

and his descendants (B. B. 129b; Hoshen Mishpat, 248, 1). If the bequest is to A, and after him to B, and after B to C, they succeed

Bequest for Life, and one another; but if B dies during the lifetime of A, the heirs of A inherit.

"on Condition." If B, however, is living at the time of the death of A, he takes the property because A is entitled to its use for life only. If A has sold the property, he is guilty of a moral, but not of a legal, wrong; because, although he is only entitled to its use for life, B's right in the remainder is not a vested right, but is contingent upon the existence of the property at the time of A's death (Hoshen Mishpat, 248, 3). If, however, the gift is specifically to A for a definite period, and after that to B, a purchaser from A takes no title to it, and at the expiration of the fixed period, B may recover the property from such purchaser (*ib. gloss*).

If a bequest is made "on condition," the condition must be fulfilled before the legatee is entitled to the bequest. If the testator says, "A shall marry my daughter, and he shall be given two hundred dollars," the condition is a condition precedent, and A can not receive the two hundred dollars before he marries the daughter (Hoshen Mishpat, 253, 12).

A specific bequest may be given to an heir in addition to that which he would otherwise inherit; if the sick man says, "Give my son A two hundred dollars that belongs to him," he is entitled to this sum as a specific bequest in addition to any other rights he may have in his father's estate ("Yad," Zekiyah u-Mattanaḥ, xi. 16; Hoshen Mishpat, 253, 8), and he may reclaim it if it has been disposed of by the heirs (Hoshen Mishpat, 252, 2, *gloss*); but if the legacy was not specific and the heirs were merely charged with a moral obligation to carry out the will of the testator, their disposition of the property is valid (*ib.*). If the testator has given three legacies, and the estate is not sufficient to pay them all, they abate *pro rata* (B. B. 138a; "Yad," Zekiyah u-Mattanaḥ, x. 13), unless he has indicated the order in which they shall abate (Hoshen Mishpat, 253, 9).

Specific and Demonstrative Bequests. If one bequeaths a specific sum of money, to be paid to the legatee out of a certain claim which is to be collected from a debtor to the estate, the bequest need not be paid until the debt is collected: this is a demonstrative legacy payable out of a certain fund (*ib.* 11). A specific bequest of two hundred dollars to the poor, or a scroll of the Law to the synagogue, is presumed to be intended for the poor of the community to which the testator belonged or for the synagogue which he was in the habit of attending (*ib.* 23). A specific bequest of a "share" of the testator's goods is generally taken to mean one-sixteenth, or, according to some authorities, one-fourth (*ib.* 24).

If one during his sickness has bequeathed his entire property to sacred or charitable uses, or has abandoned it all (see ПЕРКЕР) and retained nothing for himself, and he afterward recovers, his acts are all voidable; but if he has retained anything for himself, his bequest is equivalent to, and subject to the laws of, an ordinary gift and can not be revoked ("Yad," Zekiyah u-Mattanaḥ, ix. 19; Hoshen Mishpat, 250, 3, 4).

A bequest of a claim against another person, or of an instrument of indebtedness held against another person, is valid even though none of the formalities required in cases of assignment of claims has been performed; provided, however, that the bequest was made in contemplation of death, or the testator parted with all his estate (B. B. 147b; "Yad," Zekiyah u-Mattanaḥ, x. 2; Hoshen Mishpat, 253, 20; see ASSIGNMENT).

A bequest is revocable either by express words or by implication. Where the testator, after having bequeathed certain property to A, bequeaths the same property to B, the former bequest to A is impliedly revoked. If, however, the article bequeathed has been delivered, or symbolic seizure has been taken by the legatee, the bequest is irrevocable (B. B. 151a; Hoshen Mishpat, 250, 13).

A bequest made by a testator under the belief that he was about to die is revocable, no matter how formally made (Hoshen Mishpat, 250, 14; "Yad,"

Revocation. Zekiyah u-Mattanaḥ, viii. 23). But in some cases it has legal effect even though it is revocable: thus, if the testator bequeathed his entire property

to his slave, he may, upon recovery, revoke the bequest; but the slave remains a free man, because through the gift he has become free, and freedom once acquired can not be lost (Giṭ. 9a; "Yad," Zekiyah u-Mattanaḥ, viii. 22; Hoshen Mishpat, 250, 15; see commentary, "Beer ha-Golah," *ad loc.*). In case, however, the slave takes the bequest under the following form, "I bequeath my property to you from this day, in case I die," and the testator afterward recovers, the slave has not acquired his freedom; because the bequest was made specifically on condition of death, and, the condition not having been fulfilled, no property rights pass to the slave ("Beer ha-Golah," *l.c.*).

If a man is about to go on a sea voyage, or into the desert with a caravan, or is being led to a place of execution, or is suddenly stricken with a sickness that steadily grows worse, his bequests made under such circumstances are subject to the rules of death-bed bequests. If he dies, his bequest is valid; but if his life is preserved, it is revocable by him even though there has been "ḳinyan," and even though he has not parted with all of his property ("Yad," Zekiyah u-Mattanaḥ, viii. 24).

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J. SR.

D. W. A.

BERA: King of Sodom; one of the five kings constituting the confederacy under Amraphel (Gen. xiv. 2). Ber. Rabbah 42 playfully interprets the name as though contracted from "ben ra'" (evil son).

G.

G. B. L.

BERAB, JACOB [B. MOSES?]: Talmudist and rabbi; born at Moqueda near Toledo, Spain, in 1474; died at Safed April 3, 1546. He was a pupil of Isaac Aboab. When he fled from Spain to Tlem-

gen, then the chief town of the Barbary states, the Jewish community there, consisting of 5,000 families, chose him for their rabbi, though

Chosen he was but a youth of eighteen (Levi
Rabbi at *ibn Habib*, "Responsa," p. 298b). Evi-
Eighteen. dence of the great respect there paid
him is afforded by the following lines
of Abraham Gavison ("Omer ha-Shikḥah"):

"Say not that the lamp of the Law no longer in Israel burneth!
Jacob Berab hath come back—once more among us he sojourn-
eth!"

It is not known how long Berab remained in Algeria; but before 1522 he was in Jerusalem. There, however, the social conditions were so oppressive that he did not stay long, but went with his pupils to Egypt (Palestine letter, dated 1522, in Lunetz, "Jerusalem," iii. 98). Some years later (1527) Berab, now fairly well-to-do, resided in Damascus (*Levi ibn Habib*, "Responsa," p. 117a); in 1533 he became rabbi at Cairo (*ib.* 33a); and several years after he seems to have finally settled in Safed, which then contained the largest Jewish community in Palestine. It was there that Berab conceived the bold idea which made him famous, that of establishing a central spiritual Jewish power.

Berab's undertaking, to be judged correctly, must be considered in connection with the whole current

of thought of the younger generation of Spanish exiles. The overwhelming catastrophe of 1492, which, in view of the wretched condition of the Jews in Germany and Italy, had threatened the very extinction of Judaism, produced phenomena which, while apparently opposite in character, were but natural consequences. Imaginative and sentimental persons thought that the promised Messianic time was approaching; they regarded their great sufferings as the process of purgation, as the *חבלי משיח*, the eschatologic "birth-throes," of the Messianic era. The main representative of this mystical tendency was Solomon Molko, whose tragic fate by no means extinguished these fond hopes and the desire for martyrdom. But the delusion had quite a different effect upon more practical natures. According to yet another view, the chief advocate of which was Maimonides, the Messiah would not appear suddenly: the Jews would have to prepare for him; and the chief preparatory step needed was the establishment of a universally recognized Jewish tribunal as their spiritual center.

Although the hopes of a Messiah, cherished especially in Palestine, were fundamentally wild and extravagant, they afforded the right person an excellent opportunity to create for the Jews a recognized central authority, spiritual—and perhaps, in time, political—in character. There is no doubt that the man for the purpose was Berab; he was the most important and honored Talmudist in the Orient, and was endowed with perseverance amounting to obstinacy. His plan was the reintroduction of the old "Semikah" (ordination); and Safed he held to be the best field for his activity. The lack of unity in deciding and interpreting the Law must cease. No longer should each rabbi or each student of the Law be allowed to decide upon the gravest matters of religion according to his own judgment.

There should be only one court of appeal, to form the highest authority on subjects relating to the comprehension and interpretation of the Torah.

Though this idea seemed new, it was not without precedent. The Sanhedrin in tannaitic times was, in a certain sense, Berab's model. But the Sanhedrin consisted of such men as could trace their ordination back to Moses; yet for a thousand years no such men had existed. Berab, however, was equal to the difficulty. Maimonides, he was aware, had taught that if the sages in Palestine would agree to ordain one of themselves, they could do so, and that the man of their choice could then ordain others. Although Maimonides' opinion had been strongly opposed by Nahmanides and others, and Maimonides himself had not been quite positive in the matter, Berab had so much self-reliance that he was not to be deterred from his great undertaking by petty considerations. Moreover, the scholars at Safed had confidence in him, and had no doubt that, from a rabbinical standpoint, no objection to his plan could be raised. Thus in 1538 twenty-five rabbis met in assembly at Safed and ordained Berab, giving him the right to ordain any number of others, who would then form a Sanhedrin. In a discourse in the synagogue at Safed, Berab defended the legality of his ordination from a Talmudic standpoint, and showed the nature of the rights conferred upon him. On hearing of this event most of the other Palestinian scholars expressed their agreement, and the few who discountenanced the innovation had not the courage to oppose Berab and his following.

To obtain the good-will of the Jews of the Holy City, the first use that Berab made of his new dignity was to ordain the chief rabbi at Jerusalem, Levi

Dispute b. Jacob ibn Habib. Since the latter
with Ibn had for many years been a personal
Habib. opponent of Berab, and the two had
had many disputes in regard to rab-
binical decisions and approbations,

Berab's ordination of Ibn Habib shows that he placed general above personal interests. Moreover, the terms in which Berab officially announced Ibn Habib's ordination were kindly ones. Berab, therefore, expected no opposition from that quarter; but he was mistaken. Ibn Habib's personal animus was not appeased, but rather stimulated, by his ordination. He considered it an insult to his dignity and to the dignity of Jerusalem that so important a change should be effected without consultation of the Jerusalem scholars. He did not content himself with an oral protest, but sent a communication to the scholars of Safed, in which he set forth the illegality of their proceeding and declared that the innovation involved a risk to rabbinical Judaism, since the Sanhedrin might use its sovereign authority to tamper with the calendar.

Although Ibn Habib's tone was moderate, every one could read between the lines that he opposed the man Berab as well as his work. An illustration of this is afforded by the remarks made by Ibn Habib when he maintained at length that the scholars of Safed were not qualified to ordain, since they were not unprejudiced in the matter, and when he hinted that Berab was not worthy to transmit ordination. Berab was surprised by the peril in which his

undertaking was now placed; and, embittered by Ibn Ḥabib's personal attacks, he could not adhere to a merely objective refutation, but indulged in personalities. In answer to Ibn Ḥabib's observation, that a sacred ordination must not proceed from learning alone, but from holiness also, Berab replied: "I never changed my name; in the midst of want and despair I went in God's way" (Ibn Ḥabib, "Responsa," p. 298b); thereby alluding to the fact that, when a youth, Ibn Ḥabib had lived for a year in Portugal as a Christian under an assumed name.

The strife between Berab and Ibn Ḥabib now became wholly personal, and this had a bad effect on the plan; for Berab had many admirers but few friends. Moreover, Berab's life was endangered. The ordination had been represented to the Turkish authorities as the first step toward the restoration of the Jewish state, and, since Berab was rich, the Turkish officials would have showed him scant mercy in order to lay hands on his wealth. Berab was forced to go to Egypt for a while, but though each moment's delay might have cost him his life, he tarried long enough to ordain four rabbis, so that during his absence they might continue to exercise the function of ordination. In the mean time Ibn Ḥabib's following increased; and when Berab returned, he found his plan to be hopeless. His death some years later put an end to the dispute which had gradually arrayed most of the Palestinian scholars in hostile lines on the question of ordination.

It is known positively that Joseph b. Ephraim Caro and Moses of Trani were two of the four men ordained by Berab. If the other two were Abraham Shalom and Israel de Curial, then Caro was the only one who used his privilege to ordain another, Moses Alsheik, who, in turn, ordained Hayyim Vital Calabrese. Thus ordination might be traced for four generations.

With the exception of some short contributions to the works of others, the only one of Berab's numerous works ever published was his "She'lot u-Teshuvot" (Questions and Answers), responsa, Venice, 1663; but the Amsterdam edition of the rabbinical Bible (1724-28) contains notes by Berab on Isaiah and Jeremiah.

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L. G.

BERACHAH ("blessing"; A. V., **Beracah**): 1. A Benjamite who came to David and joined his forces at Ziklag (I Chron. xvi. 3). 2. A valley where Jehoshaphat and his men assembled after having despoiled the Ammonites and Moabites (II Chron. xx. 26). It is identical with the modern Bereut, west of Tekoa (Buhl, "Geographie des Alten Palästina," p. 97).

G.

G. B. L.

BERACHAH, "THE HERO": A Polish Jewish soldier who was killed in the battle near

Moscow, in the Polish war against Russia in 1610. He was the son of Aaron ha-Kadosh ("The Martyr") of Tishovitz (probably Tyshovtzy, government of Lublin), and served in the cavalry, "on three horses." In the responsa of Rabbi Meir of Lublin, and of Joel Särkes (הַבַּרְכִּי), details are given concerning his bravery and daring, which gained for him the admiration of the Cossacks, who nicknamed him "The Hero." A reckless rider, he made many attempts to break the enemy's line, but was struck and killed by a bullet. The Cossacks much lamented his death, afterward burning his body; when on the following day the Poles, aided by the Cossacks, won the battle against the Muscovites, they recaptured his horse and helmet and quarreled among themselves for the possession of his effects.

These facts came to light through the testimony of Moses ben Joseph, who, in the name of eleven Jews who accompanied the army (probably as sutlers), testified in the case of Berachah's widow ("agunah") before the rabbis.

BIBLIOGRAPHY: Meir of Lublin, *Responsa*, No. 137; Joel Särkes (הַבַּרְכִּי), *Responsa* No. 57.

II. R.

BERAH DODI (בְּרַח דּוֹדִי): Three piyyuṭim forming the GE'ULLAH in the morning service of the first two days of Passover, and of Saturday between the first and the last days of this feast (שַׁבַּת הַחֹלֶם). Each of these piyyuṭim begins with the initial phrase of Cant. viii. 14, having regard to the association of the Song of Solomon with the Festival (see MEGILLOT). Poems in this form were written in various epochs by Benjamin ben Samuel of Coutance, France, eleventh century; Shabbethai ben Moses of Rome, 1050; Moses ha-Sofer ben Benjamin of Rome, thirteenth century; Menahem ben Abraham of Imola, fourteenth century; and Joab ben Nathan ben Daniel of Rome, fourteenth century.

The melody to which the verses are recited in some German congregations is that of "Al ha-Rishonim"; but in the more extended "Polish" use, the melody sung is one of the most effective of all the rhapsodies emanating from the wandering precursors of two centuries past. Although clearly of such comparatively late origin and undoubtedly coming from a Jew of northern Europe, it presents that combination of the European minor mode with the second Byzantine ecclesiastical mode (often called the "Oriental chromatic") frequently to be noticed in the finer folk-songs of the Levant, particularly in those which bear the impress of an artistic influence (see Bourgault-Ducoudray, "Trente Mélodies Populaires de Grèce et d'Orient," p. 84, note). The figuration, too, is the same as that in many Levantine, and also Arabic and Persian, songs (see music on p. 48).

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A.

F. L. C.

BERAKAH. See BENEDICTIONS; MUSIC, SYNGOGAL.

BERAKOT ("blessings"): The name of the first treatise of Seder Zeraim, the first Order of the Talmud. By the term "Berakot" a special form of prayer is understood, that begins with the words "Blessed art thou, O Lord, our God, King of the Universe." The treatise consists of Mishnah and