabbi Baruch" from 1228 or the list of deeds of eminent past constables which Elijah Capsali compiled in the 16th century as TK XLVI. However, the constable never acted arbitrarily or without regard to the wishes of the Candiot community's other representatives. From the earliest stage on, the ordinances indicate that the constable was always subject to control by his peers and indeed punishable if he failed to follow the decision of the majority.

As important as the collective nature of the communal authority in Jewish Candia was its lay character. This analysis of the communal ordinances has shown how the authority of the

community's leaders was not derived from their status as rabbis, but was based on being respected by the Jewish public as the "eminent members of the community". The Jewish elders were entrusted with office under specified conditions and for a limited period of time. The names of communal councillors that have been preserved show that the Candiot Jewish community was a diverse society in which access to the position of power was not denied to Jews on the basis of their different backgrounds. Nevertheless, there were several long-established families who took part in the communal leadership throughout this period, contributing to the creation of a distinct class of Jewish leaders. A special "place of honour" among the authors of *Takkanot Kandyah* belongs to Elijah Capsali, who recognised the importance of the older communal legislation and decided to build a lasting literary monument to the legal tradition that developed in Jewish Candia.

Although the *takkanot ha-kahal* genre is distinct from the mainstream of medieval and early modern rabbinic literature, the communal legislation clearly reflects the central role of Jewish religion in the life of the Candiot community. The proportion of ordinances that addressed topics of religious significance speaks for itself. Moreover, numerous statutes contained solemn statements showing that the authors perceived their work in the public service as a religious duty, even when the specific actions addressed seemingly secular aspects of life. This sense of obligation, however, existed alongside more circumstantial concerns. The Jewish elders were quick to respond to changing circumstances and would act when necessary to ensure the rule of law (according to their own interpretation and ambitions) was maintained in the community. As I have demonstrated in Chapters Seven and Eight, the religious and non-religious discourses are very finely interwoven in the Candiot bylaws.

One of the most distinctive features of *Takkanot Kandyah* was its strong tendency towards continuity. Until its final chapters, the authors of the various statutes always looked to earlier legislative decrees for inspiration. However, this desire for continuity did not prevent flexibility or a pragmatic approach to the realities of the day. Although most of the ordinances do not contain narrative passages which would set them in their historical context, many of them still reflect the circumstances of their time. This is especially the true in the statutes that strove to balance the perceived bad influence of Jewish newcomers with the desire to create a basic social equilibrium in which the foreign Jews could become an integral part of the Candiot community. The frequency of such cases increased towards the end of the period covered by *Takkanot*

Kandiyah, reflecting the increase of Jewish migration through the Eastern Mediterranean during the 16th century.

In recent years, there has been a commendable increase of scholarly research on medieval and early modern Jewish history and literature in the Venetian Mediterranean. Aleida Paudice and Giacomo Corazzol have focused on the life and historical writings of Elijah Capsali, analysing his historical methods. Corazzol has also conducted extensive research on the religious practice and everyday life of the Jews of Venetian Crete and other colonial possessions in the Levant. Of real value is Rena Lauer's work on Jewish-Christian interactions at the Venetian courts of justice, placing Jewish sources (including *Takkanot Kandiyah*) in dialogue with non-Jewish ones. This dissertation has approached the topic from another viewpoint: rather than using *Takkanot Kandiyah* as a source of historical facts, I present it as a source of information about the realities of communal policymaking and as a means of understanding how the Jewish leaders of Candia perceived their own role. The diachronic perspective of my dissertation has allowed me to approach *Takkanot Kandiyah* as a coherent, logically organised entity. Its pages document the development of the Candiot Jewry into a social and political unit through the creation of an institutional connection between its members, both those born in the community and those who came to live there from abroad. The successive legislative ordinances were a major factor in forming this sense of togetherness, and their record, *Takkanot Kandiyah*, represents its legal framework and maps the actions and aspirations of its creators.

This dissertation has focused on particular aspects of *Takkanot Kandiyah* and mainly studied its role in debate within the community. It is not therefore a comprehensive social history of the Jewish community in Venetian Candia, which would require a systematic comparison of Jewish and non-Jewish legal and literary sources. The ongoing work of several scholars in the field of Eastern Mediterranean Jewish studies has the potential to prepare the ground for such a study, to which this dissertation itself makes a contribution. One of the subjects worth further in-depth study would be the question of how Venetian authorities regulated the legal position and organisation of the Jewish community in Candia and elsewhere in Crete. The "organisational statutes" of *Takkanot Kandiyah*, discussed in Chapter Nine, could provide the Jewish view to contrast with the official Venetian perspective. A further question, which I could not examine fully here, would be how *Takkanot Kandiyah* relates to the Jewish historical writing of the period and what it has to say to the alleged tensions between the "Jewish history and Jewish memory", postulated by Yerushalmi and disputed by later scholars.

My research was motivated by the potential of the Candiot communal ordinances to reveal new information on the relations between members of pre-Emancipation Jewish communities and their representatives. Its size, the long period of time it covers, and the broad range of topics it addresses make *Takkanot Kandiyah* an ideal case study of this question. Although several works addressing non-rabbinic legal discourse in pre-Emancipation Judaism have been published (as discussed in Chapters One and Four), the field remains understudied. To the best of my knowledge, there is as yet no work which would provide a systematic study of the *takkanot ha-kahal*, identifying, classifying and comparing its most important representatives from across Europe and the Near-East. This gap presents a promising avenue for future research, which could lead to the development of an updated and scholarly robust definition of the *takkanot ha-kahal* genre and investigate more fully its position within the discourse of Jewish legal literature.

A year before the publication of the critical edition of *Takkanot Kandiyah*, Joshua Starr wrote that “there would be little value in cataloguing all of the recorded ordinances,”⁶⁰³ It was the ambition of this dissertation to show that a comprehensive view of the corpus of Jewish communal bylaws from Venetian Candia would be a meaningful window on the Jewish past. *Takkanot Kandiyah* is not only a reservoir of historical data, but first and foremost a statement on the leadership of a Jewish community. I have shown how the collection was a multi-faceted work, reflecting ambitions of its authors as well as their concern for the well-being of their fellow Jews. *Takkanot Kandiyah* deserves our attention and appreciation as a unique document on the life in a Jewish community in the medieval and early modern Levant. As such, it is a highly original “self-portrait” of the Candiot Jewish lawmakers and a chronicle of their ideas on the desirable way of leading their people through the changing currents of history.

⁶⁰³ Starr, “Jewish Life in Crete,” 98. However, he highly appreciated the value of *Takkanot Kandiyah* as a rich source of information regarding the history of Jewish Candia.

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