

Eliav Shochatman.

The murder of the "Prince", Hayim Farhi, in Acre, and the case of his estate.

(Re)printed from

Collections - Yearbook of Jewish Studies, "Yad Nissim Avraham."

Book Six.

Eliav Shochatman.

The murder of the "Prince", Hayim Farhi, in Acre, and the case of his estate.

Sir R. Hayim Farhi was one of the important and wealthy members of the Damascene Jewish community in the second half of the eighteenth century and at the start of the nineteenth. He exercised great influence upon the Turkish ruling body. When Acre became part of greater Damascus, R. Hayim Farhi went to live there. In c.1790, Jazzar Faha called upon his services, asking him to direct the region's finances. For forty years he was known for his influence not only by virtue of his official post, but also for his concern for his brothers' welfare, shielding them from decrees and extortion practiced by local rulers.¹

¹ See Y. Ben Zvi, *Eretz Israel and its settlement during Ottoman rule*, Jerusalem 5715, pages 319-20, 342, 385, 398; A. Ya'ari "Shluhei Eretz Israel", Jerusalem 5711, pages 609, 674; A. Yalin, R. Hayim Farhi, "HaTor" (lit. The epoch), Year 4 (5684), issue no. 38, pp. 7-8, and issue no. 39, pp. 8-9; Y. Shwarz, "Tvuot Ha'aretz", Lunz edition, Jerusalem 5660, pp. 462-465; M.D. Gaon, "The Jews of the Orient in Eretz Israel", volume 2, Jerusalem 5698; pp. 571-3; Salom Bakash, "Or Halevana" (lit: "Light of the moon"), Livorno (Lenghorn) 5646, pp. 32-40 (Arabic in Hebrew letters); P. Grayevsky, "Historical documents, Orient and Occident II", (5689), page 394. On the subject of the Farhi family in general, its wealth and influence, its degree of involvement in life political and economic, in the 18th and 19th centuries, see A. Y. Barur, the "Jews of Damascus after the 1840 libel", Zion, 11 (5706), pp. 94-97, and sources referring to them, ibidem; A. Almaliah, "New sources for the political and economic magnificence and influence of the princes of the Farhi family in Syria," Zikhron Ya'akov, (in memory of R. Yosef David Farhi), Jerusalem 5708, pp. 40-51. See also the recent book by Thomas Philip, "The house of Farhi and the position of Syrian Jews in Eretz Israel", 1750-1860, Kathedra, Booklet no. 34 (5745), p. 98 onward; Nathan Schor, "The death of Hayim Farhi as reflected in voyagers' accounts", Kathedra, Booklet no. 39 (5746), page 179 onward; Nathan Schor, "A history of Acre", Tel-Aviv 5750, page 231 onward, and page 337 onward; A. Morgenstern, "Redemption through Nature", Jerusalem 5749, p. 141 onward. His position among his brothers finds expression through two letters addressed to him asking for financial help; the letters are published further on in the Appendix section (1-2), and in accordance with the Benayahu manuscript A 163.

The saga of R. Hayim's splendid life came to a tragic end. On the eve of Rosh Chodesh Ellul 5680², Rabbi Hayim Farhi was murdered at the order of Abdulla Faha, thus repaying good with evil, since (the latter) was orphaned as a child and raised by R. Hayim in his home. He even saw to it that Abdulla rule after Suleiman's death.³ Why Abdulla did this is unclear.⁴ Perhaps he had his eye set on the large capital of the Jewish financial advisor. Indeed, according to sources, Abdulla Faha did confiscate all his wealth.⁵

² There are sources in which the year 5579 is mentioned: See Yehosef Schwarz, "Tevuot Ha'aretz" p. 463; A. Yaari, "Zikhronot Eretz Israel" ("Memories of the Land of Israel"), Ramat Gan 1974 pp. 101, 104; Y. M. Toledano, "Otzar Genazim", Jerusalem 5750, p. 93; N. Schor, "His death etc..." (above note 1), p. 185, adjacent to note 39, and p. 189 (concerning the circumstances of his death see the different versions, *ibid.* pp. 185-190) and N. Schor, "A History of Acre" (above, note 1) *ibid.* It appears that the correct year is 5580, see "Vayiqra Yitshak" mentioned later on *ibid.*, especially p. 341, testimony of Baron Marcellus who met Hayim Farhi in Acre in 1820 (5580). Noteworthy also is that the book "Hemdat Israel" on Kohelet (the Biblical book of Ecclesiastes) was published in Livorno (Leghorn) in 5580, and that in its introduction there is special mention made of "two nobles and lords from the Jewish community of Acre" who contributed (to its publication), namely - Nissim Hayim Farhi and Meir Shlomo Farhi, both mentioned as being alive. See A. Morgenstern, *ibid.*, page 144; the above-mentioned, the Gevir (lord) Joseph Amazleg etc., collections, book no. 3., page 398. From the various descriptions it appears that he was strangled and his body thrown into the sea. In several contemporary books, lamentations and eulogies were written about him: see "Vayiqra Yitshak" by R. Isaac Attiah, Livorno 5681, page 111, a; "Megillat Sefer", appended to the work "Givat Shaul" about the death of R. Shaul Katzenellenbogen, Vilna and Horodna, 5685 (see A.L. Friedlander, "Kehilat Moshe", volume 1, Peterburg 5653, page 230 no. 1859) and see also the manuscript at the Columbia University of New York Si 7/3, X 893 (film 23345 of Hebrew manuscripts at the National Library in Jerusalem), pp. 27-33.

³ See Y. Ben-Zvi, *ibid.*, pp. 320, 342.

⁴ R. Yehosef Schwarz, in the work "Tevuot Ha'aretz" (footnote 1 above), writes: "One year into his reign (i.e. rule), they prove (or "argued") that the *zaddik* (righteous man) [R. Hayim Farhi] was not acting honestly. The Pasha [Abdalla] was angry, and understood that the *zaddik* would be a stumbling block to his [Abdalla's] wicked ways, and so he decided to remove him. He secretly set (against him) charges of libel, to the effect that he was a rebel against the king and that he deserved death...". Another reason for this is brought by A. Yalin in his article (aforementioned, note 1 above), issue no. 39, page 99, according to the testimony of a French doctor by the name of Damoiseau, who visited Syria at that time (the matter is reported also in Gaon's book, *ibid.* (footnote 1 above), page 571, note 2. An extra reason can be found in "Memories of Lebanon 1839-1847", written by Constantine Basili, the Russian consul in Beirut, (Jerusalem 5743, p. 57). See also what N. Schor has recently written in "A History of Acre", Tel-Aviv 5750, p. 234.

⁵ See Y. Ben-Zvi, *ibid.*, p. 342; A. L. Fromkin, the story of how the Ashkenazic settlement (known as Perushim) began, "Measef Zion", volume 2, Jerusalem 5687, p. 136. We find the following description in "Tevuot Ha'aretz", *ibid.*, p. 463: "On the morrow [the day after R. Hayim Farhi was killed], the wicked Pasha ordered his servants to his home, took all they could find, emptied out his courtyard and carried off innumerable valuable pieces..." In Basili's book, *ibid.*, the following is recounted: "Afterwards... Abdalla ordered to strangle the old Jew and confiscated his millions for his own treasury."

Actually, a large part of R. Hayim Farhi's property was smuggled by his family into Damascus⁶, and a lengthy argument broke out amongst R. Hayim Farhi's heirs over this estate. This dispute engaged the great Poskim (Jewish legal authorities) of the Orient for years. We learn of the disputation between these Poskim from responsa literature. At the head of one group stood the Rishon LeZion (Chief rabbi of Palestine), R' Avraham Gaguine (known in short in Hebrew as HaRav Agen)⁷.

Together with him stood several sages, and opposing them was the rabbi of Tiberias, R. Hayim Nissim Abulafya (known in short as Harav Hana)⁸. The legal decisions of some sages were published, and have reached us in complete form,⁹ while Rabbi Abulafya's legal decision was not published, and several of the sages who dealt with the case did not see it.

⁶ So appears from the sources of Halakhic literature as follows. However, in one of the responsa, R' Eliezer Di Toledo of Constantinople quotes a letter that he received from one of the Farhi household members, (saying that) the widow (had) complained to the Faha, and that he (the Faha) agreed to return all the property to her. See further on, adjacent to note 82. This version can be substantiated also from the responsum of R. Binyamin Mordechai Navon; see further on, note 73.

⁷ Born in 5647 in Constantinople, appointed to "Hacham Bashi" in Jerusalem in 5602 with the support of R. Avraham Kamondo in Constantinople, who was directly involved with him in this episode as well. See further on, notes 71 and 7. About Rav Agen see A. L. Fromkin - A. Rivlin, "Toldot Chachmei Yerushalayim" ("A history of the sages of Jerusalem"), volume 3, Jerusalem 5689, pp. 276-278; Y. Galis, Encyclopaedia of the history of the sages of Eretz Israel, Jerusalem 5735, volume 1, pp. 54-56, and volume 3, p. 179.

⁸ Born in 5529. In 5614 he was appointed Rishon LeZion and died in 5621. Some of his legal decisions and responsa were published in books authored by Jerusalem rabbis, such as the book of responsa entitled B'nei Binyamin, chapter 9. Most of his writings got lost in an earthquake in Tiberias. R. Hayim Palaji eulogised him (published in the work "Arzoth HaHayim" Lecture 6). See the book "Tov Ro'i" by R. Yosef Hayim Yaloz, Jerusalem 5694, (?), page 9; A History of the sages of Jerusalem, section 3, pp. 279-280; Y. Galis, *ibid.*, volume 1, pp. 340-342, and section 3, p. 338. In the opinion of his contemporaries he is seen as a great scholar of Torah and singled out for his reputation as a man of morals. See, for instance, "Avodath Masa", by R' Yehoshua Abraham Yehuda Saloniki, chapter 24: "We know that he is an outstanding rabbi in Israel, well versed in the chambers of Torah and proficient in laws of divorce and marriage, as is known, and it is absolutely certain that nothing faulty emerges from under his hand (i.e. matters under his jurisdiction)". See also what is written on this in the "History of the sages of Jerusalem", *ibid.*

⁹ These are the works wherein can one find responsa relating to this case: "Hukkot HaHayim", by R. Hayim Palaji, Izmir 5633, chapters 1-2; "Mishnath Rabbi Eliezer", by R' Eliezer di Toledo, section 1, Saloniki 5613, chapters 7-8; "Tzel HaKesef", by R. Avraham Gatinayav, section 1, Saloniki, 5632, Choshen Mishpat, paragraphs 31-32; Responsa "N'div Lev" by R. Hayim David Chazan section 2, Jerusalem 5626; Choshen Mishpat, paragraphs 25 and 33; responsa Bnei Binyamin, Jerusalem 5621, chapter 1; responsa of R. Israel Moshe Chazan, Benayahu manuscript A 62 (further on - Benayahu manuscripts; in the Benayahu collection it can be found in the form of a further copy but not in whole form. It is registered as Benayahu manuscript C2 [i.e. Gimmel, 2]). This does not exclude the possibility that additional material connected to this case might not be found in other compositions by contemporary sages. In any case at least two further responsa connected to this case got lost and could not be relocated.

Professor Meir Benayahu told me that some years ago he gave in a number of responsa and documents to do with this case for bookbinding, including, amongst others, R' Yosef Zamiru's responsum, author of the responsa "Hon Yosef" and the responsum of R. Yaakov Antebbi. All the material got lost, and it is a shame that it did get lost.

However, during my searches after a particular manuscript from the Dahab collection in the manuscript treasury at the National Library, Jerusalem, I came across a letter sent by Rabbi Hayim Nissim Abulafya to the Rishon LeZion.¹⁰

The background to the case.

The "Prince" (Sir) R. Hayim Farhi left no children¹¹, and was survived only by his widow and brothers. The Farhi brothers were: Hayim, Rafael¹², Menahem, Shlomo, Joseph and Moshe were, during their lifetimes, joined in business partnerships "whether with regard to goldsmithery, negotiating or trade; they made a lifelong deed of partnership"¹³. Two of the brothers died before R. Hayim Farhi. The first one who died was, apparently, Menahem Farhi. He was survived by two sons - Joseph and Nissim. All his money was collected by Hayim Farhi and handed to his brother, Moshe Farhi, so he may act as executor¹⁴. After him, Joseph Farhi died. He was survived by three sons: Shmuel, Netanel and Ezekiel¹⁵. When R. Hayim Farhi die, his widow¹⁶

¹⁰ I found the manuscript in a file containing various passages, its register no. 1787 -8. Currently, the letter has been adjoined to the collection of letters sent to Rabbi Gaguine - its number being 736V. The letter was included in file no.1 its register no. being 2 A(leph).

¹¹ See version of the question in the responsa "Tzel HaKesef", section 1, chapter 31, p. 187, a.

¹² He was treasurer at Damascus. See A. Y. Barur, "New material on the news of the Damascus Libel", Jubilee Book by Samuel Kreis, Jerusalem, 5697, pp. 261-262. Concerning the work of his brother Shlomo in the government at Damascus, see T. Philip, *ibid.*, (above, note 1) pp. 107-109.

¹³ "Mishnat Rabbi Eliezer", section 1, chapter 7, page 15 B; the matters are quoted also at the outset of the responsum by R. Israel Moshe Chazan, Benayahu manuscripts.

¹⁴ See Hukot HaHayim, chapter 2, page 8, 3-4. Menahem apparently died in c.5570.

¹⁵ "Mishnat Rabbi Eliezer", *ibid.*: Rabbi Y. M. Chazan's responsum, *ibid.* It seems that Joseph died in 5575, see R.Z. Laniado, "Likdoshim Asher Ba'aretz", section 3, Jerusalem 5695, p.46 (Headstones 87, 88 from year 5575 bearing the same name - one was probably a member of another family) Letters sent to him are quoted later in addenda, 12.

¹⁶ It seems that her name was Sarah, as it appears to be from the version of the question in "Mishnat Rabbi Eliezer", *ibid.* amount of influence she had one may learn from the letter addressed to her asking for support for the bereaved (orphans). The letter appears later in the addenda, chapter 3, as in Benayahu manuscript A163 - where she is called Sinyoro. She is buried in Safed. "Tevuot Ha'aretz, p.163; Zion, Book 2, (5687) p.136.

and brother Moshe¹⁷ lived in his household. They succeeded in smuggling an important part of R. Hayim's property to Damascus, although on the way (there) the widow died and all the property remained in the hands of Moshe Farhi, who refused to divide it up with the remaining inheritors. The latter's claims to divide up the estate received attention no earlier than thirteen years later, after Shlomo Farhi, one of the remaining brothers, also died¹⁸, and Moshe and Rafael Farhi were, if so, the only brothers of R. Hayim Farhi remaining alive.

Concerning the reasons causing the great delay in clarification of the matter of the estate, we find only hints in the sources before us - for instance:¹⁹ "and not a great time after *Jilibi*²⁰ Shlomo died his premature death away from home²¹, and from that day on, the wheel has turned, and there is not a day that his curse is not on everyone, with libels and evil matters of the aforementioned *Jilibi* Rafael and his people, as is known."²²

¹⁷ Moshe Farhi had two children: Mordechai and Menahem. Mordechai had close contact with the government, and following his father's death took his place as main defendant in the case of R. Hayim Farhi's estate; see further on.

¹⁸ In the year 5582. See R.A.L. Fromkin "History of the sages of Jerusalem", section 3, p.202. See also further on, note 21.

¹⁹ Rabbi Eliezer's responsa, *ibid.*; Rabbi Y.M. Hazan's responsum *ibidum*.

²⁰ *Jilibi*, name for "lord" (heb. *geviri* i.e. wealthy man, lord).

²¹ Shlomo Farhi's life also met with a tragic end. Following R. Hayim Farhi's death, his brothers sought to avenge his blood, "and they hired Saliman Pasha of Damascus... and a great camp of soldiers. They held in hand the work of Sheikh Al-Aslam of Istanbul that they should fight with Abdalla Pasha. They came to the holy land in the month of Nissan, 5581. "Tevuot Ha'aretz" p. 464. Yet a year later, during which the city of Acre was under siege, Abdalla Pasha bribed some of his men 'and they secretly killed the righteous master and rabbi Saliman (Shlomo Farhi) in the month of Nissan, 5582 with a lethal poison.' (Tevuot Ha'aretz, *ibid.*).

See T. Philip, *ibid.* (above, footnote 1), p.107 for another version of circumstances of his death. See also M.D. Gaon, *ibid.* (above, footnote 1), p.573. With regard to the episode as a whole, see N. Schor, "The history of Acre", p.246 onward.

²² Up unto this day no details are known of the blows that struck the Farhi family members following their above mentioned failure, once they returned to Damascus. At any rate, some sat in prison, and in this context, it seems, R. Yaakov Antebbi wrote his special prayer which A. Alhalil published in "Mizrah Umaarav", 3 (5689) p.47: "May it be His will... that He be filled with good mercy for the light of our eyes, the godfather Rafael son of Esther and his brother, Moshe son of Esther, and for his nephews Mordechai, son of Esther and Joseph son of Rachel and all their family... redeem the sons of Jacob, the offspring of your beloved, the aforementioned Rafael, son of Esther, and all his relations, from their imprisonment...". See further, concerning this matter A.Y.Barur, "New material concerning the Damascus libel" (above, footnote 12), p.262, and note 12, *ibidum*; T.Philip, *ibidum* (see above, footnote 1), p.107 and onward.

That is the reason why the brothers did not seek to dispute with their brother *Jilibi* Moshe to make any claims on the estate of *Jilibi* Hayim, may his soul rest in Eden, and form the properties held in partnership that he held, as aforementioned, in the deed of partnership.

It is also possible that the inheritors harboured a concern that should the authorities get to know of the matter, they would produce with libelous accusations against them in order to take their money.

In any case, three years later, on the thirteenth of Ellul, 5593, inheritors Rafael and Moshe Farhi and their nephews - Shmuel, Ezekiel and Natanel Farhi²³ decided to bring their matter before three arbitrators: Rabbi Yaakov Antebbi²⁴, the rabbi of Damascus, Rabbi Avraham Ashkenazi Motig, rabbinical emissary of Tiberias who at that time was staying in Damascus²⁵, and Rabbi Hayim Maimon Toubi.²⁶

²³Note: That in this court hearing the sons of the deceased Menahem Farhi, Joseph and Nissim Farhi, took no part. They had already been under constraint to compromise with Moshe Farhi, who brought his matter before the gentile authorities, even though they immediately thereafter issued a statement proclaiming that they had been forced into a compromise, as will be clarified further on (see footnote 38). At this juncture, it would be fitting to point out that another conflict over inheritance which the Farhi family members were involved in, with regard to properties belonging to Nethanel Farhi mentioned here is dealt with in the "Simha Leish" responsa by R. Yaakov Shaul Elyashar, Jerusalem, 5648, Choshen Mishpat, paragraphs 1-3.

²⁴ R. Yaakov Antebbi's name was destined to become connected with the famous Damascus libel. He was tortured terribly by the authorities, until he was freed, following the intervention of Moses Montefiore and other personages. *Al-Halil* published the story (footnote 22 above), p.34 onward. Another Jew connected with the blood libel is Moshe Abulafya, son of the Rabbi Abulafya who was, a few later, to challenge Rabbi Gaguine's *psaq* (Jewish legal decision) which authorised the *psaq* of Rabbi Antebbi and his court of law (see further on). In responsa of contemporary rabbis - which will be discussed further on - I found no mention of any connection between persons involved in the debate under discussion and the blood libel case. Only in Rabbi Hayim Kafusi's book, "Beor HaHayim", which Rabbi Avraham Yaakov Antebbi, grandson of the aforementioned R. Y. Antebbi, published (Jerusalem 5689) is there an anonymous passage (on page 2, 3-3, A) in which support is lent to Rabbi Y. Antebbi and Moshe Abulafya, other individuals of the Farhi family were involved. See A. Y. Barur, *ibid.* (footnote 12 above), p.260 onward (see there on pp.273-274)

²⁵ It will emerge from reading on who this judge was. (see there, page 15, 4)

²⁶ This sage took the seat of the Rabbinate after Rabbi Yaakov Antebbi left for Jerusalem, following the blood libel in Damascus. A.Y.Barur, *ibid.*, (above, footnote 1), p. 89, 97. A detailed account of a meeting with him when he was rabbi of Damascus can be found in John Wilson's "The lands of the Bible", Vol II pp.330 - 334.

In a deed which they wrote,²⁷ they accepted upon themselves to abide unanimously and completely by the Beth Din's decision, whether for court ruling or compromise, even if they were to err in judgment. The sides also promised not "to relate this matter to any gentile or uncircumcised, and certainly not to make this matter known to the powerful people of the land, and they all accepted upon themselves that, should any one of them break his promise, he would deliver his portion in the estate to his fellow litigants. They also accepted upon themselves that should one of them refuse to abide by the court ruling, his fellow litigants would be authorised to "bring the case of the rebel before the powers-that-be in the land", once there is a court-ruling and explicit authorisation from the judges, or from two of them, to do so. This deed and its manner of interpretation was at the centre of the debate which took place between Rabbi Gaguine and Rabbi Abulafya. Therefore, I shall quote here the deed's original version:

"It is known that for several years now, we, the undersigned A and undersigned B have participated with our brothers Mr. Jalibi Hayim, Jalibi Joseph and Jalibi Shlomo in service of the gold dealers in Damascus and Acre, and the terms negotiated, as made clearly out in the deed, are explicitly set as conditions between us, as is known. After the three aforementioned shepherds died, several evil troubles have we undergone; [may sorrow never visit twice!] And now, let us see with our eyes how to arbitrate each one's portion, we, the first and second signatories, and also our nephews' - Jalibi Joseph, may his soul rest in Eden - portion of the property of the estate left by our brother Mr. Jalibi Hayim, of blessed memory, which is a quarter of the

²⁷ The full version can be found in "Mishnat Rabbi Eliezer", *ibid.* (footnote 13 above); responsum of R. Y. M. Hazan, Benayahu manuscript (There are slight textual differences between the two versions).

properties which he ought to receive as inheritance. We, the three judges, the Honourable Rabbi A. Ashkenazi and the clerk, his Honour Rabbi Hayim Maimon Toubi, may the Name preserve him, must consider all of the above. From this moment on, we have completely accepted the (authority of the) three aforementioned judges, in accordance with the law of our sages of blessed memory... whether for purposes of a court ruling or for reaching a compromise... and even if they, Heaven forbid, err in judgment, and even in a matter of Mishnaic text (i.e. well known verse); even so, we have from this moment accepted their aegis completely, and we shall not deviate in any way from what they shall rule. We have heard the warning that no one of us, of the signatories below, or Jalibi Mordechai, the second signatory, has the right to relate of this matter to any gentile or uncircumcised person, all the more so not to make the matter known to the lords of the land, Heaven forbid, and if it may transpire through an eye-witness or by way of proof that any one did make the matter known and did speak with a gentile, all the more so if this was done before the lords of the land, then the portion that he deserves whether through partnership or inheritance he will forfeit to his fellow litigants as a complete gift, as in accordance with the law of our sages, of blessed memory... only when the honourable rabbis decree and write a court ruling, when they see it to be fitting by law or for compromise, and when they write and sign and give a court ruling as they see fit, whether for a court ruling or compromise, and write and sign to it, and hand it to us.

Whoever refuses to uphold their word, all three honourable judges, or two of them, will write to him and sign that we have permission to bring the rebel's case before the lords of the land and compell him to uphold the written

judgment - and so shall be done... this was (confirmed) here in Damascus, may G-d establish it forever, Amen, 13th of the month of mercy (i.e. Ellul), year 5593 after creation. And everything is firm, clear and abiding.

We wished to clarify that even if a court ruling should be issued, written and signed by the three above-mentioned judges, where one of us is charged a certain sum which we must give to another or which we must all share out, even then we have no authorisation in any way or manner in the world to go and take out the requisite of the gentile authorities and the lords of the land, and are not to make known to the lords of the land unless there was a Jewish court's ruling in hand, and explicit permission from the judges aforementioned, or from two of the signatories, who gave him permission to go to the gentiles, and to the degree that they explicitly allowed him to do so, and as they allow so will he do...

The young Rafael Farhi

The young Moshe Farhi

The young Shmuel Farhi

The young Ezekiel Farhi

The young Netanel Farhi

It seemed that with this, the future of the case of R. Hayim Farhi's estate might be brought to a close, but, in fact, this was only the opening shot for a lengthy and prolonged court case.

The verdict issued by Rabbi Yaakov Antebbi's court of law.

Five days after the aforementioned deed of arbitration was signed, i.e. on the 18th of Ellul 5593, Rabbi Yaakov Antebbi, head of the Beth Din (Jewish court

of law), issued his verdict.²⁸ The essence of the verdict was, that Moshe Farhi should bring all the property which he had received from his deceased brother's estate to Rabbi Yaakov Antebbi, and that the entire property would be divided up equally among the following inheritors: the brothers Moshe and Rafael Farhi, their nephews, sons of Menahem²⁹ and their nephews, sons of Joseph. There is absolutely no mention made to the part of the fifth inheritor, Shlomo Farhi, who had also died a short while after Hayim Farhi; Shlomo had one son, Isaac Hayim, who was not included among the litigants who requested the decision of Rabbi Y. Antebbi's Beth Din.³⁰

Thus it was decided that Moshe Farhi's share would stay with R. Y. Antebbi until the matter of partnership between the brothers could be finally resolved. Moshe Farhi was forbidden to cause any delay or postponement. Rabbis Yaakov Antebbi and Abraham Ashkenazi signed the verdict, while the third judge, R. Hayim Maimion Tounbi, did not sign the verdict - a fact which

²⁸ "Mishnat Rabbi Eliezer", *ibid.*, p 15, 4; "Hukot HaHayim", chapter 2 page 6,1-2; the responsa of Rabbi Y. M. Hazan, Benayahu manuscripts.

²⁹ Apart from their share in Rabbi Hayim Farhi's estate, Joseph and Nissim Farhi, sons of Menahem Farhi, also claimed the money that their father had deposited with Moshe Farhi. This brother was appointed as their guardian when their father died. On this matter Rabbi Yaakov Antebbi gave a separate ruling, obligating Moshe Farhi to pay capital and profit accumulating from the day that his deceased brother's property was deposited with him.

This ruling is brought in full in "Hukot HaHayim", chapter 2, p.8, 4. Another case involving a Yeshiva in Jerusalem which was consecrated by R. Menahem Farhi and which Joseph and Nissim Farhi continued to support and which, after a time, they wished to close down, is dealt with in the book "Ruach Hayim" by R. Hayim Palaji, Yoreh Deah, chapter 12.

³⁰ In a document published by P. Grayevsky (from "Gnizei Yerushalayim" [lit. treasures of Jerusalem], booklet 17, page 22; brought also by M.D. Gaon, *ibid.* [above, footnote 1] pp. 572-573, Isaac Hayim Farhi declares that he was not included among R. Hayim Farhi's inheritors. Nonetheless, there is mention of Shlomo Farhi's estate in the verdict. According to what is reported there, Moshe Farhi was obligated to produce before the Beth Din "gold ornaments belonging to Jalibi Shlomo's first wife, may her soul rest in Eden, and all the notebooks of Jalibi Shlomo, and all the records (?) and papers that he has of the aforementioned, and that he bring them all to the first signatory [R. Yaakov Antebbi]." Concerning a dispute which broke out between Isaac Hayim son of Shlomo Farhi and the inheritors of Rafael Farhi, one may learn from three documents which are published further on, in the addenda, chapters 4-6.

became of great importance for the continuing developmnet of the case. Moshe Farhi did not abide by the court's ruling.

The appeal to the rabbis of Jerusalem.

Three years after the aforementioned court ruling was made, R. Yaakov Antebbi turned to the rabbis of Jerusalem, their head being the Rishon LeZion Rabbi Yona Moshe Navon, appealing to him to enforce the acceptance of the verdict. This appeal was made out as a verdict and signed on the 28th of Cheshvan, 5597, by Rabbi Yaakov Antebbi. Amongst other things, the following was stated:

"and we have obligated him, in his presence, to bring everything before us, and he put us off with flimsy and empty excuses, and we became weary with him for he would not listen.

Afterwards, due to the great power that they wield, he and his son no longer stood for judgment, and the aforementioned copy [the first verdict] and the deed of their partnership remains in my possession from that day unto this, and they rebel, and I have not got the power, since they have behaved with me in

an unprecedented fashion...whoever has the power to raise the banner of the Torah will receive double remuneration from Heaven.”³¹

From these words, it transpires that throughout the years since the first court ruling was given, efforts on the part of the other inheritors to enforce the implementation of the ruling by way of the Beth Din had been made, yet Moshe Farhi and his brother, Mordechai, who helped him, refused to appear at court; not only that, but they “behaved in an unprecedented fashion” towards R. Yaakov Antebbi, the nature of which is not explained; we find hints to what it may refer to in R. Yehuda, son of R. Rafael’s *psaq* (ruling).

At this time R. Yehuda Navon, three years later to be Rishon LeZion³², was in Damascus.³³

It seems that he was the first one to stand up and be counted and defend R. Y. Antebbi’s verdict, and sought to enforce it upon Moshe Farhi and his son Mordechai. From his ruling, details emerge concerning what happened during the period of time which passed between the issue of the first verdict by R. Y. Antebbi, and also the appeal to the rabbis of Jerusalem in 5597.

He writes: “For a long time, over a number of years, they shout but they are not answered, neither in courts of law nor in the gentile courts, nor can the lords and aristocrats of the land rescue (for them) what is theirs from the hand of Jalibi Moshe, may his Rock protect and sustain him... and when they saw that they were inclined to charge Jalibi Moshe with matters that were clarified

³¹ The full version of the court’s verdict is brought in “Minhat Rabbi Eliezer”, *ibid.*, and “Hukot HaHayim,” *ibid.*, page 6, B.

³² After a short time this position was given over to Rabbi A. Gaguine. See M. Benayahu, “Five years when Jerusalem was empty, void and waste” (translator’s note: acc. to Nahum 2:11), Collection 6 (5752). He died in Jerusalem in 5605 (A. Almaliah, “HaRishonim LeZion” [the chief rabbis of Palestine], Jerusalem, 5730 p. 181).

³³ ‘as an emissary for performing a commandment, as is known’, in his words in his ruling (see footnote 34 further on)

to be fraudulent, they cooled down the matter, cancelled the Beth Din's treatment (of the matter), and they tried with all their might and with bribery, removed the honourable rabbi and sage Yaakov Antebbi, may the Merciful One protect and redeem him, from his post as judge, set him under house arrest by bribing officers (to swallow everything), and silenced the matter for a time, and now the matter has returned and reawakened..."

From his words, therefore, arises that meanwhile the other inheritors appealed to the gentile authorities, and that Moshe Farhi won his case against them. By bribing and due to his good connections with the government,³⁵ he succeeded in banning the court from dealing with the matter and removed Rabbi Y. Antebbi from his post as *dayan* (judge). Rabbi Y. Navon writes further on that he had appealed to Moshe Farhi and to his son Mordechai that they agree to attend the Beth Din 'and if he pleases, he would find a compromise for them', but they did not want to come at all, 'and they categorically stated that they do not obey the (Jewish) law and said things that make the ears ring,' and that they sought to attend a gentile court only. Concerning this, Rabbi Y. Navon wrote: "I investigated the matter and carefully considered that court action and investigated the honourable judge, the lord Hayim Maimon Toubi, who confirmed all that is written to be true and upstanding... and it became clear to me as the light of day... that all that is written is true and upstanding, and that the law has been truthfully executed, and that Sir Moshe and his sons are very hard and bitter people, who publicly raise their hand in defiance of the Eternal's law and who do not obey the rule of (Jewish) law.

³⁵ The precise nature of the connections that Moshe and Mordechai Farhi had with the government is not clear to me.

It is clear that both fulfilled official roles in the government, as is apparent from the work 'N'div Lev' by R' Hayim David Hazan, Jerusalem 5625, chapter 45, page 86, 4: "And (as) to Shimon (Moshe Farhi) son of (Mordechai), (he) stands in service at the entrance [of the home of] the city officer, with Shimon his father." Moshe and Mordechai's names are not identified here, yet it is clear that this response and adjoining material are connected to the case, as will be clarified later on. See also Y. M. Toledano, "Otzar Genazim", Jerusalem 5720, p.93, concerning Moshe Farhi, according to the version of a traveller, R. David DeBeth Hillel: 'the president of the Jewish community... is a very wealthy man, very charitable and a practitioner of kindnesses to all impoverished people, he is the ruler of Damascus and adjoining lands and of Syrian Palestine...' In light of this, R. Y. Navon decided that permission would be given to the remaining inheritors to take their claim to court, and that all the costs would be paid by Moshe Farhi 'and it is an obligation of mizva (Torah commandment) upon each and every Beth Din and all the sages and rabbis of Israel, wherever they may be, and upon all whoever acts in the name of Israel, to try and help them and annul their uncle's actions...' This psaq was written by R. Y. Navon on the twenty-seventh of Heshvan, 5597.

R. Yehuda Navon's psaq was of no consequence either. Moshe Farhi and his son brought their matter to the gentile courts and the latter enforced the other side to 'compromise against their will, and give a deed of discharge for the amount that they might receive from the father, Sir Moshe, and his son, Sir Mordechai Farhi.'³⁶

³⁶ Mishnat Rabbi Eliezer, ibidum, p.16, 2.

Joseph and Nissim Farhi, sons of Menahem Farhi, were also made to compromise before the gentile courts.³⁷ However, the sons of Joseph Farhi, on one hand, and the sons of Menahem Farhi, from the other hand - who were litigants in the case against Moshe and Mordechai Farhi - did not make their peace with this compromise, until it was made, as already said, against their will, and they delivered a public statement in protestation of the compromise.³⁸ The precise time at which this case took place is not known³⁹, although in any case this compromise also did not bring an end to the conflict between the heirs, only that meanwhile Moshe Farhi died,⁴⁰ and the continuation of the proceedings was, if so, now between his sons and those of Joseph Farhi.

³⁷ Hukot Hachayim, p.8,4. Concerning a dispute between Nissim Farhi and Mordechai Farhi in regard to a bill of debt which Nissim had signed to in favour of Moshe Farhi, concerning which Nissim Farhi feared that Mordechai Farhi would charge him in the gentile courts, see further on in the section of the addenda, paragraph 7.

³⁸ Mishnat Rabbi Eliezer, *ibid*; Hukot Hayim, *ibid.*, and p.9, 1; responsum of R' Y. M. Hazan, Benayahu Manuscript. Indeed it appears from R. H. Palaji's responsum (Hukot Hayim, p.10, 2-3), that the public statement issued by the sons of Menahem Farhi was in relation to their being compelled to compromise with Moshe Farhi over the inheritance from their father which had been deposited with the former. However, R. H. Palaji saw in this a suitable statement also covering their being compelled to compromise over their part in R. H. Farhi's estate (*ibid.* viz). Concerning the reason why they did not issue a statement also with regard to their being under constraint to compromise over their part of Hayim Farhi's estate, we read of there, p. 10, 2: 'Since he (Joseph Farhi) did not have the right opportunity to issue a public statement, as he was preoccupied with his journey to the chief deputy, the lord officer of Egypt, and he could not delay to demand witnesses and issue a public statement.' See also "N'div Lev", paragraph 55, p. 86, 4.

³⁹ In contrast, the book "Hukot Hayim" p.8 4-9, 1, reports the precise time at which the two public statements were issued by Menahem Farhi's sons, and they are: 4th Sivan, 5593 and 14th Adar 5595. Further on, R. H. Palaji writes in his responsa (p. 10; 3), that the compromise over the inheritance from Hayim Farhi took place between these two dates. Likewise, it is also reported there that one of the witnesses to the second statement was R. Hayim Romano "and he is an expert of fame and reknown." This sage is mentioned by A. Yaari, (Shluchei Eretz Israel, Jerusalem, 5741, p. 690), according to a report given to him by R. Yaakov Moshe Toledano to the effect that he (the former sage) was sent as an emissary on behalf of the Hebron community to Morrocco in 5601, and that 'he is not known from another source.'

⁴⁰ See Mishnat Rabib Eliezer, *ibid.*; Hukot Hayim, *ibid.*; responsum of R. Y. M. Hazan, Benayahu manuscript. Rafael Farhi died, apparently even before him, leaving several children, amongst them Meir. See ahead in the Addenda, paragraphs 4-6, 11.

The proceedings in Rabbi Gaguine's court.

As long as Moshe Farhi and his son were powerful, they managed to avoid having the psaq, made in their disfavour, being implemented. Yet once Moshe Farhi died, his children had their former influence no longer.⁴¹ Therefore, Joseph Farhi's sons decided to bring their matter before the Rishon LeZion's court in Jerusalem.

This event happened in the month of Ellul 5603, when Mordechai Farhi came to Jerusalem. The report of his arrival there reached the ears of Samuel, son of Joseph Farhi who decided to leave immediately for Jerusalem in order to bring his claim against him there.⁴²

From the moment that the proceedings began, each side brought forth different claims which had to be proven. It was then the eve of the High Holidays, 5604, and so it was decided to delay the proceedings in order to give Samuel Farhi the necessary time to travel to Damascus and bring back his proofs from there. The two sides signed a document in which they pledged to appear before the court and obey its ruling; it was agreed that Samuel Farhi was to bring his proofs forward within forty days 'and if the second signatory [Samuel Farhi] should withhold from bringing forth his proofs (within forty days), then shall the first signatory be exempt and (rightfully) wealthy.'⁴³

⁴¹ See the aforementioned responsa, *ibidum*.

⁴² See there.

⁴³ The document's version can be found in *Mishnat Rabbi Eliezer*, *ibid.*, p.3, and its date was "the first third of the fifth month, 5593." Yet it is certain that there is some mistake here, and that the year is: 5603, as emerges from the version in *Hukot Hayim*, paragraph 3, p.7, 4-8, 2 and from the document's version in R. Y. M. Hazan's responsa, Benayahu manuscript.

The renewal of the proceedings in Rabbi Gaguine's court could recommence only five months thereafter, when Samuel Farhi returned from Damascus. He had not been able to obtain proofs for his claims to base themselves on.

Concerning what happened to him during the time he spent in Damascus, we find the following description:

When he arrived in Damascus, may G'd protect it forever, Amen, where he was obliged to wait until he was able to bring clarifications from Aleppo and Marcilia; now it is known that these places are far off, especially during winter. Meanwhile, Jilibi Rafael died - this being the cause for him not being able to attend the tent of convocation as had been agreed upon in truth by word of mouth and in writing. He delayed until Adar, which, in that year, amounted to five months.⁴⁴

And concerning the matter of the proofs that he sought in order to base his claims upon, Samuel Farhi announced that he was prevented from obtaining them since 'everyone is fleeing from saying what they know, and despite the fact that the letter has been shown to one of the rabbis of Damascus, he nevertheless has not complied in aiding clarification, since he knows that no-one wishes to go into the thick of the matter.⁴⁵ In contrast, Samuel Farhi brought with him the responsa of R. Maimon Toubi to the aforementioned question, which was referred to him. Due to the importance of matters and as to their effect upon the continuing development of the case - this is its text:

' I have received your holy words concerning the case which we have accepted to judge, our teacher and master Rabbi Y. Antebbi along with the sage Rabbi A. Motig and I, concerning the matter of Jilibi Moshe Farhi, of

⁴⁴ Mishnat Rabbi Eliezer, *ibid.*, p. 16, 4; The responsa of R. Y. M. Hazan, Benayahu manuscript.

blessed memory and his nephews, may they rest in Eden. This I will say to my lord - since the matter is a very old one, and has been going on for some time - more than twenty years, I have already forgotten the matter; what I do remember is that they had several claims against Jilibi Moshe, among them a small box and a bundle containing jewelery from Jilibi Hayim's estate. It seems to me that Rabbi A. Franco gave some evidence concerning this matter, or others, and that Jilibi Moshe admitted to this but said that what was contained in them was far less than what they claimed. I do not remember why I did not sign to the court action written by Rabbi Y. Antebbi, and certainly it was not that I withheld my signature for no reason. If it is as our master Rabbi Y. Antebbi states, that I withheld my signature out of fear of Mordechai, and Rabbi Yehuda Nechmad, may the Merciful One protect and redeem him, says that he asked me and I gave the reason for withholding due to my fear of Mordechai, may the Eternal establish and protect him, what can I say, for two kosher witnesses are testifying against me on the matter. Only this can I say; that I do not remember the reason, this and nothing else, and apart from this, I know nothing more on the matter whatsoever.⁴⁶

When Samuel reported for the continuation of the proceedings in Rabbi Gaguine's court of law in Jerusalem, a special express was sent to invite Mordechai Farhi from Beirut, and Rabbi Gaguine warned him not to refuse to attend.⁴⁷

⁴⁵ ibidum, ibidum.

⁴⁶ ibidum, ibidum.

⁴⁷ viz. , ibidum.

However, Mordechai Farhi did not heed the warning,⁴⁸ and therefore a ruling was issued in absentia by Rabbi Gaguine's court of law. This court ruling was given following a clarification of circumstance issued by Rabbi Israel Moshe Hazan, whose conclusions were adopted by Rabbi Gaguine and other sages, as follows.

⁴⁸ Mordechai Farhi explained his refusal to attend on grounds that the claimant had not fulfilled his obligations to report to the court within forty days. Thus, the agreement that they had signed to was no longer binding upon him. It is further stated in *Mishnat Eliezer*, *ibid.*, and the responsum of R. Y. M. Hazan, that in response to the request that he had received, Mordechai Farhi sent a letter to Rabbi Gaguine announcing that he had already appointed and authorised Jilibi Shemaya Angel, Rabbi Gaguine's son-in-law, to file his claims before the rabbis and sages of Damascus, and that 'he had sworn an oath not to annul this authorisation, and he is therefore prevented from attending Rabbi Gaguine's court... and should his litigant wish, he may come and attend court before the rabbis of Damascus.' Amongst other things, Mordechai blames the other side for slander which almost caused danger for him and his brothers, until they managed to extricate themselves (from danger) at great monetary expense.