TRADITION, INTERPRETATION, AND CHANGE

Developments in the Liturgy of Medieval and Early Modern Ashkenaz



KENNETH E. BERGER

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Hebrew Union College Press

HEBREW UNION COLLEGE PRESS
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Typeset in Legacy Serif by Raphaël Freeman, Renana Typesetting
Cover design by Paul Neff Design LLC
Cover image: HUC Ms 652, Klau Library, Cincinnati,
Hebrew Union College-Jewish Institute of Religion

Library of Congress Cataloging-in-Publication Data

Names: Berger, Kenneth E., 1947- author
Title: Tradition, interpretation, and change : developments in the liturgy of Medieval and early modern Ashkenaz / Kenneth E. Berger.
Description: Cincinnati : Hebrew Union College Press, [2019]
Identifiers: LCCN 2018053924 | ISBN 9780878201709 (print : alk. paper)
Subjects: LCSH: Judaism--Liturgy--History. | Judaism--Germany--Customs and practices. | Ashkenazim.
Classification: LCC BM672.A8 B47 2019 | DDC 296.4/509--dc23
LC record available at https://lccn.loc.gov/2018053924

ISBN 978-0-87820-170-9

Printed in the United States of America

To my wife, Cheryl, with love

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Acknowledgments

Even as a teenager I was interested in Jewish liturgical practices and in the meaning of the prayers that constitute the daily and Shabbat services. However, my first exposure to liturgy as academic discipline came in 1972–73, when I spent a year in Israel as a rabbinical student. That year, my wife and I took a course with Professor Joseph Heinemann at the Hebrew University. Not only did he stimulate my interest in the study of liturgy, but what I learned from his lectures and writings continues to inform my understanding of the development of Jewish liturgy in antiquity.

When I returned to the New York area in 1979 to accept a rabbinic position, Dr. Ismar Schorsch, now Chancellor Emeritus of the Jewish Theological Seminary but then the Seminary's Provost, encouraged me to continue my studies by enrolling in the Graduate School. I did so, earning my doctorate at the Seminary and then serving as an adjunct member of its faculty for many years. For over forty years now he has never failed to express an interest in my teaching and in my research, and he has always been ready with an encouraging word.

Words cannot adequately express my gratitude to JTS Professor Menahem Schmelzer, my teacher, my dissertation advisor, and my academic mentor of many years. His warmth, his kindness, and his deep knowledge of Jewish books and of many areas of Jewish learning sustained me during my years in graduate school and ever since.

I would also like to express my gratitude to Professor Ruth Langer of Boston College. Encouraged by my teachers at JTS to develop my dissertation into a book, but still unsure of myself, I decided to seek the opinion of a scholar outside of the institutional framework of JTS. I wrote to Professor Langer, whose books and articles I had read but whom I had never met, asking whether she would be willing to read and evaluate my dissertation, and indicate whether it would be worthwhile for me to "do something" with it. This book is, in part,

the result of her response. Not only did she encourage me to publish, she offered a detailed critique of my dissertation and suggested ways in which I could reformulate, expand, and develop what I had written. As my project approached completion, she again gave me excellent advice, this time about a section with which I was having some difficulty, and about preparing my book proposal.

Professors Matt Goldish (The Ohio State University), Ephraim Kanarfogel (Yeshiva University), Moshe Rosman (Bar-Ilan University), and Michael D. Swartz (The Ohio State University) answered my questions and referred me to relevant literature in their own fields of specialization. Professor Jeffrey Hoffman and Rabbi Ben Kramer read all or part of my manuscript and offered valuable suggestions.

Much of my research was conducted in the Library of the Jewish Theological Seminary. I am very grateful to Rabbi Jerry Schwarzbard, Special Collections Librarian, and his staff for all their help. Other invaluable resources include the Friedberg Genizah Project and the microfilm and digitalized manuscript collections at the Jewish National and University Library in Jerusalem.

Leslie Rubin read an early draft of my manuscript. Her suggestions led to numerous improvements in style and in the formulation of my argument. I would also like to acknowledge Carl Pace and HUC Press's two anonymous readers. Because of their comments and suggestions, this is a far better book than it would otherwise have been. Sonja Rethy edited my manuscript and guided it through the process of publication. It was a pleasure working with her.

I would never have been able to complete this project without the help and encouragement of my family and friends. My children, Jonathan, Ari, and Rachel were a great source of support, as was Jonathan's wife Laura; their confidence in me kept me going even when my own confidence flagged. My daughter-in-law, Professor Naomi Brenner, offered valuable practical guidance on the process of submitting a manuscript for publication. My wife Cheryl read and reread every draft of every chapter. Her questions and suggestions led me to clarify my discussion of many issues. We met at Hillel when she was a college freshman; we recently celebrated our fiftieth wedding anniversary. This book is dedicated, in love, to her.

A Note on Style

CITATIONS

The first citation of a published work includes the place and date of publication. For information regarding the publisher, see Works Cited.

Footnote citations observe the following conventions:

For rabbinic texts:

References to tractates of the Talmud are to the Babylonian Talmud, unless otherwise noted.

m. Mishnah
t. Tosefta
y. Yerushalmi; Talmud of the Land of Israel
Rab. A work included in the collection known as Midrash Rabbah.

Medieval and early modern rabbinic sources are often divided into numbered sections or paragraphs known as *simanim*. When citing modern editions of these works, the *siman* number is often followed by a page number, identified by "p." or "pp." To avoid confusion, I often precede the page number with "p." even when the work is not divided into *simanim*.

Contemporary scholarship frequently refers to the land of Israel in late antiquity as Palestine, and to the Talmud produced in the land of Israel as the Palestinian Talmud. However, Jews have historically referred to these as the land of Israel and the *Talmud Yerushalmi*. In this work, I usually refer to the *Talmud Yerushalmi* as the Talmud of the Land of Israel. When a reference to the Talmud of the Land of Israel or the Rite of the Land of Israel would result in an awkward sentence structure, I use the term Palestinian instead.

TRANSLATION

Translations of biblical passages are from *Tanakh: The Holy Scriptures* (Philadelphia: Jewish Publication Society, 1985). However, I have felt free to modify them to better fit their contexts, especially when understanding a midrash requires a different sense of the words.

Translations of passages from the *Zohar* are from Daniel C. Matt, ed., *The Zohar: Pritzker Edition* (Stanford: Stanford University Press, 2004–17).

Some translations of passages from the Babylonian Talmud are from *The Talmud* (London: Soncino, 1938). Others are my own, prepared after consulting the Soncino and other translations. Even when using the Soncino translation, I often adapted the language to reflect contemporary usage.

Except where noted in the documentation, translations of other rabbinic texts are my own.

TRANSLITERATION

In transliterating Hebrew, I used a simplified phonetic which, I hope, will enable non-specialists to decipher what has been written. I adhere to the following conventions:

ח *ḥ* (pronounced as *ch* in Johann Sebastian Bach)
כ *kh* (pronounced as *ch* in Johann Sebastian Bach)
צ *tz*
ק *k*

An apostrophe has been inserted between two medial vowels to indicate a break between syllables, to preclude their being read as a dipthong.

Hebrew words that are frequently anglicized, such as *mitzvah*, appear according to their common spelling. While the names of halakhic authorities and commentators are transliterated according to the system described above, the names of modern scholars are rendered according to their usual English equivalents. For example,

Ḥaim or Ḥayyim refers to a medieval authority, Haim to a modern authority with the same name.

EXCURSES

I have written this book for an audience that includes both the specialist in Jewish Studies and the general reader interested in the history and development of Jewish liturgy. The excurses deal with technical issues that are often tangential to the discussion presented in the chapters with which they are associated. These are directed more toward the specialist in the field.

Introduction

TRADITION AND CHANGE

Tradition, Interpretation, and Change – the title of this book – is a twist on the title of a book edited by Mordecai Waxman that appeared almost sixty years ago: *Tradition and Change: The Development of Conservative Judaism*.[1] *Tradition and Change* is a collection of documents, speeches, and essays on the history, ideology, and sociology of the Conservative movement through the middle of the twentieth century.

In his introduction to the book, Waxman discusses three elements that, he argues, "constitute the historical approach to Judaism which the Conservative movement has adopted."[2] The first is that "a study of Jewish history has first of all made clear that each generation has built on the past." The second is that "Judaism through the ages has manifested an inner dynamism,"[3] and has always responded to, or adapted itself to, changing conditions, whether historical events, such as the loss of Jewish sovereignty and the destruction of the Temple, new philosophical, religious, and cultural currents, or even new ethical insights. Finally, he suggests that changes in Jewish life have historically been evolutionary, and that Jewish tradition itself provides the mechanism for authorizing and sanctioning these changes.

This historical approach, which the founders of American Conservative Judaism inherited from the European school of Positive-Historical Judaism, holds that "Judaism historically was both mobile and static, that it must in some measure adjust to the spirit

1 Mordecai Waxman, ed., *Tradition and Change: The Development of Conservative Judaism* (New York, 1958).

2 Waxman, *Tradition and Change*, 17.

3 Waxman, *Tradition and Change*, 16.

of the time, and in measure resist it."[4] Loyalty to the past must combine with a recognition that change and development have always been, and will continue to be, essential elements of a living tradition.

My entire Jewish education, from my childhood through my rabbinical school and graduate studies, took place in institutions affiliated with the Conservative movement. I served as a congregational rabbi in Conservative synagogues for over thirty-five years, and for many of those years I was also an adjunct faculty member at the Jewish Theological Seminary.

Given my background, it is not surprising that, as I began to work on this study of developments in the liturgy of Ashkenaz, I was prepared to find both tradition and change. My original intention was to present several case studies, demonstrating that the liturgy of Askhenaz continued to develop and change, absorbing new liturgies, perhaps rejecting others, and struggling with the tension between preserving the heritage of the past and acknowledging a changing historical context. What I found was much more interesting.

Much of this book is devoted to a discussion of liturgical change in Ashkenaz, but before turning to change, I must discuss the central role of tradition, and especially the role of *minhag* (custom), in the life of Ashkenazic Jewry.

TRADITION: CONSERVATIVE INFLUENCES ON THE LITURGY OF ASHKENAZ

Minhag

The most significant factors that contributed to the Ashkenazic tendency to preserve its liturgical formulae are the importance attributed to *minhag* in Ashkenazic society and the influence of the interpretive approach of the siddur commentaries of Ḥasidei Ashkenaz.[5]

According to Israel Ta-Shma, *minhag* played a far greater and far

4 Waxman, *Tradition and Change*, 7.

5 The term Ḥasidei Ashkenaz refers to members of a pietistic circle that emerged in

more important role in medieval Ashkenazic society than in any other Jewish community. "In the world of Ashkenazic Jewry, and only there, did *minhag* accompany halakhah (law) everywhere, such that there was hardly a law that was not embedded in a ramified framework of customary practices."[6] In most cases, custom filled the lacunae where there were no specific laws to govern behavior, but there were also many cases where custom appeared to be in conflict with legal norms. In such cases, halakhic authorities sometimes sought to find a way of reconciling the custom and the law, while in other cases decisions were rendered that gave precedence to one or the other.[7]

In upholding the authority of a custom, halakhic authorities frequently asserted that "custom prevails over halakhah." Furthermore, Ashkenazic authorities asserted that Ashkenazic custom is more authentic than the customs of other Jewish communities, including those of Sepharad (Spain). Although I could cite many examples, I mention only two, one relating to the *kashrut* of a kind of bird, the other to a liturgical issue.

R. Asher ben Yeḥiel (*Rosh*) was asked about the status of a particular species of fowl. Although the Torah establishes physical criteria for determining the *kashrut* of mammals and aquatic animals, it does not do so for birds, providing only a list of those that are permitted and prohibited.[8] The talmudic sages attempted to establish criteria for determining whether birds not mentioned in the Torah should be permitted, but were not entirely successful in doing so;

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the Rhineland in the twelfth century. On Ḥasidei Ashkenaz and their approach to the liturgy, see below, pp. 7–11.

6 Israel M. Ta-Shma, "Halakhah, minhag umasoret beYahadut Ashkenaz bemei'ot ha-11–12," in *Minhag Ashkenaz hakadmon* (Jerusalem, 1992), 16–17. On the centrality of *minhag* in Ashkenaz, see Ta-Shma, "Halakhah, minhag umasoret," 13–39; Benjamin Shlomo Hamburger, "Minhag Ashkenaz," *Hama'ayan* 27 (1987):1–10; Talya Fishman, *Becoming the People of the Talmud: Oral Torah as Written Tradition in Medieval Jewish Cultures* (Philadelphia, 2011), 176–81; Daniel Sperber, *Minhagei Yisrael: mekorot vetoldot* (Jerusalem, 1989–) 1:235–37 (1990); 2:47–48 (1991).

7 On the relationship between *minhag* and halakhah, see Mark Washofsky, "Minhag and Halakhah," in Walter Jacob and Moshe Zemer, *Rabbinic-Lay Relations in Jewish Law* (Tel Aviv and Pittsburgh, 1993), 99–126.

8 Lev 11:13–19.

some communities held various birds to be kosher because it was thought they met these criteria, but the rabbis later held that these fowl were prohibited.[9] The *kashrut* of many species of bird remained the subject of discussion for centuries. Rashi, in his commentary to Ḥullin, states that a bird is held to be kosher only if there is a tradition that it is so.[10] This ruling was later codified by R. Moses Isserles, who ruled that "one should not eat any bird unless there is a received tradition that the species is permitted."[11]

After he relocated from Germany to Spain, R. Asher was asked about the *kashrut* of a bird that was held to be kosher by the Sephardim, but was identified by Askenazim as the *ḥassidah*, prohibited by the Torah.[12] In his responsum he discusses the relevant legal issues and precedents, and concludes:

> Know that I would not eat [a bird] that is held to be kosher according to their [i.e., the Sephardic] tradition, for I hold fast to our own tradition (*masoret*) and the tradition (*kabbalah*) of our ancestors, the sages of Ashkenaz, because the Torah was their legacy from their ancestors going back to the time of the destruction [of the Temple]. And it is the same with regard to the tradition (*kabbalah*) of our sages in France, more so than the tradition of the people of this land (Spain).[13]

Three hundred years later, R. Joel Sirkes affirmed the superiority of Ashkenazic *minhag* over that of the Sephardim in his criticism of R. Shabbetai Sofer's siddur, which includes several Sephardic textual versions. His comment concludes, "even though [this wording] is found in Sephardic *siddurim*, we rely only on the siddur of our forebears, the French and the Ashkenazim (Germans)."[14]

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9 Ḥullin 60b–63b.

10 Rashi on Ḥullin 62b, s.v. *ḥaziva dedarash ve'achlah.*

11 R. Moses Isserles, gloss to *Shulḥan arukh* Yoreh Deah (Y.D). 82:3.

12 Lev 11:19.

13 *She'eilot uteshuvot haRosh*, ed. Yitzhak Shlomo Yudlov (Jerusalem, 1994) *kelal* 20 *siman* 20; See also R. Jacob Moellin, *She'eilot uteshuvot Maharil*, ed. Yitzḥak Satz (Jerusalem, 1979) 95, pp. 169–71; Benjamin Shlomo Hamburger, "Minhag Ashkenaz," 7–8; Benjamin Shlomo Hamburger, *Shorshei minhag Ashkenaz* (Bnei Brak, 1995), 1:76–77.

14 *Bayit ḥadash* on *Tur* O.H. 46, s.v. *attah hu ad shelo nivra ha'olam.*

Scholars have offered several explanations for the importance ascribed to *minhag* in medieval Ashkenaz. Israel Ta-Shma suggests that what came to be considered *minhag* derives from the practices brought to Germany by the founders of the Rhineland Jewish communities, who migrated to Germany from Italy in the ninth century, at the invitation of Carolingian rulers.[15] At the time, the Jewish communities of Italy were in the cultural sphere of influence of the land of Israel. While the Babylonian Talmud was known in Ashkenaz, it was but one of many sources, along with the Talmud of the Land of Israel and midrashic works composed in the land of Israel, that were studied in the academies in Mainz and Worms and consulted by authorities when making halakhic rulings. At the time, the practices they brought with them from Italy were not considered to be "merely" customary, for, as Ta-Shma argues, "in the tenth century, custom had no special status with respect to halakhah, because it was considered to be the essence of halakhah," that is, it was identical with halakhah.[16] This changed during the eleventh and twelfth centuries, as the Babylonian Talmud came to be accepted, not as one of many sources for the determination of halakhah, but as *the* authoritative source of Jewish law. Customary practices, transmitted mimetically for generations, were now called into question when seen to be in conflict with practices encoded in the Talmud. In response to this challenge, the importance of preserving these practices was strongly reaffirmed, at times even when they were in conflict with explicit rulings in the Babylonian Talmud.

Talya Fishman rejects what she refers to as Ta-Shma's "overarching genealogical claims," arguing, instead, that the Jews of Ashkenaz "saw themselves as the cultural heirs of both Palestine and Babylonia, and they recognized the authority of the Babylonian Geonim."[17]

15 Among the most important of those who migrated from Italy to the Rhineland were members of the Kalonymus family, many of whom served as religious and communal leaders of Rhenish Jewry from the ninth to the thirteenth centuries. On the Kalonymus family, see Joseph Dan, "Kalonymus," *Encyclopaedia Judaica*, 2nd ed. (Detroit, 2007), 11:747–749.

16 Ta-Shma, *Minhag Ashkenaz hakadmon*, 87.

17 Fishman, *Becoming the People of the Talmud*, 178. Avraham Grossman argues that

According to Fishman, Ashkenazic Jewry's emphasis on the binding nature of *minhag* should be seen as a response to, or as a consequence of, the inscription of traditional Jewish sources, in particular the Babylonian Talmud, in the late eleventh and early twelfth centuries. Prior to the First Crusade, the Talmud was but one of many sources studied in Rhenish *yeshivot*, and no special authority was ascribed to it as a source of practical halakhah. While both masters and students may have prepared written texts for reference, and students recorded their teachers' comments in notebooks, instruction was primarily oral. As Fishman notes, "there is reason to speculate that the master was the text in the classrooms of pre-Crusade Ashkenaz."[18]

The inscription of the Talmud in Ashkenaz in the late eleventh and early twelfth centuries gave rise to the textualization of Ashkenazic Jewry in the twelfth. Fishman uses the term "textualization" to refer to "the process by which a society comes to ascribe greater authority to the written record than to oral testimonies and witnessed acts."[19] This process culminated in the work of the twelfth-century tosaphists, who "transformed the talmudic text from a collection of legal and nonlegal traditions into a prescriptive blueprint for Jewish life."[20] But, as noted, many of the traditional practices of Ashkenazic Jewry were seen to be in conflict with the halakhah derived from the Babylonian Talmud. Fishman outlines three responses to this process, one of which was the inscription of

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Ashkenazic Jewry was never in the cultural orbit of the land of Israel. While eleventh-century authorities cited the Talmud of the Land of Israel, they did not regard it to be more authoritative than the Babylonian Talmud. While some liturgical practices had their origin in the Rite of the Land of Israel, Grossman suggests that they were observed, not because of their Palestinian origin but because they were regarded as customs inherited from their ancestors; Avraham Grossman, *Hokhmei Ashkenaz harishonim: Koroteihem, darkam behanhagat hatzibbur, yetzsiratam harukhanit meireishit yishuvam ve'ad gezeirat 1096* (Jerusalem, 1981), 424–35. See also Haym Soloveitchik's critique of Ta-Shma's *Minhag Ashkenaz hakadmon* and of Ta-Shma's thesis that early Ashkenazic halakhah was heavily influenced by Palestinian sources and traditions in the second volume of his collected essays; Haym Soloveitchik, *Collected Essays Volume 2* (Oxford: The Littman Library of Jewish Civilization, 2014), 3–215.

18 Fishman, *Becoming the People of the Talmud*, 107.

19 Fishman, *Becoming the People of the Talmud*, 111.

20 Fishman, *Becoming the People of the Talmud*, 147.

minhag, evidenced by the surge in the production of *minhag* books, beginning in the twelfth century. Once inscribed, they could be considered to be on a par with the Talmud itself. [21] Throughout her book, Fishman emphasizes that the process of textualization and its effects on Ashkenzic culture paralleled, and was influenced by, developments in the contemporary German culture.[22]

The Interpretative Approach of Ḥasidei Ashkenaz

The importance attributed to *minhag* in Ashkenaz is the most significant factor contributing to the Ashkenazic tendency to preserve its liturgical formulae. There is, however, a second important factor: the interpretive approach of the siddur commentaries of Ḥasidei Ashkenaz. Ḥasidei Ashkenaz is the name ascribed to a pietistic circle, or movement, that emerged in mid-twelfth-century Germany.[23] Its

21 Fishman, *Becoming the People of the Talmud*, 17, 180.

22 Fishman, *Becoming the People of the Talmud*, 91–120.

23 On Ḥasidei Ashkenaz see Gershom G. Scholem, *Major Trends in Jewish Mysticism* (New York, 1941), 80–118; Ivan G. Marcus, *Piety and Society: The Jewish Pietists of Medieval Society* (Leiden, 1981); Salo Wittmayer Baron, *A Social and Religious History of the Jews*, 2nd ed. (New York and London: Columbia University Press; Philadelphia: Jewish Publication Society, 1952–83), 8:42–50; Ḥaim Ben-Sasson, "The Middle Ages," in *A History of the Jewish People*, ed. Ḥaim Ben-Sasson (Cambridge, Harvard University Press, 1976), 545–52; Haym Soloveitchik, "Three Themes in the *Sefer Ḥasidim*," *AJS Review* 1 (1976): 311–57; Elisheva Baumgarten, *Practicing Piety in Medieval Ashkenaz: Men, Women, and Everyday Religious Observance* (Philadelphia, 2014) 12–13, 72–77, 216–18; and Fishman, *Becoming the People of the Talmud*, 182–217. There is currently no consensus on whether Ḥasidei Ashkenaz was a small circle of pietists or a larger movement. Soloveitchik views Ḥasidei Ashkenaz as a distinct sect, stressing their disdain, even hatred, of those who do not adhere to its ideology or pietistic practices, while Baumgarten stresses their commonality with others in Ashkenazic society engaged in performing pietistic practices; Soloveitchik, "Three Themes," 325–38; Baumgarten, *Practicising Piety*, 12–13. Baumgarten and Ben-Sasson argue that an awareness of developments in medieval Christian pietism is essential for understanding Jewish pietism. Soloveitchik, on the other hand, sees Ḥasidei Ashkenaz as a reactionary movement, as "an attempt by the leaders of the old [pre-Crusades] Ashkenazic culture to defend the received values and customary modes of understanding" in the face of the scholastic approach of the Tosaphists that was sweeping through Ashkenaz during the twelfth and thirteenth centuries; Baumgarten, *Practicing Piety*, 22; Ben-Sasson, "The Middle Ages," 546; Soloveitchik, "Three Themes," 339–57. Fishman argues that "Rhineland Pietism, as a discrete phenomenon, was 'born' of the impulse to inscribe teachings

leaders were R. Samuel Heḥasid of Speyer, his son R. Judah ben Samuel Heḥasid of Regensburg, and his disciple, R. Eleazar ben Judah of Worms.[24] Ḥasidei Ashkenaz were distinguished by their asceticism, their pietism, their esoteric teachings, and their approach to the text of the prayers, expressed in the siddur commentaries written by R. Judah ben Samuel, R. Eleazar ben Judah, and by their disciples, including R. Abraham ben Azriel.

It is, of course, their approach to the liturgy that is of interest to us here. The siddur commentaries of Ḥasidei Ashkenaz make extensive use of gematria and numerology in their treatment of the prayers. The number of words in a prayer, or even in a sentence or phrase, is said to establish a correspondence with other passages in the siddur, or with biblical verses that have an identical number of words.[25] In explanation of this approach, Joseph Dan writes:

> [Rabbi Judah] and his disciples evolved a mystical theory, according to which the words and letters of the various prayers are not accidental, nor are they only vehicles for their literal meaning. Their order and, especially their number, reflect a mystical harmony, a sacred divine rhythm, which was introduced by the rabbis who formulated the prayers during the period of the Second Commonwealth.[26]

According to R. Judah and his disciples, the spiritual impact of the prayers derives from "the mystical connection that this text has with the secret divine infrastructure of existence, which is based

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and traditions that had previously been transmitted through oral and performed instruction; Fishman, *Becoming the People of the Talmud*, 185.

On the approach of Ḥasidei Ashkenaz to prayer, see Joseph Dan, "The Emergence of Mystical Prayer," in *Studies in Jewish Mysticism*, ed. Joseph Dan and Frank Talmage (Cambridge, 1982), 85–120; Dan, "Prayer as Text and Prayer as Mystical Experience," in *Torah and Wisdom: Studies in Jewish Philosophy Kabbalah and Halacha: Essays in honor of Arthur Hyman*, ed. Ruth Link-Salinger (New York, 1992), 33–45; Israel M. Ta-Shma, *Hatefillah haAshkenazit hakedumah* (Jerusalem, 2003), 46–53.

24 The leaders of Ḥasidei Ashkenaz were all members of the Kalonymus family; Joseph Dan, "Kalonymus," 11:748.

25 For an English translation of a brief passage from R. Eleazar ben Judah's commentary on the siddur, see Fishman, *Becoming the People of the Talmud*, 207–8.

26 Dan, "The Emergence of Mystical Prayer," 91. For a somewhat different interpretation see Fishman, *Becoming the People of the Talmud*, 208–11.

upon the combination of letters and numbers, the elements used by God in the process of creation."[27] One who adopts wording that differs from the "correct" text, said to have been inherited from their teachers and their teachers' teachers going back to antiquity, disrupts the mystical harmony expressed by these prayers, rendering the prayers "not only useless but religiously and spiritually harmful."[28]

Ḥasidei Ashkenaz flourished for only three generations, but it exerted considerable influence on Ashkenazic liturgy for long thereafter.[29] Although later commentators and halakhic authorities did not pursue R. Judah Heḥasid's methodology of associating the number of words in a liturgical passage with that of other liturgical passages and biblical verses, some did accept the view that each liturgical passage is to have a specified number of words.[30]

We can see the influence of Ḥasidei Ashkenaz on later commentators and halakhic authorities in their discussion of the text of *hashkiveinu*, the second benediction following *shema* in the *arvit* (evening) service. According to R. Eleazar ben Judah of Worms, the version of *hashkiveinu* recited on weekdays should have fifty-five words (current texts have sixty).[31] R. Eleazar's view is later cited in the commentaries of R. Naftali Hertz Treves and R. Shabbetai Sofer.[32] None of the printed *siddurim* in our sample of early printed *siddurim*, however, follow the fifty-five-word prescription of Ḥasidei Ashkenaz. Nevertheless, many of these *siddurim* do omit one or more of the words or phrases omitted by R. Eleazar ben Judah.[33]

Word count also came to be regarded as an important factor in

27 Dan, "Prayer as Text," 38.

28 Dan, "Prayer as Text," 37.

29 For a discussion of Ḥasidei Ashkenaz's "sudden disappearance from the historical picture after only three generations," see Fishman, *Becoming the People of the Talmud*, 186–88.

30 See, for example, *Tur* O.H. 51, 113, 114, 118, 125, 241, 551; Ephraim Kanarfogel, *Peering through the Lattices: Mystical, Magical, and Pietistic Dimensions in the Tosafist Period* (Detroit, 2000), 247.

31 R. Eleazar ben Judah of Worms, *Perushei siddur hatefillah larokeaḥ*, ed. Moshe Hershler and Yehudah A. Hershler (Jerusalem, 1992) 81, p. 459. These are said to correspond to the fifty-five words in Psalm 121.

32 Commentary of R. Naftali Hertz Treves to Siddur Thiengen 1560; *Siddur Shabbetai Sofer of Przemysl*, ed. Yitzḥak Sats (Baltimore, 1987) p. 281.

33 For a discussion of this issue, see below, pp. 348–50. For a description of early

establishing the correct text of *kaddish*. In this case, the influence of Ḥasidei Ashkenaz is filtered through sixteenth-century kabbalah. The core of *kaddish* consists of an opening doxology, recited by the *sheliaḥ tzibbur*, expressing the hope for the imminent establishment of the kingdom of God, followed by the congregational response, "May His great name be praised forever and ever." Following this response, the *sheliaḥ tzibbur* continues with the praise of God: "May His holy name be blessed, praised, glorified, exalted . . . beyond (*le'eila*) all blessings, songs, praises, and consolations which are uttered in the world."

R. Isaiah Horowitz reports reading in a kabbalistic manuscript that, from the beginning of the response, "May His great name be praised" to the concluding words of the following passage, "which are uttered in the world," there are fifty-eight words.[34] But by the seventeenth century it had become customary in Ashkenaz to expand the praise of God expressed in the second passage by stating that God's name "is to be praised above and beyond (*le'eila le'eila*) all blessings" during the period between Rosh Hashanah and Yom Kippur.[35] The addition of the extra *le'eila* results in there being fifty-nine, not fifty-eight, words in the passage. The correct number was restored by replacing *min kol* with the contraction *mikol*. This adjustment is mentioned by several seventeenth- and eighteenth-century authorities, including R. Yehudah ben Shimon Ashkenazi and R. Ḥayyim Mordecai Margoliot of Dubno,[36] and continues to be the practice

printed *siddurim* to which I frequently refer as "the *siddurim* in our sample," see below, Appendix 1, 367.

34 R. Isaiah Horowitz, *Shenai luḥot haberit masekhet tamid perek ner mitzvah* (Haifa, 1994), s.v. *no'aḥ*. He was probably quoting R. Moshe ben Makhir's *Seder ḥayom*. See R. Moshe ben Makhir, *Sefer seder ḥayom hamenukad* (Jerusalem, 1996) *seder kavanat hakaddish*, p. 18. In addition, there are twenty-eight letters in the response, "May His great name be praised"; see *Orḥot ḥayyim din kaddish upeirusho* 5; *Beit Yosef* on *Tur* O.H. 56, s.v. *ule'inyan*. The commentaries discuss the significance of the word count of various phrases in the *kaddish*.

35 *Magen Avraham* on *Shulḥan arukh* O.H. 582:5, s.v. *ein maḥzirin; Levush haḥur* 582:8.

36 *Sha'ari teshuvah* on *Shulḥan arukh* O.H. 56:1, s.v. *mevorakh*, citing *Be'er heitev*. *Be'er heitev* on *Shulḥan arukh* O.H. 582:5 mentions the doubling of *le'eila*, but not the problem that this presents for the word count. The comment to which *Sha'arei teshuvah* refers is not in current editions of *Be'er heitev*. *Sefer Maharil* records the custom of reciting

in contemporary Ashkenazic communities. Here, then, is another example of the effect of word count in the fixing of the text of individual prayers.

INTERPRETATION AND CHANGE

Given the importance Ashkenazic Jewry attributes to *minhag* and the influence of the siddur commentaries of Ḥasidei Ashkenaz, which emphasize the precise formulation of liturgical texts, one might assume that Ashkenazim were committed to preserving ancestral custom and opposed to liturgical change. However, the reality is that the liturgy of Ashkenaz was never static. From a very early time, new liturgies and liturgical practices were incorporated into the service, the inclusion of various prayers was challenged, and variant readings of prayers became standard.

When I began to work on this book my inclination was to view the evidence before me through the lens of tradition and change. However, as my work continued I came to realize the crucial mediating role of interpretation in the development of the liturgy of Ashkenaz. As will be seen in the chapters that follow, underlying my discussion of developments in the liturgy of Ashkenaz in the medieval and early modern periods[37] is the thesis that the interpretation ascribed to a particular prayer or practice often had a profound effect on the determination as to whether and when it is to be recited, as well as on the specific wording of the prayer. By interpretation I mean how a prayer or practice was understood, or the rationale for its recitation or performance. Interpretations respond to the questions: Why do we recite this prayer or perform this ritual? What function does

le'eila le'eila in the *kaddish* before *barekhu* on the pilgrimage festivals; R. Jacob ben Moses Moellen, *Sefer Maharil*, ed. Shlomo J. Spitzer (Jerusalem, 1989) *seder tefillot shel Pesaḥ* 2, p. 141; 12, p. 149; *hilkhot Shavuot* 3, p. 160; *seder tefillot ḥag haSukkot* 2, p. 379.

37 My *terminus ad quem* is 1700. Discussion of such eighteenth-century developments as the liturgical changes introduced by R. Elijah ben Solomon of Vilna and Hasidism merit separate studies of their own.

this prayer serve? What is the anticipated, or hoped-for effect of its recitation?

Each chapter of this book is devoted to one dimension of this relationship. In Chapter 1, I examine a case where new interpretations gave new meaning to an old liturgical text, without bringing about a significant change in practice. Chapter 2 is devoted to a study of several cases where new interpretations and legal arguments were brought to justify the continued recitation of prayers when the original rationale given for their recitation no longer applied, and when the continued recitation of those passages appeared to violate accepted halakhic norms. Chapter 3 focuses on cases in which changes in the interpretation of a liturgical practice led to changes in that practice or to the development of new liturgies, showing how interpretation plays a mediating role in resolving the tension between the desire to preserve traditional practices and the pressures toward change. In some cases interpretation justified the preservation of traditional practices, while in some cases it provided support for, or even stimulated, liturgical change.

Chapters 4 through 6 discuss examples of new liturgical practices and changes in the text of established prayers that date from the beginning and then the end of the period we consider in this study. This investigation shows that liturgical change was characteristic not only of the early, formative period of the liturgy of Ashkenaz, but remains an ongoing process.

Chapters 7, 8, and 9 discuss three themes, each of which provides a compelling rationale for the inclusion of a number of liturgical units. In Chapter 7, I examine the apotropaic nature of several liturgical practices. It was thought that the recitation of these texts protects one from danger or brings healing in the case of a serious illness. In Chapter 8, I discuss the idea that the performance of a liturgical practice can be of benefit to the dead. Finally, in Chapter 9, I discuss the belief that many of the prayers and rituals associated with the *arvit* service have the power to protect both the worshipper and others from the dangers of the night, in particular, the danger posed by demons.

That the Jews of medieval Ashkenaz believed in the existence of

demons should be of no surprise to us. Their demonology was in part inherited from the Babylonian Talmud, which is replete with references to demons, and was in part drawn from the demonology of their Christian neighbors.[38] The danger of being accosted by demons was especially acute at night. Thus, Joshua Trachtenberg writes, "When the mysterious dim of the night settles over the earth the demons, dwellers in darkness, bestir themselves. *Mazikim* and *lilin, lutins* and *faes*, all flutter out of their hiding places."[39]

It is hard to overestimate the fear felt by those living in the Middle Ages when they were compelled to be out alone at night. There was as yet no street lighting, and the sounds of small animals scurrying nearby, or of branches snapping underfoot, could easily be thought to be the sounds of demons moving about.

It was, of course, often necessary for people to be out at night. Therefore, protection from demons was sought through a variety of practices, rituals, and prayers. While most of these were recited or performed outside of any formal liturgical framework, many of the prayers that constitute the *arvit* (evening) service, including the recitation of *barukh Adonai le'olam* on week nights, *berakhah aḥat me'ein sheva* and *bameh madlikin* on Friday nights, and the recitation of Psalm 91 and *veyiten lekha* on Saturday nights were thought to offer protection from demons.

ASHKENAZ AND THE LITURGY OF ASHKENAZ

The term Ashkenaz has two connotations, a narrow one and a broader one. In its narrow sense, Ashkenaz refers to the Jewish communities of medieval Germany; in its more expansive sense it encompasses the Jewish communities of northern France, as well as

38 Joshua Trachtenberg, *Jewish Magic and Superstition: A Study in Folk Religion* (New York, 1939; reprint New York, 1979), 25–60. Trachtenberg's book remains the best general survey of such beliefs.

39 Trachtenberg, *Jewish Magic and Superstiton*, 46.

those of central and eastern Europe.[40] The liturgical rite of Ashkenaz has two main subgroups.[41] Western European communities adhered to what is usually referred to as *minhag Ashkenaz*, while communities east of the Elbe River, including those in eastern Germany, Austria, Hungary, Bohemia, Moravia, Romania, Poland, and other eastern European countries used what is generally designated as *minhag Polin*.[42]

Germany: *Minhag Ashkenaz*

There is some evidence that Jews were already settled in Germany as early as the first century, but little is known about Jewish life in Germany prior to the tenth century. Carolingian rulers welcomed the immigration of Jewish traders, who settled in the towns along the Rhine and in other centers of trade in western Germany. Important Rhineland settlements included Cologne, Mainz (Mayence), Worms, and, somewhat later, Frankfurt and Speyer. By the end of the eleventh century, Jewish settlement had spread eastward with the establishment of Jewish communities in Regensburg, Bamberg, Würzburg, and Erfurt. The Rhineland communities flourished during the eleventh century, but were decimated during the First Crusade, in 1096. The twelfth and thirteenth centuries witnessed a decline in the status of the Jews of the Rhineland. Attacks on Jews were more frequent and widespread, and Jews were forced out of commerce and the trades, with moneylending becoming their main occupation. The Black Death of 1349 again led to attacks on the Jewish community, with many Jews fleeing to the east. While Jews returned several years later, the Jewish communities of Worms and Mainz never regained their former prosperity or their status as

40 On the term "Ashkenaz," see "Ashkenaz," *Encyclopaedia Judaica*, 2nd ed. (Detroit, 2007), 2:569–70.

41 Hoffman argues that the concept of a liturgical rite is a social, rather than a geographical construct; Lawrence A. Hoffman, "Rites: A Case of Social Space," in *Beyond the Text: A Holistic Approach to Liturgy* (Bloomington, IN, 1987), 46–59.

42 Stefan C. Reif, *Judaism and Hebrew Prayer* (Cambridge, 1993), 180. The *siddurim* often refer to these communities as those of *Ostraykh*, *Polin*, *Pihem*, *Merrn*, *Lita*, and *Raysen* (Austria, Poland, Bohemia, Moravia, Lithuania, and Russia).

centers of Torah learning. The fifteenth century then witnessed a series of expulsions and readmissions. Following their expulsion in 1483, for example, a small remnant of the former Jewish community of Mainz returned. During the seventeenth century these Jews were subject to severe restrictions, with the size of the community being limited to only twenty families, and somewhat later, to ten. The Jews of Worms were forced to flee in 1615, but returned again the next year. However, the Jewish community of Worms never regained its former glory.[43]

Little is known for certain about the origins of the liturgical rite of Ashkenaz. The rite follows the traditions established by the Babylonian Geonim, influenced both by the acceptance of the Babylonian Talmud by the Jews of Christian Europe in the tenth century and the widespread dissemination of *Seder Rav Amram*. But the Ashkenazic rite also preserves vestiges of the Rite of the Land of Israel, not only in its choice of *piyyutim*, but in aspects of the standard liturgy as well.[44] The Italian rite also preserves elements of the Rite of the Land of Israel, which may have been introduced into Ashkenaz under the influence of members of the Kalonymus family, who migrated from Lucca, Italy, and established a yeshivah in Mainz at the end of the ninth century. The emerging Ashkenazic rite combined the prayer traditions transmitted by the Babylonian Geonim with some Palestinian elements, but great stress was also placed on preserving local traditions.[45]

43 H.H. Ben-Sasson, "The Middle Ages" in *A History of the Jewish People*, ed. H.H. Ben-Sasson (Cambridge, 1976), 394–95; H.H. Ben-Sasson, "Germany," *Encyclopaedia Judaica*, 2nd ed., 7:518–24; Bernard Weinryb and Larissa Daemmig, "Mainz," *Encyclopaedia Judaica*, 2nd ed., 13: 403–5; Zvi Avneri, "Worms," *Encyclopaedia Judaica*, 2nd ed., 21: 226–27.

44 *Piyyutim* are liturgical poems inserted into the standard liturgy on festivals and special Sabbaths.

45 On the development of the German rite, see Reif, *Judaism and Jewish Prayer*, 170–76. Ta-Shma, "Halakhah, minhag, umasoret"; Ruth Langer, *Cursing the Christians? A History of the* Birkat Haminim (New York, 2012), 211–12. For a description of the German rite as it had developed by the thirteenth century, see Jonah Fraenkel, "Leḥeker toldot hasiddur haAshkenazi," *Mada'ei HaYahadut* (=*Jewish Studies*) 41 (2002), 31–34.

Northern France

From the standpoint of Jewish culture, the Jewish communities of Germany and those of northern France constituted one region until the twelfth century, sharing a literary and halakhic tradition, and holding similar religious and social worldviews.[46] Although Rhenish and northern French Jews shared a common cultural heritage, contemporary scholars are careful to distinguish between their liturgical rites.[47] The Northern French rite is known to us through references in various halakhic works, through the liturgical works of the School of Rashi,[48] R. Nathan ben Judah's *Sefer Hamaḥkim*,[49] R. Menaḥem ben Yosef Ḥazzan's *Sefer Troyes*,[50] and approximately forty extant manuscript *siddurim*, most of which preserve thirteenth-century texts.[51] In addition to these northern French manuscripts, several manuscripts of English provenance reflect the influence of the French rite on liturgical practice in England in the years following the Norman conquest.[52] German and northern French liturgical texts differ in word order, preferred vocabulary and phraseology, use of biblical verses, and their degree of dependence on the standard Babylonian formulae as transmitted in Geonic liturgical works.[53]

Early liturgical manuscripts from these regions indicate that the German and Northern French rites were at first very similar, and that the differences between them increased over time. Notably, by

46 Ta-Shma, *Minhag Ashkenaz hakadmon*, 15.

47 Fraenkel, "Leḥeker toldot hasiddur haAshkenazi," 34; Langer, *Cursing the Christians*, 215; Reif, *Judaism and Hebrew Prayer*, 166–68.

48 *Siddur Rashi*, ed. Jacob Freimann with notes and introduction by Salomon Buber (Berlin, 1911); *Sefer hapardes*, ed. Haim Yehudah Ehrenreich (New York, 1948/49); *Sefer ha'orah kollel piskei denim vehalakhot*, ed. Salomon Buber (Lvov, 1905); and *Maḥzor Vitry*, ed. Aryeh Goldschmidt (Jerusalem, 2004).

49 R. Nathan ben Judah, *Sefer hamaḥkim*, ed. Jacob Freimann (Cracow, 1909).

50 R. Menaḥem ben Yosef Ḥazzan, *Sefer Troyes*, ed. Max (Zvi) Weiss, in *Sefer hayovel lekhevod Mosheh Aryeh Blokh* (Budapest, 1905).

51 Fraenkel, "Leḥeker toldot hasiddur haAshkenazi," 30–31.

52 Reif, *Judaism and Hebrew Prayer*, 169. The most important of these are MS Oxford Corpus Christi College 133 (dated 1189) and R. Jacob ben Judah Ḥazzan, *Etz ḥayyim*, ed. Israel Brodie with notes by Naftali Wieder (Jerusalem, 1962–1967).

53 Reif, *Judaism and Hebrew Prayer*, 167. For a description of the Northern French rite, see Fraenkel, "Leḥeker toldot hasiddur haAshkenazi," 34.

the end of the twelfth century, the Northern French rite had assimilated significant elements from the Catalonian and Provençal rites.[54] The progressive differentiation between the German and Northern French liturgical rites reflects cultural differences between these two communities that emerged over the course of the twelfth and thirteenth centuries. Talya Fishman argues that these differences, in turn, paralleled the reassertion of regionalism that accompanied the breakdown of the Carolingian Empire. Thus, prior to the twelfth century, the Cathedral Schools of Germany and France had a common curriculum, but over the course of the twelfth century, the Cathedral School of France adopted the study of the liberal arts while the Cathedral Schools in Germany "continued to embrace the time-honored curriculum and pedagogic orientation" of the past. Similarly, "when rabbinic academies of northern France came to valorize the exercise of logic in the twelfth century, those of the Rhineland exhibited a form of nostalgia, pining for a bygone era when the master's living presence had been all powerful."[55]

Although there are good reasons for distinguishing between the German and Northern French rites, there are also good reasons for considering them together. There is, of course, the similarity between these two rites at the beginning of the period under consideration. Furthermore, German and northern French Jews shared a religious and social culture. For example, through the eleventh century, French Jews, including Rashi, travelled to the Rhineland to study in the *yeshivot* of Mainz and Worms. With the decline of the German *yeshivot* as a result of the decimation of the Rhineland communities in the First Crusade, German students came to northern France to study in the academies of the French Tosafists.[56]

The Jewish community of northern France came to an end with its expulsion in the fourteenth century, and its liturgical rite ceased to be a living tradition, except in the Piedmont communities of Asti,

54 Fraenkel, "Leḥeker toldot hasiddur haAshkenazi," 34; Langer, *Cursing the Christians*, 215; Reif, *Judaism and Hebrew Prayer*, 167–68.

55 Fishman, *Becoming the People of the Talmud*, 101–4.

56 Fishman, *Becoming the People of the Talmud*, 109–10.

Fossano, and Montcalvo.[57] But with the expulsion, many of the Jews of northern France migrated to Germany and central Europe, bringing some of their own customs and traditions with them, even as they adopted the practices of their new host communities. Furthermore, Ashkenazic authorities were familiar with the customs and traditions of French Jewry through close contact with northern French scholars and their literary works, such as the liturgical works of the School of Rashi and R. Nathan ben Judah's *Sefer hamaḥkim* – works which were frequently cited by later Ashkenazic authorities in their discussion of liturgical issues. For all of these reasons, I regard the German and Northern French rites to be of the same family of rites, and view the Northern French Rite as one of the sources of the Ashkenazic rite as it evolved over the medieval and early-modern periods. More importantly, I cite the opinions of French authorities along with those of Germany and Poland in my discussion of the evolution of the liturgical rites of Ashkenaz.

Eastern Europe: *Minhag Ostraykh* and *Minhag Polin*

Early sources, including R. Isaac ben Moses of Vienna's *Or zarua*, refer to the traditions of the Jewish communities of Austria and the surrounding areas, including Bavaria, as *minhag* Canaan.[58] The Jewish population of this area grew substantially following the expulsion of the Jews of northern France, many of whom settled in Austria, bringing with them their own liturgical customs. What came to be known as *minhag Ostraykh* includes elements that can be traced both to northern France and to the Rhineland.[59] Attacks upon the Jewish communities of central and western Europe, especially

57 Langer, *Cursing the Christians*, 215; Reif, *Judaism and Hebrew Prayer*, 167.

58 Hamburger, "Minhag Ashkenaz," 5; Hamburger, "Yesodotav hahistori'im shel 'minhag Ashkenaz': petiḥah," in Yuzpa Shamash, *Customs of Worms Jewry*, ed. Israel Mordecai Peles, with sources, commentary, and introduction by Benjamin Shlomo Hamburger, and an historical introduction by Erich Zimmer (Jerusalem, 1988), 71; Ruth Langer "Sinai, Zion, and God in the Synagogue: Celebrating Torah in Ashkenaz," in *Liturgy in the Life of the Synagogue: Studies in the History of Jewish Prayer*, ed. Ruth Langer and Steven Fine (Winona Lake, IN, 2005), 133 n. 36.

59 References to *minhag Ostraykh* appear by the late fourteenth century; Hamburger, "Minhag Ashkenaz," 5.

those associated with the Black Death in 1348, as well as periodic expulsions from the towns in this region during the fifteenth and sixteenth centuries, led to an eastward migration to Poland, whose Jewish population increased steadily until the middle of the seventeenth century.[60] The movement from the west towards Poland is reflected both in the provenance of the authorities whose rulings and interpretations are cited in this study and in the intended consumers of the *siddurim* included in the sample of early printed *siddurim* described in Appendix 1.[61] Thus, while many of the early authorities cited lived in France or Germany, almost all of the sixteenth- and seventeenth-century Ashkenazic authorities cited came from Austria, Bohemia, Moravia, or Poland.[62] The shift in the Jewish population from the west to the east is also reflected in the shift in the intended audience of the *siddurim* in our sample, but here the evidence is more complex.

Among the distinguishing features of *minhag* Poland are the following: the inclusion of the Torah blessings before the benedictions of *birkhot hashaḥar*, rather than after them; a distinct version of *El erekh apayim*, recited prior to the reading of the Torah on Monday

60 Ben-Sasson, *History*, 565; 628–30; 641–42. A reverse migration, from east to west, followed the Cossack invasion of the Ukraine in 1648 and the Swedish-Polish War several years later, but the Jewish community of eastern Europe maintained its dominance in numbers and in the prestige of its halakhic authorities; Ben-Sasson, *History*, 656–57; Mordecai Breuer, "The Early Modern Period," in *German-Jewish History in Modern Times*, vol. 1: *Tradition and Enlightenment 1600–1780*, ed. Michael A. Meyer (New York, 1996), 97–98; Moses A. Shulvass, *From East to West: The Westward Migration of Jews from Eastern Europe During the Seventeenth and Eighteenth Centuries* (Detroit, 1971); Reif, *Judaism and Jewish Prayer*, 230–31.

61 Henceforth, I refer to these *siddurim* as "the *siddurim* in our sample."

62 Rabbis Menaḥem Mendel Auerbach, David ben Samuel Halevi, Samuel Edels, Issachar Dov Eilenberg, Joshua Falk, Abraham Gombiner, Abraham ben Shabbetai Sheftel Horowitz, Isaiah Horowitz, Moses Isserles, Mordecai Jaffe, Solomon Luria, Moses Mat, Shabbetai Sofer, Joel Sirkes, and Nathan Nata ben Solomon Spira. Only Rabbis Judah Löw Kirchheim, Joseph Yuzpa Hahn Nordlingen, Yuzpa Shamash, and Yair Ḥayyim Bacharach were from Germany. Furthermore, the works of Rabbis Kirchheim, Nordlingen, and Shamash were *minhag* books, written to describe and to preserve the customs of their communities, while the writings of the Polish authorities were, for the most part, *sifrei pesak*, containing legal rulings intended for more widespread adoption.

and Thursday mornings; *LaEl asher shavat mikol hama'asim*, recited on Saturday morning, includes the phrase *tov lehodot ladonai*; the Torah service on Shabbat begins with *ein kamokha*, and not *vayehi binsoa*, and *veyiten lekha*, recited on Saturday night, includes *hamalakh hago'el oti* and other verses not included in the Western *minhag Ashkenaz*.

If we were to categorize the *siddurim* in our sample by including any siddur meeting any three of these five criteria as belonging to *minhag* Poland, we would find that only two of the ten *siddurim* printed during the sixteenth century would qualify.[63] Of these, Prague 16th century includes both versions of *El erekh apayim*, making it somewhat compatible with the Ashkenazic rite. Of the eight Ashkenazic-rite *siddurim*, only one makes any accommodation to adherents of the Polish rite: Mantua 1562 includes instructions that, in Poland, *ein kamokha* is to be recited.[64]

When we look at the *siddurim* printed during the seventeenth century, we see a very different picture. Only four of this group display characteristics that are primarily Ashkenazic,[65] while nine are primarily Polish.[66] All of the Ashkenazic *siddurim* display at least one of the characteristics of the Polish rite.[67] While many of the *siddurim* that are representative of the Polish rite include both versions of *el erekh apayim*,[68] all include the early recitation of the Torah blessings, *ein kamokha*, and *hamalakh hago'el oti*.[69] *Tov lehodot ladonai* is absent in

63 Prague 16th century; Prague 1557.

64 Trino 1525; Venice 1545; Venice 1549; Thiengen 1560; Mantua 1562; Venice 1579; Venice 1599 109:19; and Venice 1599:20=21.

65 Venice 1662; Venice 1664; Venice 1682; and Frankfurt 1697.

66 Hanau 1628; Prague 1635; Verona 1648; Amsterdam 1664; Amsterdam 1681; Prague 1688; Dyhernfurth 1690; Amsterdam 1699, and Dessau 1700.

67 Venice 1664; Venice 1682; and Frankfurt 1697 provide for the early recitation of the Torah blessings; Hanau 1628 and Frankfurt 1697 provide for the recitation of the Polish version of *El erekh apayim*; Venice 1662; Venice 1664; and Frankfurt 1697 provide for the recitation of *hamalakh hago'el oti* in *veyiten lekha*.

68 Hanau 1628; Amsterdam 1664; Amsterdam 1681; Prague 1688; Dyhernfurth 1690; Amsterdam 1699; Dessau 1700. The relevant page is missing from the JTS copy of Verona 1648.

69 The page which might include the Torah blessings is missing from the JTS copies of Verona 1648 and Frankfurt 1697. Hanau 1628 and Dessau 1700 do not include the prayers recited when removing the Torah from the ark.

five of the Polish rite *siddurim*.[70] Siddur Amsterdam 1649 is primarily Ashkenazic, but it is more of a hybrid than the others; the absence of both *ein kamokha* and *hamalakh hago'el oti*, though, establishes its Ashkenazic credentials. However, it also includes *tov lehodot ladonai* and both versions of *El erekh apayim*, and it has the Torah blessings early in *birkhot hashaḥar*.

Thus, most of the sixteenth-century *siddurim* in our sample were of the Ashkenazic rite, while most of those printed during the seventeenth century were of the Polish rite. Many of these accommodated adherents of the Ashkenazic rite to some degree, mostly by including the Ashkenazic version of *El erekh apayim* in addition to the Polish. In addition, the phrase *hago'aleinu malkeinu mekaf kol ha'aritzim* in the benediction after the *shema* is characteristic of the Ashkenazic rite.[71] It is found in almost all of the *siddurim* printed prior to 1630, in half of those printed between 1630 and 1682, and in none of those published after that time.

All of this appears to reflect the emergence of the Polish rite as the dominant liturgical tradition in Europe during the seventeenth century, a development that was due to the movement of the center of European Jewish life from Germany to the east during that period. Of course, it is possible that the shift in the ratio of Ashkenazic to Polish *siddurim* in our sample may simply reflect the nature of the Jewish Theological Seminary's collection. However, it is my judgment that, while seventeenth-century Ashkenazic *siddurim* may be somewhat underrepresented in the collection, the sample is consistent with what would be anticipated considering both the changed demographic reality of the time and the dominance of Polish authorities during that same period.[72]

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70 Hanau 1648; Verona 1648; Amsterdam 1664; Dyhernfurth 1690; and Amsterdam 1699. *Tov lehodot ladonai* does not seem to be a reliable indicator for *siddurim* published during the seventeenth century.

71 Kenneth E. Berger, *Issues and Developments in the Liturgy of Ashkenaz during the Sixteenth and Seventeenth Centuries: The Arvit Service* (D.H.L. diss., Jewish Theological Seminary of America, 2006), 67–68.

72 See also Meir Rafeld and Joseph Tabory, eds., *Siddur Hanau* 388 [1628] (Ramat Gan, 1994), 12–13.

SOURCES FOR THE STUDY OF THE LITURGY OF ASHKENAZ

In this book I cite numerous primary sources, including classic rabbinic sources. Pre-medieval sources include the Babylonian Talmud, the Talmud of the Land of Israel, Tosefta, and early midrashic works. Medieval and early modern sources include legal codes and responsa, *minhag* books, siddur commentaries, and evidence from manuscripts and early printed *siddurim*. To facilitate understanding of the discussion that follows, I include a description of the principal genres of halakhic literature cited throughout this book.

Codes

The Babylonian Talmud is the foundation upon which later developments in halakhah (Jewish Law) are based. From the medieval period until today, discussions of halakhic issues almost always begin with an analysis of relevant talmudic sources. The Talmud is an encyclopedic work that includes the opinions, deliberations, and teachings of the Tannaim (rabbis who lived in the first two centuries of the Common Era) and the Amoraim (rabbis who lived in the third through the sixth centuries), mixed in with a great deal of non-halakhic material, including biblical interpretation, lore, and anecdotes about the lives of many of these rabbis.

The Talmud is organized as a sort of commentary on the Mishnah, which was compiled in the early third century. It is structured in units called *sugyot*. A typical *sugya* might begin by citing the opinions of two or more Amoraim on a matter of halakhah. Their views are then subject to a variety of questions, posed by the anonymous editors of the Talmud: upon what do rabbis A and B base their opinions? How would Rabbi A respond to the stated opinion of Rabbi B and vice versa? Do one or both of these opinions conflict with the rulings of an earlier authority?

The problem is that many, perhaps most, *sugyot* end without providing a clear halakhic ruling. In addition, the quantity and variety of materials included within the *sugyot* render the Talmud an unwieldly source for one seeking to determine the correct practice.

This is the function of a legal code. Codes are compendia of legal rulings arranged for easy reference.[73] While the material in some of the early codes was arranged according to the subject matter of the talmudic tractates, or even according to the order of the commandments in the Torah to which they are related, most medieval codes are arranged topically. In many codes, the halakhic rulings are accompanied by a discussion or digest of the talmudic sources on which they are based, along with a summary of the opinions of earlier medieval authorities. In others, only the halakhic rulings are stated.

The earliest works of codification date from the Geonic period (sixth–eleventh centuries). Codes dating from the Geonic period include *Halakhot pesukot*, attributed to R. Yehudai ben Naḥman Gaon (mid-eighth century)[74] and *Halakhot gedolot*, attributed to R. Simeon Kayyara (ninth century).[75]

The most important of the medieval codes are those of R. Isaac Alfasi, R. Moses Maimonides, R. Asher ben Yeḥiel, R. Jacob ben Asher, and R. Joseph Caro.

Hilkhot Rav Alfas written by R. Isaac ben Jacob Alfasi (Rif, 1013–1103).[76]

Alfasi, born in Algeria, studied with R. Nissim ben Jacob and R. Ḥananel ben Ḥusi'el in Kairouan. In 1045 he moved to Fez, and remained there for over forty years. In 1088, he was forced to flee to Spain, where he became head of the yeshivah in Lucena.

Hilkhot Rav Alfas is essentially a digest of the talmudic tractates devoted to the discussion of laws operative in R. Isaac's time. In each case he provides a summary of the talmudic discussion, followed by

73 Codes were also written to replace earlier codes to incorporate the views of more recent halakhic authorities; because the author of the new code disagreed with the methodology or decisions of prior codes; and to be expressive of regional customs. For an overview of codification and codes of Jewish law, see Menachem Elon, "Codification," *Encyclopaedia Judaica*, 2nd ed., 4:765–81.

74 Recent scholars have questioned the attribution of *Halakhot pesukot* to R. Yehudai Gaon; Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven and London, 1998), 217–23.

75 On *Halakhot gedolot* see Brody, *The Geonim of Babylonia*, 223–30.

76 On Alfasi and *Hilkhot Rav Alfas* see Simha Assaf and Israel M. Ta-Shma, "Alfasi, Isaac ben Jacob," in *Encyclopaedia Judaica*, 2nd ed., 1:692–641; Elon, "Codification," 770.

his own ruling on the matter. He frequently cites the Talmud of the Land of Israel and discusses instances in which the Geonim differed in their interpretation of a passage, but omits most of the aggadic material he felt to have no relevance for reaching a legal decision. Important commentators to *Hilkhot Rav Alfas* include R. Jonah ben Abraham Gerondi and R. Nissim ben Reuben Gerondi.

MISHNEH TORAH, WRITTEN BY R. MOSES MAIMONIDES (RAMBAM, 1135–1204).[77]

Maimonides was a halakhic authority, commentator on the Mishnah, philosopher, and physician. Born in Cordoba, Spain, his family was forced to flee after the Almohad conquest of Andalusia in 1148. It is thought that they lived for a time in southern Spain, but by 1160 they had settled in Fez, Morocco, which was also under Almohad rule. They left Fez in 1165 for Israel, where they remained for about five months. They then left Israel for Egypt, spending some time in Alexandria but settling in Fustat. In 1177, Maimonides was appointed head of the Jewish community of Fustat and in 1185 was appointed a physician to the court.

While Rambam wrote many responsa and also *Sefer hamitzvot*, a work enumerating the 613 biblical commandments, his major halakhic work was *Mishneh Torah*, a comprehensive code of Jewish Law. *Mishneh Torah* is a book of *pesakim* (rulings) containing halakhic rulings arranged topically, without reference to the talmudic or early rabbinic sources upon which they were based. However, many of the *pesakim* are accompanied by a theological or ethical rationale. Unlike other codes, which included only those laws which were operative at the time they were composed, *Mishneh Torah* covers the totality of Jewish Law, including laws relating to the monarchy, war, and

77 There is a vast literature on Rambam and his philosophical and halakhic writings. For an overview of his life and the *Mishneh Torah*, see Louis Isaac Rabinowitz, Jacob I. Dienstag, Arthur Hyman, Suessmann Muntner, and Bernard R. Goldstein, "Maimonides, Moses," *Encyclopaedia Judaica*, 2nd ed., 13:381–97; Moshe Halbertal, *Maimonides: Life and Thought* (Princeton, 2013); Elon, "Codification," 770–73; and Isadore Twersky, *Introduction to the Code of Maimonides* (*Mishneh Torah*) (New Haven and London, 1980).

the Temple ritual. *Mishneh Torah* is organized into fourteen volumes, each of which is divided into books (entitled "Laws of…"), chapters, and individual halakhot. Important commentaries on *Mishneh Torah* include those by R. Abraham ben David of Posquières (Ravad), R. Meir ben Yekutiel Hakohen of Rothenburg (*Hagahot Maimuniot*), R. Yom Tov Vidal of Tolosa (*Magid Mishneh)*, R. Joseph Caro *(Kesef Mishneh*), R. Abraham ben Moses of Bouton (*Leḥem Mishneh*), and R. Jacob Rosenes (*Mishneh Lamelekh*).

Piskei Harosh, or *Sefer Asheri*, written by R. Asher ben Yeḥiel (Rosh, c. 1250–1327).[78]

R. Asher ben Yeḥiel, whose father was among the circle of Ḥasidei Ashkenaz, was a student of R. Meir ben Barukh of Rothenberg in Worms and served for a time as a member of his *Beit Din* (rabbinical court). Following the imprisonment of R. Meir in 1286, R. Asher became Rabbi of Worms and the acknowledged leader of German Jewry.[79] Fearing that he, too, would be imprisoned and held for ransom, he fled to Spain in 1303. In 1305, he was appointed rabbi in Toledo, where he served until his death. Students from both Spain and Ashkenaz were drawn to his yeshivah. R. Asher introduced the analytical methodology of the tosaphists to Spain.

Piskei haRosh follows the pattern of *Hilkhot Rav Alfas*, but covers most of the talmudic tractates and includes a brief discussion of the views of post-talmudic authorities. In his responsa and in *Piskei haRosh*, R. Asher considers the views of both Ashkenazic and Sephardic authorities, deciding between them on a case by case basis.

78 On R. Asher ben Yeḥiel and *Piskei haRosh* see David Derovan, "Asher ben Yeḥiel," *Encyclopaedia Judaica*, 2nd ed., 2:563–64.

79 On R. Meir ben Barukh of Rothenburg, see Jacob Agus, "Meir ben Barukh of Rothenburg," *Encyclopaedia Judaica* 2nd edition, 13:782. In 1286, R. Meir and many other German Jews sought to leave Germany after the emperor Rudolph I of Hapsburg declared the Jews to be *servi camerae* and imposed an oppressive tax on the Jewish community. He was recognized and arrested in Goerz, Lombardy, and the ruler of the town delivered him to Rudolph, who put him in prison, where he remained until his death.

ARBA'AH TURIM, WRITTEN BY R. JACOB BEN ASHER (TUR, C. 1260–1340).[80]

R. Jacob ben Asher was the son of R. Asher ben Yeḥiel, with whom he studied. In 1303, he accompanied his father from Germany to Toledo, where he served as *dayyan* (judge). His major work was his code of Jewish Law, *Arba'ah turim*, usually referred to as the *Tur*. The *Tur* is organized into four divisions. The laws of prayer, as well as the laws dealing with the rituals of everyday life, such as Shabbat, the festivals, and fast days, are included in the first division, *Oraḥ Ḥayyim* (O.H.). Each division is divided in turn into chapters (entitled "Laws of…") and numbered sections (*simanim*). This organizational structure was adopted by later codifiers, including R. Joseph Caro and R. Mordecai Jaffe.

In his discussion of each law, R. Jacob ben Asher quotes relevant sources from the Talmud and cites the views of earlier authorities. While the *Arba'ah turim* was written primarily for the benefit of Spanish Jewry, ben Asher includes the opinions of French and German authorities. Following his presentation of the sources, he provides a ruling on the halakhah under discussion, usually following the rulings of R. Isaac Alfasi. When Alfasi's ruling was disputed by Maimonides or other important authorities, he followed his father's opinions, as expressed in R. Asher's responsa and legal rulings. Important commentaries on the *Tur* include those written by R. Joseph Caro (*Beit Yosef*), R. Moses Isserles (*Darkhei Moshe*), R. Joshua Falk (*Perishah* and *Derishah*), and R. Joel Sirkes (*Bayit Ḥadash*).

BEIT YOSEF AND *SHULḤAN ARUKH* ("SET TABLE"), WRITTEN BY R. JOSEPH CARO (1485–1575).[81]

R. Joseph Caro was born in Toledo. After the expulsion of the Jews

80 On R. Jacob ben Asher and the *Arba'ah turim*, see Ephraim Kupfer and David Derovan, "Jacob ben Asher," *Encyclopaedia Judaica*, 2nd ed., 11:30–31; Elon, "Codification," 774–75.

81 On R. Joseph Caro and the *Shulḥan arukh*, see David Tamar, Louis Isaac Rabinowitz, R.J. Zwi Werblowsky, and Moshe Idel, "Caro, Joseph ben Ephraim," *Encyclopaedia Judaica*, 2nd ed., 4:488–91; Elon, "Codification," 775–77; Isadore Twersky, "The Shulḥan 'Arukh: Enduring Code of Jewish Law," *Judaism* 16:2 (Spring, 1967): 141–58.

from Spain in 1493, or somewhat before, his family moved, first to Portugal, and then, in 1497, to Turkey. Caro remained in Istanbul for about twenty-five years, and then lived for a time in Adrianople, Nikopol, and Salonika, where he was influenced by groups of pietists and kabbalists in those cities. In 1536, he left for Safed, where he studied under R. Jacob Berab. By the late 1530s he was the leading scholar in Safed. He headed the local *beit din* and served as the head of the communal council. His yeshivah attracted many students, and he wrote hundreds of responsa addressed to Jews throughout the diaspora.[82] In addition to being an outstanding halakhist, R. Caro was a leading kabbalist, whose students included R. Moses Cordovero and R. Moses Alsheikh.

R. Caro's most important halakhic works were *Beit Yosef*, an extensive commentary on the *Tur*; *Kesef Mishneh*, a commentary on parts of Maimonides' *Mishneh Torah*; and the *Shulḥan arukh*. In *Beit Yosef*, Caro expands upon R. Jacob ben Asher's discussion of the sources underlying his rulings in the *Tur*, adding much additional material and providing his own ruling on the matter at hand. In his halakhic rulings, R. Caro generally followed the opinion of the majority of Alfasi, Maimonides, and R. Asher ben Yeḥiel. If only two of the three dealt with a particular matter and their opinions differed, he ruled according to the majority of five additional authorities. If none of the three had dealt with an issue, or when most of a group of thirty-two additional other authorities he consulted had ruled otherwise, he frequently accepted the view of this sub-group.[83]

The *Shulḥan arukh* is a digest of the *Beit Yosef*, providing only R. Caro's rulings and omitting all discussion of the underlying sources. It is based upon the structure of the *Tur*, except that the *simanim* are divided into individual, numbered halakhot (*se'ifim*). His intention was that the *Shulḥan arukh* would be of use to both scholars and the

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Reprinted in Judah Goldin, *The Jewish Expression* (New Haven and London, 1970), 322–42; Louis Isaac Rabinowitz, "Shulḥan Arukh," *Encyclopaedia Judaica*, 2nd ed., 18:529–30, and Yaakob Dweck, "What is a Jewish Book?", *AJS Review* 34:2 (November, 2010), 367–75.

82 Tamar, "Caro, Rabbi Joseph," 488.

83 Elon, "Codification," 777.