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Disordered Books and Dynamic Archives: Rabbinic Scholarly Practices in Early Modern Ashkenaz

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Abstract: *This article examines early modern learning through Ashkenazic responsa. Beyond explicit evidence from published responsa collections, implicit insights dwell in what these publications lack. These missing features shed light on sixteenth-century scholarly practices. The works' organizational inconsistencies must be understood in context of learned archives. Such an adjustment offers a corrective to the regnant narrative, which views the introduction of print as a sharp rupture from earlier modes of transmission. This article suggests instead that the culture of printed books coexisted with older approaches, and that print was complemented by more disorderly and unconstrained forms of transmission. Comparing rabbinic "paper-ware" with contemporaneous humanist practices highlights the rabbi's working papers, focusing on a culture's dynamic activity rather than its stable output. This shift in perspective allows us to see rabbinic writings not merely as a collection of books but as a mode of scholarship.*

Books of Responsa

Literary products from the past do not always conform to contemporary notions of genre, and actual published works may look nothing like the books we would have imagined based on idealized definitions. This very shortcoming, however, can yield a fuller understanding of the historical significance of these texts.

The present article examines one such genre and its less-than-perfect finished products in the early modern period. Responsa, or *she'elot u-teshuvot* (*ShUT*), are rabbinic discussions (literally, questions and answers) of Jewish religious law (Halakhah). They typically take the form of letters prompted by specific situations such as marriage and divorce, holiday liturgy, dietary laws, or complex financial issues.

Given both its ubiquity throughout the history of Halakhah, from talmudic times to the present, and its straightforward origin—a rabbi replying in writing to questions posed in letters—it is tempting to consider the genre as a self-evident, distinct, and consistent category of halakhic writing. Menachem Elon, for instance, offers this definition: "The term 'responsa' includes all of the recorded rulings and decisions rendered by the halakhic authorities in response to questions submitted in writing."[1] Comparing responsa to common law, Elon calls them

1. Menachem Elon, *Jewish Law: History, Sources, Principles*, trans. Bernard Auerbach and Melvin J. Sykes (Philadelphia: Jewish Publication Society, 1994), 3:1454.

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"Jewish case law,"[2] the legal products of "real events."[3] Books of responsa, which collect these writings beyond their initial moment of creation, are likewise described as a discrete and obvious genre of rabbinic literature. Elon regards such collections as the halakhic equivalents of common-law reports.[4]

In reality, however, many responsa collections resisted conforming to any such straightforward characterization. From the Middle Ages until at least the end of the seventeenth century, especially as they materialized in early modern Ashkenaz, works of responsa were far less ordered and clear-cut products than we might imagine. The contents of the works diverged from the genre that these books were, ostensibly, meant to encompass, and the author to whom they were ascribed. They were poorly structured, barely arranged, and haphazardly edited. Elon declares the absence of redaction in sixteenth-century Ashkenazic collections of responsa, together with the "complete lack of system in the arrangement of the responsa" as one of the genre's "problems,"[5] noting that this situation improved only after the sixteenth century.[6] Shmuel Glick, who recently created a bibliography of responsa, was similarly confounded by the ways these works seemed to elude clear generic categorization: "We deliberated immensely regarding the definition of books that deserve to be called 'works of responsa,' and it is questionable whether one can even arrive at a clear-cut definition," he writes.[7] Glick observes that what qualifies as a "work of *ShUT*" is "essentially a subjective decision."[8] Thus, a genre that at first glance appears rather straightforward turns out to have generated books that do not neatly match up with its definition. Perhaps more surprising, authors and editors seemed not to have invested much effort in shaping responsa collections to fit such definitions.

Yet this "problem" for the contemporary bibliographer or legal scholar can be a great boon to the historian. Precisely those discrepancies between ideal definitions of the genre and its real, historical products disclose a great deal about the rabbinic culture in a particular time and place. Our expectations of literary works—shaped as they are by socially and culturally established behaviors and technological possibilities and limitations—are products of our historical context.

As a product of a particular intellectual culture, the very concept of genre—our expectations of what defines a type of literature—is influenced by material and technological conditions, social and cultural practices surrounding the literature, and the contingencies underlying this form of writing. What appears disorderly and abnormal to our eyes, is in fact commensurate with the reality of

2. Ibid., 2:976.

3. Zacharias Frankel, *Entwurf einer Geschichte der Literatur der nachtalmudsichen Responsen* (Breslau: Grass, Barth, 1865), 6–7. Frankel defines responsa as a form prompted by a "real occurrence."

4. Elon, *Jewish Law*, 3:1467 and 2:976.

5. Ibid., 3:1517–21.

6. Ibid., 3:1522.

7. Shmuel Glick, *Kuntres ha-teshuvot he-ḥadash: A Bibliographic Thesaurus of Responsa Literature Published from ca. 1470–2000* (Ramat Gan: Bar-Ilan Law Library Press, 2006), 1:82–83.

8. Ibid.

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sixteenth-century responsa collections in the Ashkenazic cultural realm. Conventions for this genre did not originate from the world of published books, but from vigorous antecedent scholarly practices. The characteristics that seem peculiar for responsa collections as a genre of printed books thus open a window onto the scholarly environment from which these texts emerged.

Far from posing an epiphenomenal "problem," then, the disorganized nature of printed responsa in the early modern period clarifies essential characteristics of rabbinic scholarly culture, including practices for composing, keeping, sharing, and consulting texts. In the second half of the sixteenth century, print was already ubiquitous, but not yet the sole or even dominant mode of textual circulation; manuscript culture still flourished. The works of responsa examined in this article are the products of this remarkable moment of transition: a scholarly culture still profoundly ensconced in manuscript practices ushered some of its manuscripts directly to print without much editorial intervention, despite the appealing avenues for editing that this new technology offered. What we perceive as deficiencies in the printed products of this transitional phase turn out to offer a valuable glimpse into its dynamic scholarly culture.

The present article first examines three works of sixteenth-century Ashkenazic responsa, including their peculiarities and ostensibly problematic characteristics. Second, the article introduces the context of scholarly practices related to letter writing and learned archives in early modern Europe, explaining the peculiar characteristics of the responsa collections in the context of similar rabbinic practices. The conclusion homes in on this moment of technological transition, highlighting manuscript practices that persisted into the early modern period and left their traces on printed responsa collections.

To examine scholarly practices surrounding early modern responsa, both in their epistolary and postepistolary lives, is to widen our comprehension not only of this halakhic genre, but more generally of intellectual culture in the century between the 1550s and the 1650s. The imperfections in these responsa collections prompt us to reconsider notions of order and disorder, and to appreciate the *process* of scholarship as distinct from its final *product*. That process, as we will see, bears a richness and dynamism that exceeds the confines of printed books.

Sixteenth-Century Ashkenazic Responsa: Print and Peculiarities

Among the three works of responsa written and published in eastern Europe in the sixteenth century, two were printed close to the author's death, and one only many decades later.[9] The responsa of Rabbi Shlomo Luria, also known by his

9. As this article examines the overlap between scholarly practices and printed works during the transition between manuscript culture and the beginnings of scholars printing their own works, only responsa from rabbis who lived during this moment are considered. Works of responsa printed in the Ottoman Empire (see in notes below for some examples) are beyond the scope of this study, especially since Hebrew printing in the Levant developed at a very different pace from its geographical

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acronym Maharshal (1510 – ca. 1574), were printed within about a year of his passing by Klonimus, son of Mordekhai Yaffe, in Lublin, where Maharshal had been the rabbi. The printing of a collection of some eighty responsa by Rabbi Yosef Katz (ca. 1511–1591), *ShUT She'erit Yosef* (The remnant of Joseph), commenced about a year prior to his death at the Prostiẓ press in his hometown, Cracow. Finally, the responsa of Rabbi Moshe Isserles (ca. 1530–1572), known by his acronym Rema,[10] were not printed until 1640. This collection, titled *ShUT Rema*, was brought to the Meisels press in Cracow by Rema's nephew. In each of these works, responsa appear as a series of successive entries, numbered by the letters of the Hebrew alphabet. All three works display various degrees of disorganization.

None of the three are limited to material from the author whose writings the book purports to collect. Each includes material unrelated to halakhic responsa. Moreover, each is haphazardly arranged, difficult to navigate, and unevenly edited. Some of these shortcomings trace back to the authors, while others resulted from the publication process. These characteristics hint at how rabbis initially created, shared, and kept these writings, and the state of these writings on the threshold of print. The works also furnish an understanding of how scholars, publishers, and readers at the time perceived responsa, as well as their expectations for the genre (how they deemed printed responsa ought to look).

Let us first consider the boundaries of these works—what they include and exclude. As mentioned, the works of responsa do not exclusively contain writings from the author whose name graces the title page. In Rema's responsa, almost a third of the collection was not penned by the author.[11] Nor, despite the name "responsa," are all entries in these books prompted by questions. In Maharshal's book, for instance, many entries include no question at all; lacking the heading *she'elah* (question), these entries launch into a discussion preceded only by the section number.[12] Other entries do not derive from correspondence, lack particular addressees, and sometimes include testimonies or declarations of innocence.[13] One entry which lacks a question, for instance, includes a list of laws introduced simply as: "The laws of Hanukah in brief, from my big work called *Yam shel Shlomo*."[14] A similar entry listing Passover laws is inexplicably followed by a riddle of

environment. Since, at the time, there was no print industry in the Ottoman Empire other than Hebrew printing, no larger infrastructure for production (materials, technology, labor) and sale (shipping, networks) existed outside the Jewish world. Ottoman Hebrew printing therefore developed in a less stable and more precarious fashion than its European counterpart, which benefited from a much larger and well-established surrounding infrastructure. See Joseph Hacker, "Authors, Readers and Printers of Sixteenth-Century Hebrew Books in the Ottoman Empire," in *Perspectives on the Hebraic Book*, ed. Peggy K. Pearlstein (Washington, DC: Library of Congress, 2012), 17–65.

10. Rema's birthdate is believed to be around 1530. See Asher Siev, *Rabbi Moses Isserles (Ramo)* (New York: Yeshiva University Press, 1972), 12.

11. Roughly 40 of the 132 entries.

12. Shlomo Luria, *ShUT Maharshal* (Lublin, 1574–75), §37, 18, 19, 20, 21, and many others.

13. Moshe Isserles, *ShUT Rema* (Cracow, 1640), §13, and Luria, *ShUT Maharshal*, §33.

14. Luria, *ShUT Maharshal*, §85.

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Maharshal's invention.[15] Elchanan Reiner describes the work as follows: "As was accepted in responsa books of the time, it included materials related to various stages of the author's life, and encompassed texts and documents with different characters, of which only some fit the definition '*teshuvah*' or '*teshuvat-she'elah*,' meaning correspondence about explicitly halakhic questions between two or more rabbis."[16] Although R. Katz's responsa are overwhelmingly answers to questions, the collection's contents are far from homogeneous. *ShUT She'erit Yosef* (the responsa of *She'erit Yosef*), as it is commonly called, is not the work's complete title. The title page reads: "The responsa and explanations on the *Mordekhai* … and on the *Tur* … clarified and glossed by Rabbi Yosef Katz, also known as *She'erit Yosef*."[17] This more convoluted title accurately reflects the work's variety: its eighty responsa are followed by assorted glosses and explanations of two halakhic works: *Mordekhai*, a thirteenth-century compilation, and *ʾArbaʿah turim*, a fourteenth-century code. It is thus not solely a collection of responsa, nor even a collection of responsa with some appendices; fully a third of the book consists of nonresponsa material.

Many sections of *ShUT Rema* are clearly based on actual letters. For instance, Rema forwarded a responsum to Rabbi Meir Katzenelbogen (a.k.a. Maharam of Padua, ca. 1482–1565), mentioned the latter's reply to the missive, and copied his approving remarks in a postscript.[18] Other entries, however, seem more akin to court notes or diary entries.[19] Some material included in responsa collections is left entirely unexplained. The last entry of Maharshal's work[20] concludes with a threefold repetition of *tam* (finis) on one line halfway down the page. Before the last reiteration of *tam*, two words—*simanei dinim* (signs of laws)—introduce a five-and-a-half-page list with summaries of halakhic points and source references. The rationale of the list or its relationship to the rest of the book is unclear,[21] and subsequent editions omit it.[22] Thus, though these books' titles each begin with the word "responsa," they include copious entries devoid of the questions and answers that define the genre.

A lack of unity is evident not only in the contents of these works, but also in their arrangement, preparation, and structure. In some entries, the salutations,

15. Ibid., §86.

16. Elchanan Reiner, "Lineage and Libel: Maharal, the Beẓalel Family, and the Nadler Affair," in *Maharal: Overtures—Biography, Doctrine, Influence* [in Hebrew], ed. Elchanan Reiner (Jerusalem: Merkaz Zalman Shazar, 2015), 110.

17. Yosef Katz, *ShUT She'erit Yosef* (Cracow, 1590), title page:
שאלות ותשובות וביאורי׳ על המרדכי … ועל טור חשן המשפט: אשר אזן וחקר ותקן הגאון … זצ״ל יצ״ו ונקרא בשם שארית יוסף

18. Ibid., §48.

19. Such as ibid., §29: "The aforementioned rabbis disagreed on one more thing regarding the sukkah."

20. Luria, *ShUT Maharshal*, §101.

21. It is difficult to discern any overt connections between this list and the responsa. Only in rare cases does material from the list appear in the responsa (e.g., the last lines on the list's first page appear in §11).

22. Despite its elaborate footnotes, the most recent edition of *ShUT Maharshal* (Jerusalem: Zikhron Aharon, 2019) includes the list, but provides no explanation of its purpose.

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signatures, and names of the addressees have been removed, and identifying details obscured for publication; in others, these elements remain. As was the convention, many questions used generic or biblical personal and place names to replace real names and locations.[23] But such interventions are inconsistent, and numerous sections preserve identifying details.[24] Nor do the responsa follow a prescribed order. In *ShUT Maharshal*, discussions of inheritance, holidays, and burial—to name some examples—reappear in no particular order, without attempts to group similar responsa together.[25] The work lacks even a rudimentary thematic organization, such as a division based on the four main divisions of Halakhah known from the fourteenth-century code *ʾArbaʿah turim* (civil law; ritual law; time cycle; family law). Even where responsa with related contents appear in succession, the succession is often associative rather than thematic.[26]

R. Katz's responsa do demonstrate some degree of consistency and unity at the level of formatting. Almost all personal names have been removed, and the questions and salutations emended.[27] R. Katz himself appears to have paraphrased and reported, or at least to have consistently provided one-line introductions to most entries. Nearly every entry is introduced by a variation on these formulas: "a question from the holy community,"[28] "I was asked,"[29] "this is what I responded,"[30] "a question from,"[31] "before us came,"[32] "we were asked to judge,"[33] "a thing that occurred."[34] In one case, he describes a halakhic question and adds, "I have been asked concerning this several times."[35] A glance at the book

23. Luria, *ShUT Maharshal*, §1, for example.

24. For example, §14 mentions Plevna; §19 involves a Moshe ben Eliezer; §89 contains several full names; §11; §19; §20; 21; §33; §59, about a scandalous proposal to a respectable woman mentions names and the proposal, verbatim.

25. The few explicit dates are insufficient to establish a chronology of the work. The earliest date (1546) comes first, the latest (1572) last; intervening decades are generally chronological. The scarcity of dates, however, precludes discerning any temporal order. §4:1546/7; §8:1554; §12, Reiner dates to about 1546; §20:1559; §24:1551; §35:1547; §96:1569; §101:1572.

26. For instance, §81–82 address the time span between evening prayers and nightfall. Standard halakhic divisions, however, would not have placed these questions in one category, as their main concerns are unrelated. Furthermore, another entry concerning a similar time frame was not placed with those two. Two consecutive sections, §53 and §54, deal with the summer mourning period; if thematic connections were respected, §53–54 could have been placed with §31–32, which deal with Tisha be-'Av. The cluster §84–89 contain *sedarim* (orders), which do not follow the question-and-answer format. On thematic versus topical organization see Ann Blair, *The Theater of Nature: Jean Bodin and Renaissance Science* (Princeton, NJ: Princeton University Press, 1997), 78. Blair notes that Bodin's decision to organize his *Theatrum* in a flexible question-and-answer form combined both modes.

27. Katz, *ShUT She'erit Yosef*, §36, §4, and §71 are exceptions.

28. Ibid., §3, 33, and more. "שאלה מק"ק"

29. Ibid., §20, 22, and more. "נשאלתי"

30. Ibid., §24, 25, and more. "זה השבתי ל"

31. Ibid., §26, 27, and more. "שאלה מ"

32. Ibid., §15, 16, 39, and more. "בפני … נתעצמו בפני … בפנינו"

33. Ibid., §38, 43, and more. "הוברר לדון … זאת לדעת שבא לפנינו"

34. Ibid., §35, 23, and more. "מעשה"

35. Ibid., §74. "וכמה פעמים נשאלתי על זה"

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as a whole, however, shows the limits of its editorial consistency. The responsa exhibit no clear order in their overall organization. For instance, no effort is made to gather together numerous questions concerning *ḥaẓi-ḥelek-zakhar* (a document ensuring inheritance for daughters).[36] The vast majority of responsa deal with monetary conflicts, such as contracts, inheritances, wills, and other financial disagreements, with a smaller number devoted to other matters. But the responsa were not even systematically separated according to that general division.

Nor does *ShUT Rema* adhere to any overarching structure or pattern. Some clusters are related to one another; for instance, §3–9 all belong to correspondence with Maharshal,[37] but additional instances of their correspondence appear separately. The earliest responsum is among the first entries, while the latest dated responsum is the final entry,[38] but between them the responsa are ordered neither chronologically nor thematically.[39] The work contains responsa neither composed by Rema nor addressed to him; they were likely found among his letters and included accidentally.[40] A later hagiographer assessed that these responsa were "probably found among Rema's writings … and [the printers] thought that it is by Rema and printed it."[41] The book most resembles a letter collection in which units of correspondence—not topics, or even addressees—constitute an inconsistent thread. The letters were probably printed as they were kept—roughly in order of receipt.

Such disorganization in both content and structure could have been remedied either by the authors (as they collected and preserved their responsa) or by the publishers. Yet the editorial intervention in these works was haphazard, at best. One of these organizational contributions are the finding aids. Tables of contents present an overview of the topics discussed in the collections and the order in which they appear. Indexes, which arrange entries by topic rather than in order of appearance, represent how editors and publishers expected responsa to be consulted and read, and the degree of organization they considered necessary.

36. Ibid., §1, 2, 8, 35, 37, 62, 67, 74. On this document, see Edward Fram, *Ideals Face Reality: Jewish Law and Life in Poland 1550–1655* (Cincinnati, OH: Hebrew Union College Press, 1997), 81–95.

37. In ibid., §3–9, and §12–16 all the material forms a discrete unit.

38. The earliest dateable responsum stems from 1550; the latest from 1571, shortly before Rema's death. See Siev's introduction to Isserles, *ShUT Rema*, ed. Siev, 29.

39. For instance, two responsa about the same issue are separated by one unrelated responsum. Rather than placing them together, the table of contents merely mentions that §26 is "some more about the issue … above, which is in §24" (Isserles, *ShUT Rema*, 2b). That same topic reappears in §69—the question is even prefaced by the remark that "this responsum is related to responsum §24 above, which also discusses this issue" (ibid., §69); §24 of the table of contents mentions that the topic is discussed in §69, but under §26, dealing with the same topic, only §24 is mentioned. §69 mentions that this topic is discussed elsewhere but provides an incorrect reference.

40. For example, §25 was written by Rabbi Israel Shakhna to Rabbi Moshe ben Meshulam from Italy. The publishers, noticing the addressee "Rabbi Moshe," assumed this was Rema and mistakenly placed it in the collection. See also Isserles, *ShUT Rema*, §25, §62, ed. Siev, 147n30–32.

41. Efraim Zalman Margaliot of Brod (1762–1828), *Maʿalot ha-yuḥasin* (Lemberg: Rohatyn, 1900), 2:

כפי הנראה נשלחו תשו' אלו ליד הרמ"א ונשארו בין כתביו והיו סבורים שהוא תשו' להרמ"א וכן … ונדפסו.

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Additionally, the choice of categories and particular descriptions of entries identify issues publishers considered the most salient.

The incomplete, inconsistent index in Maharshal's responsa collection only underscores the book's profoundly miscellaneous nature. The index leaves out some responsa,[42] and lists others repeatedly.[43] Many details in the index seem superfluous.[44] Organized by topical headings such as "Sabbath Laws," the index provides short descriptions of the relevant responsa and references to their section number. These descriptions are sometimes reformulated from specific cases into more general terms, indicating more editorial intervention.[45] More often, however, the case-specific descriptions are formulated exactly like the responsum itself. One question, for example, regards travelers' practice of washing their hands in the morning in order to exempt themselves from additional ritual hand washing.[46] Instead of presenting the topic generally, the index reads: "Travelers who are accustomed to be lenient regarding hand washing and wipe them on grass, etc." By comparison, a recent edition uses general terms: "Whether travelers are allowed to stipulate a condition in the morning so as not to wash their hands all day."[47] The index also features outright mistakes—some subtle,[48] others less so. Some entries feature the word "section" but omit section numbers.[49] The entry concerning "whether a sick person may solicit magicians" is placed under the heading "Laws of Interest."[50] The index's unevenness mirrors the work's general lack of organization, unity, and structural coherence.

ShUT She'erit Yosef features a table of contents but no index at all. Two consecutive entries in the work are labeled §32, and the table of contents, a basic list of the responsa in their order of appearance with short descriptions, simply lists §32 twice, adding folio numbers.[51] Four responsa were added at the last moment and

42. For instance, §29 is not mentioned, as it concerns a nonhalakhic topic and would not fit in the index; §18, however, would fit among Shabbat laws but does not appear, nor do §45 and §56.

43. For example, §6 is mentioned twice under "Laws of Menstrual Impurity."

44. For instance, an entry under "Marriage Laws" contains a convoluted three-line account about a runaway husband, which could easily have been described in one line. "One from our country who was married … and went to the land of Togra (Turkey) and remarried, and it became known to the sages who were there, and they decreed."

45. For example, question §77 is: "I was asked by a blind person whether he must light Hanukah candles," whereas the index uses a general formulation: "A blind person, whether he makes the blessing on the moon and the luminaries, and whether he is commanded to light Hanukah candles."

46. Luria, *ShUT Maharshal*, §94.

47. Luria, *ShUT Maharshal* (Jerusalem: ʾOẓar Ha-sefarim, 1969), 10.
אם מותר להולכי דרך להתנות על הידים בשחרית שלא ליטול ידים כל היום.

48. Ibid., 2a, for example, mentions that §46 deals with similar issues. It should have been §51.

49. Ibid., 2b, omitting §68.

50. That mistake may derive from the order in *ʾArbaʿah turim*, *Yoreh deʿah*, where interest is discussed right before laws of "non-Jews and witchcraft."

51. The first §32 reads: "§32, folio 44, regarding a testimony," whereas the next one reads "§32, folio 47, two people." Katz, *ShUT She'erit Yosef*, table of contents, 2b; §68 is misnumbered as §71. The line between §67 and §69 in the table of contents lacks a section number, providing only page and (incorrect) folio location (it starts on p. 75a, not d).

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appended, in full, to the table of contents, probably because that section was the last to be printed. (These four responsa are, however, not listed as entries in the table of contents itself.) Even the number of responsa in a collection was unstable.[52]

ShUT Rema bears three traces of editorial intervention: its parenthetical remarks, table of contents, and strategic omission of some responsa. It is not clear who created the references,[53] which provide sources, clarifications,[54] and internal cross-references.[55] Ostensibly, such referencing indicates a strong editorial vision. Yet these remarks—riddled with discrepancies, omissions, and mistakes[56]—lend the work little in the way of structure or unity.[57] The table of contents, similarly error riddled, simply lists sections with cursory descriptions. Equally curious is the editorial decision not to print responsa that had a parallel in *ShUT Maharshal*. Although the responsa in question were omitted, the section number and sometimes a description remained, followed by a reference to that section in Maharshal's book. Puzzlingly, the editor maintained empty section numbers from *ShUT Rema*'s absent responsa and kept the numbering, rather than simply tallying anew.[58] Omissions and their location in *ShUT*

52. Since not all copies contain these additional responsa, it is likely that the work was already being distributed when the additional responsa were printed. While all copies I have seen contain these responsa, Yiẓḥak Rivkind mentions that some copies lack them; see "Dikdukei sefarim" in *Alexander Marx Jubilee Volume: Hebrew Section*, ed. Saul Lieberman (New York: Jewish Theological Seminary of America, 1950), 401–32 (see 422–23 for mention of the copies missing this addition).

53. Perhaps it was the same anonymous person who did so for Rema's *Mapah*, printed by Prostiẓ, 1607, which first appeared with such references, similarly in parentheses and cursive. Rema himself explicitly wrote that he did *not* provide references. They first appear in the 1607 edition and are mentioned in its introduction. Meisels's press replaced Prostiẓ in Cracow around 1630, taking over much of their typographic material and employees. Chaim Ber Friedberg, *History of Hebrew Typography in Poland* [in Hebrew], 2nd ed. (Tel Aviv: Baruch Friedberg, 1950), 27. Possibly, they "inherited" Rema's manuscripts or copies thereof. See *Shulḥan ʿArukh Friedman Edition*, *ʾOraḥ ḥayim* (Jerusalem: Makhon Yerushalayim, 1994), 1:35–36; see also Ḥayim Shlomo Rosenthal, introduction to Moshe Isserles, *Darkhei Moshe ha-shalem*, ed. Ḥayim Shlomo Rosenthal (Jerusalem: Makhon Yerushalayim, 1979), *Ḥoshen mishpat*, 19–34; and Siev, introduction to *ShUT Rema*, ed. Siev, 18–20.

54. For instance, Isserles, *ShUT Rema*, §6, 15a; §17 includes testimony about adultery. Throughout the discussion, original sentences from the testimonies appear in Yiddish.

55. For instance, ibid., §26. Rema writes that he has already "answered my part in this," i.e., that he has previously addressed a responsum to this issue. The reference to that responsum (§24) appears in parentheses.

56. Some remarks appear in the first person, e.g., ibid., §7: "In any event, my proofs are not rejected," and, in parentheses after "proofs" is added "(those that I wrote at first)." Thus, Rema himself wrote this remark on his copy of the responsa. Other first-person remarks, however, adopt an editorial voice, such as before ibid., §5: "This responsum was already printed in *ShUT Maharshal* … therefore I shortened the responsum … only [I included some of it] to append the ending, which was not printed there."

57. See also Siev, introduction to *ShUT Rema*, ed. Siev, 20.

58. For example, in Isserles, *ShUT Rema*, §60, one reads only the statement: "60, already printed in the *ShUT Maharshal*, §50." Similarly, ibid., §61, merely mentions that this responsum was printed in Maharshal's collection, sending the reader not only to the relevant responsum in that work but also to a related responsum in *ShUT Rema* itself. It would have made more sense to place

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Maharshal were provided both in the table of contents and again in the body of *ShUT Rema*, next to the number where they should have appeared. Yet these references in the table of contents do not always match those in the book itself.[59]

Countless additional signs of disorganization render the very contents of the work confounding.[60] One instance of correspondence with Maharshal is made nearly incomprehensible by its esoteric subject matter and missing parts. The collection reproduces strongly worded but halakhically irrelevant insults that Rema and Maharshal hurled at one another. Maharshal kept his own copies of this correspondence, which were not included in his printed responsa.[61] If publishing these letters in *ShUT Rema* resulted from a conscious editorial decision,[62] why refrain from printing the missing letters, which could have clarified matters? More likely, the publishers simply printed whatever was at hand without much premeditation. In short, *ShUT Rema* was printed as a loose collection, with hardly an attempt at shaping it in accordance with any discernible organizing principle. Even several decades into the seventeenth century, its publishers saw no need to improve the cohesion and organization of this work.

Inconsistent attempts at fashioning unified, structured books out of these writings—whether on the part of author or publisher—reveal important clues about the conditions in which responsa were preserved and the expectations that governed their publication. For one, the disorder reflects an inherent difficulty of properly organizing responsa that both address specific cases replete with unique particulars and details and require the respondent to bring variegated halakhic sources to bear on those cases. Yet this difficulty alone does not render a more thorough organization of the works completely impossible.

Indeed, just such a thoroughly edited, supremely organized, highly consistent, and well-unified book of responsa was printed as early as 1519, in Venice.[63] *Terumat ha-deshen* (Offering of the ashes) by Rabbi Israel Isserlein was the first fifteenth-century Ashkenazic work of responsa to be printed in the sixteenth century. *Terumat ha-deshen* contains only material in *ShUT* format, all from a single author. Each entry features one (and only one) distinct question, clearly separated from the response. The work bears a title (in itself atypical for responsa in

the whole remark next to the existing responsum, rather than in an empty entry! Moreover, the reference is incorrect.

59. For instance, §4 is omitted, because it appears in Luria, *ShUT Maharshal*, §49. The table of contents, under §4, provides the correct reference, but the body of the work sends the reader to *ShUT Maharshal*, §91. §18 was omitted because "it is printed in the responsa of Rabbi Luria, §11." Isserles, *ShUT Rema*, table of contents, 2b. Rema's contribution appears in §21, which is confusingly described as "response to the *gaon*, the author, about dipping in the ritual bath … which is in the responsa of Rabbi Luria §6, and it was not printed there." The description in the body of *ShUT Rema* is clearer: "The topic of this question is written in the responsa of Rabbi Luria §6, but this responsum [§21] is not printed there." Isserles, *ShUT Rema*, §21.

60. The answers in §95, for instance, address questions posed only in §113.

61. He cites both his and Rema's earlier letters in later writings throughout §5–7.

62. Perhaps the publishers thought it acceptable to print after the death of both correspondents.

63. Daniel Bomberg's press in Venice printed this work and the responsa of Rabbi Joseph Colon in the space of about two months.

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this time and place), the numerical value of which hints at the number of responsa included (*deshen* has the numerical value 354), thus giving the book defined boundaries and unifying its content as encompassing only the 354 responsa promised in the title. The editor of the printed edition arranged its entries by subject and added a table of contents that, thanks to the topically ordered responsa, doubles as a topical index.

Few other responsa collections published in the next two centuries would exhibit this degree of editing. Manuscript research suggests that even before it came to print, *Terumat ha-deshen* was far better edited and organized than any contemporary responsa collections. Apart from the work's topical arrangement, which came later, its features (the limitation of the book to responsa; the consistent separation of question from answer; the stylistic and linguistic uniformity; the precise number of responsa; and the corresponding title) all appear to date from the author's lifetime, and were most likely added by R. Isserlein himself.[64] So extraordinary is *Terumat ha-deshen* that the work was later often considered inauthentic precisely *because* of those features. Many suspected that the author had composed his own questions rather than answering genuine correspondents seeking his counsel.[65] In other words, such a high degree of organization was both feasible and atypical.

Nor can it be said that sixteenth-century Ashkenazic authors were oblivious to conventions of printed works. Maharshal was aware both of the pitfalls of print and of the paratextual work necessary for successful print publication. He lamented that his students were easily swayed by printed works.[66] Despite these misgivings, Maharshal prepared his own works for eventual printing. Maharshal had written and revised an introduction for his magnum opus, *Yam shel Shlomo* (first printed in Prague in 1616). Ahead of printing the work, he had also sought out *haskamot*—approbations from fellow rabbis, which functioned simultaneously as advertising, endorsement, and copyright protection.[67]

64. See Edward (Yeḥezkel) Fram, "ʿAl seder ha-teshuvot ba-mahadurah ha-mudpeset shel sefer Terumat ha-deshen," *ʿAle sefer* 20 (2008): 81–96; Pinchas Roth, "Ha-siman he-ḥaser be-sefer Terumat ha-deshen," *ʿAle Sefer* 21 (2010): 179–81; Moshe Friedman, introduction to *Terumat ha-deshen*, ed. Moshe Friedman (Jerusalem: Makhon Shlomo, 2016), 119–23.

65. Shabbetai ha-Kohen, *Siftei kohen*, *Yoreh de'ah*, §196:1.

דהלא נודע שהשאלות שבתה"ד עשה מהרא"י בעל התשובות עצמו ולא ששאלוהו אחרים כמו בפסקי כתביו.

See also ibid., §196:20; David ha-Levi, *Turei zahav*, *Yoreh de'ah*, §328:2; Yoel Sirkis, *Bayit ḥadash*, *Yoreh de'ah*, §196.

66. "I had to explain this at length for my students because they already found [a wrongful explanation] … in a book with an iron pen [a printed book], and it is hard for them to separate from this."

הוצרכתי להאריך בעבור התלמידים לפי שמצאו דברי מהר"ר איזיק שטיין כבר בעט של עופרת בספר וקשה להם לפרוש מאתו.

Shlomo Luria, *ʿAmudei Shlomo* (Pillars of Shlomo) (Jerusalem: Makhon Shlomo Auman, 1993–1996), 3:180, under *ʿasseh* (positive commandment) 50 §3. He is referring to the work of Rabbi Yiẓḥak Stein (ca. Nürnberg 1430 – Regensburg 1495). His *Bi'urim* (Commentaries) on Rabbi Moshe of Coucy's thirteenth-century *Sefer miẓvot katan* (Small book of commandments) were printed by Bomberg together with that work in Venice in 1547.

67. One version was printed with tractate Ḥullin, the other with tractate Bava Kamma. See Luria, *Yam shel Shlomo* on tractate Ḥullin, introduction. See Fram, (untitled, forthcoming), chapter

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R. Katz had earlier directed the publication of a fourteenth-century Ashkenazic manuscript known as *Sefer ha-ʾagudah*, by Rabbi Alexander Zuslein Hacohen. In his introduction to this work's first printed edition (Cracow, 1571), R. Katz reveals his close acquaintance with the organizational and practical considerations of print publication. He praises the work's combination of brevity and comprehensiveness, and lauds the way it touches on all sections of Halakhah, including those habitually neglected, thus maintaining the full configuration of the legal corpus. He calls the book unique for being "spread over the entire Torah,"[68] rather than treating select topics, and remarks that the work would have been forgotten had it remained in manuscript.[69] He describes in detail the manuscript's dismal state and his desperate search for other copies from which to correct his exemplar. He adds both a table of contents, "as is the custom in all books," and a topical index, which he calls "a new thing."[70] His familiarity with the realities and complications of printing are displayed when he complains that the many additions he had hoped to print were abandoned, "because … the workers of the labor of print are rushing to say, 'Cease your activity.'"[71]

Of the three authors, Rema displayed the greatest sensitivity to the importance of print. First, in an earlier work, he consciously decided to follow the pattern of a known book's popular printed edition, so as to be more accessible.[72] Second, his fateful decision to insert his glosses to the *Shulḥan ʿarukh* (Set table), Rabbi Joseph Karo's seminal halakhic codification printed in the 1560s, was no doubt prompted by that work's widespread reception in print. Despite recognizing the potential of print, and despite his explicit wish to print *Darkhei Moshe* in full, Rema exhibited no plans to print his responsa.[73] They remained in his archive, to be printed decades later, roughly as they were found.[74]

2, who suggests that these approbations, which were eventually printed with another work of Maharshal's, had been intended for *Yam shel Shlomo*.

68. Alexander Hacohen, *Sefer ha-ʾagudah* (Cracow, 1571), introduction:
איך אסף בקיצור נמרץ ישנים גם חדשים מכל … אחריו לא נמצא ספר מפורס על כל התורה.

69. Ibid., continued: לכן אמרתי ויהי מה אעסוק במצוה זו שלא יבוא ספר המפואר הזה כמעט לידי גניזה.

70. Ibid., continued: ב׳ מיני סימנים … הא׳ … כנהוג בשאר הספרים … ועוד נמצא בו בהתחלה דבר חדש.

71. Ibid., continued: כי פועלי הדפוס אצים לומר כלו מעשיכים.

72. Rema's *Torat ḥatat* deals with *Shʿarei Dura*, a medieval work that existed in many editions. Realizing that most readers in his day had the printed *Shʿarei Dura*, Rema consciously followed the order and division of sections as found in a specific printed edition (Venice, 1547–48). See David Dvelaitzky, introduction to Yiẓḥak Düren, *Shʾarei Dura*, ed. David Dvelaitzky (Bnei Brak: Elon, 2016), 22n124.

73. In the introduction to Isserles, *Mapah*, an abridged version of *Darkhei Moshe*, he adds, "and I hope, by God, that my longer work [*Darkhei Moshe*] will also be published." The publishers of the responsa also express hopes at publishing *Darkhei Moshe*, as the following statement in Isserles, *ShUT Rema*, introduction (not paginated, emphasis mine) indicates: "If he who awakens to help sees that he desires the *Torah of Moshe*, he should shed from his money and expenditures to lead you also in *the ways of Moshe* (*Darkhei Moshe*)."

74. When the book was finally published, the foreword briefly mentions the responsa before discussing the still-unpublished *Darkhei Moshe*, thrice mentioned in larger type. Perhaps even in 1640 the responsa were published mainly to attract investors to print *Darkhei Moshe*.

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In sum, given their familiarity with print, these authors could have fashioned from their responsa a more organized and unified product. There emerges a prevailing sense that neither author nor publisher was concerned with shaping these collections into structured, unified works. For all their inadequacies and imperfections, these works are, I suggest, in fact quite typical—not only for works of responsa in this time and place, but for early modern scholarly culture tout court. Rather than seeing these responsa collections as flawed, in light of our contemporary expectations, we can regard these works as perfect representations of responsa in their early modern context, dynamic components of its scholarly culture. To see how this is so, we may examine the production of responsa collections in the context of their material composition, creation, and practices.

Scholarly Practices

Our expectations of literary genre hew closely to an intellectual milieu's regnant scholarly culture, accepted practices, and available technologies. Rather than begin from an idealized notion of responsa books as finished printed products, let us consider the context in which these rabbis worked, the material conditions of their writing, their scholarly culture, and its practices relating to letters and erudite archives. A familiarity with that context makes the many peculiarities and imperfections of printed responsa appear far less jarring.

Seeing as responsa often originated in rabbinic letter writing, the world of letters and personal archives of the surrounding erudite culture forms an appropriate context. Early modern epistolary culture benefited from improved transportation and mail networks, as well as the cultural cachet that Renaissance scholars accorded newly rediscovered Latin letter writers like Cicero. Writing letters gave scholars a practical way of sharing knowledge, a tool to boost one's reputation by displaying erudition, and a crucial medium for the expansion and cohesion of a learned republic that crossed geographical boundaries. Elaborate letter-writing practices included sending one copy to the recipient (usually the neater copy, created by a professional scribe), while keeping the messier original for one's own records.[75] Rema's responsum to a student states: "All my words are copied letter by letter from the body of my writing, because the burden of writing everything twice is heavy for me."[76]

A variety of material and social practices determined how letters were stored. Peter Stallybrass "reads" a sixteenth-century portrait by Jan Gossaert of an Antwerp merchant surrounded by paperwork to illuminate how documents were organized and kept.[77] Early modern merchants filed and organized their correspondence by pinning or stringing it together, sometimes hanging it on a wall.

75. James Daybell, *The Material Letter in Early Modern England: Manuscript Letters and the Culture and Practices of Letter-Writing, 1512–1635* (Basingstoke: Palgrave Macmillan, 2012), 183.

76. Isserles, *ShUT Rema*, §40: כל דברי מועתקים אות באות מגוף כתיבתי כי קשה עלי המשא לכתוב כל ענין פעמיים.

77. Stallybrass analyzes filing methods through Jan Gossaert's *Portrait of a Merchant*, National Gallery of Art, Washington, DC; Peter Stallybrass, "String, Pins, Thread, Wire, Laces and Folds, the Gathered Text" (Lecture with PowerPoint, Bodleian Library, Oxford, UK, September 3, 2010).

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Jews used similar filing systems for their correspondence. In a collection of sixteenth-century Jewish correspondence, one letter writer pleads with his addressee: "My beloved friend, do not act in the way that people do, to read the letter and then pin the writing on the wall and leave it."[78]

Others in the early modern world kept letters in loose pages, bound them into notebooks, and ran threads (*fil*—hence "filing") through related letters. Sometimes, writers kept a record of a letter in a designated "letter-book" (often noting either a précis or a fuller description in a kind of notebook with various organizational options), or copied letters in their entirety and filed them in bundles, cabinets, or chests. Secretaries frequently filed copies of outgoing letters by folding them, adding an endorsement with a short description on the back (*en dos*) and bundling them with other letters.[79] Many one-line descriptions introducing the responsa in R. Katz's collection, for instance, resemble the endorsements that functioned as short introductions to the letters.[80] Rema reports that after rereading the scribe's copy, he would sign the copy, mail it, and file his original with associated incoming letters.[81] He probably placed his letters together with other halakhic notes related to his scholarly and judicial activities. We can easily envision preservation of these papers together with scholarly notes and rabbinical court-papers, such as testimonies and contracts; parts of these archives would be consulted, copied, and once again circulate via letters, print, or other means of dissemination to scholars, students, and rabbis.[82]

An exchange between Maharshal and Rema discloses still another practice for keeping letters. In one letter (omitted from the printed responsa), Rema objects to Maharshal's mention of esoteric matters in epistles. He invokes a talmudic prohibition against writing God's name on ephemera, lest "God's name will be thrown in the trash."[83] Maharshal bristles at the implication that his letters were being discarded. "Perhaps this is *your* habit of treating *my* writings, but *your* writings are like a golden crown to me."[84] Rema, who intended nothing of the sort, insists that he has stored Maharshal's letters "inside my other sacred books, as is appropriate."[85]

Keeping responsa within sacred books may have been a common practice. Maharam of Padua, mentioned earlier as the senior authority to whom Rema showed one of his responsa for advice, collected responsa from his predecessor

78. David Ginsberg. "Private Brivn funm yohr 1533," *Yivo Bletter 13* (1938): 331.
לכן אהובי ורעי אל תעשה כאופן שעושים בני אדם שקורין הכתב ואח"כ דוקרים הכתב בקיר ויניחנו.

79. Daybell, *Material Letter*, 218.

80. For instance, "a question from the holy community of …," in Katz, *ShUT She'erit Yosef*, §3 and §33 and many similar endorsements mentioned earlier.

81. Isserles, *ShUT Rema*, §40:
אני מניח גוף הכתב באוצרותי, ואני מניח להעתיק הדברים לשלחם למעלתך או לאחרים השואלים ממני. אבל חלילה לי לשלוח דבר ולחתום עליו עד שאדע ואחקרנו אם הוא כענין.

82. Ibid., §12–16 contains a document copied from a Prague court.

83. Megillat Ta'anit, chapter 7: למחר זה פורע את חובו … ונמצא שם שמים מוטל באשפה

84. Isserles, *ShUT Rema*, §6 (emphasis added): אפשר שכן ההרגל אצלך כתיבתי אבל כתביך הם לי לעטרת פז

85. Ibid., §7: רק אני גונזם תוך שאר ספרי קודש כראוי להם, כי כל דבריהם תורה

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and relative, Rabbi Judah Minz, for print. In the introduction to that publication, he writes that R. Minz's grandson "checked in his books here and there and found a few booklets [*kuntresim*] hidden inside the books, scattered around, until he assembled sixteen decisions and brought them to me."[86] The grandson may have stored the responsa inside books, or inherited these books with the responsa already preserved within.

Legal professionals, administrators, diplomats, clerics, merchants, scholars, students, and university men commonly kept letters in letter-books. We can assume that rabbis, who filled comparable roles, kept similar collections, and expected recipients to keep their letters. Rema tells one of his students: "All your questions from the day you parted from me, as well as my responses to them, are copied with me, *connected* to my responses … therefore, everything is before my eyes when I write to you…. And so, you, too, should act, so that the things will be *tied* to one another, every statement where it fits."[87] I emphasize the verbs "connected" (*meḥubarim*) and "tied" (*keshurim*), which denote both thematic connections among the epistles and the practice of attaching them physically. In this way, proper records allowed for the smooth continuation of epistolary conversations across time and space.

Others kept correspondence in order to solicit feedback from colleagues or teachers (as Rema had with Maharam of Padua) or to make letters available for reference in the event a decision was contested.[88] But letter-books were not limited to administrative purposes, as can be deduced from the sheer variety in the types of letter-books that were kept. In his study of early modern English letters, James Daybell writes: "The habit of keeping letter-books varied widely, ranging from the official deskbound folio for regularly entering outgoing and incoming correspondence to the student notebook, improvised out of several single sheets of paper stitched together, where letters were recorded in ad hoc fashion among exercises and erotica."[89] The varieties of ways to preserve letters point to at least as many purposes for doing so.

Too sharp a differentiation between letter-books devoted exclusively to correspondence and general manuscript miscellanies risks ignoring how often they coexisted as hybrids. The same collection could perform multiple purposes at different times. Letter-books that initially served as a form of news later served the purposes of history or commemoration; such was the case for students of humanists such as Erasmus or Joseph Scaliger who posthumously published their

86. Judah Minz and Meir Katzenelbogen, *ShUT MahaRY Minz* (Venice, 1553), introduction: בדק בספריו אנה ואנה ומצ' קצת קונטרסי' גנוזים בתוך הספרים אחת הנה ואחת הנה עד שקבץ יחד י"ו פסקים והביא' אלי.

87. Ibid., §40.
כל שאילתך מיום פרידתך מעמי וכן תשובתי עליהם הם מועתקים אצלי מחוברות עם תשובתי … ולכן הכל הוא לנגד עיני בכתבי למעלתך, וכן תעשה כדי שיהיו הדברים קשורים זה בזה דבר דבור על אופניו. ובדרך זה אין אנו צריכין לחזור תמיד הדברים הראשונים.

88. Ibid., §4, introduces a responsum as follows: "I said, I shall tell this law so that the later generation shall know for what reason I permitted." The responsa are copied as a record for posterity, and provide material to defend his decisions should they be contested.

89. Daybell, *Material Letter*, 27.

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teachers' letters.[90] A similar tendency may have motivated the first printing of *ShUT Maharshal*. The title page addresses the author's recent death, praises Maharshal with a long blessing for the dead,[91] and exhorts readers "not to guard those round coins. Like the world's life cycle, they roll. And take, in their stead, this most precious book," singling out one subset of potential purchasers: "especially his honor's students."[92] A poem by the printers likewise ties the publication to Maharshal's death.[93] One more aspect links the book's first edition to posthumous publications of a teacher's *Nachlass*: some extant copies are bound together with poems and eulogies about Maharshal, arranged on the page in circular shapes, in a font very similar to the book.[94] The circumstances surrounding the printing of this work, in other words, were closely connected to the author's death; the letter-book served both as halakhic literature and as a form of memorialization.

Students learning to pen their own correspondence preserved and copied letters as pedagogical models. An early letter by Rema to Maharshal contains a salutation copied almost wholesale from a fourteenth-century responsum, as the somewhat awkwardly adapted rhyme betrays.[95] Letter collections were often created, copied, and printed specifically for this purpose.[96]

But letter keeping also served more far-ranging goals. *Sefer 'iggerot shelomim* (The book of familiar letters) was the first Hebrew printed letter manual, published in 1534 in Augsburg by the Shaḥor press. The book's introduction links its successive letters into a single narrative: "I began with the matter of a request,

90. See, for instance: Dirk van Miert, "Confidentiality and Publicity in Early Modern Epistolography: Scaliger and Casaubon," in *For the Sake of Learning: Essays in Honor of Anthony Grafton*, ed. Ann Blair and Anja-Silvia Goeing (Leiden: Brill, 2016), 1:3–20.

91. Luria, *ShUT Maharshal*, title page: הלא הוא הגאון המופלג עלה לישיבה שבשמים.... ז"ל תהא נפשו צרורה בצרור החיים אמ'ן

92. Ibid.:

לכן אל תחוסו על הזוזים אשר המה עגולות. כגלגל שחוזר בעולם מגלגלות. וקחו במחיריהן ספר יקר מכל סגולות. ובפרט תלמידי דמר המה יחוסו בלי עצלות. כי ימצאו בו דברים הרבה אשר המה לו מועילות.

93. Ibid., fol. b: "His responsa declare the immense wisdom of our master. Who left us…. In order to show his greatness to the world … we print these questions and his responsa."

המה יעידון יגידון רוב חכמתו. שאלות ותשובות של מורינו. שנפרד מאתנו והלך לכבוד מנוחתו. אוי נא לנו כי גרמו עוונתינו. להראות את העמים גדולתו. בראותינו את זה אמרנו בלבינו. להדפיס שאלות ותשובותו.

94. The copies in question are at the Jewish Theological Seminary and the Bodleian libraries.

95. Isserles, *ShUT Rema*, §5. As the original responsum was by Rabbi Shaltiel Ḥen, the last lines rhyme with Shaltiel. Yiẓḥak ben Sheshet, *ShUT Ribash* (Constantinople, 1546–47), §369 and *ShUT Rema*, ed. Siev, 18n1.

96. See Yehudah Boksenboim, ed., *'Iggerot yehudei 'Italyah be-tekufat ha-Renesans, mivḥar me-ha-me'ah ha-16*, vols. 6 and 7 (Jerusalem: Yad Ben-Zvi, 1994); David B. Ruderman, *The World of a Renaissance Jew: The Life and Thought of Abraham ben Mordecai Farissol* (Cincinnati, OH: Hebrew Union College Press, 1981), 17–18; and Yehudit Halevy Zwick, *Toldot sifrut ha-'igronim ha-'ivriyim* (Tel Aviv: Papyrus, 1990). Five Hebrew letter-writing manuals were published in the sixteenth century; the first three have not been attributed to any single author or compiler. According to Carlebach, this is "a sign that such collections had been circulating in manuscript for decades, or even centuries." See Elisheva Carlebach, "Letter into Text: Epistolarity, History, and Literature," in *Jewish Literature and History: An Interdisciplinary Conversation*, ed. Eliyana Adler and Sheila Jelen (Bethesda, MD: University Press of Maryland, 2008), 22, 118.

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because this is the way of the world, a person asking his friend, and connected to it an issue of refusal, because this is the way of the world, that a person sometimes refuses his friend's request. Then I added one on anger and a threat, as the way of the world is to be angry at the person who refuses him."[97] This manner of linking letters foreshadows the later genre of epistolary novels, and points to yet another way of reading correspondence—as (fictional) diversion. This might explain some of the more piquant but wholly redundant descriptions in *ShUT Maharshal*'s index: An entry under "Laws of Slander," for instance, recounts gossip about a man and his married sister, "how he slept in one bed and washed in one bathtub with her."[98] Perhaps, some read responsa for entertainment.

Daybell posits letter-books "as a form of 'self-writing,' a way of textualizing a life … in an enduring letter form."[99] Early modern manuscript letter-books are marked by their notable variety in form, their idiosyncratic appropriations, the multiple functions they could perform, and their overlap with other types of notebooks (muster books, voyage journals, accounts, commonplace books, and almanacs).[100] In this sense, the early modern letter-book illuminates the purposes, circumstances, and hybridity of rabbinic responsa. "Although often administrative in impulse, connected to office," Daybell notes, "letter books were also compiled … for individual, spiritual and creative purposes."[101] This multiplicity of practices and purposes rings equally true for early modern Jewish writers.

Rabbis, situated on the intersection of the administrative, the intellectual, and the creative, kept letters alongside other writings in order to create reference tools for their own use in studying and writing. Many early modern humanist scholars fashioned idiosyncratic reference tools, such as commonplace books, from their notes. In the words of Ann Blair, "Commonplace books served as storehouses and clearinghouses for all the questions, tropes, examples, and general information…. The commonplace book was a crucial, although often unacknowledged, tool of scholarship in all fields."[102] Scholars did not merely dump material in archives; they consulted those archives for pedagogical reasons, for utilitarian

97. '*Iggerot shelomim* (Augsburg, 1534).
התחלתי בעניין המבקש כי כן דרך העולם לבקש אדם מחבירו, וחיברתי אחריו עניין מיאון כי כן דרך העולם שממאן אדם בשאילת חבירו. וחברתי אחריו ענין כעס והתראה, כי כן דרך העולם לכעוס על מי שממאן בבקשתו.

98. *ShUT Maharshal*, 4b: איך ששכב עם אחותו בעולת בעל במטה ורחץ עמה באמבטי אחת. The case could have been described in less vivid terms. For example: "A case of slander against siblings, and the brother claims that the stain on his reputation has impacted his livelihood, and the sister's husband wants retribution for his wife's shame." Perhaps the table of contents was designed to catch the interest of potential customers by highlighting the more extreme and sensationalist elements. Beyond the goal of piquing the reader's interest with titillating stories, it also emphasizes that Maharshal was trusted not only with intricate problems of scholarship but also with delicate questions of personal status.

99. Daybell, *Material Letter*, 179–88, explains that letter-books were closely tied to the early modern construction of self, representing a form of life-writing before Rousseau introduced a new form of autobiographical writing.

100. Ibid., 180.

101. Ibid., 179.

102. Blair, *Theater of Nature*, 70.

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purposes such as records for future reference, to continue an ongoing conversation, to provide material for a forthcoming book, or as a form of diary or diversion.

Letter-books, too, contained commonplace material. Conrad Gesner's (1516–1565) famous reference work, the *Bibliotheca universalis*, started as his own collection.[103] The Swiss physician and naturalist organized excerpts and copies, including letters, by topic, often by pasting pieces of paper in place.[104] "After responding to letters," Gesner wrote, "I am accustomed to put them into my piles of paper—even to cut them up—and distribute them among my papers according to their subject."[105] The Italian natural historian Ulisse Aldrovandi (1522–1605) likewise created his *Pandechion epistemonicon* for his own use, by copying information from his reading onto scraps of paper. Only much later did he compile and publish these scraps in book form.[106] Doctors like Adriaan van der Spiegel (1578–1625) also created such reference works.[107] In the seventeenth century, Anglo-Irish natural philosopher Robert Boyle (1627–1691) famously organized and consulted his archive, which included many letters.[108]

Rabbinic paper collections also share much in common with adversaria, a less-ordered relative of commonplace books. Commonplace books would store excerpts, idioms, and other useful tidbits encountered while studying and reading; they were ordered systematically by "commonplace" or well-known themes, often aimed at aiding memorization.[109] Adversaria kept notes in the order of a scholar's reading—either following a book being read, or as a type of diary, chronicling thoughts, notes, and insights as they arose. Elisabeth Décultot thus sees these collections as testaments "to critical activity, a prelude to

103. Paul Nelles, "Reading and Memory in the Universal Library: Conrad Gessner and the Renaissance Book," in *Mind and Memory in Renaissance Culture*, ed. Donald Beecher and Grant Williams (Toronto: Center for Reformation and Renaissance Studies, 2009), 147–69.

104. Fabian Kraemer and Helmut Zedelmaier, "Instruments of Invention in Renaissance Europe: The Cases of Conrad Gesner and Ulisse Aldrovandi," *Intellectual History Review* 24, no. 3 (2014): 321–41. See also Ann Blair, "Note Taking as an Art of Transmission," *Critical Inquiry* 31, no. 1 (Autumn 2004): 85–107.

105. Gesner's inability to recall this particular letter prompted an explanation of his correspondence habits. The citation is from a letter to Johann Bauhin, mentioned in Brian W. Ogilvie, *The Science of Describing: Natural History in Renaissance Europe* (Chicago: Chicago University Press, 2006), 180.

106. Kraemer and Zedelmaier, "Instruments of Invention," 328.

107. Volker Hess and J. Andrew Mendelsohn, "Fallgeschichte, Historia, Klassifikation: François Boissier de Sauvages bei der Schreibarbeit," *NTM Zeitschrift für Geschichte der Wissenschaften, Technik und Medizin* 21 (2013): 61–92; and Volker Hess and J. Andrew Mendelsohn, "Case and Series. Medical Knowledge and Paper Technology, 1600–1900," *History of Science* 48, no. 3/4 (2010): 287–314.

108. Michael Hunter, "Mapping the Mind of Robert Boyle: The Evidence of the Boyle Papers," in *Archives of the Scientific Revolution: The Formation and Exchange of Ideas in Seventeenth-Century Europe*, ed. Michael Hunter (Woodbridge, UK: Boydell, 1998), 121–36.

109. Marie Joan Lechner, *Renaissance Concepts of the Commonplaces* (New York: Pageant, 1962); Ann Moss, *Printed Commonplace-Books and the Structuring of Early Modern Thought* (Oxford: Clarendon, 1996); Ogilvie, *Science of Describing*, 180.

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hermeneutic work."[110] This "de-structured order"[111] flourished in the humanist context after the popularity of the commonplace book waned. The adversaria's order represented freedom from the commonplaces' topical tradition and reflected a scholar's intellectual progression. It was thus perfectly suited to collecting variegated material as it presented itself, without the need to impose a strict order.

Collections of rabbinic responsa, with their incongruous insertions and additions, resemble letter-books, commonplace books, and adversaria. These "paper archives"[112] were simultaneously the product of reading, studying, writing, and reflecting, and the source of new raw material. *ShUT She'erit Yosef*, for instance, features not only disordered responsa but also, as mentioned, a series of glosses on two other halakhic works.[113] These glosses were puzzlingly disorganized. In the course of one such continuous gloss, for instance, R. Katz abruptly states which chapter is being discussed, despite it being obvious from the sequence. In light of scholarly practices, however, we can infer that R. Katz kept copies of his responsa and his notes on the halakhic works he was teaching and studying at the time. He noted his glosses on the margins of those works or on separate strips of paper stuck among the pages. The glosses appended to *ShUT She'erit Yosef* resulted from removing these notes from their original environment and printing them as a consecutive gloss appended to the responsa.[114] When transcribed into a printed work, they appear awkward; as adversaria, they make sense.

Maharshal, too, may have kept his halakhic correspondence together with related court documents, other notes, and summaries from various halakhic works; hence the otherwise inexplicable list at the end of the first edition of his responsa. Some consecutive entries in *ShUT Maharshal* that appear truncated, lacking salutations or signatures, are revealed on closer inspection to have belonged to the same letter, even if their topics diverged.[115] In composing responsa, rabbis consulted their own archives of letters and other writings.

110. Elisabeth Décultot, "Introduction: L'art de l'extrait: définition, évolution, enjeux," in *Lire, copier, écrire: Les bibliothèques manuscrites et leurs usages au XVIIIe siècle*, ed. Elisabeth Décultot (Paris: CNRS Éditions, 2003), 9 (translation mine). Yair Ḥayim Bacharach's writings (d. 1702) offer an Ashkenazic example of such an archive. See David Kaufmann, *R. Jaïr Chajjim Bacharach und seine Ahnen* (Trier: Sigmund Mayer, 1894). Some of these writings are now at the National Library of Israel, NLI Ms. Heb. 5220=38.

111. Décultot, "Introduction," 11.

112. For instance, Fabian Krämer, "Ein papiernes Archiv für alles jemals Geschriebene: Ulisse Aldrovandis *Pandechion epistemonicon* und die Naturgeschichte der Renaissance," *NTM Zeitschrift für Geschichte der Naturwissenschaften, Technik und Medizin* 21 (2013): 11–36. Scholarly use of these archives are termed "paper technology." See Volker Hess and J. Andrew Mendelssohn, "*Paper Technology* und Wissensgeschichte," *NTM Zeitschrift für Geschichte der Naturwissenschaften, Technik und Medizin* 21 (2013): 1–10.

113. Asher Siev, preface to *ShUT She'erit Yosef*, ed. Asher Siev (New York: Yeshiva University Press, 1984), 36.

114. As Siev remarked in his preface to *ShUT She'erit Yosef*, 22–23.

115. Several clusters seem to have been one letter, originally; e.g., §66–67, §70–71, and §49–50 each contain one formal opening statement in the first of the pair, followed by one question without a formal closing or signature. The second of the pair lacks a formal greeting and closing with a signature. These may have been originally one document.

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Maharshal's responsa contain sections copied from his magnum opus, *Yam shel Shlomo*,[116] and vice versa.[117] Rema mentions that in preparing his glosses he consulted an extensive collection of notes. He calls *Darkhei Moshe*: "my book,[118] according to which I compiled the laws in *Shulḥan 'arukh*."[119] Rema began *Darkhei Moshe* as marginalia on his copy of the *Tur*; only later did the book serve as a reference work, and as the basis for his shorter glosses on *Shulḥan 'arukh*. In these glosses, Rema occasionally mentions cases from the responsa that he looked up in his notes, reformulated, and abbreviated to fit the genre of the legal code.[120]

Much like their humanist counterparts, then, rabbinic scholars created their own reference tools by combining notes, glosses, letters, and printed works in idiosyncratic ways. The disordered aspects of responsa are better understood through the prism of such reference tools. Since rabbis kept their correspondence together with other materials, not all responsa in a collection were from the same author. Likewise, with future consultation in mind, responsa might be ordered by the dates on which letters were received, by correspondent, by topic, or in some other manner—and this order was subject to change. Such collections were, in the first instance, not published volumes but the personal property of a scholar familiar enough with his own papers to know where things could be found. Thus, it would not be uncommon for them to be only loosely ordered. Seemingly superfluous or nonhalakhic material mentioned in a letter, or placed with halakhic papers and notes, likewise found its way into an archive. These archives acted as living repositories, only parts of which made it into print as a responsa collection. Viewed through this lens, the peculiarities in printed responsa of this period become less puzzling. If we consider works of responsa as embedded in early modern erudite practices, we can appreciate the advantages of their curious order, or lack thereof.

Responsa in a Transitional Culture

Although primarily put to personal use by the scholars who collected them, these reference tools also took on a public character. Students, colleagues, and relatives consulted these collections in manuscript form and sometimes copied from them, either in person or through correspondence. The French humanist Nicolas de Peiresc (1580–1637) amassed extensive archives including correspondence, but

116. For instance, Isserles, *ShUT Rema*, §13, and Luria, *ShUT Maharshal*, §3, mentioned earlier. Inversely, *Yam shel Shlomo* contains statements such as "behold here the responsum, which I already wrote," followed by parts of a relevant responsum from his *ShUT*. Luria, *Yam shel Shlomo*, Beiẓah 1:§1. More examples: ibid., 3:§5; Yevamot 6:§41, "here you have a responsum that I wrote in my youth" (referring to *ShUT Maharshal*, §14); ibid., Kiddushin 1:§40, 2:§19, and 3:§2.

117. For example, Luria, *ShUT Maharshal*, §43, §73, §33, and more. See also Meir Rafeld, "Ha-Maharshal ve-ha-*Yam shel Shlomo*" (PhD diss., Bar-Ilan University, 1991), 96–97.

118. Parentheses in first edition, probably added later.

119. Isserles, *ShUT Rema*, §131.

120. For instance, Isserles, *Mapah*, *'Oraḥ ḥayim*, §339:4 refers to the same case as §125 in the responsa.

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also assembled other material when colleagues would send him copies of documents.[121] The Swiss naturalist Caspar Bauhin (1560–1624) developed his herbarium by collecting samples and descriptions shared with him via letters.[122] One historian notes that Bauhin's herbarium turned from "personal memoranda" into a veritable "documentation center," available for consultation.[123] Herein lies another overlap between letter-book and archive: letters were stored in archives, and correspondence served to convey the contents of archives to others.

The same blend of scholarship, letter writing, and information sharing nourished rabbinic culture. In a responsum to his former student, Rema writes that he had recently taught a work that they had studied together. The teacher offers guidance should his correspondent wish to consult the notes of current students to copy any new teachings.[124] Elsewhere, Rema alludes to a type of archive that held manuscript copies of Maharshal's writings. He thanks a student who had sent a letter with a copy from Maharshal's writings on a separate piece of paper: "I shall save your copy together with all the other copies of [Maharshal's] words that can be found in our town."[125] Maharshal, for his part, expected others to consult his writings prior to print. He attacked Rema for criticizing him without having consulted his writings on the relevant topic,[126] although none had been printed at the time that Rema published said critique.[127] Similarly, students copied Rema's glosses from the margins of his print copy of the *Shulḥan 'arukh* before these appeared in print. In reply to a letter from a student inquiring about a difficult gloss, Rema writes that the printed book does not contain the confusing formulation "as it is written before you, which you copied from my *Shulḥan 'arukh*."[128] Rema questions whether this was the student's own mistake or an earlier error of his own that had since been corrected.[129] Since such archives were in constant flux, students would update their copies.

Scholars were even able to access Maharshal's paperwork posthumously. In the introduction to *Ḥokhmat Shlomo* (Cracow, 1581–82), the publisher notes: "If he who is studying this has trouble with any issue … he can send a messenger or

121. Peter N. Miller, *Peiresc's History of Provence: Antiquarianism and the Discovery of a Medieval Mediterranean* (Philadelphia: American Philosophical Society, 2011).

122. Ogilvie, *Science of Describing*, 212.

123. Ibid.

124. Isserles, *ShUT Rema*, §38: וכן מצאתי כתוב במרדכי שלי … ועיין בספר המרדכי של מהר"ר מרדכי מפוזנא ותמצאנו שם.

125. Ibid., §132.1: גם העתקתך תהיה שמורה אצלי עם שאר העתקות הנמצאים מדבריו בעירנו
See also Isserles, *ShUT Rema*, ed. Siev, 515n34.

126. Luria, *Yam shel Shlomo*, Ḥullin, chapter 1, §29.
איך עלה על דעתך להשיג עלי ולא עיינת בהגהתי באו"ה שלי גם לא ראית בספרי הגדול בפ"ק דחולין
See also Luria, *Sha'arei Dura* with *Mekhonot Shlomo* (Basel, 1599), gate 4:§8.
שוב ראיתי במה שרצה מהר"ם להשיב עלי בספר תורת חטאת שלו … חוץ לכבודו לא עיין בהגהתי ולא בספרי אלא שהציץ מן החרכי' ולא ראה י ה.

127. *Yam shel Shlomo* on Ḥullin was first printed in Cracow, 1733–35.

128. Isserles, *ShUT Rema*, §132.

129. Ibid.: "And I do not know if this was from God [Psalms 118:23], or if I corrected it at the time of printing."

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come himself, as is the habit that everyone comes to the fair of Lublin, and there he can see it in the Talmud volumes of the *gaon* of blessed memory, which are in the hands of his son."[130] Rabbi Eliezer Altschul, who was involved in printing *Yam shel Shlomo* in 1616, describes copying that work from the rabbi's archive more than a decade earlier, as a young itinerant yeshiva student. He thanks God for leading him to his rabbi's study in Lublin "to harvest in the bundles … and I did not restrain myself from copying some books, old and new ... including the great work *Yam shel Shlomo* … copying of the book from the handwriting of the author himself."[131] Maharshal's writings on sixteen tractates—many of which since lost—were then still available.[132]

Rema's unpublished writings, too, were accessible after his death. For example, the author Rabbi Eliyahu Loenz, in the introduction to his kabbalistic work *ʾAderet Eliyahu*, recounts his life. In the course of his studies, he consulted and copied manuscripts in Cracow: "There I also found … more precious to me than any fortune … *Darkhei Moshe*, the copying of which was difficult for me, because it was a first draft, as the righteous author passed on to the next world … before he could remove from it the mistakes and stumbling blocks, and many things were written between the lines and on the margins [of the pages], and I copied at night and I was the first to copy it."[133]

Since these collections were ensconced in living archives rather than in printed books, rabbis often postponed the publication of responsa to the end of their lives. R. Katz began printing his work in the winter of 1590, a year before his death. The work concludes with a prayer by "the printer who stands over the press," beseeching God to restore the author's vitality and lengthen his life, implying that he was ill at the time.[134] The title page added "of saintly and blessed memory" after his name, confusing some bibliographers.[135]

130. Rabbi Shmuel of Böhm, *Ḥokhmat Shlomo* (Cracow, 1581–52):
אם המעיין מתקשה באיזה ענין … יוכל לשלוח על ידי איש מוקדם או הוא בעצמו כאשר הוא מורגל ותדיר שנוסעים לירידּ לובלין, ושמה יוכל לראות בגוף הגמרות של הגאון ז"ל אשר הם ביד בנו.

131. Eliezer Altschul, "Epilogue and Apology of the Copyist and Proofreader," in Shlomo Luria, *Yam shel Shlomo*, Bava Kamma (Prague, 1616):
וללקוט בעמרים … לא מנעתי מלהעתיק כמה ספרים ישנים וחדשים … ובכללם גם החיבור הגדול י"ם ש"ל שלמ"ה … שהעתקת הספר מכתיבת ידו להמחבר עצמו.

132. See Elchanan Reiner, "A Biography of an Agent of Culture: Eleazar Altschul of Prague and His Literary Activity," in *Schöpferische Momente des europäischen Judentums in der frühen Neuzeit*, ed. Michael Graetz (Heidelberg: Winter, 2002), 236–37.

133. Eliyahu Loenz (1555–1636), *ʾAderet Eliyahu*, ed. Shatland (Jerusalem: Sha'arei Ziv, 1998), iv.
גם שם מצאתי … דרכי משה, אשר העתקתי עלי היתה קשה, כי היה מהדורא קמא … כי נתבקש בישיבה של מעלה … בטרם הסיר ממנו הטעיות והקמשונים, ודברים רבים כתובים ביני חטי ועל הגליונים והעתקתיו לילה באישון ואני הייתי המעתיק הראשון.

134. Clearly, he was alive during printing (perhaps he was ill, hence the prayer). Katz, *ShUT She'erit Yosef*, title page:
וה' … ישביזנה מכל צרה ויחדש כנשר נעוריו יאריך ימי הדרת יקרת תפארתו … דברי המחוקק העומד מעל הדפוס יצחק בהר"ר אהרון מפרוסטיץ.

135. Glick does not list it among responsa printed in the author's lifetime: *Kuntres*, 1:96–97, 101.

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Rather than justifying his work as a unified literary product, R. Katz's introduction, replete with apologies, lists the various circumstances in which the different types of writing within came about. Some of its content originated from his years as a judge in Cracow's rabbinical court, he notes; other parts originated in "questions that arose from all the praised communities of Israel, near and far."[136] Additional halakhic commentaries resulted from teaching those works. The author presented the work as an accumulation of personal notes for his own memory: "I wrote this only … for the needs of my old age, out of fear of 'guard yourself lest you forget' [Deuteronomy 4:9]."[137] By the author's own account, the book served primarily as a miscellaneous collection of notes for his own use. Those familiar with these tropes can guess the rest; his colleagues had begged him to print these personal notes.

According to common expectation, a rabbi's papers would be accessible to a certain circle even before publication. R. Katz's declaration now strikes us as a cliché that, nevertheless, contains much truth: these writings were his personal reference tool, which students and colleagues wished to consult.[138] Rabbis who refused to share their notes typically complained about students having surreptitiously copied those notes.[139] Consulting scholarly notes was an established—if sometimes halfheartedly endorsed—practice. A scholar's archive, then, can be deemed part of the broader early modern scholarly culture, by virtue both of the material possibilities and limitations, and of the expectation that this archive would to some extent make itself publicly available.

Maharshal's responsa were published within a year of his death. He had planned to publish several books, such as *Yam shel Shlomo*. But there are no signs that he prepared his responsa for publication. Nor did Rema make any preparations to print his responsa. This is perhaps due to his untimely death in his early forties; he may not yet have contemplated printing his constantly evolving archive. In introducing the printed book, Rema's nephew implies that the responsa were taken from a cache of his manuscripts, perhaps in his study:[140] "These are the responsa secreted under the throne of glory of the author … he of the *Mapah* … the glosses on the *Shulḥan 'arukh*."[141] An opening poem mentions "the beloved responsa, hidden until now."[142]

136. Katz, *ShUT She'erit Yosef*, introduction (not paginated):
בשאלות עולות מכל קהלות תהלות ישראל הן ממקום קרוב הן ממקום רחוק.

137. Ibid.: שלא כתבתי זאת רק להיות בידי לצורכי לזקנתי מפני יראת השמר לך פן תשכח וגומר

138. Siev, preface to *ShUT She'erit Yosef*, 33.

139. For instance, Ḥayim of Friedberg, *Vikuaḥ mayim Ḥayim* (Amsterdam, 1712), 4a.

140. Aron Prostiẓ of Cracow printed some tractates of the Babylonian Talmud with Rema's glosses on Rosh's talmudic commentaries (Cracow: Prostiẓ, 1602). He mentions having these glosses from Rema's handwriting, ממש מכתיבת ידו. See Friedberg, *History of Hebrew Typography*, 21.

141. Isserles, *ShUT Rema*, introduction:
אלו התשובות שהיו גנוזות מתחת כסא כבוד. המחבר הגאון מהר"ר משה בעל המפה … ה"ה הגדות הש"ע.

142. Ibid., opening poem (not paginated, emphasis in the original):
התשובות החביבות שהיו גנוזות עד הנה בעיניך לראותם. מפרים לאכול ומימיהם המתוקים לשתותם. כן תוכל לחזות בנועם ה' **ובדרכי משה** לילך בארחותם.

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These archives were both more and less than a published book. On the one hand, they were not unified literary projects. On the other, they held many potential books in nascent form. The archives to which responsa belonged constantly changed shape. They could be utilized in various (not necessarily compatible) ways. This quality resists translation into printed form.

Rabbinic letters, together with the other writings constituting the scholar's archive, arrived into print in ways that resembled their archival predecessors rather than any ideal image of "works of responsa." In the sixteenth century, Hebrew printing in Poland was still in its infancy: the first Hebrew book was printed in 1534, the responsa treated here just a few decades later. The archive-like qualities of these early printed collections stem from a dramatic transition: from earlier, more dynamic forms of publication to the more stable medium of print publication. This development required more than adjusting to unfamiliar technology; it touched on fundamental aspects of scholarly culture.

Continuities between early modern printed works and scholarly archives become more apparent when we examine how products of these archives came into print. Blair traces the idiosyncrasies of Jean Bodin's *Theatrum* to its origins as a commonplace book, which included both personal notes and knowledge from books.[143] Aldus Manutius printed the Florentine Renaissance scholar Angelo Poliziano's collected Greek and Latin works (1498) together with 251 letters from his correspondence.[144] These continuities are also apparent in the following century. Brian Ogilvie shows how Gaspard Bauhin's use of letters to collect information on thousands of plants for his personal commonplace book shaped his *Pinax theatri botanici* (Basel, 1623).[145] French philosopher Pierre Bayle assembled the excerpts for what would eventually become the *Dictionnaire historique et critique* (1697) by collecting, copying, and inserting excerpts from his papers, including letters. Bayle sometimes simply sent these straight to the printer with typographic remarks on the letter itself for inclusion in his work.[146] Such collecting practices, Anthony Grafton explains, underlie even those early modern published works whose highly streamlined and unified appearances belie such a past.[147]

Similar processes shaped the transition of early modern rabbinic archives into print. The papers in the rabbi's study became part of his reference material,

143. Blair, *Theater of Nature*, 67.

144. Shane Butler compares Poliziano's actual correspondence to the collection printed by Manutius and shows that Poliziano had corrected and edited not only his own letters but also those addressed to him, in preparation for publication. Angelo Poliziano, *Letters*, ed. Shane Butler (Cambridge, MA: Harvard University Press, 2006), 1:292–93.

145. Ogilvie, *Science of Describing*, 212.

146. See Elizabeth Labrousse, *Pierre Bayle*: *Héterodoxie et Rigorisme* (Den Haag: Springer, 1964), 2:48n97.

147. Anthony Grafton, "Editing Technical Neo-Latin Texts: Two Cases and Their Implications," in *Editing Greek and Latin Texts: Papers Given at the 23rd Annual Conference on Editorial Problems*, ed. John Grant (New York: AMS, 1989), 183.

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a dynamic archive that served his works-in-progress. Since these scholarly archives included letters, the published letter collections came to include remainders of the archives from which they were drawn—actual fragments, but also organizational and structural carryovers that eventually found their way into print. The use of earlier manuscript reference practices continued in the sixteenth century, now coexisting with a relatively new and still inchoate possibility: printing material directly from those archives.

In his study of printing in Renaissance Venice, Martin Lowry describes the "violent shock" experienced by authors who suddenly faced the challenges of printing their work in their lifetimes. Aldus Manutius, founder of the Aldine press, encountered difficulties precisely when trying to print works of *living* authors, which "scared a number of literary men into delays, perpetual revisions, and evasiveness."[148] In the realm of Hebrew printing, Glick similarly mentions the "resistance among respondents to bring their responsa to print."[149] By the sixteenth century, numerous books had already been printed, and scholars were deeply familiar with printed books. Why then these hesitations to print responsa?

Although Hebrew printing was well underway in the sixteenth century, presses such as those in Venice or Cremona—and those of Prague, Augsburg, or Cracow until the 1570s (when the responsa of R. Katz and Maharshal appeared)—seldom printed works by living authors. They overwhelmingly chose to print canonical works, such as the Pentateuch or Talmud, or books in popular demand, such as the liturgy for holidays (*maḥzor*), the Passover Haggadah, or prayer books.[150] The overwhelming majority of other printed works—in biblical commentary and Halakhah generally, and in responsa specifically—were by deceased authors.[151] Models for printing most of these works were self-evident: the boundaries and structure of canonical books were defined by tradition; the form and contents of more ephemeral or practical works were dictated by need and use. No obvious overarching structure suggests itself for responsa collections, especially since the individual responsa that make up the collection are separate units, independent from one another. But since printed works of responsa were posthumous publications, the extent of their contents, as well as the options for

148. Martin Lowry, *The World of Aldus Manutius: Business and Scholarship in Renaissance Venice* (Ithaca, NY: Cornell University Press, 1979), 218–19. See Ernst Philip Goldschmidt, *Medieval Texts and Their First Appearance in Print* (London: Oxford University Press, 1943), 13, 23, on commercial incentives for prioritizing printing older works.

149. Glick, *Kuntres*, 1:91.

150. Although some individual responsa were printed, these should be considered ephemera, like almanacs and broadsides intended for immediate, practical use. For instance, *Pesakim shel rabanei ʾItalyah* (Venice: Bomberg, 1519), regarding a contemporary controversy. See Alexander Marx, "A Jewish Cause Célèbre in Sixteenth-Century Italy," in *Abhandlungen zur Erinnerung an Hirsch Perez Chajes*, ed. Victor Aptowitzer and Arthur Z. Schwartz (Vienna: Alexander Kohut Memorial Foundation, 1933).

151. The responsa of Rabbi Shlomo ben Aderet, and those attributed to Rashi and Naḥmanides, for instance, and the responsa of fifteenth-century Ashkenazic rabbis. Regarding this situation and its importance for R. Karo's enterprise, see Tirẓa Kelman, "Ketuvot be-'et barzel u-ve-'oferet be-defus: Mahapekhat ha-defus ve-yeẓirat ha-ḥibur Bet Yosef," *Pe'amim* 148 (2016): 20.

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their rudimentary structures (if any), were determined by sheer availability.[152] No obvious model, however, dictated how to select or construct collections of responsa by living authors for print. Publishers seeking to fix dynamic, constantly fluctuating, hybrid archives in a defined printed work faced an uncharted path.

Responsa collections drew not on defined, structured, unified books but on "de-structured" scholarly archives, as Décultot defines the organizational and epistemological essence of the adversaria.[153] To understand the rabbis' difficulty in printing their responsa is to contemplate an early modern world in which a scholar used the ongoing assemblage of his writings as both a personal reference tool and as material to be consulted and copied by peers. Such practices defied the dynamics of print publication but at the same time yielded considerable advantages over printed works. This partly explains why books of responsa did not make for (by our standards) exemplary book-like printed products.

The advent of printing did not fill a void; it replaced earlier methods of transmitting knowledge belonging to particular learned practices and expectations, not all of which were smoothly translatable to print. When Peter Miller contemplated Peiresc's archive, he writes, he discovered a different culture, "one organized around research rather than writing."[154] Rabbinic responsa likewise represent a world centered on ongoing research rather than finished books. Responsa collections rest on the unique potential that this world offered—possibilities like continuous and repeated referencing, consultation, correction, and adaptation—that print did not perpetuate. Scholarly archives flexibly accommodated highly diverse contents in various states of completion, and allowed emendation and adaption by author and reader alike; one did not have to wait for the finished, printed book to engage in a scholarly conversation. Halakhic texts that took open-ended archival form enabled the dynamic consultations, flexibility, and variety that fueled this remarkably fertile scholarly culture.

Unprintable: Practices of Rabbinic Responsa

Even as print gained dominance, early modern responsa emerged within a scholarly culture in which manuscript archives, not printed books, limned the horizons of knowledge. Responsa collections mixed halakhic material of all genres in highly personal, flexible, and barely systematic fashion; they represented a lively manuscript culture in the dawning age of print. It would be anachronistic to expect responsa to emerge as ideal forms of the printed book. When these works first came to print, neither authors nor publishers saw anything amiss with publishing

152. The two exceptions to this phenomenon, *Terumat ha-deshen* and *ShUT MaharY Colon*, were both printed by Bomberg and edited by Ḥiyya Meir b. David in Venice, 1519. Regarding the main categories of Hebrew books printed until 1500, see Israel Mehlman, "Bikurei ha-defus ha-'ivri," *'Areshet* 5 (1972): 455. The halakhic texts printed were mainly codes, small practical works, and responsa, almost exclusively of deceased rabbis. Between 1470 and 1599, other halakhic works were printed almost three times more frequently than responsa. Glick, *Kuntres*, 1:70.

153. Décultot, "Introduction," 11.

154. Miller, *Peiresc*, 6.

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these collections in ways that bore traces of the scholarly culture in which responsa existed.

The printed book, however, was becoming ever more dominant. Overcoming initial opposition, *Shulḥan ʿarukh* ultimately gained acceptance as the halakhic code par excellence.[155] As it gained dominance as the organizational paradigm for Halakhah, scholars would increasingly come to arrange their own writings in accord with its structure. Although the *Shulḥan ʿarukh*'s structure had already existed since the fourteenth century, in *ʾArbaʿah turim*, only in the sixteenth century, when *Shulḥan ʿarukh* was printed, did it become the standard organizational paradigm in other works. The first Ashkenazic work of responsa with a finding aid patterned after *Shulḥan ʿarukh* was printed at the very end of the seventeenth century (Rabbi Yair Bacharach's *ShUT ḥavat Yaʾir*, Frankfurt, 1699).

This would eventually also affect responsa. Elon remarks, with evident relief, that after *Shulḥan ʿarukh* was published, "a substantial change for the better in the organization of compilations of responsa occurred. From then on, collections of responsa were usually organized according to the order of these … codes."[156] Unlike the publications discussed here, printed collections of responsa after the sixteenth century would increasingly arrange their contents according to the *Shulḥan ʿarukh*'s structure. These works gradually came to include only writings from one author and excluded nonresponsa material.

Elon is justified in his expression of relief.[157] The organization of responsa according to codes did lend these works more structure, infinitely preferable to a culture as biased as ours toward structured, finished, and unambiguous products. What was lost, however, is a precious glimpse into the prior life of these responsa.

155. On the initial resistance and ultimate acceptance accompanying its reception: Chaim Tchernowitz, *The History of the Jewish Codes* [in Hebrew] (New York: Jubilee Committee, 1946–1947); Reiner, "Ashkenazi Élite"; Joseph Davis, "The Reception of the *Shulḥan Arukh* and the Formation of Ashkenazic Jewish Identity," *AJS Review* 26, no. 2 (2002): 251–76, esp. 263–65; and Edward Fram, "The Use of Codified Law in the Rabbinic Courts of Frankfurt am Main on the Eve of the Enlightenment," *Jewish History* 31 (2017): 129–47. (Note Fram's point that while *Shulḥan ʿarukh* was authoritative as a legal code for rabbinical court decisions, this reliance on *Shulḥan ʿarukh* was less pronounced when it came to responsa.)

156. Elon, *Jewish Law*, 3:1522–23. Elon mentions the *Turim* alongside *Shulḥan ʿarukh*. He means the *printing* of these works, not their manuscript publication, as the fourteenth-century *Turim* preceded the change that Elon mentions. The nineteenth-century Rabbi Avraham Ẓvi Eisenstadt created *Pitḥei teshuvah* (Vilna, 1836; Lemberg, 1876), a finding aid for the *Shulḥan ʿarukh*, which inserted halakhic conclusions of almost two hundred works of responsa in their correct location in the code.

157. Neither Rabbi Yoel Sirkis's *ShUT ha-Baḥ* (Frankfurt am Main, 1687) nor *ʿAvodat ha-Gershuni* (Frankfurt am Main, 1669) were organized in this manner; they contain a topical index but the four volumes of the *Tur* are not mentioned. R. Yair Bacharach's *ShUT ḥavat Yaʾir* (Frankfurt am Main, 1699) is the first Ashkenazic work of responsa indexed according to the *Tur*. Rabbi Shmuel de Medina (1506–1589) produced the first work of responsa organized according to the *Tur*; published in separate volumes (Salonica, 1594–1597). The next to include such an index was Rabbi Moshe Benbenishti (1608–1677), whose responsa, *Pnei Moshe*, were printed in several volumes (Constantinople, 1669–1671). Rabbi Mordekhai ben Yehudah ha-Levi of Egypt's responsa, *Darkhei noʿam* (Venice, 1697), similarly included such an index.

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As early modern practices of learned archives show, this disordered culture of knowledge retains its own advantages, all crucial to vibrant halakhic scholarship: dynamism, multidirectionality, flexibility, and heterogeneity.

* * * *

Let us end with a legend:

> I heard from … my father … who heard in his childhood from truthful people how … Rema stayed for some time in a village near Cracow, and, therefore, many of his writings remained there and were brought to the treasure house of that village's official. Ever since Rema resided there, that official ascended, climbing ever higher, and he held on to these writings, refusing to give them to anyone, and commanding his heirs to treat them respectfully. Every year, they spread them out in the fresh air and daylight, to prevent them from rotting and deteriorating—I believe this was related by a man who witnessed the event when they were taking them out … and who knows, perhaps they are still in existence there to this very day.[158]

In this account, the villagers imbued Rema's archive with amulet-like powers. The archive demanded appreciation not for its intellectual contribution, but as a powerful object in itself. In this article, I have also suggested treating the rabbi's archive as a material entity in itself: not as a talisman with magical powers to protect us from harm but as a repository with the power to evoke all-too-frequently forgotten approaches to knowledge.

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158. Margaliot, *Maʿalot ha-yuḥasin*, 23:
שמעתי מא״א המאוה״ג ז״ל ששמע בילדותו מפי אנשי אמת איך שמחמת דבר ר״ל או מחמת סיבה אחרת ישב הרמ״א זמן מה בכפר אחד סמוך לקראקא, ומחמת הסיבה הנ״ל נשארו שם הרבה כתבים שלו והובאו לבית גנזיו של השר הנ״ל. ומאז שישב הרמ״א שם נתעלה השר מאוד והיה הלוך וגדול והחזיק בכתביו אלו ולא רצה למסרם לשום אדם, וציוה ליורשיו אחריו לנהוג בהם כבוד, ובכל שנה שוטחים אותם לאויר ורוח היום שלא ירקבו ויתעפשו וכמדומה שאמר לי מפי איש שראה בעת שהוציאום ושטחום לשמש ומי יודע אם לעת כזאת עודם קיימים שמה.

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