

"SHULHAN ARUKH, ORAH HAYYIM,  
HILKHOT YOM HA-KIPPURIM, CHAPTERS 604-624  
AN ANNOTATED ORIGINAL TRANSLATION."

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## DIGEST

This thesis is an annotated original translation of the material in the Shulhan Arukh, Orah Hayyim on the laws concerning the Holy Day of Yom Kippur, Hilkhot Yom ha-Kippurim, found in chapters 604-24. The body of the thesis consists of three major parts. The first section is an extensive introduction which gives a synopsis of Jewish legal code literature produced from the Mishna of Judah ha-Nasi in about 200 C.E. until the Shulhan Arukh of Joseph Caro along with the notes of Moses Isserles, a product of the sixteenth century. Major works of codification are cited along with their authors, and the contributions these works made to the development of Jewish law are discussed. The second part of this thesis consists of a translation of the material found in the above mentioned chapters of the Shulhan Arukh, Orah Hayyim, together with the notes of Moses Isserles called the Mappah. The material added by Isserles is designated by the introduction word Hagah, note. The translation is as literal as possible. Words and/or expressions are set off in parenthesis when a purely literal translation is unclear. The final section of this thesis consists of extensive notes of explanation on the translation of the text. Any term or concept given in the text is noted and explained. When a source is cited, it is discussed along with a short biography of the author of that source.

Throughout the text, at points of interest additional commentaries from recent literature and also from the traditional rabbinic sources are added as a means of further explanation; these sources include the Tur, Magen Avraham, Turei Zahav, Notes of the Wilna Gaon, and short discussions from the Talmud. A conclusion is found at the end of this thesis which briefly summarizes the general findings and trends of the material discussed in the Shulhan Arukh, Orah Hayyim, on the Laws of Yom Kippur.

To  
- ANN DEE -  
my wife

Through your patience, understanding, and love  
you have given me the inspiration and desire  
to achieve. Your support is steadfast and true.

To  
EVELYN AND MALCOLM BRAHMS  
my parents

With deepest honor, respect, and love I thank  
you for the constant examples of goodness,  
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Through whose teaching, vast knowledge, personal  
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## INTRODUCTION

"A Code is a unified and coordinated body of law superseding all previous laws within its scope, or the reenactment of existing law in a systematic and improved form. There are few Jewish codes under the first head, but many under the second."<sup>1</sup>.

The Shulhan Arukh, שולחן ערוך, "the Prepared Table," written by Joseph Caro in the middle of the sixteenth century is today considered the culmination of the codification of Jewish law, halakhah. The Shulhan Arukh is the text to which one turns to obtain the final authoritative decision on an halakhic matter in a short, concise form. There are no discussions nor proof texts to authenticate the conclusions, rather the law is stated in an organized and systematic manner. The Shulhan Arukh does not stand alone in Jewish legal codification literature. Vast quantities preceded this work of Caro's and contributed to its structure. Halakhic codification has also followed the Shulhan Arukh, but none has superseded its authority and acceptance as the approved source of traditional Jewish halakhah. The body of this rabbinic thesis examines only one small part of one section of the Shulhan Arukh, the Laws of Yom Kippur found in the section Orah Hayyim which concerns itself with daily commandments, Sabbaths, and the festivals. In order to better understand the position and

importance this material occupies, it is necessary to briefly look at the Shulhan Arukh in respect to the codification literature which preceded and influenced it and then to examine the structure and the acceptance of the Shulhan Arukh as it appears today.

(Note that the purpose of this introduction is only to give a brief digest of halakhic codification literature so as to better appreciate the position the material covered in the body of this thesis occupies in the totality of Jewish halakhic codes. In no way do I presume to totally cover all the works written in this area. I will attempt to merely mention and place in perspective major codification works representative of the various stages through which this type of literature developed. Omissions and superficiality are inherent in this method of treating over one thousand, four hundred years of material in a few pages.<sup>2.</sup>)

When one speaks of halakhah and its codification, one is basically concerned with the Oral as opposed to the Written Law. Judaism separates Oral and Written Law in terms of its origin and transmission. Written Law is the Torah (and biblical material) given to Moses during the Revelation on Mount Sinai, <sup>earlier and later during the forty years of wandering in the desert of Sinai</sup> and from its very beginning committed to writing. These scrolls of Jewish literature were then passed down from generation to generation in this written form. Traditional Judaism believes that at the same time as God gave Moses His Written Law, God also transmitted an Oral Law to Moses which was not originally committed to writing, but

rather it was preserved in an oral fashion and passed down through a direct, unbroken line of descendants who could be traced back directly to Moses. This oral material remained fluid over the centuries and grew as each generation encountered new situations not specifically dealt with by the previous generations. According to tradition, God was revealing more and more of His Oral Law to each generation. After numerous successive centuries when the law was expanded upon itself, it became almost impossible for any single person to retain the Oral Law and pass it on in its entirety and accurately to his successor. There was a fear that the material being oral and without organization would at least be altered if not lost over the years. There was a need, therefore, that this Oral Law be compiled and finally be preserved in a written form.

The first halakhic code extent that was compiled after the Written Law was the Mishna. It was compiled by Judah ha-Nasi in around the year 200 C.E. It contained the entire scope of Jewish law that was in existence at the time of its formulation in its six tractates. The halakhot of the time of Judah ha-Nasi were assembled according to their subject matter. Prior to the Mishna the Oral Law had been preserved in various different ways. Before the tannaitic period there might have been more uniformity to halakhic material. Laws were decided upon by the Sanhedrin, which served as the supreme legislative and judicial body for the people. The Sanhedrin's majority decision became the law



without mention of authorship. As the Sanhedrin weakened differing opinions were formulated, and the names of those scholars who expressed them were associated with the dispute. There were internal problems of authority between the Pharisees and the Saducees and between the scholars of Bet Hillel and Bet Shammai. When the Temple in Jerusalem was destroyed in 70 C.E. and scholars were forced to migrate, there was an increased occurrence of halakhic disputes that were never resolved. Therefore there was a need at the time of Judah ha-Nasi to once again unify the vast amount of halakhic material into an authoritative code, limiting the divergent views as much as he could. There was also the fear that the material would be lost or incorrectly transmitted. Thus there was a need for a codification of the law that the Mishna became.

The Mishna does not always merely state the law, but offers the law as part of a factual case including those conditions which lead up to the final situation. This is referred to as the casuistic method which enabled the law to continue its development and meet new situations which surfaced that had not been encountered before.

Following the compilation of the Mishna we find the most vast and singly authoritative work of all of Jewish legal literature, the Talmud. The large and predominately accepted Babylonian Talmud as well as the less extensive Palestinian Talmud are works which combine the Mishna, the Law, with its accompanied Gemara or "commentary." The

Gemara includes deliberations of the sages, halakhic commentary by the legal authorities known as the amoraim, responsa material, and decisions which made the law alive by considering every conceivable situation connected with a possible law and what the final halakhic decision would be. The Talmud as a whole is accepted as the authentic and binding halakhic work from which all decisions must be based. Yet from a literary point of view it is not considered a code.

The literary forms found in the codes are basically three: (1) "books of halakhot," books which simply collect the conclusions pertaining to a certain aspect of the Jewish law with a brief discussion and reference to its talmudical sources; (2) "books of pesakim or decisions," which state the conclusions of the halakhic rules in a certain area of the law arranged according to halakhic subject matter without any mention of the underlying sources; and (3) a combination of the two in varying forms.

Halakhic codification literature belonging basically to the category of "books of halakhot" appeared during the Geonic Period from the eighth century onward. The first of these books was Sefer ha-She'iltot by Aḥa of Shabḥa, Babylonia. It is a collection of homiletic discussions. Scholars quoted from this work for the purpose of deciding halakhic questions in accordance with it; therefore, it is classified as a code. It is arranged according to the weekly Pentateuchal portions with the laws related to that particular part of the Torah

included in the discussion of that section.

Yehudai b. Nahman Gaon wrote Halakhot Pesukot during the first half of the eighth century. It was the first of the "books of halakhot." It was arranged according to both subject matter and the talmudic tractates. Yehudai Gaon only included laws that were relevant and in practice at his time, thus establishing a principle followed by almost all of the authors of code material who followed him. Laws that no longer existed were omitted.

In the ninth century the greatest halakhic work of the Geonic Period appeared. It was called Halakhot Gedolot. Most scholars agree that the author was Simeon Kayyara of Basra, Babylonia. It was arranged according to talmudic tractates and a brief review of the sources appeared before the conclusions of the law.

Scholars during this period of time were concerned with codifying Jewish law for basically two reasons. One was to ease the study of the voluminous and difficult talmudic material. The second reason was attributed to the rise of the Karaites in Babylonia during the eighth century. The Karaites rejected rabbinic law and the geonim, as a response produced vast amounts of halakhic and philosophical works so as to formulate a normative, traditional Jewish attitude based on Oral Law. This caused a need for codified material that would summarize easily the accepted laws. But as a result other problems arose. People began studying the codes material and neglecting the source, the Talmud, rather

than using the codes as they were designed, as a tool to simplify the study of the Talmud. Because of this criticism virtually very few other books of codes appeared during the Geonic Period. Responsa literature began to arise which answered new specific halakhic questions through an examination of the halakhic sources.

At the close of the Geonic Period there arose again the need for a codification of the halakhah. This resulted from the fact that Babylonia was no longer the center of the Jewish Diaspora. New centers of Jewish life emerged in North Africa and Europe resulting in different customs and rules regarding the halakhah. In the eleventh century a very important work in Jewish law under the category of "books of halakhot" was written, the Sefer ha-Halakhot by Isaac b. Jacob ha-Kohen Alfasi, who was known as the "Rif." It was arranged according to the talmudic tractates and included only the laws in practice at the time. Alfasi gave a more extensive talmudic discussion of each conclusion than did the geonic authors, and he also included aggadic statements which had halakhic importance. Therefore this work is also referred to as the small Talmud, Talmud Katan. Alfasi made use of the Jerusalem as well as the Babylonian Talmud but decided according to the latter in areas of dispute between the two because of its later redaction. Alfasi's work became accepted as decisive and binding, praised and used by both Maimonides and later Caro as pillars of their works upon which halakhic decisions were based.

The twelfth century was dominated by Maimonides who created a new literary form of the "book of pesakim, decisions" for the codes which is exemplified by his book the Mishneh Torah. "Books of halakhot" were originally to be used only as a method of reference to the Talmud itself. As the centuries passed, though, scholars became less and less able to accurately examine the Talmud and derive from it alone the proper, reliable decision. Halakhic material became more and more voluminous. There arose a need around the time of Maimonides for a book which would derive its authority from other great scholars as well as the Talmud, yet would stand by itself as a single work, serving as the basis of deciding the halakhah usable by scholars as well as laymen. Maimonides, who had magnificent respect for his own ability (which has been proven vastly deserved), established his objective of designing an authoritative compilation by which the halakhah should be decided. There was no question in his mind that there would be no contradiction between his book and previous halakhic literature, and therefore he named his book the second Torah, Mishneh Torah which he wrote over the ten year period from 1177 until 1187. Its authority was only superseded by the Written and Oral Law themselves.

Maimonides used four basic criteria for his codification: (1) He wanted to locate and compile all the material of Jewish law from the Written Law until his time by a systematic and scientific process. Therefore only the

actual Written Law and Maimonides' book were needed for every detail of the halakhah. His work was exhaustive and his preparation complete.

(2) Maimonides subdivided and classified all the material according to its subject matter. (He divided his work into fourteen books. Fourteen rendered in the numerical letter equivalents in Hebrew is י"ד, yad, which is the word for hand. The Mishneh Torah is therefore also referred to as Ha-Yad ha-Hazakah (Deut. 34:12), "the Strong Hand.") The fourteen books were each subdivided into eighty-three parts called hilkhot, these were again divided into perakim of one-thousand chapters, consisting of some fifteen thousand paragraphs, each called an "halakhah."

(3) Maimonides decided upon a single halakhic rule, and he made no reference to disputing opinions nor did he designate the post-pentateuchal sources. This was a true break in the tradition of preserving the name of the author of a particular law or its talmudic source. His reasoning was not to break the chain of authority and tradition, but rather so as not to confuse the law and limit the use of his code. Therefore this work was considered a new form of code literature, a "book of pesakim, decisions" where only a single statement of a law was given without qualifying it or citing the non-biblical sources. The only qualified halakhic rulings among the fifteen thousand were one hundred and twenty new ones added by Maimonides himself and fifty rulings where he decided between the geonim and

the rishonim.

(4) The final criteria employed by Maimonides was his use of language. He chose the clear, legalistic Hebrew of the Mishna. The language of the Pentateuch was not adequate to express all the laws, and the talmudic Aramaic was not sufficiently understood in his time. Maimonides in reality created a new, clear, lucid legal Hebrew language. Maimonides maintained the casuistic method of previous halakhic material by not making simple normative statements so that all the legal facts could be included in the talmudical style familiar to most at the time.

Maimonides' work received most of its criticism from the fact that he omitted the names and talmudic sources, so much a part of halakhic material prior to his work. Maimonides defended himself by stating a halakhic rule that "the law was transmitted by way of the many to the many and not from a single individual to another individual." He did admit, though, that in a separate work he should have given the sources of a particular law.

Maimonides was also criticized for his omission of different opinions which deprived a person from choosing between other sources to arrive at his decision. Asher b. Jehiel, the Rosh, stated that one would get the wrong understanding of the law based on Maimonides if he were not also familiar with the gemara from which Maimonides took the law. Every dayyan, judge and decision maker, had the right to refer to differing opinions in order to come to a valid

individual decision. It was reiterated that a code could only serve as an aid in finding a law in the talmudic literature itself. With all its criticism, Maimonides' method had great influence on codes and the decisions on Jewish law. Joseph Caro in the Shulhan Arukh used Maimonides as his "second pillar" of halakhic decisions (Alfasi was the first), and he employed Maimonides' basic premise as his methodology.

The Mishneh Torah influenced many supporters who wrote additional works to defend the goal of Maimonides. The most famous is called Hagahot Maimuniyyot, written in the thirteenth century by a pupil of Meir b. Baruch of Rothenburg supplementing the laws of Maimonides with those found in France and Germany. It is ironic that the result of Maimonides' halakhic works was the direct opposite of what he sought out to achieve. Rather than producing the final, single halakhic source, he influenced the writing of hundreds of books which complicated halakhic problems, making the halakhah even less uniform than it had been before.

After Maimonides and the criticism he received, it was necessary to produce "books of halakhot" which preserved the link with talmudic sources. A representative fourteenth century work of this type was the Piskei ha-Rosh or Sefer Ashrei by Asher b. Jehiel. In his codification of Jewish law he wanted to preserve the dayyan's freedom to decide between differing opinions. He followed (based on Alfasi's Sefer ha-Halakhot) the talmudic tractates and gave a synoptic



statement of the talmudic discussion which resulted in the halakhic law. He was a scholar in both Germany and Spain. In his work he included opinions from both cultures and decided between the two, being very widely excepted. Caro used Asher as his, "third pillar" two hundred years later.

Other works of codification appeared during this period of time which later influenced the work of Caro. "Books of mitzvot" were written to decide law. In the thirteenth century a Frenchman, Moses of Coucy wrote the Sefer Mitzvot Gadol which was divided into two parts, negative and positive precepts, each one being accompanied by talmudic sources and opinions of other scholars, followed by the halakhic conclusion. Another similar book appeared later, entitled Ammudei ha-Golah or Sefer Mitzvot Katan by Isaac b. Joseph of Corbeil. This book also had laws accompanied by a short statement on their talmudical sources, but this book was divided into seven parts corresponding to the seven days of the week, with laws traditionally being associated with those days (or homiletically connected) discussed in that particular section.

Other books of code's material were arranged according to the desire of the author. For example, according to the appearance of letters in a certain passage (Ittur Soferim a twelfth century work by Isaac b. Abba Mari).

Solomon b. Abraham Adret who lived in Spain in the mid-thirteenth century, in his work Torat ha-Bayit combined both the forms of a "book of halakhot" and a "book of

pesakim." The first part is a "book of halakhot" entitled Torat ha-bayit ha-Arokh where Adret gave talmudic sources and differing opinions arriving at an halakhic decision after a full discussion. The second part of his work was called Torat ha-bayit ha-Kazer and was a "book of p<sup>e</sup>asakim" where he merely stated the halakhic conclusion he determined in the first part of his book. Adret wanted to avoid criticism yet employ the best aspects of both methodologies.

The problem with the attempts at codification in the twelfth and thirteenth centuries was that even though there was the development of a rich and vast body of halakhic literature, none of it was easy to use as a code nor was it decisive. Also there was a tremendous amount of material produced by tosafists in Germany, France, and western Europe in the form of responsa, novellae, and commentaries that were used as the basis of halakhic decision making by the dayyanim but had never been codified. Some of these tosafists were Rabbenu Tam and Meir of Rothenburg. In the Spanish school there was Meir ha-Levi Abulafia, Nahmanides, and Solomon b. Abraham Adret. In addition to the above there were differing opinions and customs in the various Jewish communities of the world without any useful code.

In view of this situation a dayyan in Toledo, Jacob b. Asher, the third son of Asher b. Jehiel, in the first half of the fourteenth century compiled a code in the form of four columns which he called Turim. He generally decided according to Alfasi, but when this was disputed by Maimonides

or others, he accepted the opinions and decided according to his father's responsa or opinions. Jacob b. Asher combined both the qualities of a "book of halakhot" and a "book of pesakim" in that he gave the essence of each rule yet he did not give the exact talmudic sources or the names of the scholars along with it, he did so only at the beginning of a tur or a group of rules. He followed each rule with a brief statement of differing opinions given by post-talmudic scholars, and from all these he made his decision. This methodology produced a convenient and clear format while still maintaining a connection with halakhic sources.

Jacob b. Asher divided his code into four parts and in it he included only the laws in practice at the time. Each of the four turim is divided into halakhot and simanim. Tur Orah Hayyim dealt with laws pertaining to man's day to day conduct, the laws of prayer, blessings, Sabbaths, and festivals. Tur Yoreh De'ah was concerned with dietary laws, ritual purity, circumcision, visiting the sick, mourning, and some other ritual laws. Tur Even ha-Ezer covered family laws, marriage, and divorce laws, and monetary relations between man and wife. Finally, Tur Hoshen Mishpat dealt with civil law as well as criminal law, courts, judicial authority, evidence and the like. The arrangement of a code of Jewish law in this manner was totally original and had a great influence on all that came after it, especially its small, clearly defined units.

In addition to the halakhic statements, Jacob b. Asher also included his own opinions on ethical and moral issues and aggadic sayings along with talmudical sources at the beginning of each tur. Jacob b. Asher assembled all the halakhah at his time in a clear and concise manner. Communities of the Orient continued to follow the Mishneh Torah of Maimonides, but those of the west quickly adopted the Turim. Other works developed at this time which dealt with parts of what Jacob b. Asher covered, but none reached his scope. The Turim stood for over two hundred years as the basic code of Jewish law and inspired works based on it by scholars of the fifteenth, sixteenth, and seventeenth centuries.

As the result of the Black Death (1348-50), the persecution of German Jews and the expulsion of Spanish Jews in 1492 there was a great movement of Jews due to uprooting. Old centers of Jewish life and authority were replaced by the new communities founded by the migrants of Germany in Poland, and in the oriental countries of Turkey, Erez Israel, Egypt, and North Africa from those Jews forced out of Spain. This vast movement of people brought on many new halakhic problems. Laws were decided with virtually no authority behind them. Responsa literature became very popular and relatively creative. There arose a need for this halakhah to be assembled, summarized, and reduced so as to be of use.

Joseph Caro was born into this world of upheaval. He was born in Spain in 1488, and finally settled in the city

of Safed in the Galilee of Erez Israel where he was a member of the Great Rabbinic Court which decided halakhah. In view of the need of a new codification, Caro thought to compile one work made up of two parts which differed from each other in form and content but which supplemented each other.

The two parts are the Beit Yosef and the Shulhan Arukh. The Beit Yosef was written first and its scope was much more extensive than its companion work. The Beit Yosef included all halakhic material in use at the time. It included the talmudic sources and the differing opinions of post-talmudic literature to its day. Caro used the Turim of Jacob b. Asher so that he did not need to repeat halakhic material already stated there, but he added extensively to it from the works of thirty-two halakhic scholars whom he mentioned by name as well as sayings from the Zohar. Caro in addition wanted to decide the law and make it uniform therefore he used the writings of his three pillars, Alfasi, Maimonides and Asher b. Jehiel. When all three dealt with a certain law he decided according to the majority except when that differed from a majority of halakhic scholars and there was a custom contrary (to the majority of the three pillars) in existence. If a matter had only been considered by two of the three and those two disagreed then he consulted five other authorities and decided according to their majority. The five were Nahmanides, Solomon b. Abraham Adret, Nissim Gerondi, Mordecai b. Hillel, and Moses b. Jacob of Coucy. If none of his three pillars dealt with a subject, Caro

decided the matter according to the majority of famous scholars. Caro did not go back and examine the correctness of each rule in terms of talmudic sources, arguing that this was too laborious in view of the large number of rules requiring decisions.

Having done the ground work upon which to substantiate a briefer work that would definitely meet the requirements of a simple and easy to use code, he set about writing a book of halakhah in a simple, undefined, and summarized form. He thus compiled a book he called the Shulhan Arukh, "The Prepared Table" in which the conclusions he reached in the Beit Yosef were stated briefly and in a clear language. The book was designed for all, both scholars and laymen, as a quick reference guide to the accepted halakhah. He divided the Shulhan Arukh into thirty parts so that one part could be read each day thus enabling it to be completed in one month. Caro realized that one book could not do all, therefore he wrote a short synoptic "book of pesakim" to supplement a "book of halakhot" which gave the source to the varying opinions. Caro considered the Beit Yosef his primary work and he spent twenty years writing it and twelve years annotating it.

Caro divided his Shulhan Arukh into four parts based on the Turim by <sup>Jacob</sup> Joseph b. Asher employing the same titles and basic content as the four Turim. He then further divided the Turim into one hundred twenty halakhot, one thousand seven hundred simanim, and thirteen thousand, three hundred

fifty se'ifim. Caro did not divide the larger units into smaller ones, as Jacob b. Asher had done. Caro gave each siman a title and shortened the names of the halakhot when they were too long, or he added to them when they did not sufficiently describe the contents. He also added topics that did not appear in the Turim or left them out if they were no longer halakhot in practice.

The Shulhan Arukh omitted the halakhic sources, names of scholars, ethical and moral statements, scriptural authority, and everything except the basic rule itself. In terms of a code, it was a very brief work being quite decisive. For this reason it eventually became the standard "book of pesakim", decisions, of the halakhah. Caro completed the Shulhan Arukh in 1563, and it was first printed in Venice in 1565, one thousand three hundred and fifty years after the first code of Jewish law, the Mishna was compiled in the second century.

One can not mention the Shulhan Arukh or consider its impact without taking into account the role of Moses Isserles in the wide spread acceptance of Caro's work. Isserles was a leading Polish Jewish scholar when Caro's code reached Poland. Isserles was born in Cracow in 1525, or 1530 and died in 1572. His name was Isserel-Lazarus which was shortened to Isserles, but he was usually referred to as "the Rema" (Rabbi Moses Isserles). His father was very wealthy and he was sent to Lublin to study in the yeshiva of Sholom Shachna until 1549. Isserles studied Talmud, codes, philosophy,

astronomy and history. He was a well respected scholar and a world renowned posek, decider of halakhic issues. He was considered to be the "Maimonides of Polish Jewry."

Isserles' teacher, Sholom Shachna, was opposed to codifying the halakhah. He felt that every dayyan was obligated to consider each question individually from the sources. The existence of a code did not encourage this. A dayyan would take the latest authority, namely the code, as binding and be deprived of the individuality of deciding an issue.

Isserles was at first going to compile his book, Darkei Moshe, following the Turim, to make it easier for the dayyan to find the material by assembling it in a brief form which was to include differing opinions without deciding between them. While he was writing his book he received Caro's Beit Yosef and he realized that Caro had already assembled the material. Instead of stopping his work, he completed it because Caro had left out a good deal of material that had been contributed by Ashkenazi scholars, and also because he did not agree with Caro's methodology of deciding the halakhah according to the majority opinion of "the three pillars," Alfasi, Maimonides, and Asher b. Jehiel. Isserles felt later scholars had to be consulted equally. Isserles completed his Darkei Moshe basing his decisions on later scholars but not making his decisions binding on any dayyan who wanted to decide an issue as a result of his own investigation.

Isserles produced a second work of codification, namely



Torat Hattat which dealt mainly with dietary laws. When Isserles finally received the Shulhan Arukh he decided to add his own glosses to it, the "Mappah" or "the Table Cloth" over the Shulhan Arukh, the Prepared Table. (The notes of Isserles are also called Hagahot). In his glosses Isserles cited different Ashkenazi opinions and customs not present in Caro's work and decided among them according to the accepted principle of giving authority to the most recent scholars, and enabling each dayyan to interpret and decide for himself. Isserles maintained the brief and concise style employed by Caro in the Shulhan Arukh. Isserles wanted each dayyan, even in a brief statement, to realize that there were differing opinions and it was incumbent upon him to reach a decision through his own struggling with the material. Isserles often changed Caro's (the mehabber's) wording, explained unclear passages, pointed out contradictions between different decisions, or added a rule, thus refining the major work. With the additions of Isserles the Shulhan Arukh became a code which embraced the many differences existing in the various Jewish centers throughout the world. Isserles saw the need for a work such as the Shulhan Arukh to accompany a more extensive "book or books of halakhot" and through his editing and additions made the Shulhan Arukh eventually an authoritative and binding code of Jewish law for Israel. The Shulhan Arukh became acceptable to both Sephardim and Ashkenazim.

In his discussions of the law, Isserles strove to give

the minhag, or custom, the same force as the halakhah itself even when the minhag had no halakhic source. There are times when Isserles even accepted a custom as binding when it conflicted with the halakhah. He also stated at times throughout his glosses to the Shulhan Arukh that "the custom is a wrong one" or "if I had the power I would abrogate the custom, for it is based on an error and there is no reason to rely on it." The majority of the customs which Isserles followed were of course those which developed among Ashkenazi Jews. It must be noted that Isserles was frequently lenient when an issue involved stress or when there was a considerable financial loss involved. He was among the very few posekim who decided <sup>many issues</sup> leniently.

The importance Isserles placed on the minhag, his leniency in cases of loss, and his codification through the glosses of the Shulhan Arukh caused him to be severely criticized by his contemporary scholars, especially one who studied with him in Lublin under Sholom Shachnan, Hayyim b. Bezalel. Despite the numerous reasons offered by Hayyim and other contemporary scholars to oppose Isserles, his rulings and customs became accepted as binding on Ashkenazi Jewry.

The Shulhan Arukh along with the glosses of Isserles received much criticism from oriental as well as Ashkenazi communities. Some critics noted discrepancies between the Beit Yosef and the Shulhan Arukh. Many scholars thought the work to be too simplistic, aimed at minors and ignoramuses. Even though many oriental scholars disagreed with

Caro's method of deciding according to the majority opinions of Alfasi, Maimonides, and Asher b. Jehiel, the fact that two hundred rabbis of Caro's generation accepted this method as well as the majority of later scholars countered that criticism. Despite all the criticism, Caro's decisions were accepted by the majority of oriental scholars even in his own lifetime.

Ashkenazi criticism, even with the glosses of Isserles, was much more severe of Caro's work. The main criticism stemmed from the fear that with the code, students could know the law without any effort and that the proper method of study by mastering scripture, Mishna, and Talmud would be neglected. One had to study and understand the law to make decisions based on talmudic and post-talmudic discussions. Polish Jewry especially thought it preferable to occasionally make a mistake in a legal decision through honest study than to base a decision on one single work without knowing what went into the basic reasoning. In addition Ashkenazi scholars found value in the non-uniformity of halakhah. This increased the possibility for deciding a law according to the dayyan's own opinion, thus enabling the law to bend to existing circumstances. Others criticized the "compromise" decisions when no definite solution was clear. Halakhah, it was often felt, should only have been decided by the Talmud, and there were cases where Caro made a decision of a law that was not finally decided in the Talmud. Mordecai b. Abraham Jaffe, stated that his

objection to Caro was that the Beit Yosef was too extensive to study from, and the Shulhan Arukh was too brief, therefore he wanted a balance between the two extremes. (He wrote Levush Malkhut which attempted to achieve this goal.)

The criticism of Caro's and Isserles' code continued even into the seventeenth century basically because it deprived the dayyan of the mental exercise of wrestling with the halakhic material and coming to a decision employing the knowledge and underlying reasoning. It seemed that no code would become acceptable to all Jews, but two factors changed this. Joshua b. Alexander ha-Kohen Falk, who was a pupil of Isserles and Solomon Luria (who leveled criticism against the Shulhan Arukh) found no fault in the form employed by the Beit Yosef. Falk regarded the Shulhan Arukh as a work which intended the law to be decided according to it only after the study of the talmudic sources through the Tur and the Beit Yosef. Falk said that people were making a mistake by deciding simply according to the Shulhan Arukh without totally understanding the substance of the decisions. Therefore Falk wrote a commentary on the Shulhan Arukh itself. He wanted it to explain the Shulhan Arukh and actually become a part of it, the Shulhan Arukh not to be studied without his commentary. He felt this would eliminate any misunderstanding of the law if it were studied along with it. He called his commentary Sefer Me'irat Einayim or the "Sma" (the book of enlightening the eyes). He quoted the sources of each law and different

opinions expressed, in addition to new rules. It is only found with the section Hoshen Mishpat.

Joel Sirkes, who wrote a commentary on the Turim entitled Bayit Hadash, had the same idea as Falk. He composed a commentary that would provide a link between the commentary and its sources. After Falk and Sirkes a number of other commentaries arose, each one making the Shulhan Arukh more binding and authoritative. They included the Turei Zahav or "Taz" by David b. Samuel ha-Levi, on all the four parts of the Shulhan Arukh; the Siftei Kohen or "Shakh" on Yoreh De'ah and Hoshen Mishpat by Shabbetai b. Meir ha-Kohen; the Helkat Mehokek by Moses Lima on the Even ha-Ezer; the Beit Shemu'el by Samuel b. Uri Shraga Phoebus also on Even ha-Ezer; and Magen Avraham on Orah Hayyim by Abraham Abele Gombiner.

In addition to the commentaries of eminent scholars attached to the Shulhan Arukh, external factors also attributed to the speedy acceptance of the Shulhan Arukh as The Code of Jewish Law. Jewish life in the middle of the seventeenth century was disrupted in central Europe. The Chmielnicki massacres of 1648 destroyed many Jewish communities and halakhic centers. When there was such a disruption in Jewish life, a desire for codification and preservation of Jewish law resulted. This time a code was available and only required the approval of the leading scholars of the generation. One of the most respected seventeenth century German scholars, Menahem Mendel

Krochmal, gave his support to the Beit Yosef and the Shulhan Arukh which by this time had become the authoritative and binding halakhic code.

Even though there was a revival of codification literature every one to two centuries in the Jewish world since the geonic period of the eighth century, there has been no recognized authoritative code since the Shulhan Arukh, but then the entire structure of the Jewish community has changed since the emancipation the Jews experienced in Europe beginning in the eighteenth century. Jewish society took on non-traditional elements to which an authoritative halakhic code was not only not binding but also of no significance. Halakhic interest lessened as did the number of works associated with it. After the eighteenth century only laws of regular daily life were of concern to the traditional Jew who was afraid to revitalize the authority of the individual dayyan to offer new decisions based on his own struggling with the talmudic sources for fear of a too radical change in the law. The Shulhan Arukh thus remained binding. The laws of sections such as Hoshen Mishpat (civil and criminal law) were mostly academic with Jews bound by the secular laws of the states in which they lived. (The Arukh ha-Shulhan by Jehiel Mikhal Epstein (died 1908) was an exception for it dealt with all four parts of the Shulhan Arukh.) But nothing since the Shulhan Arukh has replaced it as the authoritative code on Jewish law. All that has come after it is merely part of the commentaries

surrounding the Shulhan Arukh.

There has been a development in halakhic literature since the Shulhan Arukh, and it made up a significant contribution to this field which must be taken into account by modern day halakhic decision makers. This development has consisted of responsa, commentaries, and novellae in addition to changes, takkanot, decreed in the laws and differences in customs as the daily life of a Jew has altered. But for the most part these new contributions look back on the Shulhan Arukh as the authoritative work in halakhah.<sup>3</sup>

The body of this rabbinic thesis is an annotated, original translation of the material found in the Shulhan Arukh along with the glosses by Rabbi Moses Isserles concerning the Day of Atonement, Yom Kippur. The original Hebrew is found in the section Orah Hayyim, chapters 604-624. Hilkhot Yom ha-Kippurim, the Laws of Yom Kippur, are presented by Joseph Caro in an orderly and systematic method. The Holy Day is covered chronologically in the Shulhan Arukh from prior to its arrival, through the evening, night, morning, afternoon, evening, and following the conclusion of the holiday. Almost all conceivable circumstances or conditions that one would encounter are covered in the code as to what is the correct action to take or not to take. Situations involving pregnancy, sickness, fire, prayer, children, food, clothing, mental attitude, marital relations and the like are included in these chapters. The Shulhan Arukh on the Laws of Yom

Kippur fulfilled its original goals of having a short, clear, concise, and authoritative guide of Jewish halakhic decisions assembled in a usable form (if one could read the original Hebrew, for prior to this thesis, the total original material had not been translated into English). The Shulhan Arukh on this subject does not stand alone as a source for the original talmudic logic and scholarly debate that went on to form the halakhic decisions, nor would it be sufficient if it were the only text consulted in formulating a reaction to a new situation that required a dayyan to make a new halakhic decision, but it is a useful code which serves as a digest of the halakhah concerning Yom Kippur.

Yom Kippur is to the Jew the most holy day of the entire year. It is rich with special customs, prayers, thoughts and emotions for every Jew regardless of his philosophical or theological leanings. I offer this work in the hope that through it some might be able to find more understanding and meaning in the tradition which surrounds this Day of Atonement, so that it might become a way for each person to find peace with oneself and with God's world.



"THE LAWS OF YOM KIPPUR"

SHULHAN ARUKH

ORAH HAYYIM

CHAPTER 604 - "The order of the Eve<sup>4</sup> of Yom Kippur<sup>5</sup> (the Day of Atonement)" - Containing two paragraphs.

1. It is a commandment to eat on the Eve of Yom Kippur and to increase (one's eating) at the meal.

Hagah:<sup>6</sup> It is forbidden to fast on it (the Eve of Yom Kippur), even a dream fast<sup>7</sup> (due to a nightmare), (מהרי"ל).<sup>8</sup> And if one vows to fast on it, see above (in the Shulhan Arukh, Orah Hayyim), chapter 570, paragraph 2.<sup>9</sup>

2. They do not "prostrate themselves" (i.e., they do not say the tahanun<sup>10</sup> prayers) on the Eve of Yom Kippur.

Hagah: They also do not say "למנוצח"<sup>11</sup> and "מזמור לתודה"<sup>12</sup>, (מנהגים).<sup>13</sup> Also they do not say before dawn many "selihot<sup>14</sup>" (prayers of forgiveness), but there are places where it is customary to increase selihot. All (this should be done) according to the (local) custom. But concerning the matter of the saying of "אנינו מלכנו"<sup>15</sup>, (Our Father, our King), on the Eve of Yom Kippur, there is a disagreement among the ahronim<sup>16</sup>, (later scholars). The custom in my city is not to say it unless Yom Kippur falls on Shabbat; since we do not say on the Shabbat "אנינו מלכנו", therefore we say

it in the Shaharit<sup>17</sup>. (Morning Prayers) on the Eve of Yom Kippur.

CHAPTER 605 - "The custom of "kapparot<sup>18</sup>." (atonement ceremony) on the Eve of Yom Kippur" - Containing one paragraph.

The custom regarding the "kapparah" (atonement ceremony) on the Eve of Yom Kippur by slaughtering a rooster for each male and to say biblical verses over it should be stopped.

Hagah: There are some geonim<sup>19</sup>. who listed this custom (as a proper custom) and likewise many of the ahronim listed it thusly. And likewise it is the custom in all these lands,<sup>19a</sup> and it is not to be changed because it is a custom of the pious. It is customary to take a rooster for each male, and for each female (to) take a hen, ( בית יוסף בשם תשנ"ז ).<sup>20</sup> For a pregnant woman to take two roosters<sup>20a</sup>. for the possibility she might give birth to a male (infant). The (custom is to) chose white roosters<sup>20b</sup>. since it says "though your sins be as scarlet they shall be as white as snow," (Isaiah 1:18). It was customary to give the atonement chickens to the poor or to redeem them<sup>20c</sup>. (replace them) with charity money which is given to the poor (for sustenance), ( מהרי"ל ).<sup>21</sup> There are places where it is customary to visit the graves and to increase (the giving of) charity which is all a beautiful custom. It is necessary to slaughter the atonement chickens immediately after completing the ceremony and laying one's hands<sup>21a</sup>. on it like (it was done

with) the Sacrifice<sup>22</sup>; and they (it is customary) throw their intestines on the roofs or in a courtyard, a place from where fowls are able to take (the intestines of the slaughtered chickens), (טור).<sup>23</sup>.

CHAPTER 606 - "A man should appease his friend (i.e., a person whom he wronged) on the Eve of Yom Kippur" - Containing four paragraphs.

1. Yom Kippur does not atone for sins between a man and his comrad (fellow-man) until he conciliates him. Even if he angered him only in words, he is required to appease him (his fellow-man). And if at first he is not pacified, he (must) return and go to him a second and third time. Each time he should take three men with him, and if on the third time he does not become reconciled he (no longer) is obligated to him, (nevertheless afterwards he should say before ten (people) that he did request forgiveness from him), (מרדכי דיומא ומהרי"ל).<sup>24</sup>. If he (i.e., the person who was wronged) was his teacher, he must go to him many times until he becomes appeased.

Hagah: The person to forgive should not be cruel by refusing forgiveness (to the one seeking forgiveness), (מהרי"ל)<sup>25</sup>, unless his intent is for the good of the one requesting forgiveness, (גמרא דיומא).<sup>26</sup>. But if one caused him (the wronged person) a bad name, there is no necessity in forgiving him, (מרדכי וסמ"ק והגה"מ פ"ב מהלכות תשובה ומהרי"ו).<sup>27</sup>.

2. If a man against whom he sinned died, (the man who sinned) brings ten people and let them stand on his (the dead man's) grave and he (the sinner) says, "I have sinned against the God of Israel, and against this "person" who I sinned against him," (and it was customary to seek forgiveness on the Eve of Yom Kippur), (מרדכי דיומא),<sup>28</sup>.

3. Early rabbinic authorities decreed, coupled with "חרם"<sup>29</sup>., ban, that the living should not slander the dead.

4. One may immerse (in a ritual bath<sup>30</sup>.) and accept lashes<sup>31</sup>. (to effect atonement) whenever desired provided that it is before nightfall, but one does not bless over the immersion.

Hagah: One needs to immerse one time without a confession because of pollution (urinary emission). The same holds true if one pours nine kavs<sup>32</sup>. of water (upon himself), (if the immersion pains him, (מגן אברהם),<sup>33</sup>), this is also effective, (מהרי"ו וכל בו ותשב"ץ).<sup>34</sup>. One who incurs a death between Rosh HaShanah and Yom Kippur, it is permissible to wash and to immerse on the Eve of Yom Kippur because Yom Kippur cancels the "shiva"<sup>35</sup>., (the seven day mourning period), (מהרי"ל, הלכות שמחות).<sup>36</sup>. Even though it is customary not to wash (bath) during the entire "sheloshim"<sup>37</sup>., (thirty day mourning period), a commanded immersion is permitted, (דעת עצמו).<sup>38</sup>.

CHAPTER 607 - "The order of confession (of sins)<sup>39</sup>. during Minhah<sup>40</sup>. (the Afternoon Prayer) on the Eve of Yom Kippur"-

Containing six paragraphs.

1. One needs to confess during Minhah (the Afternoon Prayer) before the (last) meal before fasting.<sup>41</sup>.

Hagah: If one is alone he says it (the confessional) after he finished his Silent Prayer, but the public reader<sup>42</sup> says his (confessional) on Yom Kippur during the Silent Prayer,<sup>43</sup> (טור).<sup>44</sup>.

2. There is no need to itemize (to detail) (the description of) the sin, but if one wants to detail it<sup>44a</sup> he has the permission to do so, but if one confesses silently (i.e., just moving one's lips but not speaking audibly), it is appropriate to detail the sin.

Hagah: But when one prays outloud or the reader, when he repeats the prayer, they do not detail the sin. But saying the prayer "על חטא"<sup>45</sup> in alphabetical order, is not called itemizing (detailing) since everyone says it equally, therefore it is only like a text of a prayer, (ד"ע).<sup>46</sup>.

3. One has to confess standing up and even if one (the confessor) hears it from the reader and he has already confessed, he still must stand.

Hagah: And one should again confess with the reader, (ר"ן פ"ב דר"ה);<sup>47</sup> the essence of the confession is "but we sinned", (טור).<sup>48</sup>.

4. Sins that were confessed about on the past Yom Kippur and one did not repeat them, nonetheless he may again confess them.

5. During the Minhah Prayer on the Eve of Yom Kippur one does not conclude the Prayer with a confession after it.

Hagah: The reader does not repeat the confession during the Minhah Prayer, rather he prays the Amidah<sup>49</sup>. like on the rest of the days of the year, (טור, ומרדכי)<sup>50</sup>. and does not say the prayer "אבינו מלכנו"<sup>51</sup>. (see the end of chapter 614), and all the moreso not the prayers of supplication (tahanun).<sup>52</sup>.

6. The entire congregation (every Jewish member of the community) receives forty lashes<sup>53</sup>. after the Minhah Prayer, for because of it he will take to heart to turn away (and repent) from his transgressions.

Hagah: It was customary that the one being flogged say the confessions, vidduim<sup>54</sup>. at the time that he was flogged, and that the flogger say, "And He (God) pities and will atone sins..." (Psalms 78:38), three times which equals thirty-nine words corresponding to the thirty-nine lashes<sup>55</sup>. (this is a custom). And it is customary to whip with a little strap because this (flogging) is merely a remembrance to the genuine flogging. One should take a strap of calf-skin, corresponding to the Biblical verse, "the ox knows his owner and the ass his master's crib," (Isaiah 1:3),

(כל בו).<sup>56</sup> The one who is flogged shall not stand nor shall he sit, but he should be in a slanting position, (מנהגים),<sup>57</sup> with his face to the north and his rear should be to the south, (מהרי"ל).<sup>58</sup> Yom Kippur only atones for the repenters who believe in its (Yom Kippur's) atonement. However, one who despises it and thinks to himself, "how can this Yom Kippur help me," Yom Kippur does not atone for him, (רמב"ם ס"ג מהלכות שגגות).<sup>59</sup>

CHAPTER 608 - "The order of the meal prior to the beginning of the fast" - Containing four paragraphs.

1. One eats and stops eating before dusk<sup>60</sup> because one must add "from the profane to the holy<sup>61</sup>.", (i.e., from the weekday to Yom Kippur). And this addition has no specific time limit. But before dusk, the length of time which is one thousand, five hundred "seconds" prior to nightfall, one has to add from the profane (i.e., from the weekday) to the holy (i.e., Yom Kippur) either a little time or more time.

2. Women who eat and drink until it is dark, and they do not know that it is a good deed (mitzvah) to add "from the profane to the holy" should not be objected to doing so, so that they should not do it (later) presumptuously (defiantly).

Hagah: The same is the rule in every forbidden thing, we say that it is better that they (the people) do it (the

wrong thing) inadvertently rather than doing it presumptuously. But this is so only when the law in question is not explicitly stated in the Torah, even though it is a toraitic law. But if it is explicitly stated in the Torah, than they (the people) object (try to prevent) the person who wants to transgress, (ר"ן פרק ד' דניצה והרא"ש בשם העיסור).<sup>62</sup> But if one knows that his words would not be listened to he should not say publically that they (the women) should be admonished except once. But he should not increase the admonishing since he knows that they (the women) will not listen to him. However, in private a man is obligated to admonish him (the transgressor) until this transgressor beats him (the admonisher) or curses him, (ר"ן ס"פ הבע"י).<sup>63</sup>

3. If one stops eating while still much of the day is left, one is able to go back and to eat at any time as long as he has not accepted upon himself the fast.

Hagah: See above, chapter 653 if he accepted the fast in his own heart, this is not (a legally valid acceptance) (without pronouncing the words publically).<sup>64</sup>

4. On the Eve of Yom Kippur one only is to eat light foods that are easily digestible, so that one will not be satiated and feel well satisfied during prayer.

Hagah: And likewise one must not eat things that heat (stimulate) the body so that one does not come to an accidental emission, and thus one should not eat dairy food because it



increases the semen, but for breakfast it is customary to eat (dairy products,) (מהרי"ל).<sup>65</sup>

CHAPTER 609 - "Keeping food warm<sup>66</sup> on the Eve of Yom Kippur" - Containing one paragraph.

1. It is permitted to keep food warm from the Eve of Yom Kippur until the end of Yom Kippur.

Hagah: There are those who say that one is not to keep food warm on Yom Kippur (see in the Tur, טור),<sup>67</sup> and so it is the custom in these lands, (מהרי"ל).<sup>68</sup>

CHAPTER 610 - "The kindling of lights (lamps) on Yom Kippur" - Containing four paragraphs.

1. In a place where it is customary to kindle a light on the night of Yom Kippur, one does so;<sup>68a</sup> in a place<sup>68b</sup> where it is not customary to kindle a light, one does not do so. (If there is a lamp in the house one is obligated to kindle a light also in the room where he sleeps so that he does not due to over-stimulation have relations with his wife, since he sees her in the light (i.e., illuminating) of the house, (מהרי"ל).<sup>69</sup> (Marital relations must take place in total darkness). But if it (Yom Kippur) falls on the Sabbath, all are obligated to kindle lights (for the Sabbath).

Hagah: And one blesses (finishes the blessing over the candles with) "to light the candle of Shabbat and Yom Kippur."

2. There is one who says that one blesses over the kindling of the light of Yom Kippur.

Hagah: And this is the custom in these lands.

3. In every place we kindle lights in the synagogues and in the houses of study, in dark alleys and for the sick.

4. It is customary in all places to increase the (number of) lights in the synagogues and to spread nice cloths (i.e., carpets, curtains) in the synagogue.

Hagah: It is customary to kindle a light for every man whether he is old or young, (a great (important) or a small (unimportant) man), (מרדכי ומהרי"ו),<sup>70</sup> and also a memorial light<sup>71</sup> for his deceased father and mother, (כל בו).<sup>72</sup>

And this is proper and thusly wrote some rabbis. If these lights went out on Yom Kippur, one should not say to a Gentile that he should relight them again, (מהרי"ל).<sup>73</sup> One whose light goes out on Yom Kippur should rekindle it after Yom Kippur and he should not extinguish it again, but rather leave it lighted until its completion. And also he should accept upon himself that all (the rest) of his days he should not extinguish his light on Yom Kippur, neither he nor someone else (so it is found in an old collection of customs).<sup>74</sup> There are those who say that (it is proper) to set (cover) nicely the tables on Yom Kippur like (they are covered) on the Sabbath (מרדכי ומנהגיט),<sup>75</sup> and so is the custom. There are those who wrote that it is customary

to dress in clean, white clothes on Yom Kippur, analogous to the ministering angels, and likewise it is customary to wear a kittel<sup>76</sup>. which is white and clean, and it is also the clothing of the dead (the shroud), and therefore the heart of a man is humbled and broken, ( ד"ע מהגהות מיימוני ( פ"ז דשביתת עשור ).<sup>77</sup>.

CHAPTER 611 - "That the night of Yom Kippur has the same laws as the day" - Containing two paragraphs.

1. On Yom Kippur, its night is the same as its day in all matters; and what are its forbidden things on it: working, eating, drinking, washing, anointing, wearing sandals (leather), intercourse. But one is not guilty of the karet penalty<sup>78</sup>. except for working, eating, and drinking.

2. All (types of) work (for whose transgression) a person is guilty on the Sabbath is also guilty on Yom Kippur. And all types of work for whose transgression on the Sabbath a person is free from punishment but are still prohibited, are also prohibited on Yom Kippur in a like manner except that on the Sabbath a conscious sin is punishable by stoning,<sup>79</sup> but on Yom Kippur it is punishable by karet.<sup>80</sup> Everything that is forbidden to be moved (or handled) on the Sabbath is also forbidden to be moved (or handled) on Yom Kippur, (but it is permitted to clean vegetables and to open (shell) nuts from the Minhah time<sup>81</sup>. onward when (Yom Kippur) falls on a weekday, but nowadays (presently) it is customary to forbid that.)

Hagah: If a fire occurs on Yom Kippur, it is permitted to save one meal for the need of the night (following Yom Kippur) as one (may) save on the Sabbath the afternoon meal,<sup>82</sup>. (ר"ן פרק כל כתבי),<sup>83</sup>. and it is already explained in section 334<sup>84</sup>. (as to) how to act at this time when a fire (occurs) on the Sabbath and the same law (applies) for Yom Kippur. It is customary that the children play with nuts (אגודה ומהרי"ל).<sup>85</sup>. One should not object to them (the children) even before the Afternoon Prayer<sup>86</sup>., and the custom is widespread with respect to the mentioned law of breaking nuts, (ר"ע).<sup>87</sup>.

CHAPTER 612 - "It is forbidden to eat on Yom Kippur, and the measure of its quantity" - Containing ten paragraphs.

1. One who eats on Yom Kippur as much as the size of a big date is guilty of the punishment of karet.<sup>88</sup>. (The amount of a big date) is a little less than (the quantity of) an egg, and this quantity applies equally to everybody, whether a dwarf (midget) or whether (one is the size of) Og, King of Bashan.<sup>89</sup>.

2. All the food (that one eats) is combined to this measure (of less than a date), even salt that is on meat and juice that is on a vegetable, but eating and drinking are not being combined (they do not add together to get the quantity of a date, they are measured separately).

3. One who ate and ate again, if from the beginning of the first eating until the end of the last eating there was so much time as is needed to eat half a loaf of bread, then the food is being combined (to the above measure which was a date), but if not (if it took him longer than the time needed to eat half a loaf of bread) it is not combined (to the size of a date).

4. The (time) measure for eating a half a loaf of bread - some say it equals four eggs, and there are those who say it equals three eggs, ( "שוהקרות" רשב"א ).<sup>90</sup>.

5. The rule that we require (for the prohibition) of the (above mentioned) quantity refers to the guilt of the karet<sup>91</sup>. punishment or the requirement of a sin offering<sup>92</sup>., but the prohibition exists even with the least (bit of food).

6. If one eats (on Yom Kippur) food that is not suitable for eating or they eat excessive food immediately after the food which they ate on the Eve of Yom Kippur until one gets sick of his food, he is exempt.

Hagah: If one eats artificially scented food or spiced food in addition to his meal, he is guilty (for eating on Yom Kippur) because there is always some room for some special delicacy, ( כלל נר ).<sup>93</sup>. And it is forbidden on Yom Kippur to taste anything in order to spit it out, even spicy woods. See above in section 567, paragraph three in the Hagah.<sup>94</sup>.

7. One who eats the leaves of reeds is free (from punishment) and the sprouts of grape-vine that blossomed before Rosh HaShanah are free (from punishment when eaten) for they are merely wood, but if they budded (in the Land of Israel) between Rosh HaShanah and Yom Kippur, one is guilty (of punishment for eating them).

8. "Kas" (literally, chewed) if chewed (namely, if one chewed and mashed them with his teeth) pepper or ginger, if they are dry one is free (from punishment) since they are not suitable for eating, but if they are moist (fresh) (and one chews them) one is guilty (of punishment).

9. One who drinks on Yom Kippur melo lugmav (meaning (in simple Hebrew), a mouthful) is guilty (of punishment), and they measure it for everybody according to his size (what he is), the large person according to his largeness and the small person according to his smallness and not literally a mouthful, rather so that he pushes (the drink) to one side of his mouth and it will look as if he has a mouthful; and this is less than a fourth (of a log) for an average person. And all drinks are combined for the prescribed measure, (i.e., a mouthful).

Hagah: One who drinks a drink that is not suitable for drinking, like sauce or brine and undiluted vinegar is free (from punishment), but (if he drinks) diluted vinegar he is guilty (of punishment), (טור).<sup>95</sup>.

10. One who drinks a little and drinks (again) if there is from the beginning of the first drinking until the end of the last drinking the amount of time needed to drink a quarter of a log, they are combined to the stated measure (i.e., he is guilty of punishment), but (if it takes longer) they are not combined. There are those who say that the measure of time that combines the drinkings is the time needed to eat a half a loaf of bread, just as is the case with the combination of different foods, (see above 612:3).

Hagah: It is permissible on Yom Kippur to touch foods and drinks to give them to the children, and one should not fear that he might eat or drink them if he touches them, (תה"ד, chapter 147).<sup>96</sup>.

CHAPTER 613 - "The prohibition of washing on Yom Kippur" - Containing twelve paragraphs.

1. It is forbidden to wash on Yom Kippur whether with hot water or with cold water, and even sticking one's finger in water is forbidden. But if one's hands or feet or the rest of his body is dirty with mud or with excrement or if one has blood flowing from his nose, he is permitted to wash them (those parts which are dirty), because the only type of washing that is forbidden is washing for pleasure.

2. A man washes his hands in the morning and makes the

blessing over the washing of hands.<sup>97</sup> He should be careful not to wash his hands beyond the joints of his fingers.

Hagah: He must not intend enjoyment of the washing, only to get rid of the evil spirits<sup>98</sup> on his hands, (הגהות מיימוני),<sup>99</sup>.

3. If one urinates and handles it (his penis) with his hands or he goes to the bathroom and he wipes himself, he is permitted to wash since his hands are dirty. (Hagah: and he washes up to the ends of the joints of his fingers.) And if he wants to pray, even if he did not wipe himself, he is also permitted to wash (his fingers in water) up to the ends of the joints of his fingers.

Hagah: And so it is with a priest who goes up to recite the priestly benediction,<sup>100</sup> he washes his hands even though they are clean because the majority of (the instances of) washing which are not intended for pleasure are permitted, (הגהות מיימוני פ"ב מהלי י"כ ומהרי"ל).<sup>101</sup> Therefore even if one comes from the street and his feet are dirty, it is permissible to wash them, (ב"י בשם הגהות מיימוני וסמ"ג וסור הלכות),<sup>102</sup> (ס"ב).

4. One who is ailing and does not feel well until he rinses his face with water is permitted (to do so).



Hagah: It is customary for us to be strict in this (matter) for even the washing of the eyes which is a little bit medicinal, it is customary to be strict with this, (מהרי"ל),<sup>103</sup>. and it was forbidden to wash one's mouth on Yom Kippur as was explained above in section 567, paragraph three.<sup>104</sup>.

5. One who goes to the house of study or to visit one's father or his rabbi or one who is greater than him in wisdom, or for the need of performing a mitzvah (a good deed), is able to pass through water up to his neck going and coming provided that he does not take his hand from under the edge of his shirt to lift up the edges of his shirt over his arms and provided that the water does not flow rapidly, for if so, even on a weekday this would be prohibited because of the danger, even if the water only reaches his hips.

6. The fact that it is permissible to pass bodily through the water to perform a mitzvah, this is only to pass bodily through the water itself, but to pass through water in a small boat, this is, according to some, prohibited.

7. A rabbi is forbidden to pass through water in order to go to his student.

8. One who is going to guard his fruit is permitted to pass through water in his going, but not his return.

Hagah: In each instance where it is permitted to pass through water, even if there was a way for him to be able

to circle around by way of dry ground, he is permitted to pass (through water), since to shorten his walk is more preferable.

9. It is forbidden for one to cool oneself in moist mud if he moistens it so as to dabble, and it is forbidden to cool oneself in vessels that contain water even if they are pottery, clay, or metal, but if they are empty, it is permissible and the same holds true for fruits and babies (to cool them).

Hagah: It is prohibited to soak a tablecloth when it is still day (before Yom Kippur) and to use it like a sort of moist vessel in order to cool off with it on Yom Kippur because we are afraid that it might not dry well enough and one might squeeze it (and squeezing is prohibited on Yom Kippur), (הגהות מיימוני פ"ב ומרדכי וסמ"ק ומנהגים).<sup>105</sup>

One who is sick washes as he usually does even though he is not dangerously ill, (רמב"ם).<sup>106</sup>

10. A bride is permitted to wash her face all the (first) thirty days (of her marriage).

11. One who sees (his) semen at this time (Caro's time and later) on Yom Kippur, if it is moist he wipes it off with a piece of cloth, this is sufficient; if it is dry or it made him dirty, he washes only the dirty spots and prays.<sup>107</sup> It is forbidden for him to wash his body or to immerse himself (in a ritual bath),<sup>108</sup> even though on all other days of the

year he used to immerse (in a ritual bath) in order to pray.<sup>109.</sup>

12. At this time it is forbidden for a wife to immerse herself (in a ritual bath)<sup>110.</sup> on Yom Kippur even if the time for her immersion arrived on that day.<sup>111.</sup>

CHAPTER 614 - "The laws of annointment and wearing shoes" -  
Containing four paragraphs.

1. It is forbidden to annoint oneself even a little (part) of one's body and even if it is only to remove dirt (sweat), but if one is sick, even if there is no danger or if he has rashes (scabs) on his head he is permitted (to annoint himself).

2. It is forbidden to put on a sandle or a shoe of leather, not even as a sole on an artificial leg and to go out with it. Even if it is wooden (the shoe) and covered with leather it is forbidden, but if it is made of reed or straw or cloth or other things, it is permissible even to go outside in them to the public domain (the street). (It is permissible to stand on cushions and pillows of leather, and anyhow one who is strict about these things will be blessed,) (מרדכי דיומא ותה"ד סי' קמ"ט).<sup>112.</sup>

3. One who has just given birth, during the first thirty days (of the recovery) she is permitted to wear shoes, and the sick person is just like that even though (the sick person) is not dangerously sick, and so the person who has

a sore on his foot (is also allowed to put on shoes).

4. Every person is permitted to wear shoes because of a scorpion and the like so that they will not bite him if they happen to be found, (if the place is infested with scorpions or things that bite).

Hagah: If rain was falling and one wanted to walk to his house from the synagogue or the opposite way (from the synagogue to his house) and he is sickly (or delicate), he is permitted to put on shoes until he reaches his place, ( מהרי"ל ).<sup>113</sup>.

CHAPTER 615 - "It is forbidden to have sexual intercourse on Yom Kippur" - Containing two paragraphs.

1. It is forbidden to have sexual intercourse on Yom Kippur and it is forbidden to touch one's wife<sup>113a</sup>. as if she were in her menstrual period, and so it is forbidden to sleep with one's wife in (the same) bed (even without intercourse).

2. One who sees a nightly pollution on the night of Yom Kippur, he should worry the whole year, but if a year has passed, he is assured that he will (have a place) in the world to come.

CHAPTER 616 - "(Concerning the) children, when should they begin to fast" - Containing two paragraphs.

1. Little children are permitted concerning all these things<sup>114</sup>. except for the wearing of shoes since they do not care so much if they do not wear shoes.

Hagah: It is permissible to say to a non-Jew<sup>114a</sup>. to wash and to anoint them (the children), but to feed them even by hand (directly by oneself) is permitted, (i.e., even a Jew can feed them), ( טור ),<sup>115</sup>.

2. A young, strong boy a full nine years old as well as a full ten year old boy, we train him to do it (fast) for a few hours. How is this; if he used to eat at the two o'clock hour (8:00 A.M. in our time period), we feed him at the three o'clock hour (9:00 A.M.). If he used to eat at the three o'clock hour, we feed him at the four o'clock hour, and according to the strength of the boy we increase his fasting by hours, (and this is also the law for a healthy young girl), ( טור ).<sup>116</sup>. An eleven year old child, whether a boy or a girl fasts for the complete day, as we learn from the words of the Soferim<sup>117</sup>. to train them in the commandments.

Hagah: There are those who say that (for children) according to the rabbis' rulings, it is not necessary to complete the fast at all, ( ר"ן וא"ז ובהגהות מימוני בשם ה"ג ורוקח ורא"ם ).<sup>118</sup>. You may rely upon this (lenient decision of the Yeish Omrim<sup>119</sup>.) with respect to a youth who is thin and is not strong enough to fast, ( תרומת הדשן סימן קנ"ה ).<sup>120</sup>. And in every instance

that we train him (the child) in the restriction of the laws of eating we (also) train him with respect to the restriction of washing and anointing, (טור).<sup>121</sup>.

A twelve year and one day old girl and a thirteen year and one day old boy who show the signs of puberty (two hairs), behold they are considered adults for every commandment and they complete the fast according to the Torah. But if they do not show the signs of puberty they are still considered children and they do not complete the fast except because of the ruling of the rabbis.

Hagah: Even if he (the child) is tender and thin (meaning, he is of age but does not show the signs of puberty), he has to complete the fast because the hairs of puberty might have fallen off,<sup>122</sup>. (תרומת הדין סי' קנ"ה).<sup>123</sup>.

A boy who is less than nine years old, one does not make him fast on Yom Kippur so he would not be endangered.

Hagah: Even if he wants to be strict on himself (and fast), we prevent him (from doing so), (כל בו).<sup>124</sup>.

CHAPTER 617 - "The laws concerning a pregnant woman, and one who nurses a child, and giving birth on Yom Kippur" - Containing four paragraphs.

1. Pregnant and nursing women fast completely on Yom Kippur.
2. A pregnant woman who smells (food and her face changes

even though she did not say "I need it") we wisper in her ear that it is Yom Kippur and if she quiets down when this is mentioned it is fine, but if not, then we feed her (until) she is satisfied.

3. Every person who smells food and his face changes (its color) and he is in danger if they do not give him from it (the food which he smells), we feed him from it (the food).

4. A woman who gives birth must not fast at all within three days (of giving birth). From three until seven (days), if she says, "I have to eat," feed her. From now on (after seven days), behold she is like every other person. And we do not count these as twenty-four hour days, for example if she gives birth in the evening of the seventh of Tishrei, we do not feed her on Yom Kippur (the tenth day of Tishrei) if she does not say, "I need it (food)," even though the three days were not completed for her until the evening of Yom Kippur, since (Yom Kippur) begins the fourth day after her giving birth, this is called after three days.<sup>125</sup>

(Yom Kippur here is counted as the fourth day after her giving birth.)

CHAPTER 618 - "The law concerning one who is sick on Yom Kippur" - Containing ten paragraphs.

1. A sick person who needs to eat, if there is an expert doctor there, even if he is a non-Jew,<sup>125a.</sup> who says<sup>125b.</sup> that if this person is not fed it is possible that the ill-

ness will worsen on him and he will be in danger, they feed him on the doctor's orders, and he does not have to say that he does not need (the food) we still listen to the doctor, but if the sick person says, "I need (the nourishment)," even if one hundred doctors say that he does not need (the nourishment) we listen to the ill person.

2. One doctor says that the sick person needs (food) and another doctor says that he does not need (the food), we feed him (the sick person).

Hagah: The same holds true if two (doctors) disagree with two others even if some of them are better experts than the others (you listen to those who say the patient should eat even if they are the inferior doctors who say this) and so it seems to me (to be the correct decision).

3. If the sick person and one doctor with him say that he (the sick person) does not need (food), and another doctor says he does need (food), or if the sick person says nothing and one doctor says he needs (food) and two say he does not need (the nourishment), we do not feed him.

4. If two (doctors) say that he (the sick person) needs (food) and even if one hundred (doctors) say that he does not need (food) even if the sick person agrees with them (who say) he does not need (the food) we feed him since two say that he does need (the food).<sup>126</sup>.



Hagah: The same holds true (if the sick person and one doctor with him say he needs (the food) even though one hundred doctors say he does not need (the food) we feed him.<sup>127</sup> (טור)<sup>128</sup>), and we are not afraid that the sick person says that he needs (food) because he believes this doctor who says that he needs (the nourishment),<sup>129</sup>.  
(ב"י בשם מהרי"א).<sup>130</sup>

5. If the sick person says that he does not need (the food) and the doctor is doubtful, (whether he definitely needs food or not) we feed him, but if the doctor says that he does not need (food) and the sick person says, "I do not know (whether I need it or not)," we do not feed him.

6. If the doctor says that he is not familiar with the disease, behold he is considered the same as a layman (a non-professional) and his stated opinion does not raise or lower (does not mean anything).

Hagah: However if he (the sick person) becomes very weak so that he appears to the majority of people with him that he is in danger, if he will not eat, we feed him, (א"ר הארוך).<sup>131</sup>

7. When one feeds the pregnant woman or the sick person, we feed that person little by little so that it (the food) will not combine to the prescribed amount of food which is prohibited to eat, therefore we feed him (the equivalent of) two-thirds of a medium (sized) egg and (then) wait as long

as the time that is required for the eating of four eggs, and as to the drink, they should examine the sick person himself how much is the liquid so that he can, when it is moved to one side (of his mouth), appear as if he had a mouthful.<sup>132.</sup>

8. One should give him to drink (the above amount<sup>133.</sup>), and they should wait between one drink and the next one as long as the time that it would take to eat four eggs. And if he (the doctor) estimated that these amounts are not enough for him (the sick person), or if the sick person says thus, or they are doubtful about the matter, we give him food and drink according to his need (immediately).

9. He who catches ravenous hunger and he (has) a disease that comes from hunger, the symptoms of it are that his eyes are dark and he is not able to see, we feed him until his eyes light up. If there is no permitted food (Kosher<sup>134.</sup>) there then we feed him with food that is forbidden (non-Kosher). If there are there two types of forbidden foods, one more strictly prohibited than the other, we feed him the lesser prohibited one first.<sup>135.</sup>

Hagah: If he needs meat and if there is here an animal (a Kosher type) that needs to be slaughtered, and there is also ready non-Kosher meat, see above in chapter 328, paragraph fourteen.<sup>136.</sup>

10. A sick person who ate on Yom Kippur and recovers to



such a degree so that he is able to bless (the food he ate, to say the Grace after the meal<sup>137</sup>.) he has to mention Yom Kippur in "יעלה ויבא"<sup>138</sup> in his Grace after the meal, namely in the benediction called "ברונה ירושלים"<sup>139</sup>.

CHAPTER 619 - "The order (of prayer) on the Night of Yom Kippur" - Containing six paragraphs.

1. On the Night of Yom Kippur the custom is that the reader says, "In the court of high, in the court of low (earthly); with the consent of God and with the consent of the congregation, we are permitted to pray together with the transgressors<sup>140</sup>.", and it is customary that he say "Kol Nidrei", ("All the Vows")<sup>141</sup>. (and the entire prayer that follows) and afterward he says (the prayer) "שהחינו"<sup>142</sup> without a cup (of wine).<sup>143</sup>

Hagah: And afterwards they say the Evening Prayer.<sup>144</sup> It is customary to recite "Kol Nidrei"<sup>145</sup> while it was still day and to lengthen it with melodies until nightfall, and ("Kol Nidrei") is said three times, and each time (the cantor) raises his voice "higher" (says it louder) than before, (מהרי"ל).<sup>146</sup> And likewise the reader says the following prayer sentence three times; "And the entire congregation will be forgiven, (etc.)"<sup>147</sup>. And the congregation says three times, "And God said I forgave you according to your word", (מנהגים).<sup>148</sup> A man must not deviate from the custom of his city even in the melodies or piyyutim<sup>149</sup> that are

said there, ( מהרי"ל ),<sup>150</sup>.

2. On the Night of Yom Kippur and on the next day we say (the blessing ), "Blessed be His name whose glorious kingdom is forever and ever" in a loud voice (where normally it is said in a wisper).<sup>151</sup>.

3. If (Yom Kippur) falls on the Sabbath we say "ויכולו"<sup>152</sup> after the Silent Prayer,<sup>153</sup> and the prayer "תפילת מעין שבע"<sup>154</sup> and conclude (the prayer with the words), "מקדש השבת"<sup>155</sup>, ("who makes the Sabbath holy"), but do not mention Yom Kippur.<sup>156</sup> (We do not say "אנינו מלכנו"<sup>157</sup> on the Sabbath, but the rest of the prayers for forgiveness<sup>158</sup> and the supplication prayers<sup>159</sup> one says like on a weekday, (ריב"ש), (סימן תקיב ומנהגים)<sup>160</sup>).

4. It is necessary to make one man stand to the right side of the reader and one to his left side (while he is saying these prayers).<sup>161</sup>.

5. There are people who stand<sup>161a</sup> on their feet the entire day and the whole night.

6. It is customary to spend the night in the synagogue<sup>161b</sup> and to recite poems and songs of praise all night.

Hagah: It is better to sleep far from the ark (מרדכי),<sup>162</sup> and whoever does not want to recite songs of praise and poems should not sleep there (in the synagogue), (מהרי"ו).<sup>163</sup>  
The chanters (cantors) who pray the entire day should not

stay awake all night because they might ruin their voices if they do not sleep, (מהרי"ל),<sup>164</sup>.

CHAPTER 620 - "It is a good custom to shorten the Morning Prayer" - Containing one paragraph.

1. It is good to shorten the poems and the penitential prayers of the Morning Service so as to speed up the matter so that one can pray the Additional Service<sup>166</sup>. before the seventh hour (1:00 P.M.),<sup>167</sup>.

CHAPTER 621 - "The order of the reading of the Torah and of circumcision on Yom Kippur" - Containing six paragraphs.

1. We take out (from the ark) two Torah scrolls.<sup>168</sup> In the first Torah six men read from the portion "אחרי מות", (Leviticus 16:1-18:30) until "and he did as the Lord commanded (Moses)", (Leviticus 16:34). But if (Yom Kippur) falls on Shabbat, seven (men read from the first Torah), and the Maftir<sup>169</sup>. (the last reader) reads from the second (Torah scroll) from the portion, Pinhas, (Numbers 25:10-30:1), the section "and you shall have on the tenth day of this seventh month", (Numbers 29:7-11). The Maftir (the Haftarah section from the Prophets<sup>170</sup>.) comes from Isaiah, "and shall say, cast you up, cast you up, prepare the way" until "for the mouth of the Lord has spoken it", (Isaiah 57:14-58:14).

2. If there is a circumcision on Yom Kippur;<sup>171</sup>. then they circumcize between the (Morning Prayer)<sup>172</sup>. prior to the

Keri'at Shema named) "יִוְצֵר",<sup>173.</sup>, "Creator," and the Additional Service<sup>174.</sup> after the reading of the Torah. And after the circumcision we say the prayer, "אֲשֶׁרִי"<sup>175.</sup>. But the custom is to circumcize after the "אֲשֶׁרִי", (מְנוּהָגִים).<sup>176.</sup> And if the circumcision takes place in a location where it is necessary to leave the synagogue, we do not circumcize him until after the Torah scroll is returned to the ark, and then they return (to the synagogue) and say the (reader's) Kaddish.<sup>177.</sup>

3. We bless the circumcision without a cup (of wine).<sup>178.</sup> (There are those who say that we bless (the circumcision) with a cup (of wine) and we give it to the infant who is circumcized, and this is the custom.<sup>179.</sup>)

4. In the Additional Service<sup>180.</sup> the reader recites the order of the Avodah.<sup>181.</sup>

Hagah: It is customary to fall on their faces, prostrate, as they say the section of the Avodah, "and the priests and the people..." and also to prostrate when saying the Aleinu Prayer.<sup>182.</sup> But the reader is forbidden to move from his place at the time of the prayer in order to prostrate, and one should object to those who do this (prostrate).<sup>183.</sup>

5. The order of the confession is; I have sinned, I have transgressed, I have offended, etc.

6. It is customary to pledge (to vow) charity on Yom Kippur for the dead,<sup>183a.</sup> (and they remember their souls because

the dead also have atonement on Yom Kippur), (מרדכי).<sup>184</sup>.

CHAPTER 622 - "The order of the Afternoon Service<sup>185</sup> on Yom Kippur" - Containing four paragraphs.

1. In the Afternoon Service one says "אשרי"<sup>186</sup> and "ונא לציון"<sup>187</sup>, but one does not say "ואני חפתי"<sup>188</sup> even if it (Yom Kippur) falls on the Sabbath.

Hagah: We are not used to saying "אשרי"<sup>189</sup> and "ונא לציון"<sup>190</sup> before the Afternoon Service, only before the Closing Service, Ne'ilah<sup>191</sup>, and so wrote a few of our rabbis, (מרדכי והגהות <sup>192</sup>. We do not say "אין כאלהינו"<sup>193</sup>, ("there is none like our God") on Yom Kippur, (מנהגים).<sup>194</sup>.

2. We take out the Torah scroll and three (men) read from the portion "עריית" (Incest), (Leviticus 18:1-21) until the end of the portion and the third (man reads) the Maftir (Haftarah) from the Book of Jonah<sup>195</sup>, and concludes with, "who is a God like You etc.," (Micah 7:18-20) and he says the blessings before and after (the Haftarah), and if (Yom Kippur) falls on Shabbat he mentions in (the blessings of the Haftarah) the Sabbath and he concludes with the blessing of the Sabbath.<sup>196</sup>.

Hagah: But he does not say (the part of the blessing that states) "for the Torah and for the Service, etc."<sup>197</sup>.

during the Afternoon Service, (הגמ"יי סוף הלכות י"כ) <sup>198</sup>.  
(ומהרי"ל ומנהגים והגהות מרדכי



3. If (Yom Kippur) falls on the Sabbath we say the prayer, "... צדקתך<sup>199</sup>.", "you were righteous, etc." and we say, "אבינו מלכנו<sup>200</sup>."

Hagah: In these lands we do not say "... צדקתך " and not "אבינו מלכנו", when Yom Kippur is (on the Sabbath).

4. They (the priests) do not lift up their hands (i.e., the Cohanim do not bless the congregation<sup>201</sup>.) during the Afternoon Service on Yom Kippur, and a priest who transgressed (i.e., made a mistake) and went up to give the priestly benediction, behold then he does perform the priestly benediction and they do not make him go down.

CHAPTER 623 - "The order of the Closing Prayer, Ne'ilah" - Containing six paragraphs.

1. For the Closing Service we say "אשרי<sup>203</sup>." and Kaddish<sup>204</sup>. but we do not say "ונא לציון"<sup>205</sup>."

Hagah: I have already written that the custom in these lands is to say "אשרי " and "ונא לציון" before the Closing Service.

2. The time for the Closing Service is when the sun is just on the tops of the trees so that it can be completed close to the setting of the sun, and the reader needs to shorten the prayers of forgiveness<sup>206</sup>. and the verses in the middle of the Tefillah<sup>207</sup>. and he must not lengthen in the Closing Prayer every word as he lengthens them in

the rest of the prayers,<sup>208</sup> so that he will finish before the sun sets, (and he says instead of "inscribe us (in the "Book of Life")", "seal us (in the "Book of Life")"), (סודר).<sup>210</sup>

3. If (the Ne'ilah Prayer) falls on the Sabbath, we remember in it the Sabbath in the prayer (meaning, we mention it),<sup>211</sup> but in the confession which is after the Silent Prayer<sup>212</sup> we do not mention the Sabbath. This refers to the individual worshipper, but the reader, since he said it in the midst of his Silent Prayer, he mentions the Sabbath in it (even when repeating the Prayer outloud). If he does not mention it (the Sabbath) they do not make him return and repeat it.

4. He says "כתר"<sup>213</sup>, "the crown", just as in the Additional Service.<sup>214</sup>

5. They give the priestly benediction<sup>215</sup> during the Closing Service. (The custom in these lands is not to give the priestly benediction, but we say "אנינו מלכנו"<sup>216</sup>.)

6. At the end of the prayers of forgiveness<sup>217</sup> we say seven times, "He is the God," (and one time the "שמע ישראל"), and three times the, "Blessed be His glorious kingdom forever and ever,"<sup>218</sup> (see above section 61,<sup>219</sup> (מנהגים),<sup>220</sup>) and we blow the shofar, (תקיעה, שברים, תרועה, תקיעה).<sup>221</sup>

Hagah: There are those who say that we only blow the shofar once (תקיעה),<sup>222</sup> (מרכזי והגהות מיימוני סוף הלכות),

י"כ ואגור),<sup>223</sup> and thus we do it in these lands, we sound the shofar after we say the Kaddish<sup>224</sup> after the Closing Service, but in a few places the custom is to blow the shofar before the Kaddish.

CHAPTER 624 - "The order at the close of (i.e., after) Yom Kippur" - Containing five paragraphs.

1. We pray the Evening Prayer<sup>225</sup> and say the Havdalah<sup>226</sup> (the "separation") in the benediction "חַוְדַלַּח הַדַּעַת"<sup>227</sup>.
2. One has to add some time (i.e., lengthen the day of Yom Kippur)<sup>228</sup> from the profane to the holy<sup>229</sup> also when (Yom Kippur is over, that is they should wait a little after the stars appear in the sky.<sup>230</sup>
3. One says Havdalah over the cup (of wine) but one does not say the benediction over the spices even if it (Yom Kippur) falls on the Sabbath.<sup>231</sup>
4. We (say a) blessing over the light, but we do not say a blessing after Yom Kippur on the light which they brought forth now from stones (i.e., sparks). Some say that we do say the benediction over the first fire which was ignited by this spark and onward.<sup>232</sup>
5. A Jew who lights the candle from the fire of a non-Jew does not (say a) blessing over it at the close of Yom Kippur even though at the end of the Sabbath we do bless it, because

we do not say a blessing over the fire on the close of Yom Kippur, only over light which was not burning during the daytime of Yom Kippur, or over the light that was lighted from it, and (therefore) the custom is to light from the lamps of the synagogue<sup>233</sup>; however if one lighted (his candle) on Yom Kippur, if it was lighted with permission (i.e., if he was allowed to light it), for example for a sick person, we are able to say a blessing over it.

Hagah: There are those who say that one is to say the Prayer of Havdalah<sup>234</sup> over the light of the synagogue, (המגיד ואבודרהם וא"י),<sup>235</sup> and there are those who say that one should not use (the light of the synagogue) for Havdalah, rather one lights another light from the synagogue lamp.<sup>236</sup> The correct practice is to say the Havdalah over both of them together, that is to kindle one light from the light of the synagogue, but one should not make the Havdalah over the light of the synagogue alone, (מהרי"ל).<sup>237</sup> For the rest of the laws concerning the light, see above in chapter 298.<sup>238</sup> We eat and we rejoice at the close of Yom Kippur because it is somewhat of a holiday,<sup>239</sup> (טור ומהרי"ו, א"י).<sup>240</sup> There are those who are strict and observe two days of Yom Kippur, and a person can be (halakhically) relieved of this practice,<sup>241</sup> and one should not follow this strict practice since there is a fear that a person might be in danger (of his life or health), (א"ר).<sup>242</sup> He who fasts because he had a bad dream<sup>243</sup> on the day after Yom Kippur, there is no need

for him to fast all his days<sup>244</sup>. (after Yom Kippur every year just because he did it once), (מנהגים)<sup>245</sup>. One does not say prayers of supplication<sup>246</sup>. nor does he say "You are righteous, and you will be righteous, and you were righteous<sup>247</sup>." from Yom Kippur until Sukkot<sup>248</sup>. (the Festival of the Booths), and the meticulous ones begin immediately at the close of Yom Kippur to build the Succah<sup>249</sup>. so they can go from one commandment to another commandment,<sup>250</sup>. ( מהרי"ל ומנהגים, והגהות מיימוני פרק ב' דברכות, מהרי"ו )<sup>251</sup>.

The footnotes contained in the following section of this thesis are annotated notes corresponding to the numbers found in the text. An attempt has been made to explain in the coming section every reference, term, and prayer that is mentioned in the text of the Shulhan Arukh, Orah Hayyim, chapters 604-24 which in itself is not self-explanatory. When a rabbinic source is cited in the text a description of the source is given in the notes along with a short biography of the author and any other works written by him. Technical terms used in Hebrew to describe various aspects of the Day of Atonement and its observance are also given in the following notes as are explanations of liturgical prayers cited in the text. When references, terms, and prayers are repeated, the footnote will direct the reader of this thesis to the footnote(s) where the explanation has previously been given.

In addition to the above, throughout the notes are found translations of traditional rabbinic commentaries of interest related to the text. The location of their insertions corresponds to the point of reference made by the commentators in the Hebrew text.

## FOOTNOTES

Many of the notes in this section have been compiled with the aid of the Encyclopaedia Judaica, Jerusalem, Macmillan Company, 1971. When this is the case, the footnote will be concluded with the following: Author of the article, E. J., followed by the volume(s) and page(s) consulted.

1. Louis Ginzberg. On Jewish Law and Lore. Cleveland, New York; Meridan Books, The World Publishing Company; Philadelphia, The Jewish Publication Society of America, 1955, p, 153.

2. ibid., pp. 153-84; and

Encyclopaedia Judaica. Jerusalem, Macmillan Company, 1971:

R. J. Zwi Werblowsky, "Caro, Joseph ben Ephraim", volume 5, pages 184-200.

Menachem Elon, "Codification of Law", v. 5, pp. 628-56.

Simha Katz, "Isserles, Moses ben Israel", v. 9, pp. 1081-85.

Louis Isaac Rabinowitz, "Shulhan Arukh," v. 14, pp. 1475-77.

The entire introduction to this work is based on the above credited articles. The structure of the introduction is that which is found in the article, "Codification of Law", volume 5, pages 628-56. Much of the introduction is a paraphrase of parts of this article, and at points short phrases are used directly. This introduction should not in any way be interpreted as individual research by the author of this thesis. The body of this work is an annotated translation

of the text of the Shulhan Arukh dealing with the Laws of Yom Kippur in the section Orah Hayyim along with the glosses of Moses Isserles. The introduction is offered only as a guide to help the reader place the body of this work in its proper perspective as the final authoritative code of halakhah in a long tradition of Jewish codification literature.

3. ibid., all of the above including the commentary offered by the author of this thesis.
4. All Jewish days, holidays, and festivals begin and conclude at sundown. The "Eve" of a holiday is considered any day which precedes the sundown marking the beginning of that holiday.
5. Yom Kippur, or the Day of Atonement, falls on the tenth day of what, during our time, is the first month of the Hebrew calendar, the month of Tishrei. During the biblical period it was referred to as the seventh month. Yom Kippur follows by ten days the actual Jewish New Year, or Rosh HaShanah, which falls on the first day of the month of Tishrei. Rosh HaShanah and Yom Kippur are called the Days of Awe, Yamim ha-Noraim, because of their demand upon a religious Jew for special piety and self-reflection during this period of time devoted to repentance and self-improvement. These days which usually occur in the Fall of the year (September-October) and are referred to as the High Holydays. Yom Kippur is considered the most sacred day of the entire Jewish year and



its commemoration involves a special, unique set of laws which are enumerated in the body of this thesis. For the biblical ordination of this holiday see: Leviticus 16 (all, but especially 16:29-34) and Numbers 29:7-11.

6. Hagah, הגה, introduces the notes added to the text of Joseph Caro by Rabbi Moses b. Israel Isserles. Isserles is also known as "the Rema", an acronym for Rabbi Moses Isserles. He was a Polish rabbi, codifier and halakhic authority, who lived from 1525 or 1530 until 1572. He was born in Cracow under the name of Isserel-Lazarus which was later shortened to Isserles. He studied in Lublin at the yeshivah of Sholom Shachna. Isserles obtained such a fine reputation that he became known as the "Maimonides of Polish Jewry". Isserles was in the middle of writing a code himself following the pattern of the four Turim by Jacob b. Asher which he called Darkhei Moshe which was to assemble the halakhic material of his time in a short, synoptic form so that a dayyan, a decision maker, could more easily find the material he needed to formulate a ruling on a particular issue. In the middle of his writing of the Darkhei Moshe he received a copy of the Beit Yosef of Joseph Caro which in essence had already accomplished this goal. But Isserles decided to complete his work operating a bit differently than did Caro. Isserles did not always agree with Caro's selection of the "three pillars of halakhic decisions", Alfasi, Maimonides, and Asher b. Jehiel to decide issues. He followed the principle which stated that

laws should be decided according to later scholars. He also often agreed with Asher b. Jehiel and his son Jacob b. Asher even when they were in the minority, unlike Caro. Also Isserles realized that Caro ignored in his work Ashkenazi practices that were very much a part of his Polish and European community but were not included in Caro's work in the world of Sephardi Jewry.

Isserles wrote other halakhic works, such as Torat Hattat which focused on mainly Jewish dietary laws. Finally Isserles received the Shulhan Arukh by Joseph Caro. Like the earlier and more extensive Beit Yosef, it lacked many halakhic contributions and customs, minhagim, of Ashkenazi Jewry and was therefore not an adequate code for this segment of the Jewish world. Isserles decided to add notes (hagah or hagahot) to the body of the Shulhan Arukh which has also been referred to as the "mappah" or "tablecloth" over the "Shulhan Arukh" or "prepared table". In his glosses, Isserles added his conclusions which he drew in his work Darkhei Moshe to the Shulhan Arukh. In many cases he disagreed with Caro and he stated his disagreement, or he would cite an Ashkenazi custom not found in Caro's work. He maintained the brief style employed by Caro, and he provided the existence of differing points of view by later scholars and Ashkenazi Jews which he felt were needed for a dayyan to be able to arrive at a correct decision. He often modified the views of the mehabber, the author, as he referred to Caro, he explained, contradicted,

added to and refined the structure.

Isserles put much emphasis on the custom, the minhag. He often gave it the same force as the halakhah. If there was no halakhah in existence, or in some cases where a minhag and a halakhah conflicted with each other, he decided according to the minhag, the custom which the people actually followed in their daily lives. If Isserles disagreed with a particular custom he would state so and he would urge against following such a custom.

Isserles was very lenient in cases of stress or in cases which would involve considerable financial loss. His leniency, which was seldom found in the works of others, was the subject of criticism by many of his contemporaries particularly Hayyim b. Bezalel who studied with him under Sholom Shachnan in Lublin. Even in view of the extensive criticism Isserles received, his notes to the Shulhan Arukh became accepted and his rulings and customs were binding on Ashkenazi Jewry. The mappah of Isserles made the Shulhan Arukh of Caro acceptable to Ashkenazi Jews and the authoritative code that it remains to this day.

The Shulhan Arukh which was first published in Venice in 1565, was first published with the mappah of Isserles in Cracow in 1569-71 and it has been a part of the accepted text ever since.

Louis Ginzberg in Menachem Elon, E. J., "Codification of Law" v. 5, pp. 628-56;  
 Simha Katz, "Isserles, Moses ben Israel", v. 9, pp. 1081-85.

7. A fast was recommended to be observed as the result of an ominous dream (or a nightmare), ta'anit halom, תענית חלום, to avert the evil consequences dreamt. In talmudic times and later it was believed that bad dreams could have pernicious effects. The fast was regarded of such urgency that the rabbis permitted it even on the Sabbath, but one was to fast on a weekday as well, as a repentance for having dishonored the Sabbath Joy through fasting. A fast as the result of a bad dream, though, is not to be observed on Yom Kippur Eve.

Editorial Staff, E. J., v. 6, p. 1196

(What amends shall he make (for having fasted on the Sabbath)? - He should observe an additional fast.)

B. Ta'an. 12b. (Soncino p.55)

Raba b. Mehasia also said in the name of R. Hama b. Goria in Rab's name: Fasting is as potent against a dream as fire against a tow. (Dreams were believed portents forshadowing the future, though, as seen here, the evil they foretold might be averted; cf. Ber. 55-58. B. B. 10a; Yoma 87b et passim). Said R. Hisda: Providing it is on that very day. R. Joseph added: and even on the Sabbath.

Shabbat 11a (Soncino p. 40, Shabbat I)

R. Eleazer also said in the name of R. Jose b. Zimra: If one keeps a fast on Sabbath (to overt the omen of a dream), a decree of seventy years standing is annulled; yet all the same he is punished for neglecting to make the Sabbath a delight. What is his remedy? R. Nahman b. Isaac

said: Let him keep another fast to atone for this one.

Ber. 31b. (Soncino pp. 194-95)

8. Maharil, מהרי"ל, is an acronym for Morenu ha-Rav Jacob ha-Levi. His real name was Jacob ben Moses Moellin. He lived from around 1360 until 1427. He was born in Mainz and became the foremost talmudist of his generation and the head of the Jewish communities of Germany, Austria, and Bohemia. He studied under his father and later went to Austria where he was ordained after studying under Meir ha-Levi and Sholom b. Isaac. After the death of his father, Maharil established a yeshivah from which came the greatest rabbis of Germany and Austria.

Moellin was famous and halakhic questions were asked of him throughout Europe. Many of his rulings became the foundation of the Jewish way of life for German Jewry. His decisions were characterized by the fact that he took into account the conditions of the time including the economic situation of a particular community. He would often decide to be strict in a case where a community had no rabbinic leadership. Moellin was concerned about leaders who did not possess the proper authority and the neglect of proper Torah and talmudic study that resulted from decisions arrived at using codified halakhic works instead of thorough original investigation. He placed a great deal of importance on charity and the honor of the poor.

Moellin was an accomplished hazzan and fought for the

preservation of traditional melodies for the liturgy. His known works were two, Minhagei Maharil, (Sefer Maharil), which was first published in Sabionetta in 1556 and compiled by his student Zalman of Saint Goar, was a collection of halakhic statements, customs, and explanations which Zalman had heard from Moellin. It was these customs of Germany that Moses Isserles used so often in his glosses to the Shulhan Arukh. The second work was a collection of responsa arranged by Eleazar b. Jacob and published in Venice in 1549.

Ephraim Kupfer, E. J., v. 12, pp. 210-11.

9. Orah Hayyim chapter 570, Paragraph 2: "One who vows to fast on the Sabbath, on a festival, or on the Eve of Yom Kippur or on Hanukkah or Purim, the laws are the same as for one who vows to fast on so and so many days and these (holy) days happen to occur on them. If he expressed it using the word "vow", the law is as if one has taken them upon himself, with the expression, a vow (it has the legal character of a vow). But if he expressed it merely with the (ordinary) expression of accepting a fast then the law is as if one has taken upon himself (the fast) with the expression of accepting a fast". That is if one "vows" to fast on the Eve of Yom Kippur then he must if he uses the words "vow" and "fast". If he only says I am going to fast, without using the word "vow", it is not serious and he can postpone it. (Acceptance of a fast by a) vow is more serious than accepting a fast without it."

10. The tahanun, תחנון, prayer is the name of a prayer which is a confession of sins and a petition for grace. It is normally part of the daily Morning, Shaharit (see footnote 17), and Afternoon, Minhah (see footnote 40), Services. It is recited after the reader's repetition of the Amidah (see footnote 43). The tahanun begins silently with a selection from II Samuel 24:14 which was uttered by King David after he was rebuked by the prophet Gad for sinning by numbering the people: "let us fall, I pray thee, into the hand of the Lord, for his mercies are many, but let me not fall into the hands of man." The prayer is referred to literally as the "prostration prayer" because the Bible mentions the fact that one prostrates oneself during petitions (Deuteronomy 9:18; Joshua 7:6), and the prayer tahanun was therefore customarily recited in the prostrate position. Today the prayer is recited while one is seated with one's head bowed into the bend of one's arm when a Torah Scroll is present to indicate the sanctity of the location. The Sephardi ritual begins the tahanun with a silent confession of sins, viddui (see footnote 39) followed by the verse from II Samuel 24:14. The central part of the prayer for the Ashkenazim is Psalm 6 and for the Sephardim the penitential psalm, Psalm 25.

25. In addition to this there are penitential prayers of piyyutim, or liturgical poems (see footnote 149). The tahanun prayer is omitted on the Sabbath, festivals, semiholidays, New Moons, and from the Minhah Service preceding these special days, during the month of Nisan and on the Ninth of Av. The

tahanun is also omitted at a circumcision in a synagogue, when a bridegroom attends the service during the first seven days following his wedding, and at the prayers held at the homes of mourners since the theme "I have sinned before thee" is deemed inappropriate.

Meir Ydit, E. J., v. 15, p. 702.

11. למנוחה, "For the Chief Musician, a Psalm of David" is Psalm 19, and it is recited normally during the Shaharit, Morning prayers on the Sabbath and festivals (see footnote 17). The theme of the prayer is the double revelation of God in nature, in religion and in Torah.

Dr. Joseph H. Hertz, The Authorized Daily Prayer Book, New York, Bloch Publishing Company, 1957, p. 60.

12. מזמור לתודה, "A Psalm of Thanksgiving" is Psalm 100. The theme of the psalm is to let all the world join in the worship of God. The psalm is normally recited during the Shaharit Morning prayers on the weekday (see footnote 17). In addition to the day before Yom Kippur, it is also omitted on Sabbaths, festivals, the day before Passover, and on the intermediate days of Passover.

13. Minhagim, מנהגים, "customs" when used by Isserles denotes an anonymous collection of Ashkenazi customs in his glosses that were not part of the customs practiced by the Sephardi Jewish community. Additions such as these gave Ashkenazi Jewry the possibility of accepting the Shulhan Arukh



as a binding and authoritative code of Jewish law in that the additions of Isserles enabled the total Shulhan Arukh to be a work common to all of world Jewry. There was no one book from which Isserles drew his minhagim, his customs, but rather he drew them from various minhagim books available to him and from customs he was familiar with in daily life. Many of the minhagim from which Isserles drew were contained in a book entitled Minahage Maharil or Sefer Maharil published in 1556 in Sabionetta which was compiled by Zalman of Saint Goar. It contained halakhic statements, explanations, and customs that Zalman heard from his great teacher the Maharil, Jacob ben Moses Moellin (see footnote 8).

14. Selihot, סליחות, means "prayers of forgiveness". When this word is used in its singular form selihah, סליחה, it means "forgiveness" and it usually refers to a liturgical poem, piyyut (see footnote 149), whose subject is a plea for forgiveness. When the term is used in the plural, selihot, it refers to a special order of service which consists of non-statutory additional prayers which are recited on all fast days, on occasions of special intercession, and during the Penitential season which begins with a special Selihot Service usually held at midnight on the Saturday night immediately preceding Rosh HaShanah and concludes with Yom Kippur. The Mishna (Ta'an 2:1-4) gives the order of the service for public fasts which were often proclaimed during periods of drought and it provided for six additional blessings

inserted into the daily Amidah after the sixth blessing which is a prayer for forgiveness of sins (see footnote 43).

The first mention of any kind of definite order of Selihot is found in Tanna de-Vei, Eliyahu Zuta (23 end). The order of Shelihot was not found until the ninth century in the Seder of R. Amram which included "May He Who answered" and the biblical verse "Thee Lord, the Lord God, merciful and gracious longsuffering and abundant in goodness and truth" (Exodus 34:6) along with others.

Over the centuries many more piyyutim with the theme of forgiveness have been added to the Selihot prayers. Because of the many liturgical poems added at various times, many Jewish communities have had their own distinct rites evolve. It became a Palestinian custom not to say the Selihot prayers during the Amidah but after it, and this became the custom generally accepted (Shulhan Arukh, Orah Hayyim, 566:4).

Selihot prayers were originally confined to fast days. God was just, and it was felt that if one confessed one's sins and prayed for forgiveness, calamities which were the result of Israel's sins, would be averted. In modern times the Selihot prayers were first recited in conjunction with the six fast days prior to Rosh HaShanah and then they were extended to include the ten days of Penitence including Yom Kippur but not Rosh HaShanah in the Ashkenazi ritual. Among Sephardi Jews it was a custom to recite Selihot for forty days from Rosh Hodesh Elul (the New Moon of the month of Elul, the last month of the Hebrew year preceding the

New Year beginning with Rosh HaShanah on the New Moon of Tishrei) until Yom Kippur. The Ashkenazi custom was evolved in our day to recite Selihot from midnight on the Saturday night prior to Rosh HaShanah or the week before that should Rosh HaShanah fall on a Monday or a Tuesday. (Shulhan Arukh, Orah Hayyim, 581 with the Isserles). Only on the first night is Selihot recited at midnight. On all other days it is recited in the Morning Service.

Present day customs also allow individuals to recite Selihot on semi-official voluntary fasts.

Louis Isaac Rabinowitz, E. J., v. 14, pp. 1133-34.

15. Avinu Malkhenu, אֲבִינוּ מַלְכֵנוּ, "Our Father our King" is a prayer recited during the ten days of Penitence between Rosh HaShanah and Yom Kippur immediately after the Amidah (see footnote 43). The prayer is not said during Friday Minhah Afternoon, on the Sabbath, or on the day before Yom Kippur. If the day before Yom Kippur is a Friday then the prayer is recited during the Morning, Shaharit Service (see footnote 17). Each of the forty-four invocations of the prayer begins "Avinu Malkhenu", "Our Father our King". This litancy has the elements of a confessional and petitionary prayer. The prayer is quite old and the Talmud attributes some of the lines to Rabbi Akiba when they were spoken on a fast day due to a drought. The prayer was expanded over the centuries to include prayers for life, pardon, and the needs and trials of human existence. Toward the end are references to the

terrible massacres during the Black Death in the fourteenth century where much of German Jewry was annihilated.

Hertz, op. cit., pp. 161-67.

16. Ahronim, אחרונים, the later scholars or authorities. This term is used to designate the later rabbinic authorities as opposed to the rishonim or the earlier authorities. There is no clear line of demarkation separating the ahronim from the rishonim. Some scholars date the ahronim as early as the tosafists in the twelfth and thirteenth centuries while others start the period in the beginning of the fourteenth century where the appearance of the Sha'arei Dura of Isaac ben Meir Dueren. Most scholars agree that the period of the rishonim ends with the death of Israel Isserlein in 1460 (see footnote 96) and that the ahronim begin with the Shulhan Arukh including the glosses of Isserles (1525-30-1572). The later authorities are therefore thought of as the collection of all the predecessors of the Jewish world of sages in both the Sephardi and Ashkenazi communities included by both Caro and Isserles. When Isserles then referred to the ahronim, he referred to his contemporaries and those authorities immediately preceding him.

Some of the greatest ahronim were produced in Poland during the end of the sixteenth century where the study of the Torah and Talmud became quite intensive.

Ahronim is a term now used to refer to all rabbinic authorities after 1500 who decide halakhah even to this day.

Yehoshua Horowitz, E. J., v. 1973 Year Book, pp.153-57.

17. Shaharit, שחרית, Morning Service, or actually the dawn prayer. The Shaharit prayers are the most elaborate of the three daily prayer services (the Shaharit, Morning; Minhah, Afternoon; and Aravit, Evening). It has been traditionally attributed to Abraham. "And Abraham got up early in the morning to the place where he stood before the Lord," (Genesis 19:27). After the destruction of the Temple the rabbis made the recitation of the Shaharit prayer obligatory to replace the daily morning sacrifice called the Tamid which had been performed in the Temple (Ber. 26b).

There are basically eight parts to the Shaharit Service and they are the following: (1) The Morning Benedictions or Birkhot ha-Shahar, ברכות השחר, these are preliminaries to the Morning Service and they consist of hymns, blessings, and meditations, the themes of which are generally concerned with the change of night to day and of sleep to wakefulness. There are also readings from the Torah and rabbinical writings to get the soul ready for worship. Originally this part of the service was to be read at home before coming to the synagogue for communal prayer.

Hertz, op. cit., p. 4.

(2) The Psalms and Passages of Song or Pesukai de-Zimra, פסוקי דזמרא. This section of psalms and anthems is intended to serve as the transference from private worship in the first section to public prayer. The tradition says that

pious men during the days of the Second Temple would completely read the entire Book of Psalms everyday. This was an ideal that men with necessary work could never emulate, thus it became the custom to read at least six psalms in the morning, Psalms 145-150. There have been additions to this nucleus. Prior to the above mentioned psalms, are recited other psalm-like selections, I Chronicles 16:8-36, a collection of Biblical verses, Psalm 100, and more Biblical verses. Psalms 145-150 are followed by responses of adoration ("doxologies"), the benediction of David, I Chronicles 29:10-13; the prayer of Nehemiah 9:6-11; and the Song of Moses, Exodus 14:30 - 15:18. Therefore this section contains no formal prayers but only psalm-like material. It was brought into the Morning Service by Rabbi Meir of Rothenburg (1230-1293).

ibid., pp. 50-1.

(3) Reading of the Shema, קריאת שמע, and its benedictions. This is truly the central part of the Morning (and the Evening) Service. It is Israel's confession of faith in the One God. The worshipper, by reciting it, proclaims his allegiance to the Kingdom of Heaven and his submission to God's commandments. The Shema is preceded by two blessings; (1) The Yotzer, יוצר, Prayer which is a prayer of thanksgiving for the creation of physical life, for the actual light of day and for God's renewal of creation which is demonstrated by the fact that the sun, the light, returns; and (2) The Ahavah Rabbah, אהבה רבה, a gracious prayer of thanksgiving, gives thanks to God for the light of Torah which he gave to

Israel and its moral teachings.

The Shema in the Shaharit Service is followed by two prayers; (1) the Emet Veyaziv, אמת ויציב, which means (True and Firm). The prayer confirms the faith in the declarations that were made in the Shema. (2) and the prayer Go'el Israel, גואל ישראל, the Redeemer of Israel which praises God.

ibid., p. 108.

The Shema itself consists of three Torah sections, Deuteronomy 6:4-8; 11:13-22; and Numbers 15:37-42. It is a proclamation of God's Unity and Oneness, Israel's total loyalty to God and his commandments, the belief in Divine Justice, the remembrance of the liberation from Egypt, and the choosing of Israel. Together these form the foundation of Jewish faith.

ibid., p. 116.

(4) The Amidah, עמידה, is the most central and important part of the service next to the Shema. It is also referred to as the Tefillah, התפילה, "The Prayer" and the Shemoneh Esreh, שמונה עשרה, or eighteen benedictions because it originally contained eighteen separate benedictions but which has come down to us as a prayer consisting of nineteen benedictions during the regular daily worship service. The Prayer is recited three times a day silently while standing, therefore the name Amidah which means "standing" became associated with it. The benedictions contain expressions of praise, thanksgiving, confession, and petition to God.

The Amidah contains three basic parts. The first part consists of three opening benedictions which are praises. They glorify God, His everlasting love and His infinite holiness. The second part of the weekday Amidah contains thirteen blessings (which were originally only twelve) which are petitions for the individual as well as for the nation. This middle section of the Amidah is different on the Sabbath and festivals. On the Sabbath there is only one benediction in the middle of the Amidah (therefore only a total of seven benedictions) and it concerns the special nature of the day. A Kedusha or a sanctification of the name of God, is included in this section of the Sabbath morning Amidah. On the festivals this is also the case with a special middle benediction which concerns the unique nature of the holiday. This is true of all festivals except Rosh HaShanah which contains three central blessings in its Musaf Amidah (see footnote 166), thus making a total of nine benedictions.

The third part of the Amidah consists of three closing benedictions whose theme is one of thanksgiving. The first three and last three benedictions never change regardless of which service the Amidah is found in or on what day it is recited. The prayer is first recited privately in silence and it is then repeated out loud by the reader (except for the Evening Service, see footnote 144) for the benefit of those who are unable to say it themselves (see also footnote 42).



ibid., pp. 130-31.

(5) The Tahanun, תחנון, prayers of confession; see footnote 10.

(6) The Torah reading on the mornings that it is required, namely on the Sabbath, festivals, Mondays, Thursdays, New Moons, the intermediate days of Passover and Succot, Purim and public fast days. Normally, that is on most Sabbaths, Mondays and Thursdays the Torah is read according to its regular weekly division of fifty-four (on a leap year and fifty on a non-leap year) portions. On special Sabbaths, festivals, and other occasions specially designated portions are read which have a relationship with that particular occasion.

(7) Ashrei, אשרי, "Happy are they" is basically Psalm 20 and a collection of Biblical quotations. It is in essence a prophetic lesson and a second sanctification.

(8) Aleinu le-Shabbe'ah, עלינו לשבח, "It is our duty to praise the Lord" is recited at the conclusion of the Morning Service. It is usually preceded by a full Kaddish (see footnote 177) read by the reader and it is followed by a Mourner's Kaddish. The Aleinu or adoration prayer since the fourteenth century has been a proclamation of God as the Supreme King of the Universe and the God of a United Humanity. In the first part Israel acknowledges that it has been selected for service to God and the second half proclaims Israel's faith and hope that all idolatry

will disappear and that all activity will be turned to God. All will be united under the Kingship of God.

Hertz, op. cit., p. 208.

The Shaharit Service remains fairly constant in the prayers recited every morning except for the Amidah which changes according to the occasion as described above. There are also additions to the pesukei de-zimra (2) on Sabbaths and festivals, and on festivals and New Moons the Hallel (special psalms of praise and thanksgiving which consist of Psalms 113-118 with various Psalms omitted on certain festivals) is added. Special piyyutim (see footnote 149) are also inserted on certain Sabbaths and festivals during the Shaharit Service.

The Mishna and Talmud discuss when the Shaharit Service should be recited. The Shema must be recited from the period of time which begins with daybreak and ends after a quarter of the day has passed (Ber. 1:2; Shulhan Arukh, Orah Hayyim, 58:1). One must recite the Amidah during the hours encompassed by sunrise and a third of the day (Ber. 4:1; Shulhan Arukh, Orah Hayyim, 89:1). If by chance the recitation of the daily prayers was delayed they could be recited until midday (Ber. 4:1; Shulhan Arukh, Orah Hayyim 89:1). If the Shaharit Amidah is not recited, an extra Amidah is added during the Minhah, Afternoon Service.

During the daily weekday Shaharit Service the tallit, prayer shawl, and the tefillin, phylacteries, are worn.

On the Sabbath and festivals only the tallit is worn. One wears neither tallit nor tefillin on the Ninth day of Av for the Shaharit Service but wears them instead for the Minhah Service. One must not interrupt one's prayer by speaking from the prayer "Barukh she-Amar" which precedes the pesukei de-zimra until after the Amidah.

Editorial Staff, E. J., v. 14, pp. 1257-58.

18. Kapparot, כפרות, which is plural for Kapparah, meaning expiation. This is a custom where the sins of a person are symbolically transferred to a fowl. This practice is mostly done on the day before Yom Kippur and in some congregations it is also performed on the day before Rosh HaShanah or on Hoshana Rabba. During the ceremony Psalms 107;10,14,17-21 and Job 33:23-24 are recited. Following this a cock is taken for a male and a hen for a female, the fowl is swung around one's head three times while the person says: "This is my substitute, my vicarious offering, my atonement; this cock (or hen) shall meet death, but I shall find a long and pleasant life of peace". It is thought by some (erroneously) that the fowl assumes the punishment for sins that the person would normally receive. Often the fowl is donated to the poor minus the intestines which are given to the birds. Some people substitute the monetary value of the fowl and donate that to the poor.

The custom is not a talmudic one. It first appears in the writings of the geonim (see footnote 19) in the ninth

century. The connection between a man and a cock is that both can be referred to as a gever, so a gever (man) can transfer his sins on to another gever (cock). Another reason for the use of a cock or a hen was due to the fact that after the destruction of the Temple, no animal used in the sacrificial rite could be used for a similar purpose outside the Temple. The cock and the hen had no Temple cultic connection. Caro, along with R. Solomon b. Abraham Adret and Nahmanides opposed this custom but Isserles included it because of its practice in the Ashkenazi community where it had taken on mystic interpretations from the Kabbalists.

Editorial Staff, E. J., v. 10, pp. 756-57.

The basic Hebrew sources and comments on Kapparot are the following:

Tur, טור, (see footnote 23) 605 - There are places where it is customary to slaughter a rooster as atonement (for Kapparah). And thus it is (related) in geonic (see footnote 19) responsa: "You asked; we customarily slaughter a rooster on the Eve of Yom Kippur, and we do not know the reason for this custom. If it is an "exchange" (substitute) for a sacrifice (if it symbolizes a sacrifice), then what is the difference between a rooster and cattle or a beast, but certainly there is a problem. However, there are two reasons: (1) a rooster is found more commonly in a household than any cattle, beast, or fowl; (2) There are places

of wealthy people who substitute rams; and the main horned animal (for the Yom Kippur ceremony) is analogous to the ram of our father Isaac (which was substituted for him (Isaac) as a sacrifice), therefore the matter (of using a rooster) is not established (determined)."

In addition we have heard from the early scholars that even though the price of a cattle is higher than that of a rooster, nevertheless a rooster is chosen because its designation is gever (man, rooster) as is said in (Yoma 20a): What is the meaning of Kara Gavra, R. Sila says the meaning is that the rooster crows and since its designation is gever and the exchange is of one gever (rooster) for another gever (man), therefore it (using a rooster) is effective and superior (to any other animal). And this is the custom here, the congregational reader holds the rooster and lays his hand on its head (in the manner in which a sacrifice was performed in the Temple) and then he takes it (the rooster) and lays it upon the head of the one seeking atonement and says (the verses in the Prayer Book used in this service (Ozar ha-Tefillot, volume 2, pp. 1090-91)), "This (gever, rooster) for this (gever, man), this substitutes this, this is in exchange for this," and he (the reader) returns it upon him once (swings it around his (the one seeking atonement's) head one time) and says (psalms 107:10,14,17,19-21) "Such as sit in darkness and in the shadow of death, being bound in affliction and iron...He brought them out of darkness and and the shadow of death, and brake their bands in sunder..."

Fools because of their transgression, and because of their iniquities are afflicted... Then they cry unto the Lord in their trouble and He saves them out of their distress. He sent his word, and healed them, and delivered them from their destructions. Oh, that men would praise the Lord for His goodness, and for His wonderful works to the children of men." "Thou shalt give life for life", (Exodus 21:23). And he (the reader) does this according to this order three times, and after this he lays his hand on the head of the rooster in the way of the Semikhah, putting the hands on it (the animal's head before slaughtering) and slaughter it immediately after the Semikhah, and they customarily give it (the slaughtered rooster) to the poor so there would be atonement for his own soul (for the one who gives it).

That it was customary to throw the insides of it (the rooster) on the roof in order to give them to the birds, there is some proof (indication, justification) for this from the Talmud tractate Hulin (95a) 110a: "Rami b. Tamri... once happened to be in Sura on the Eve of Yom Kippur. When the townspeople took all the udders (Tur: Liver and Kidneys) (of the animals) and threw them away, he immediately went and collected them and ate them".

In the Prayer Book Ozar ha-Tefillot, אוצר התפילות, Published by Sefer, New York, 1946, page 1089, there is an extensive, detailed note with Rashi's (description of) the custom of the Kapparot ceremony on the Eve of Yom Kippur. Rashi already described this custom meaning it was a common

practice during his time.

The Kapparot ceremony is not mentioned in the Talmud, only in Rashi. It is mentioned in Mahzor Vitry by R. Shimha bar Samuel, a disciple of Rashi who quotes the ceremony from the Pesikta, קתרת, but our text of the Pesikta does not have it. The first mention of the Kapparot ceremony is by the geonic Sheshna in Sha'are Teshuvot, Responsum 299, and by Natronai Gaon in Bet Nekhot ha-Halakhot 50a. paragraphs 15 and 16.

19. Geonim, (singular gaon) is the formal title for the heads of the academies in Sura and Pumbedita in Babylonia from around the end of the sixth century until the middle of the eleventh century. The geonim were the highest Jewish authorities. In the tenth and eleventh centuries heads of academies in Erez Israel were also called geonim. The geonic period proper ended in 1040. The heads of the academies in Baghdad, Damascus, and Egypt were also called geonim and later it became a term applied as an honor to any rabbi who had great toraitic knowledge.

It cannot exactly be determined when the term gaon came into use. Prior to its use generally the term rosh yeshivah shel golah, the head of the academy of the Diaspora, was used. The heads of these academies were appointed by the exilarchs, the political leaders of the Jewish people in exile. People rose to the office of gaon often through

an hierarchy of offices, thus not always did the most learned reach the position. Often the office was used for political purposes by the exilarch. An assistant to the gaon was referred to as the av bet din. The position of gaon usually fell upon an elderly man who could only serve for a rather short period of time, and therefore did not always make a great impression.

Babylonia was the center of world Jewry and the Jews looked to the geonim as a source of instruction for Jews and also as the deciders of Jewish law. The geonim formed many new halakhic decisions which evolved in the Diaspora. They formulated takkanot or ordinances which altered Jewish law according to the new situations. The geonim and their academies were supported by taxes levied against the people for this purpose.

The halakhic decision of a gaon generally had the effect of law and it was binding. Due to the new situation which the Diaspora provided many halakhic decisions of the geonim were based on minhagim, or customs, that took on the force of a law (the principle under which Isserles operated). Their responsa to halakhic questions were followed as law. The goal of the gaon in the Diaspora was mainly to interpret the Babylonian Talmud for the Babylonian Jews and to lessen their emotional attachment to Erez Israel. This created much political animosity between the Jews of Babylonia and those left in Erez Israel. Since the major scholars of the time were exiled to Babylonia, the center



of Jewish leadership was in the hands of the gaon for a long period of time, more than four centuries.

The goanate, though, did lose its power even though some of the greatest geonim were among the later ones. From the late ninth century onward, most of the geonim did not live in the cities of the academies, Sura and Pumbedita, they lived in Baghdad along with the exilarch. Competition between the two academies and political disagreements over the appointment of geonim lessened their effectiveness as did the rise of new academies and their leaders. Scholars stopped sending them halakhic questions preferring their own ability to arrive at a decision. Jewish communities outside of Babylonia began taking on independence from the original center of the Diaspora. As the caliphate in Baghdad weakened, financial support from other Jewish communities ceased for the Babylonian academies. The gaonate ended as an institution around 1040.

The religious leaders of Baghdad and later Erez Israel took on the title of gaon after the fall of the gaonate in Babylonia. The position of the gaon in Erez Israel was one passed on by heredity. The geonim in Erez Israel had to manage all Jewish affairs in addition to heading the academy. They ordained rabbis, appointed judges, and managed the economic affairs of the Jews. The title of gaon finally spread to Damascus and Egypt where it eventually died out in the twelfth and thirteenth centuries.

Simha Assaf and Editorial Staff, E. J., v. 7,  
pp. 315-24.

19a. The following is a comment to the Shulhan Arukh, Orah Hayyim, found in the Turei Zahav Magen David, or for short the Taz by David ben Samuel ha-Levi who lived from 1586 until 1667. David ben Samuel was born in the Ukraine. He married the daughter of Joel Sirkes, the author of Bayit Hadash (see footnote 20b.) in whose yeshivah he studied. The commentary Turei Zahav is found to all four parts of the Shulhan Arukh. It is not a running commentary, but includes discussions of various points found in the Tur of Jacob Asher (see footnote 23) and in the Talmud and its commentators. The Turei Zahav is found in the inside margin of the Orah Hayyim section of the Shulhan Arukh opposite the commentary of Abraham Abel Gumbiner called Magen Avraham (see footnote 33), which is a running commentary but which has a closer relationship to the material found in the Tur than it does to the Shulhan Arukh;

Shmuel Ashkenazi, E. J., v. 5, pp. 1354-55.

605:1 - "And so is the custom in all these lands": In the Tur, טור, (see footnote 23 and the translation to this section of the Tur found in footnote 18) are written the verses that are recited and the following verse is mentioned there (in addition to the verses found in Psalms 107:10,14,17,-21), "Thou shalt give life for life" (Exodus 21:23).

20. Beit Yosef in the name of Tashbaz, בית יוסף בשם תשב"ז.

The Beit Yosef, בית יוסף, is the companion work written by Joseph Caro (1488-1575) to the Shulhan Arukh. Caro began

writing the Beit Yosef in 1522 and completed it in 1542 in Safed. It was first published in 1555. The Beit Yosef followed the format of the four Turim established by Jacob b. Asher in his book by that title. Caro included in the Beit Yosef all the halakhic material in use during his time which included the talmudic sources and also the post-talmudic scholars which he used to reach an halakhic decision. Caro linked himself to the Turim and did not repeat halakhic material already cited in the Turim. Caro employed the method of determining halakhah by following the majority decision of his "three pillars of halakhic decisions", Alfasi, Maimonides, and Asher b. Jehiel. If there was no majority decision by these three he consulted and decided according to the majority of another five scholars, Nahmanides, Solomon b. Abraham Adret, Nissim Gerondi, Mordecai b. Hillel, and Moses b. Jacob of Coucy. If none of these men dealt with a particular law he decided according to the opinions of the majority of "famous" scholars. Caro consulted thirty-two works in his research. In this extensive work Caro created a book of Jewish law. He wanted to create then a companion book that would truly be a code. Therefore he wrote the Shulhan Arukh which basically listed only the decisions that Caro reached in the Beit Yosef and not all the arguments and sources. The Shulhan Arukh merely stated what the halakhah was and how it was practiced. (For a more extensive explanation of the Beit Yosef and how it fits into the broad scope of code literature, see the introduction to this work.)

Tashbaz, תשב"ץ, is an abbreviation for Teshuvot Shimon ben Zemah, which is a collection of responsa in three parts by Simeon ben Zemah Duran who was also known as the "Rashbaz", an acronym for Rabbi Shimon ben Zemah, who lived from 1361 until 1444. The Rashbaz was born in Spain and later moved to North Africa and settled in Algiers where he became a dayyan, a rabbinic judge and the Chief Rabbi of Algiers in 1408. The Rashbaz was against formulating strict decisions, humrot, which did not have talmudical basis. He argued that one could be stringent with oneself but had to be lenient with others.

In his decisions he would exhaust all existing sources and discuss all opinions. His decisions became the authoritative laws of North African Jewry. His takkanot, his changes in the law, were followed for many centuries. He was often quoted by later halakhic scholars and was well respected. His writings were extensive and they included philosophical and liturgical works as well as halakhic literature.

Hirsch Jacob Zimmels, E. J., v. 6, pp. 302-06.

20a. The following is a comment found in the commentary to the Shulhan Arukh, Orah Hayyim Magen Avraham by Abraham Abele Gumbiner (see footnote 33):

605:2 - "Two roosters": That is to say a rooster and a hen. Even if the embryo is female, one hen is enough for a mother and for her daughter, because two persons (of the same sex)

are allowed to take one Kapparah (see footnote 18), (Levush, לבוש, which is a code whose entire name is Levush Malkhut, The work presents the laws found in the Beit Yosef of Joseph Caro (see footnote 20) in an abbreviated form. The Shulhan Arukh appeared which was basically a digest of the larger Beit Yosef, but the Levush was completed so as to include the laws observed by the Ashkenazi Jews of Bohemia. Mordecai ben Abraham Jaffe (1535-1612) wrote the Levush. He was born in Prague and studied under Solomon Luria and Moses Isserles. While he was writing the Levush he learned that Isserles was attempting the same goal he was to include the Ashkenazi laws in the Shulhan Arukh so he put aside his work. When Jaffe received the glosses of his teacher Isserles he thought it was too brief and therefore he set about completing his Levush. There are ten levushim in all, five are devoted to the Beit Yosef and the other five to other works; Ephraim Kupfer, E. J., v. 9, pp. 1263-64). And this is the custom even with two persons, and this is the implied meaning at the end of chapter 12 in (the Talmud Tractate) Menahot. And Ashkenazi R. Isaac (who was called Adoneinu R. Yitzhak by the Hasidim, referring to Isaac Luria the Kabbalist) prescribed that she take three (chickens), (Shenei Luhot ha-Berit, שני לוחות, "Two Tablets of the Covenant"; which is an extensive halakhic work including homily and Kabbalah giving directions as to how to live an ethical life. The vast work contains two parts, the Derekh Hayyim contains laws according to the order of the festivals in the calendar,

and the Luhot ha-Berit summarizes the 613 commandments in the order in which they appear in the Bible. The work was written by Isaiah ben Abraham ha-Levi Horowitz who lived from around 1565 until 1630. He was born in Prague but lived and studied mostly in Poland. He later moved to Erez Israel and lead the Ashkenazi community in Jerusalem. He was greatly influenced by Kabbalistic works and philosophy which is evident in his writings; Haim Hillel Ben-Sasson E. J., v. 8, 990-994).

20b. A commentary by Magen Avraham (see footnote 33):  
 605:3 - "White roosters": Anyhow, one should not try to get only white (chickens), which is similar to the practice of the Amorites (meaning, idol worshippers). If there happens to be a white one available he should buy it,  
 (Bayit Hadash, בית חדש; which is a critical and comprehensive commentary on the Arba'ah Turim of Jacob b. Asher (see footnote 23), where each law is traced to its talmudic source, and the development of the law through successive generations of interpretation is followed. The work was prompted by the over-reliance on codes, especially the Shulhan Arukh for halakhic decisions, without using the basic sources. The work was written by Joel Sirkes who lived from 1561 until 1640. He was born in Lublin but came to be the head of the bet din, the rabbinical court, in Cracow where he also headed a yeshivah in 1619. He was an adherent of Kabbalah but he rejected kabbalistic practices when they were con-

trary to the halakhah; Max Jonah Routtenberg, E. J., v. 14, pp. 1619-20.). And if there is no chicken, he should buy another kind of animal, and there are those who say even fish (can be used), (Levush, לבוש, see footnote 20a.). It seems to me that one should not take a thing (an animal that was used) for the sacrificial cult like doves so that it should not appear that one sacrifices holy animals outside the Temple, see in the Tur, טור, (see footnote 23), and we find it in Shabbat 81b, in the Rashi, that it was a custom to take a pot with seeds and to swing it around one's head on the Eve of Yom Kippur, and one says the words: "This is the exchange for me, the substitute for me, the atonement for me", which is an abbreviation meaning, הח"ך, which is the name of an angel, (Darkei Moshe, ד"מ, see footnote 6, and Hagahot Minhagim, הגמ"ו, which are commentary notes on the Minhagim, see footnote 13).

The following is a comment found in the Turei Zahav, (see footnote 19a.): 605:2 - "And the (custom is to) chose white ones": My father-in-law (meaning the Bayit Hadash, Joel Sirkes, see above), may his memory be blessed, wrote that this is a bit like the way of the Amorites (idol worshippers), even though this is (found in) the Maharil, מהרי"ל, (see footnote 8), it is possible that one should not ask for it intentionally, rather if (the white chicken) just happens to him thus (if he can buy a white one) he choses it, but to ask for a white chicken and to pay a higher price, this

is the way of the Amorites (idol worshippers), and this (tradition) I received from my father (Samuel ha-Levi), may his memory be blessed.

I found written that one should say, "This is your exchange, your substitution, and your atonement" which is an abbreviation for חח"ך, which means God will cut (חתך) (or determine) life for every living thing. (Notice the difference between this comment and the one translated above by Magen Avraham on the same subject.)

The following is a comment by the Wilna Gaon, which supplies the sources for references made in the Shulhan Arukh. It is found under the text of the Shulhan Arukh under the title Beure ha-Gra, ביאורי הגר"א 605:1 - "That which they customarily do...": Because of the way of the Amorites (idol worshippers); see in the Rashba, רשב"א, (Solomon ben Abraham Adret, see footnote 90), chapter 395.

20c. The following is a comment by Magen Avraham, (see footnote 33): 605:4 - "Or to redeem (replace) them (the chickens) (with charity money...": This is better so as not to embarrass the poor (Shenei Luhot ha-Berit, של"ב, see footnote 20a., and Maharil, מהרי"ל, see footnote 8), (with the money they can buy their own food which is less embarrassing than accepting a chicken).

21. Maharil, מהרי"ל, Jacob ben Moses Moellin; see footnote 8.



21a. The following is a comment by Turei Zahav, (see footnote 19a.): 605:3 - "And one lays his hands (on it, the chicken)...": Even though this thing (this practice) appears in the Tur, טור, (see the translation of this section in footnote 18 and see footnote 23) in the name of the geonim (see footnote 19), it is very perplexing in my eyes since this appears as sacrificing animals and slaughtering them outside of the Temple. And even though the rooster is not proper as a sacrifice, since we found that it is a forbidden practice in chapter 469 (of the Shulhan Arukh, Orah Hayyim) concerning the matter of such meat for the Passover for which the Maharil, מהרי"ל, (see footnote 8) forbid even a rooster, and how much the more so here, where one does it explicitly as a sacrificial matter, that this fear is present (this consideration that it might be prohibited is present). This being so it is better to prevent this matter, (following the dictum to sit and not do it is better. (This expression, ושב ראל תעשה, is found in Erubim 100a: if by performing a mitzvah you might transgress a law, you should not do it. In a case of doubt do not do such a thing.) And so it seems to me in my humble opinion.

22. The "laying of the hands" of the priest onto the animal that was sacrificed was part of the rite which transformed the animal from a mere profane animal into a holy sacrifice to God. Sacrifice from the biblical through the temple period in Jerusalem was the way in which man communicated

with God. Extensive rituals and practices developed around the sacrifice which was performed by the special priestly class, the cohanim. The main thrust behind a sacrifice was the fact that man was surrendering to God a living thing of some value to man. This brought out vividly the fact that all things man has on earth are given by God and ultimately God has complete control over man and all He has given to man. Special concern was placed on the blood of an animal sacrifice for dam, דם, blood, was the symbol of life. "For the life of the flesh is in the blood; and I have given it for your souls; for it is the blood that makes atonement, by reason of the life (that is in it)", (Leviticus 17:11). The people were therefore forbidden to eat the blood of an animal since it belonged to God. The offering to God of a sacrifice had to be an animal which was owned by the person offering it and the animal had to be domesticated and proper for food. In other words, it had to have some worth. Work animals were excluded from this. An animal had to be at least eight days old and totally without blemishes, (Leviticus 22:17-25).

A very large portion of the Bible, especially the Pentateuch, is concerned with the extensive ritual, ceremony, and material that went into a sacrifice. Also different types of sacrifices were outlined for different purposes. The following are separate types of sacrifices present in the Bible: Propitiatory, both Sin and Guilt Offerings, Dedicatory,

Burnt, Meal, Libation, Fellowship, Peace and Thanksgiving, Wave, Votive, Freewill, and Ordination Offerings.

During the period of the First and Second Temple, elaborate sacrificial services took place twice daily, Shahrit, Morning and Minhah, Afternoon, along with special sacrifices for Sabbaths, festivals, and special circumstances.

Yom Kippur, being the holiest day of the year had associated with it a special and unique sacrificial atonement ritual. The Avodah, עבודתה, which means literally "service" was the name applied to the ritual, during the Temple period, which was the central part of the Musaf, מוסף, additional, sacrifice on the Day of Atonement. With the Avodah, which is a poetical recounting of the Temple ritual, became the central part of the Musaf liturgy (see footnote 166) for the Day of Atonement. The ritual itself was based on the sixteenth chapter of Leviticus where the special sacrificial ritual for atonement is described. After the detailing of the ritual is completed, the Bible established that the tenth day of the seventh month (the tenth of Tishrei which today is considered the first month) would be set aside as a special Sabbath for the purpose of atonement, (Leviticus 16:29-31). The extensive details associated with the sacrifice on the Day of Atonement are described in the Talmud in tractate Yoma.

It was on Yom Kippur, and only on Yom Kippur, that the high priest would enter the very center of the Temple, the Holy of Holies. He had to make special preparations for

this ritual. One week prior to the Day of Atonement, the high priest would begin living in a special apartment in the Temple court where he studied with the scholarly elders all the special laws of Yom Kippur. Another priest would also stand-by and study in case something happened to the high priest. The day prior to Yom Kippur the high priest would enter the Temple and perform all the minute details involved in a sacrifice along with the other priests who were used to sacrificing. The high priest rarely performed the regular daily sacrifices, he only functioned on special occasions. On the Day of Atonement, the high priest himself would perform all the sacred and sacrificial duties.

After proper cleansing for the Musaf, or Avodah Service the high priest would first sacrifice a bull as his own personal sin offering after which he would confess and purify the sins of his own family, those of the priests (the tribe of Aaron), and finally those of the whole congregation of Israel, (Leviticus 16:6). The high priest, in the Holy of Holies, would carefully sprinkle and dispose of the animal's blood as was prescribed. It was at this time, and only at this time, that he would utter the holy name of God, the Tetragrammaton, יהוה, and when he uttered this the people outside would prostrate themselves and respond, "Blessed be His Name whose glorious kingdom is forever and ever." This was repeated ten times according to the Babylonian Talmud, (Yoma 2:2) and thirteen times according to the Jerusalem Talmud (Yoma 3:7).

The high priest then drew lots, one marked for "Azazel" and the other marked as a "sin offering for the Lord". Depending upon the drawing of the lots, two he-goats had different parts to play in the remaining ritual. The goat marked "for Azazel" would be lead out of the Temple into the wilderness called Azazel. This he-goat symbolically carried the sins of Israel away and was lost over a cliff in the wilderness along with Israel's sins. A red ribbon which had been tied to the goat was brought back to the people to display to them that the goat had been lost in Azazel. The he-goat marked as a "sin offering for the Lord" was offered as such. This was followed by a special incense-offering and a prayer for good weather, prosperity, and the sovereignty of Judah, whereupon the high priest would come out from the Holy of Holies marking the end to the Avodah ritual.

The Avodah liturgy expanded in its development from simply a description of the Temple service and the reading of Mishna Yoma, chapters 1-7 to an elaborate service rich with special liturgical poems, piyyutim. (see footnote 149), most of them acrostics, their beginning word following the alphabet. Different Jewish communities developed separate rites. Most rites contain a brief synopsis of the history of Israel and the purity of its early generations culminating in a description of the Temple ritual on the Day of Atonement and the Holy of Holies. Some communities and rites even still call for a prostration on the floor of the synagogue

during the Avodah Service as was done at the Temple upon the pronouncement of the Tetragrammaton.

Piyyutim also close the Avodah Service expressing the misfortune of Israel who, because of her sins, is deprived of the Temple and its sacrificial cult and must suffer persecution and exile. The piyyutim call for the reestablishment of the Temple, which is followed by the selihot (see footnote 14) prayers (penitential prayers of forgiveness) of the Musaf Service.

Anson Rainey, E. J., v. 14, pp. 599-602;  
Hanoah Avenary, E. J., v. 3, pp. 976-80.

23. Tur, טור, is the singular for the word Turim or the Arba'ah Turim, the four columns, the major halakhic work of Jacob ben Asher who lived from around 1270 until 1340. He was the son of a famous halakhic authority, Asher b. Jehiel, known as the "Rosh". Jacob ben Asher studied under his father and moved with him from Germany to Toledo in 1303. His work on the Turim was the result of the fact that in his time there was no one halakhic work free from controversy. Different opinions were present and there were no clear and authoritative halakhic decisions. Jacob ben Asher wanted to compose a work which would include all the laws and customs which applied in his day. He divided his work into four sections or turim, "rows". Part one was called Orah Hayyim. It contains 697 chapters on the laws of blessings, prayers, Sabbaths, festivals, and fasts. The second part was called Yoreh De'ah. It contains 403 chapters on the laws of ritual, Issur ve-Hetter (that which was forbidden and that which was permitted), and laws of mourning, idolatry,

and usury. Part three, Even ha-Ezer, has 178 chapters on the laws affecting women; marriage, divorce, wedding contracts (Ketubbah), and childless widowhood (halizah). The fourth part, Hoshen Mishpat, contains 427 chapters on civil law and personal relations.

Jacob ben Asher used the Talmud and its commentaries as well as the opinions of other authorities before him. He usually decided according to the opinion of Maimonides and his father, Asher b. Jehiel. He did though differ with Maimonides on questions of faith and belief.

The Turim was first published in 1475 and it became a widely accepted halakhic code. Joseph Caro used it and its organization as the basis for the Beit Yosef and the Shulhan Arukh. (For a treatment of the Arba'ah Turim in relation to other code literature, see the introduction to this thesis.)

Ephraim Kupfer, E. J., v. 9, pp. 1214-16.

24. Mordekhai in Yoma and Maharil, מרדכי דיומא ומהרי"ל.

Mordecai ben Hillel ha-Kohen, the author of Mordekhai, מרדכי, lived from approximately 1240 until 1298. Not much is known personally about this German author and rabbinic authority. He was a descendant of Eliezer b. Joel ha-Levi, a relative of Asher b. Jehiel, a brother-in-law to Meir ha-Kohen who wrote Hagahot Maimuniyyot (see footnote 27) and he was a pupil of Meir b. Baurch of Rothenburg, Isaac b. Moses of Vienna (author of Or Zaru'a, see footnote 118), and

Perez b. Elijah of Corbeil. He died as a martyr along with his wife and five children in the Rindfleisch massacres. He is mostly known for his great work, Sefer Mordekhai, which is referred to as the "Mordekhai". It is a huge collection which expanded upon talmudic problems in the style of the tosafot but which followed the arrangement of the laws established by Isaac Alfasi. Even though Mordecai does not include all of Alfasi's laws, he included over three hundred books and authors and employed much material from the Or Zaru'a and responsa of Meir of Rothenburg. The Mordekahi was probably completed before 1286 when Meir was imprisoned because his writings are included in the book. The book was compiled by students of Mordecai who refer to him as "my master, Rabbi Mordecai".

The book was widely distributed in two versions. The first version, the "Rhenish" contained customs of French, English, and eastern German communities. The "Austrian" version reflected the customs of south-eastern Europe, including Austria, Hungary, Bohemia, Saxony, and Moravia. Commentaries grew up around the Mordekhai including the Hagahot Mordekhai by Samuel Schlettstadt in 1376 (see footnote 198).

The Mordekhai became widely accepted even in the Sephardi Jewish communities. In fact, Mordekhai was one of the few Ashkenazi works that Joseph Caro cited in the Beit Yosef and the Shulhan Arukh. The Mordekhai was the final halakhic ruling for most Jews until Moses Isserles came along.



The section of Mordekhai that is cited in this section of the Shulhan Arukh is part of the commentary found in the Mordekhai on the Talmud tractate Yoma.

Israel Moses Ta-Shma, E. J., v. 12, pp. 311-14.

Yoma, יומא, is the fifth tractate in the order of Mo'ed found in our Mishna and Tosefta. It concerns the laws of Yom Kippur. The word Yoma means "The Day" in Aramaic, referring to the Day of Atonement. The first seven chapters of the Mishna Yoma describe the elaborate Temple service performed by the high priest (see footnote 22), and the eighth and final chapter concerns primarily the laws of fasting.

Moshe David Herr, E. J., v. 16, pp. 844-45.

For Maharil, מהרי"ל; see footnote 8.

25. Maharil, מהרי"ל; see footnote 8.

26. Gemara Yoma, גמרא דיומא, is a reference to the Babylonian tractate of Yoma concerning the laws of Yom Kippur; see footnote 24.

27. Mordekhai and Sefer Mitzvot Katan and Hagahot Maimuniyyot chapter two from "The Laws of Repentance" and Mahariv, מרדכי וסמ"ק והגה"מ פ"ב מהלכות תשובה ומהרי"ו.

For Mordekhai, מרדכי; see footnote 24.

The acronym "SeMaK", Sefer Mitzvot Katan, סמ"ק, was written by Isaac ben Joseph of Corbeil who died in 1280. He was one of the greatest French codifiers of the thirteenth

century. His "Small Book of Commandments" reflected his famous piety. This is the book for which he is known. His SeMaK is a collection of all the halakhot of his time period, along with ethical homilies, parables and legends, aggadot. He divided his work into seven "Pillars" corresponding to the seven days of the week where laws normally associated with a particular day were included under that day's section. Isaac b. Joseph or Corbeil used as a guide for his work, though not his particular divisions, the previous work, Sefer Mitzvot Gadol (SeMaG, סמ"ג, the "Big Book of Commandments") by Moses of Coucy. The SeMaK, though, did not include the extensive halakhic arguments of the SeMaG.

The SeMaK became such a popular work in France and Germany that parts of it were inserted in the daily prayer-books to be read instead of the prayers of supplication and the psalms. It became an accepted source used by later codifiers. Commentaries on the SeMaK arose and were attached to it. The book was first published in 1510 in Constantinople. Isaac also wrote decisions to responsa and tosafot to several talmudic tractates. (For the place of the SeMaK in code literature, see the introduction to this thesis).

Israel Moses Ta-Shma, E. J., v. 9, pp. 21-2.

Hagahot Maimuniyyot, הגהות מיימוני, was written by Meir ha-Kohen of Rothenburg who lived at the end of the thirteenth century and was a pupil of Meir b. Baruch of Rothenburg. Hagahot Maimuniyyot was written as a supplement and as

notes of explanation to the Mishneh Torah by Maimonides (see the introduction to this paper for a description of the Mishneh Torah. See also footnote 59). The purpose of the glosses to this work was to add to the rulings of Maimonides the opinions and decisions of Germany and France in addition to the views and responsa the author brought from his teacher Meir b. Baruch of Rothenburg. With the addition of these hagahot, the Mishneh Torah became a halakhic work which could be an authoritative code in many of the different centers of Judaism of both Ashkenazi as well as Sephardi communities.

The hagahot were first published together with the Mishneh Torah in the edition that was printed in Constantinople in 1509 and they have been included ever since. There are fourteen books in the Mishneh Torah but hagahot are not included with the following: Hafla'ah Zera'im (except for a small part at the end), Avodah, Korbanot and Tohorah.

Hagahot Maimuniyyot was divided into two parts. One was a glosses and notes attached to the Mishneh Torah itself, and the second part was called Teshuvot Maimuniyyot (first published in Venice in 1524). It was added on to the end of each book of the Mishneh Torah and it contained the responsa of German and French scholars relevant to the topics dealt with in the book. Some brief responsa, though, were included directly in the glosses if they had to do with the specific halakhah. Also non-responsa material was included in the Teshuvot section.

There were many differences between the 1509 Constantinople version and that published in Venice in 1524. It is obvious that this work underwent significant editing and additions.

The note cited by Isserles where he gave credit to Hagahot Maimuniyyot was taken from the notes of Meir ha-Kohen on the section of the Mishneh Torah entitled Hilkhos Teshuvah, "the Laws of Repentance", chapter two.

Shlomoh Zalman Havlin, E. J., v. 7, pp. 1104-12.

Mahariv, מהרי"ר, is an acronym for Morenu ha-Rav Rabenu Jacob (Ya'akov) Weil, who is also known as Jacob ben Judah Weil who died in 1456. He was a German rabbi and an halakhic authority in the first half of the fifteenth century. He lived in the town of Weil. Weil was a pupil of the Maharil, Jacob Moellin (see footnote 8). Maharil ordained him and made him the rabbi of Nuremberg after which he went to Augsburg, Bamberg, and finally Erfurt. Scholars addressed many halakhic questions to him and he published responsa to them. His decisions particularly on laws of slaughtering and examination of animals, hilkhos shehitah u-vedikah, were accepted Ashkenazi practice. His responsa were socially and historically valuable in that through the types of questions and answers, one can get a good picture of what German Jewish life was like at this time and how it functioned. He wrote a great deal on the office of the rabbi in Germany and included his suggestions to improve the responsibility and purify the practices of many rabbis.

Moses Isserles, especially, and others placed a great deal of importance on Weil's decisions and relied on them as binding. His works, especially Hilkhot Shehitah u-Vedikah inspired many commentaries and additions by later authorities which became the basic work for shohatim, ritual slaughterers of animals for food.

Yehoshua Horowitz, E. J., v. 16, pp. 395-96.

28. Mordekhai in Yoma, מרדכי דיומא; see footnote 24.

29. Herem, חרם, is the status of that which is separated from common use or contact, either because it is proscribed as an abomination to God or because it is consecrated to Him.

There are different categories of herem. The Torah considers the following to be herem: Israelites who worship other gods and idols. People who commit this idolatry were to be put to the sword and the objects burned. These people and objects contaminated those they came in contact with; The seven nations inhabiting the land promised to Israel - the Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites (Deuteronomy 7:1-2; cf. 20:17). These people were to be totally destroyed; Whatever one privately devoted to the Lord as herem is the most sacred, Kodesh Kodashim, and these objects were never to be sold nor was their status revokable (Leviticus 27:28). Cases of herem in the rest of the Bible follow from these Torah laws. The term later came to mean total destruction.

The term herem began to take on different meanings from

the Biblical ones as time passed. Even the term herem in the Bible changed its meaning. In Deuteronomy declaring an enemy as herem was done to gain God's favor by totally devoting to Him, one's own nation and the total nation of the enemy.

After Saul the rise of the enemy herem seems to have disappeared. Herem came to mean, when referred to a nation that the other nation's religion practiced evil ways that would badly influence the Israelites and therefore these people were to be separated from Israel to preserve their true belief in God (Exodus 34:11ff; Numbers 33:51ff; Deuteronomy 7:1-5; 20:16ff).

In later Jewish law the concept of herem changed radically. The herem of Ezra is the first indication that meant banishment and persecution. The term niddui was used in tannaitic literature to mean the punishment of an offender by his isolation from and his being held in contempt by the community at large. The term niddui was used in the Bible (Numbers 12:14) as an isolation punishment. The Pharisees employed niddui if a person did not follow their prescribed standards. A scholar was isolated for his non-compliance with the majority and no one was permitted to contact him lest they too became defiled. Niddui was a punishment employed by the courts on the heads of the academies.

Later in the talmudic laws the term herem was used again as an aggravated form of niddui. A niddui could

last for two 30 day periods. After 60 days passed and the person did not satisfy the courts or the academies by changing his ways, a herem was declared which was a total banishment and isolation. Another type of punishment was also established. That was a nezifah, a "reprimand", which lasted for seven days. It was intended for shame and remorse and automatically expired while a niddui and a herem had to be lifted by the courts.

A niddui differed from a herem in that one who was declared niddui could have social intercourse for purposes of study or business, but one placed in herem had to study alone and earn money from the small shop he was permitted to maintain. One punished by niddui or herem was considered in a state of mourning and was therefore not permitted to cut his hair, do laundry, or wear shoes, except for out-of-town walks. He was forbidden to wash himself except for his face, hands, and feet but he did not have to rend his clothes. He had to live in confinement with his family only, no outsider was permitted to come near him, eat or drink with him, greet him, or give him any enjoyment (Shulhan Arukh, Yoreh De'ah 334:2). He could not be counted as part of the three for grace after the meals nor as one of the ten for a prayer minyan. After his death, his coffin would be stoned, (one stone could be symbolically placed on the coffin). The niddui was actually considered a rather light penalty for minor offenses since it could be so easily lifted. Niddui was during talmudic times put on people by

laymen and individual scholars for various reasons, not only by the courts, for reasons such as debt. Only a court designated niddui would necessitate the whole community from disassociating with the isolated person. A non-judicial niddui did not require this. A person had to be warned about a possible niddui for a non-religious offense, but for a religious one no warning was necessary. The niddui had to be publically announced but no evidence was required. The court was considered fair. A niddui by a court could be lifted by any court. A personal niddui had to be lifted by the person who imposed it and, if he was unavailable, by the nasi or leader of the community. The courts tended not to pronounce a niddui against a judge or a scholar. Flogging (see footnote 31) was considered a more appropriate punishment.

In post-talmudic times the threat of a niddui or a herem was considered a way of future law enforcement. As time went on the conditions put on one who was excommunicated in the Talmud became the minimum. They became more and more severe. One who was banned could not have his sons circumcised or their children married, their children and wives were expelled from the synagogue, and they were not to be buried with any honor. He was considered as a non-Jew; his zizit fringes, were cut off, his mezuzah removed from his door, his food proclaimed unfit for Jews, and his books considered trash. The herem became actually, a civil death. The man was dead to the community.

Herem became more and more frequent as the punishment



of excommunication by the Church increased. Jewish courts were influenced by civil courts of the land to impose herem on Jews for monetary reasons, but the Jewish courts remained independent in religious matters. Rabbis became more and more reluctant to impose a herem on an individual especially without the consent of the entire congregation due to the extreme hardship it imposed on the family of the isolated man. This caused the development of partial herem which was less severe and only isolated the person in synagogue worship but not in daily life, for example. Niddui was then imposed for major offenses such as a man refusing to divorce his wife when it was felt that he should, a bridegroom refusing to marry his bride, or offenses such as theft or fraud.

Minor forms of herem, niddui or nezifah were pronounced by the head of the rabbinical court, but a severe herem was pronounced in the synagogue either before the open ark or while holding the Torah scroll. The proclamation was made with the sounding of the shofar, the ram's horn (see footnote 221). The people held candles and put them out symbolically when the excommunication was declared. Several Biblical verses were recited against the one excommunicated and people were warned against associating with the person put in herem. The ceremony concluded with a prayer for the faithful of the congregation.

In later times the niddui and herem became so frequent and common that it lost almost all of its significance and

force. It became the standard rabbinic reaction to all forms of deviation from the norm of Orthodoxy. Although still pronounced they are no longer binding on the person involved or the community, nor do they carry the terror they once did.

Haim Hermann Cohn, E. J., v. 8, pp. 344-55.

30. Mikveh, מקוה, is a pool or a bath of clear water. When a person immerses in it, it renders ritual cleanliness to one who has become ritually unclean through contact with the dead (Numbers 19) or any other defiling object, or through an unclean flux from the body (Leviticus 15), especially for a menstruant. The mikveh is also used to purify vessels (Numbers 31:22-23). Today the mikveh is used for the menstruant since the laws of ritual purity no longer apply due to the destruction of the Temple. A woman must immerse in the mikveh and purify herself following her menstruation in order to again participate in marital relations. It is also obligatory for proselytes to immerse as part of the ceremony for conversion. Many people still use the mikveh for spiritual purification and thus immerse in it on the eve of the Sabbath, festivals, and especially on the eve of the Day of Atonement. The mikveh serves to purify the spirit, not the body, as described by Maimonides. One has to have a mental intention to purify oneself by immersing in the mikveh.

According to Biblical law any collection of water

whether drawn or collected naturally is suitable for a mikveh as long as one person can immerse himself, but the rabbis later stated that only water which has not been drawn, that is not collected in a vessel or receptacle, could be used. The rabbis also established a minimum for the amount of water to be used, that is the amount of water needed to fill a square cubit to the height of three cubits. This is between 250-1,000 liters depending on various calculations. If it contains at least this much undrawn water, any amount of drawn water can be added to it. A whole talmudic tractate Mikva'ot, is devoted to mikvehs and how they are to be constructed.

A mikveh cannot be prefabricated and just installed on a site since this makes it a vessel and constitutes water that has been drawn or collected. It may be built anywhere and out of any material that is water-tight. No water may leak from it, and it must contain the minimum of forty se'ah (250-1,000 liters) of valid, undrawn, water. Originally its height had to be one-hundred and twenty centimeters so one could stand and be totally immersed (even if bending was required). Later it was established that any height was valid if a person could be immersed laying down provided the minimum quantity of water was there.

All natural spring water provided it was not discolored by any admixtures is valid. Rain water or melted snow or ice is ideal for the mikveh provided that it flows unstopped

into the mikveh. Pipes may be used to carry this water provided they touch the ground and are thus not considered vessels. A mikveh must be emptied by any means, even a pump, from above. No drain in the bottom is permitted as it makes the mikveh a vessel and subject to leakage. As long as the mikveh has contained at least forty se'ah of valid water, all water added to it, even drawn water is valid.

David Kotlar and Editorial Staff, E. J., v. 11, pp. 1534-44.

A prayer is normally recited after the immersion called al ha-tevilah, "Blessed art Thou, O Lord, our God, King of the Universe, who hast sanctified us by His commandments, and commanded us concerning the immersion".

31. Lashes and Malkkut Ar'ba'im, מלקות ארבעים, forty lashes is also known as flogging which is a Biblical form of punishment. When no other form of punishment was specifically prescribed, flogging became the standard form of punishment (Deuteronomy 25:2). Flogging was the only punishment in the Bible used as a general rule and not in relation to any particular offence except for the slandering of a virgin where the lashes as well as a fine were prescribed (Deuteronomy 22:18).

The maximum number of stripes to be administered in any one case are forty (Deuteronomy 25:3) for any further flogging the Bible stated, would degrade your brother in your eyes (Deuteronomy 25:3). The intent of the Bible seems

to be that forty is the maximum number of stripes allowed, but that each offense and its seriousness could determine the number of stripes from one to forty provided the maximum number was not exceeded.

Talmudical law detailed how the Biblical punishment of flogging was to be administered. All the laws are found in the Talmudic tractate Makkot, מכות. The rabbis altered the Biblical law of flogging reducing the number of the maximum number of stripes to ever be received from forty to thirty-nine (Mak. 22a) so as to avoid the danger that the flogger accidentally might exceed the number of forty lashes. If he were permitted to administer forty lashes, the flogger might have given an extra one before he could have been stopped thus administering forty-one lashes which exceeds the maximum number of lashes allowed by the Bible and disgracing the man in the eyes of his brothers and thus also would the flogger be made subject to flogging for his transgression. Therefore the rabbis ruled that the maximum number of stripes they would allow was thirty-nine, for even if the flogger made a mistake he could be stopped before he exceeded the maximum number of forty stripes even if he gave an extra one as he was being stopped. (This is the reason for the comment by Isserles to this law given by Caro, see footnote 55).

The rabbis carefully defined all the offenses for which flogging would serve as a punishment. The number thirty-nine became the maximum number of stripes for offenses for

which flogging was administered. The rabbis though, were careful not to cause death by flogging which would have exceeded the Biblical law. Therefore all people to be flogged were first examined to see if they could physically withstand the punishment. The examiner would then determine the safe number of stripes to be inflicted (Mak. 3:11). Flogging would be stopped if it appeared during the stripes that the man could not take anymore ( Mak. 17:5). Flogging could also be postponed a day until a person would be fit to under-go the punishment (Mak. 17:3).

Floggings were administered with a whip made of calf-skin to the bare upper body of the offender. One-third of the lashes were given on the breast and the other two-thirds on the back. The one being flogged would stand in a bowed position and the flogger would stand on a stone above him. As the stripes were being given admonitory and consolatory verses from the Bible would be recited (Mak. 3:12-14). If death did result and the flogging had been conducted according to the law, the flogger was not liable. If though, he had not faithfully followed the law, he had to flee to a city of refuge which was the case in any accidental homicide.

Flogging for disciplinary reasons as well as for punishment for other than transgressing actively a prohibition of the Torah was also prescribed by the rabbis and this was usually done in a public place so as to be a deterrent to others to violate laws. Usually disciplinary stripes were given in lesser numbers (that is less than thirty-nine) and

were not administered to the bare upper body nor were they given with a leather whip. As time passed, people were more often allowed to pay fines rather than be whipped and whipping all but replaced capital punishment in Israel.

On Yom Kippur a custom arose that after the Minhah Afternoon Service, forty stripes (according to Caro, but only thirty-nine in Ashkenazi communities as pointed out by Isserles) were administered while the victim repeated the confession, viddui (see footnote 39). The one who administered the flogging was to say "And He (God) pities and will atone sins", (Psalms 78:38). The purpose of this custom was to increase one's awareness of his need for confession to atone for his sins. This was a visual and physical admission of sins and it was believed to help one receive complete atonement.

Haim Hermann Cohn, E. J., v. 6, pp. 1348-51;  
Moshe David Herr, E. J., v. 5, p. 1381.

32. A kav, was a unit of measurement for a liquid. According to present day standards a kav is approximately equivalent to 1.2 liters.

33. Magen Avraham, מגן אברהם, is a seventeenth century commentary on the Shulhan Arukh, Orah Hayyim which was first printed in Dyhernfurth in 1692. It was highly accepted in Poland and Germany where it became the model for halakhic decisions by the scholars of that country who often differed from other codifiers. The Magen Avraham was written by

Abraham Abele ben Hayyim ha-Levi Gombiner who lived from 1637 until 1683. He was of Polish birth but he moved to Lithuania after the death of his parents in Chmielnicki Massacres in 1648. After studying there with his relative Jacob Isaac Gombiner he moved to Kalisz where he was appointed head of the yeshivah and dayyan, judge, of the bet din rabbinical court.

Abraham's commentary is evidence of his vast knowledge of halakhic material. The goal of his work, Magen Avraham was to provide a compromise between the decisions of Joseph Caro and the glosses of Moses Isserles. When no compromise could be arrived at Abraham usually sided with his fellow Ashkenazi, Isserles. Abraham felt that all Jewish customs were valid and sacred and he attempted to justify them even when there was a disagreement among the codifiers. Abraham highly regarded the Zohar and Kabbalists and he occasionally accepted their opinions over that of the codifiers.

Gombiner was also the author of a commentary on the Yalkut Shimoni called Zayit Ra'anan and a collection of homilies on Genesis called Shemen Sason in addition to a short commentary of the Tosefta of Nezikim.

Shmuel Ashkenazi, E. J., v. 7, pp. 766-67.

34. Mahariv and Kol Bo and Tashbaz, מהרי"ו וכל בו ותשב"ץ.

Mahariv, מהרי"ו, see footnote 27.

Kol Bo, כל בו, which when translated means "everything



within" is an anonymous work which contained both halakhic decisions and explanations of halakhot arranged according to subject matter. The book, Kol Bo, was written either at the end of the thirteenth century or at the beginning of the fourteenth century. The work is very similar to a commentary on Orah Hayyim called Orhot Hayyim written by Aaron b. Jacob ha-Kohen of Lunel and published in Florence in 1750-51. The fact that they were so similar and covered the same material except that the Orhot Hayyim contained more material than did the Kol Bo caused some scholars to believe that the Kol Bo was a later abridgment to the Orhot Hayyim. But this may not be true due to the differences in their arrangement, the Orhot Hayyim being more systematic. There is another view that the Kol Bo was, the first edition to the Orhot Hayyim and probably by the same author, Aaron b. Jacob ha-Kohen; the material in the Kol Bo certainly preceded that of the Orhot Hayyim.

There are one-hundred and forty-eight sections to the Kol Bo which cover many subjects of Jewish ceremonial, ritual, civil, personal, and community life. The anthology includes collections of laws from numerous and varied halakhic works. The Kol Bo was basically patterned after the Mishneh Torah of Maimonides together with the additions of the scholars of Germany, France, and Provence. There were in addition a few rulings by Spanish scholars included. Many of the laws included in the Kol Bo are from books no longer in existence today. It is possible that the Kol Bo never

had much original material, but was mainly an anthology of rules from various sources. The Kol Bo was first printed in Naples in 1490-91.

Shlomoh Zalman Havlin, E. J., v. 10, pp. 1159-60.

Tashbaz, תשב"ץ, see footnote 20.

35. Shiva is a seven day mourning period which begins immediately after the funeral. The mourners traditionally gather in the house of the deceased where they sit on low stools or over-turned couches with their heads enrobed. This is obligatory for close relatives of the deceased, be it husband or wife, mother or father, son or daughter, or brother or sister. The mourners must perform keri'ah, a rending of their garments as a symbol of mourning and they are required to recite the blessing dayyan ha-emet proclaiming God as the true judge. During the shiva period, mourners are not permitted to work physically, conduct financial transactions, bathe, anoint the body, cut the hair, cohabit, wear leather shoes, wash clothes, greet acquaintances, and study the Torah. Study, though of sorrowful portions of the Bible and Talmud, such as Job, Lamentations, parts of Jeremiah and the laws of mourning is permitted.

The first meal of the mourners after the funeral is called se'udat havra'ah, the meal of consolation. This meal is provided by friends and neighbors for the mourners in accordance with the talmudic law that a mourner is forbidden to eat of his own bread on the first day of mourning (Mk. 27b).

A mourner is also not permitted to put on teffilin, prayer phylacteries, on the first day of the shiva period.

The first three days of this period are considered the most intense and are known as the three days for weeping the entire seven day period is known as a time of lamenting. The shiva period is suspended on the Sabbath and ends on a holiday even if the total period of seven days has not elapsed. (see also footnote 37).

Aaron Rothkoff, E. J., v. 12, pp. 488-89.

36. Maharil, מהרי"ל, "The Laws of Mourning", הלכות שמחות, ("שמחות", "Pleasures" is a euphemism). The Laws of Mourning as discussed by Moellin; see footnote 8.

37. Sheloshim, means thirty and it refers to the thirty days of mourning after the death of a close relative; mother, father, wife, husband, son, daughter, brother, or sister, and it begins from the time of the burial. The mourner during the sheloshim is not to wear new or even festive clothes; not to shave or have a hair cut; not to participate in festivities including wedding, circumcision, or pidyon ha-ben (redemption of the first born male child) banquets unless it is one's own child; not to marry; and to abstain from going to entertainment. It is also customary to change one's usual seat in the synagogue during these thirty days. If the last day of sheloshim falls on the Sabbath then the mourning period ends prior to the Sabbath.

The three pilgrimage feativals and Rosh HaShanah may

shorten the shiva or sheloshim period. If the mourner observes at least one hour of the shiva (see footnote 35) before Passover or Shavuot, the shiva is waived and the sheloshim is reduced to fifteen days after the holiday, but in the case of Succot the mourner has to observe only eight days of sheloshim after the festival. If a mourner observes at least one hour of shiva before Rosh HaShanah, the shiva is waived and the Day of Atonement ends the sheloshim. If a mourner observes at least one hour of shiva before Yom Kippur shiva is waived and Succot ends sheloshim. Minor festivals such as Hanukkah and Purim do not shorten the shiva or sheloshim. If a person only learns of a death within thirty days of the passing (shemu'ah kerovah) he must observe the complete rites of shiva and sheloshim. If the news reaches him more than thirty days after the death has occurred (shemua'ah rehokah) then he must only observe the mourning rites of shiva and sheloshim for one hour. When one is mourning the death of one's parents the prohibitions of the sheloshim period are observed for an entire twelve months along with the recitation of the mourner's Kaddish (see footnote 177) for eleven months, (see Shulhan Arukh, Yoreh De'ah, 399).

38. Da'at Azmo, דעת עצמו; this is the way indicated in Isserles' glosses that the comment he was making was Isserles' own opinion and was not taken from another source.

39. Viddui, וידוי, confession of sins, is a prerequisite

for expiation and atonement in the Bible for sins committed individually or collectively. In the Bible there is usually a pardoning by God following the confession. Examples of this are found in the stories of Cain, (Genesis 4:13) David, (Psalms 32,41,51, and 69), Judah with Tamar (Genesis 36:26), Achan and the spoils of Jerico (Joshua 7:19-21), Saul and the Amalekite booty (I Samuel 15:24-25). There are also examples of Biblical confessions made for the nation; Moses and the golden calf worshipping (Exodus 32:31), the high priest's confession on the Day of Atonement (Leviticus 16:6, 11, 21) and the confession of Ezra (9:6, 7, 15) and Nehemiah (1:6,7;9:2,33-35).

Prior to the destruction of the Temple confessions had to precede special sin and guilt sacrificial offerings. The person confessing had to place his hands upon the head of the animal sacrifice to transfer his sins to the animal (Leviticus 1:4). The Bible gives no wording for these confessions but there is in the Mishna the wording for the confession of the high priest on Yom Kippur: "O God, I have committed iniquity, transgressed, and sinned before Thee, I and my house. O God forgive the iniquities and transgressions and sins which I have committed and transgressed and sinned before Thee I and my house as it is written in the Law of Thy servant Moses, 'For on this day shall atonement be made for you, to cleanse you; from all your sins shall ye be clean before the Lord' " (Leviticus 16:30; Yoma 3:8).

In rabbinic times it became an accepted custom to confess one's sins before seeking atonement and the confession of sins became an integral part of the synagogue ritual. On the Day of Atonement it became a focal point of the service. According to the Talmud (Yoma 87b) the simple statement "Truly, we have sinned" is sufficient for confession, but elaborate formulas of confession have evolved. The Ashamnu "We have incurred guilt" is the prayer on Yom Kippur that is inserted into the fourth benediction of the reader's repetition of the Amidah (see footnote 43). The prayer consists of two parts, each of which contains an alphabetical listing of sins probably committed by people during the year for which they are seeking atonement on Yom Kippur. The first alphabetical confession is known as the Viddui Katan, the "Small Confession". The second part of the Ashamnu is known as the Viddui Gadol, the "Great Confession". It is also known as the Al Het "For the sin which I committed before Thee" which is the statement that precedes each specified sin. These confessionals are first mentioned in geonic liturgy (see footnote 19). Additions to the enumerated sins have evolved to include all possible transgressions since a person might have unintentionally forgotten about a sin during the year which must be confessed in order to receive atonement. The sins are all confessed in the first person plural, "we", communally, thus a person may even confess a sin he is sure he did not commit.

In addition to Yom Kippur, the Ashamnu is also recited

during the Selihot Services prior to Yom Kippur (see footnote 14). It is also recited in the Minhah Afternoon Service on the Eve of Yom Kippur and ten times during the Day itself.

The Ashamnu is also included in the daily service of the Hasidic rite, and on Monday and Thursday it is recited by the Sephardi, Italian, and Yemenite communities.

The viddui, confession of sins, can also be said by individuals silently at appropriate occasions especially when one is about to die. The viddui said on the Day of Atonement in the singular has become acceptable as a death confessional. A bridegroom also recites this viddui in the singular during the Minhah Service before his wedding, the wedding day being considered a day of judgment for the bride and groom.

Editorial Staff, E. J., v. 5, pp. 878-80.

40. Minhah, מנחה, is the Afternoon Service which is one of the three daily services, the Morning Service being called the Shaharit (see footnote 17) and the Evening Service being called the Arvit or Ma'ariy Service (see footnote 144). The Minhah Service possibly derives its name from the minhah sacrificial offering performed at the Temple in Jerusalem in the afternoon. A lamb was sacrificed at the Temple at dusk. The Minhah Service consists of the following parts: the Ashrei (Psalm 145 preceded by Psalms 84:5 and 144:15 and closed by Psalm 115:18); the Amidah (see footnote

17); the Tahanun (see footnote 10); and it is concluded with the Aleinu (see footnote 17).

On the Sabbath and on fast days a portion of the Torah is read before the Amidah and in some rites portions dealing with daily sacrifices are read before the Ashrei. On Sabbaths part of the portion from the Torah of the coming week is read.

The Minhah Prayer can begin any time after the sixth and one-half hour of the day, which mean any time after 12:30 P. M. If Minhah is prayed at this time of the day it is called Minhah Gedolah or the "major" Minhah. If Minhah is prayed after the nine and one-half hour, which means after 3:30 P. M., it is called Minhah Ketannah or the "minor" Minhah. The Minhah Service must though be completed before the twelfth hour, that is, before sunset, (Ber. 4:1; Ber 26b-27a).

The Shulhan Arukh, Orah Hayyim, 324 states that one may pray both Minhah Gedolah and Minhah Ketannah provided that one is obligatory (hovah) and the other is a voluntary act (reshut). But this is only allowed for the extremely pious.

The third meal on the Sabbath, Se'udah Shelishit is usually eaten between the Minhah, Afternoon Service, and the Ma'ariy, or Evening Service. It has become the custom during the daily service to wait and begin the Minhah Service shortly before sunset, so that the congregation can wait a few moments and then not have to reassemble (for a third time, having also assembled in the morning for



Shaharit) for the Evening, Ma'ariv Service which on Sabbaths and holidays can be recited immediately following the sunset. On weekdays, it can be recited even before sunset.

cf., Aaron Rothkoff, E. J., v. 12, pp. 31-32.

41. Se'udah ha-Mafseket, סעודה המפסקת, is the term given to the last meal which is eaten immediately prior to the fast of Yom Kippur and the fast of Tishah be-Av. It contains the last food which is eaten until the fast has been completed.

42. Shelia'ah Zibbur, שליח צבור, is the public reader or the envoy or messenger of the community. It is the term given to an individual in public synagogue worship who officiates as the reader or the cantor, hazzan, the one who chants the liturgy. The main function of the sheli'ah zibbur is to lead the congregation in communal worship by chanting (or reading) aloud certain prayers or parts of them. He also recites the doxology of calling the congregation to worship (Barekhu) and he repeats the Amidah (see footnote 17 and 43). He also recites most Kaddish (see footnote 177) prayers which is a prayer in praise of God, and he leads the congregation in responsive readings and hymns. The Shulhan Arukh, Orah Hayyim, 53:4-9 lists the qualifications of a sheli'ah zibbur. He must have humility, be acceptable to the congregation, know the rules of prayer, and the proper pronunciation of the Hebrew text, have an agreeable voice, be properly dressed, and have a beard. The

beard however was later not required except on the High Holydays. Except for the recital of hymns and psalms (e.g., pesukei de-zimra, see footnote 17) the sheli'ah zibbur had to be a male past the age of bar mitzvah, thirteen years old.

c.f., Editorial Staff, E. J., v. 14, pp. 1355-56.

43. Ha-Tefillah, התפילה, "The Prayer" is a synonym for the Amidah, עמידה, the Silent Prayer said standing which is recited individually during each of the daily services, the Shaharit, Morning Service (see footnote 17), Minhah, Afternoon Service (see footnote 40), and the Arvit (or Ma'ariv), the Evening Service (see footnote 144). It is also recited for the Musaf, the Additional Service (see footnote 166) on the Sabbath and festivals, and on Yom Kippur for a fifth time during the Ne'ilah, the concluding prayer (see footnote 191). During a congregational prayer that is when there is a minyan, a quorum of at least ten adult males, the reader (see footnote 41) repeats the Amidah outloud and on festivals a number of additions are made. Originally the repetition was for the uneducated people who did not know the prayers. Upon hearing each blessing they could respond, "Amen" and thus fulfill their religious obligation of reciting the Amidah. The Amidah of Arvit, the Evening Service, was originally optional but it long ago became obligatory to recite it silently but it is not repeated outloud except on the Sabbath eve when an abbreviated version of it in one

single benediction is recited.

The word Ha-Tefillah for this prayer originated in the Talmud where it was referred to as "The Prayer" par excellence. It is also known as the Amidah for it is said "standing" and as the Shemoneh-Esreh (18) for it originally had eighteen benedictions in the daily worship while today it contains nineteen.

The Amidah takes on various forms for different occasions. On weekdays there are nineteen benedictions, on fast days an additional benediction is added when the reader repeats the prayer, (in ancient times on some public fasts six prayers were added to the regular ones, Ta'an. 2:2-4). On Sabbaths and festivals there are only seven benedictions in the Amidah except for the Musaf Service (see footnote 166) on Rosh HaShanah where there are nine. All the various forms of the Amidah have six blessings in common, the first and last three, with the middle changing according to the occasion. The first three benedictions praise God and the last three basically express thanksgiving. On the weekdays the intermediate benedictions are petitions and the Amidah is therefore predominantly a prayer of supplication where praise, petition, and thanksgiving are included. In most of the benedictions the one praying addresses God as "Thou" for it is through the Amidah that one communicates with God. The pronoun, "we" is also used throughout the Amidah which indicates that it is to be a communal prayer. Even though at times it is said individually, the worshipper is con-

sidered a member of the congregation. On Sabbaths and on festivals the central prayer concerns the specialness of the day or one aspect of that part of the day (that is, morning, afternoon, or evening on the Sabbath), and there is no petition, only praise, the special blessing of the day, and thanksgiving.

On the Day of Atonement the central blessing called Kedushat ha-Yom, the sanctification of the day, is concluded specially as follows: "Barukh...Melekh mohel ve-sole'ah le-avonoteinu...mekaddesh Yisrael ve-Yom ha-Kippurim," "Blessed...King who pardons and forgives our iniquities...who sanctifies Israel and the Day of Atonement". On Yom Kippur also the third blessing (of the first three standard blessings of praise) is elaborated to contain the prayer "u-Vekhen Ten Pahekha", "Now therefore impose Thy awe", which is an ancient petition for the eschatological Kingdom of God. On the Day of Atonement the silent recital of the Amidah is followed by the viddui, a confession of sins (see footnote 39) which is not written as a benediction. When the reader repeats the Amidah the viddui is inserted into the fourth, the central, benediction. Two confessions are recited, one short and one long which are both arranged in alphabetical order. The sins which every person might have committed during the year are included and enumerated upon. Since this prayer is part of community worship, the pronoun "we" is used, "we have transgressed, etc." (see also footnote 17).

Joseph Heinemann, E. J., v. 2, pp. 838-45.

44. Tur, טור, see footnote 23.

44a. The following comment is found in Magen Avraham, (see footnote 33): 607:2 - "And if one wants to detail (one's sins)...": This means that we speak (that he may confess his sins) even outloud, and it seems to me that this is so only if the sin is commonly known but a sin which is not common knowledge, in everyone's opinion it is forbidden to say it outloud, as it is written, "Happy is the one whose transgression is forgiven..." (Psalms 32:1), (and this is what is written in a Hagah, note). Certainly the Amoraim did not oppose the Tannaim as it is written in Sotah 32, that they ordained the prayer to a wisper so as not to embarrass the transgressors who are confessing about their sins, but rather R. Judah b. Baba decided that before God there was no need to detail (one's sins), and in this there is no difference whether the sin is publically known or not because all is revealed before Him (God), see in the Gemara and in Bayit Hadash, ט"ו, (see footnote 20b.) that it is not according to the Beit Yosef, י"ו, (see footnote 20.) There is a problem in what Rashi wrote in (the Talmud Tractate) Hulin at the end of chapter two, that if one sins unintentionally, it is well known, because if someone commits a sin unintentionally, he does not cover it up in order to be embarrassed (about it) and atone for himself, end quotes. It is written in scripture "Happy

is the one whose transgression is forgiven whose sin is covered, " (Psalms 32:1), and the sin was an unintentional one.

45. Al Het, על חטא, is the second part of the Ashamnu.

The Al Het is also known as the Viddui Gadol, the "Great Confession". It is an alphabetical listing of all possible sins which one may have committed during the year. Each sin is preceded by the statement Al Het, "For the sin which we have committed before Thee" and then the sin is enumerated. The sins are all confessed in the first person plural "we" so that every person can confess all possible sins, even those he may have forgotten, or those he surely did not commit, together with the whole congregation so as not to overlook a sin which requires specific confession to achieve atonement. The Al Het is found along with the Viddui Katan, the Small Confession, which is also an alphabetical listing of sins and precedes the Al Het in the Ashamnu. The Ashamnu is recited by the reader in his repetition of the Amidah (see footnote 43) during the Minhah, Afternoon Service, on the Eve of Yom Kippur and in every repetition of the Amidah on the Day itself, except that of the Ne'ilah, Concluding Service, (see footnote 191). It is included in the fourth, the central, benediction; (see also footnote 39).

In the alphabetical listing of the sins in the Al Het, two sins are included under each letter. Each line begins the same: "For the sin we have sinned before Thee..."

There are a total of forty-four sins (two for each of the twenty-two Hebrew letters) in alphabetical order. Another nine lines are included to enumerate sins according to their prescribed punishments. The recitation is divided into four parts. After each part the following formula is recited: "And for all these, O God of forgiveness, forgive us, pardon us, grant us atonement." This is chanted during the reader's repetition of the Amidah. In the list of sins, there are specific as well as general sins stated to cover any unknown transgressions. Sins of a ritual nature are not included. The "we" represents collective responsibility that every member of a community should feel. The author of the Al Het is unknown.

The Sephardi ritual has only one sin per letter and in some communities the order of the letters is reversed. The Yemenites use a shortened version. The prayer is usually said standing with the head bowed while beating one's breast at the mention of each sin.

Editorial Staff, E. J., v. 2, pp. 629-30.

46. Da'at Azmo, ד"א, Isserles' own opinion; see footnote 38.

47. Rabbenu Nissim, chapter two of (his commentary to) tractate Rosh HaShanah, ר"ן פ"ב דר"ה.

Nissim ben Reuben Gerondi is also known by the acronym of his name RaN from Rabbenu Nissim. He lived from around 1310 until approximately 1375. He was one of the most important Spanish talmudists. Nissim was born in Gerona

but settled in Barcelona. He never held any official rabbinical office but he functioned as a rabbi and a judge, a dayyan, in his community. Many of the takkanot, the ordinances supplementing the law, which were enacted in Spain originated with Rabbenu Nissim. He was considered an authoritative posek, halakhic decision maker, and he received questions on Jewish law from Erez Israel and Syria as well as from his own community. His main teacher was Perez ha-Kohen. Rabbenu Nissim served mainly as the head of the yeshivah in Barcelona.

Nissim wrote many halakhic works. The method and system he followed was established basically by Nahmanides, Solomon b. Abraham Adret, Aaron ha-Levi of Barcelona, and their contemporaries although in his decisions, Nissim did not name the scholars whose sayings he quoted. He also added much of his own thought to the material he received from others. One of Nissim's main works was his commentary on the halakhot of Isaac Alfasi, a code based on the Talmud. His work is included in the margins of Alfasi's commentary in all printed versions of this work. This commentary is found with the following tractates (the section quoted by Isserles in this footnote is included): Shabbat, Pesahim, Bezah, Rosh HaShanah, Yoma, Ta'anit, Megillah, Sukkah, Ketubbot, Gittin, Kiddushin, Shevu'ot, Avodah Zarah, Hullin, and Niddah. Nissim also wrote novellae to parts of the Talmud. The commentary that Rabbenu Nissim wrote to the Talmud tractate Nedarim is his best known work and his



commentary has become the standard one instead of that by Rashi. Some of the commentaries attributed to Nissim might not be his, as the acronym, RaN, was used by many. Only a few of Nissim's responsa are still in existence along with a collection of twelve sermons and a commentary to the Pentateuch where he wanted to prove the superiority of prophecy and the Bible over philosophy. This was to give people strength and faith during difficult periods of persecution. Nissim also wrote piyyutim, liturgical poems, (see footnote 149).

Leon A. Feldman, E. J., v. 12, pp. 1185-86.

48. Tur, טור; see footnote 23.

49. Shemoneh Esreh, שמונה עשרה, the eighteen benedictions, which is also called the Amidah, the Silent Prayer said in a standing position, and Ha-Tefillah, "The Prayer" par excellence; see footnote 43.

50. Tur and Mordekhai, טור ומרדכי:

For Tur, טור; see footnote 23.

For Mordekhai, מרדכי; see footnote 24.

51. Avinu Malkhenu, אבינו מלכנו, "Our Father, our King"; see footnote 15.

52. Tahanun, תחנון, prayer of supplication; see footnote 10.

53. Malkut Arba'im, מלקות ארבעים, forty lashes, the maximum biblical punishment for a transgression; see footnote 31.

The following comment is offered by Magen Avraham, (see footnote 33.): 607:8 - "Lashes": Not exactly forty (lashes) but rather thirty-nine.

54. Vidduim, וידיים, the plural of viddui, confession of sins; see footnote 39.

55. Thirty-nine lashes, a biblical means of punishment for certain sins or a transgressions; see footnote 31.

56. Kol Bo, כל בו; see footnote 34.

57. Minhagim, מנהגים; see footnote 13.

58. Maharil, מהרי"ל; see footnote 8.

59. Rambam, chapter three from "Hilkhos Shegagot" (The Laws of Transgressions committed Unintentionally), רמב"ם ס"ג, מהלכות שגגות.

Rambam is an acronym for Rabbi Mosheh ben Maimon. He is also known as Maimonides. This twelfth century intellectual is one of the most famous Jewish philosophers, halakhists, and writers of all times in addition to being a famous physician. His most famous work is called the Mishneh Torah which means "The Repetition of the Law" or a second Torah. It is a code of Jewish law. Maimonides wanted to collect and organize Jewish law so it could be easily found and understood by people not as well versed as he was in the law. Maimonides' goal was to concentrate all of Jewish law from the Written Law until his time in a scientific and

systematic way. His knowledge of and commentaries on halakhic material was phenomenally extensive. He wanted to subdivide and classify all of Jewish law according to subject matter which had not been done since the Mishna of Judah ha-Nasi. He divided his work into fourteen books (the letters, ט"ו, equal fourteen and therefore the alternate name for his work is ha-Yad ha-Hazakah, "The Strong Hand"). Each book has eighty-three further divisions called halakhot, the construct form being hilkhot (the reference made by Isserles in this footnote is to one of these divisions called Hilkhot Shegagot), these parts were further divided into one thousand chapters, perakim, made up of some fifteen thousand paragraphs, each called a halakhah. Maimonides gave a single halakhic rule in his work in clear, legal Hebrew without stating different opinions or the sources for his decisions except when they originated in the Torah. For this he is criticized. (For a further explanation of Maimonides and the Mishneh Torah as part of the whole of codification literature, see the introduction to this thesis.)

Maimonides' work as a halakhist was not limited to the Mishneh Torah, although that is his most famous legal work. He wrote commentaries to some tractates of the Talmud, and mention is also made to his commentaries on the Palestinian Talmud as well as the Mishna. His Mishneh Torah contains the whole of Jewish law, both practical and theoretical. Maimonides also wrote responsa where we learn of the life of the Jewish community in Egypt and its neighboring countries

during his lifetime. There are 464 responsa of Maimonides in Hebrew and Arabic. Many of his decisions became the accepted halakhah. Another famous work of Maimonides is his Sefer ha-Mitzvot, the "Book of the Commandments". In this halakhic work Maimonides decided to arrange the traditional 613 commandments in a new way. He gave his own enumeration of the 248 positive and the 365 negative commandments. The book, originally written in Arabic and translated into Hebrew by Moses ibn Tibbon, received much criticism for the methodology employed, but it later became an accepted work. The Sefer ha-Mitzvot served as an introduction to the Mishneh Torah which he worked on for ten years. Although the Mishneh Torah is an halakhic work, and even though Maimonides' philosophic work, The Guide of the Perplexed, was written after the Mishneh Torah, the Rambam still managed to include philosophic ideas in his code. Maimonides felt that philosophy and science are handmaidens to theology. Maimonides in the Mishneh Torah included a system of metaphysics (Book One), the astronomical calculations for the calendar (Book Three), and the doctrine of the Messiah and a refutation of Christianity, Islam and their founders (Book Fourteen).

Even though the Mishneh Torah received much criticism by the contemporary scholars of Maimonides because it was such a novel way of arranging halakhah, since it did not give all the sources, and because it was feared that students would use it and no longer study the original talmudical

sources, the book became one of the most creative sources of halakhah in all Jewish literature.

Jacob I. Dienstag, E. J., v. 11, pp. 764-68.

60. Bein ha-Shemashot, בין השמשות, is a time which is called twilight or dusk. It is that short period of time from when the sun just begins to set on the horizon until the stars (at least three) begin to appear in the sky, which marks nighttime and signifies a new day according to the Hebrew calendar. It is defined as "Not quite (doubtful) day and not quite night" in the Talmud tractate Shabbat 34b.

61. "From the profane to the holy." It is a talmudic principle which operates on the Sabbath, festivals, therefore on Yom Kippur, that one starts the holiday a bit early, (and prolongs it a bit longer the following day) making it more than exactly twenty-four hours, so that one can increase the holiness that the holiday brings to one's life. Therefore one begins one's fast before the twilight so that one can add to the holiness of the Day of Atonement.

62. Rabbenu Nissim, chapter four in (his commentary on Alfasi tractate) Bezah, and the Rosh in the name of the Ittur, ר"ן פרק ד' דביצה והרא"ש בשם העיטור.

For Rabbenu Nissim, ר"ן; see footnote 47.

The Talmud tractate Bezah means literally "egg" and it is named such because this is the opening word, in a

discussion of what happens when an egg is laid on a festival. It is found in the order of Mo'ed in the Mishna, Tosefta, Babylonian Talmud, and Palestinian Talmud. The tractate deals with the laws of festivals, especially those laws common to all festivals in general. This tractate is therefore also called Yom Tov, "festival". The tractate contains five chapters in the Mishna and Talmud but only four in the Tosefta.

Zvi Kaplan, E. J., v. 4, pp. 785-86.

The Rosh, (Ha-Rosh), is an acronym for Rabbenu Asher. He is also known as Asheri. His real name is Asher ben Jehiel and he lived from around 1250 until 1327. This famous talmudist studied under his father, Jehiel, one of the Hasidei Ashkenaz and his older brother. He lived for a short while in Troyes, France and then lived in Cologne and Coblenz. From there he moved to Worms and studied under Meir b. Baruch of Rothenburg who appointed Asher as a member of the local rabbinic court, bet din. When Meir was imprisoned, Asher became the leader of German Jewry. During the Rindfleisch massacres of 1298 Asher distinguished himself by giving respected halakhic decisions which were raised due to the disruption of family and communal life.

Asher left Germany in 1303 and went to Barcelona. He was a colleague of Solomon b. Abraham Adret and in 1305 became the rabbi of Toledo. Asher fought for a long time the study of philosophy which had become popular. His dislike of philosophy was the result of what he saw on his

move through different countries to Toledo. He saw that people were abandoning the study of Torah for the study of philosophy. He enacted a ban against the study of philosophy and against those practices which resulted from Christian influences.

The responsa of the Rosh reflect both the modesty and humility of Spanish scholars. Asher had a great deal to do with meshing German minhag, custom, with Spanish halakhah, law. Asher, an outstanding halakhic authority, thereby gave authority to the French and German codifiers. Rabbenu Asher was not afraid to disagree with the rishonim (early authorities, see footnote 16) or the geonim (see footnote 19) when the talmudic source disagreed with them. Asher was known to be lenient in matters not specifically forbidden in the Torah if it was for the sake of peace, but he was strict against developments that harmed communal life.

Asher wrote the following halakhic works: Piskei ha-Rosh (known also as Hilkhot ha-Rosh and Sefer ha-Ashrei), a work modeled after Alfasi. He summed up decisions of earlier codifiers and it covered most of the Talmud tractates; a collection of responsa, which was published in Constantinople in 1517, contains over one thousand responsa in one hundred, eight chapters. These responsa give a picture of what German and Spanish life was like during his time; commentaries on the Mishnayot to the orders of Zera'im and Tohorot; Tosafot which is basically what he taught at the yeshivah and covered virtually all the tractates of the Baby-

lonian Talmud. (See the introduction to this thesis for a placing of Asher b. Jehiel and his work among the other codifiers of Jewish law.)

Encyclopaedia Hebraica, E. J., v. 3, pp. 706-08.

Sefer ha-Ittur was written by Isaac ben Abba Mari of Marseilles who lived from approximately 1120 to approximately 1190. He was a rabbinic scholar in Provence and Spain who studied under his father Abba Mari b. Isaac. He later went to Barcelona as an honored and respected halakhic authority. He wrote a number of halakhic commentaries but he is best known for his Sefer ha-Ittur which is an encyclopedic work of the main halakhic laws which are of practical application. The first part deals with financial and divorce bills. It is arranged according to subject matter but following a mnemonic acrostic Tashkef be-Geza Hokhmah, תשקף בגזע חכמה, "Consider the Root of Wisdom". Each letter represents a certain concept, "נ" stands for tenai, "condition", "ש" for shover, "receipt", and "ק" for kiyyum, "authentication", etc. The second part includes laws for the preparation of meat, shehitah (animal slaughter for food), circumcision, tefillin (prayer phylacteries), marriage benedictions, zizit (prayer shawl), and a separate section entitled "Ten Commandments" which contains ten positive commandments which must be performed at specific times. This arrangement is unique to halakhic literature. Isaac b. Abba Mari used a vast knowledge of geonic (see footnote 19) literature in his work as well as decisions of scholars from



Spain, Germany, and northern France. He made great use of the Jerusalem Talmud. Sefer ha-Ittur became an authoritative halakhic work for rabbinic authorities of Spain and Germany. Nahmanides often made use of it.

Editorial Staff, E. J., v. 9, pp. 12-13.

63. Rabbenu Nissim, the end of (the talmudic) chapter Haba al Yevamot, "One who has intercourse with one's sonless deceased brother's wife who is to marry the levir", ר"ן ס"פ הובע"י. Yevamot, יבמות, "Levirate Marriages" is the first tractate in the order of Nashim (women) in the Mishna, Tosefta, the Babylonian and Jerusalem Talmuds. The Mishna contains sixteen chapters and although it primarily deals with levirate marriage, it also contains other laws pertaining to women. The Tosefta has fourteen chapters. The laws are basically the same as in the Mishna but the order is different.

Editorial Staff, E. J. v. 16, pp. 775-78.

For Rabbenu Nissim, ר"ן; see footnote 47.

64. According to the Shulhan Arukh, Orah Hayyim, chapter 653:1 which is among the laws of Tishah be-Av (the Ninth day of the month of Av) which is a fast day, one is permitted to eat again even after he has eaten the last meal before the fast (Se'udah ha-mafseket, see footnote 41) as long as he has not publically declared that he would not eat any more food that day until the actual fast day had begun. If a person did publically declare that he had begun his

fast, then it is legally binding on him and he is not permitted any more food until the fast day is over except for reasons of health (which will be discussed below in chapters 617-18 of the translation of the text). According to Isserles, the laws of Tishah be-Av in this respect are the same as on Yom Kippur.

65. Maharil, מהרי"ל; see footnote 8.

66. Keeping food warm on Yom Kippur refers to putting food in an insulated container that was usually a box of some type surrounded by wool or old clothes. It should not be assumed that food could be kept warm on Yom Kippur by means of a continual fire on Yom Kippur, which is not permitted.

67. Tur, טור; see footnote 23.

68. Maharil, מהרי"ל; see footnote 8.

68a. The following comment is given by Magen Avraham, (see footnote 33.): 610:1 - "We light": So that one will not have intercourse by the light of the candle. And for those whose custom it is not to light (a candle in the bedroom) their reasoning is so that one will not see her (one's wife) and desire her.

68b. The following comment is given by Turei Zahav, (see footnote 19a.): 610:1 - "In a place (location or town) where it was customary to light": And the two places (locations, towns) had the same one intention, to prevent inter-

course. The one who lights (a candle), his intention is (to observe the law) that it is forbidden to have intercourse by the light of a candle; and he who does not light (a candle), his intention is that he should not see her (his wife) and desire her, even though it is forbidden for him to have intercourse with her, nevertheless he would not avoid thinking about her and this will avoid (nullify, prevent) his clean thoughts on this day (Yom Kippur).

69. Maharil, מהרי"ל ; see footnote 8.

70. Mordekhai and Mahariv, מרדכי ומהרי"ו.

For Mordekhai, מרדכי ; see footnote 24.

For Mahariv, מהרי"ו ; see footnote 27.

71. It is customary for an immediate relative; a husband, wife, mother, father, son, daughter, brother, or sister to light a memorial light which is to burn for twenty-four hours in honor of each anniversary of the death of that relative. One is also to recite the Mourner's Kaddish (see footnote 177) during all services of the day on which the anniversary falls.

72. Kol Bo, כל בו ; see footnote 34.

73. Maharil, מהרי"ל ; see footnote 8.

74. Minhagim, מנהגים ; see footnote 13.

75. Mordekhai and Minhagim, מרדכי ומנהגים.

For Mordekhai, מרדכי; see footnote 24.

For Minhagim, מנהגים; see footnote 13.

76. A Kittel, the German word for gown, is a white garment worn in some Ashkenazi rites by worshippers during the services on Rosh HaShanah and Yom Kippur. It is also worn by the hazzan, the chanter (cantor) of the prayer service, during the Musaf Service (see footnote 166) on Shemini Azeret, which is the eighth day of Sukkot (see footnote 248) when the recitation of the prayer for rain is begun, and on the first day of Passover, when the recitation of the prayer for dew commences. There are some communities where the kittel is also worn by the person who conducts the Passover seder and by the bridegroom during the wedding ceremony. The color white has always been associated with purity, and here, with forgiveness of sins. There is solemn joy when the kittel is worn. The day of marriage is considered like a day of atonement and the kittel has been associated with the idea of atonement and penitence which is also associated with death. Therefore the dead are clothed in a white kittel.

Editorial Staff, E. J., v. 10, p. 1079.

77. Da'at Azmo, ד"ע, Isserles' own opinion (see footnote 38). Maimonides, chapter seven, of Shvi'tat Asor, "Resting of the Tenth Day (of Tishrei)" which is a synonym for the Laws of Yom Kippur, ד"ע מהגהות מיימוני פ"ז דשביתת עשור.

Isserles has based this comment on the Notes on Maim-

onides, Hagahot Maimuniyyot (see footnote 27) from the seventh chapter of those notes which are included in the section of the Mishneh Torah which concerns the Laws of the Day of Atonement, the day falling on the Tenth Day of the month of Tishrei, which is the reason for the synonym given to this section.

78. Karet, כרת, means "extripation" which is a punishment at the hands of heaven mentioned in the Bible. It served as a penalty for numerous sins which were committed deliberately such as idolatry, desecration of the Sabbath, eating leaven on Passover, incest, adultery, and eating some forbidden foods. For such offences, the person need not be given a previous warning as the sin is so basic and severe. The halakhah defines karet as premature death (Sifra, Emor 14:14) and baraita (Mk. 28a; TJ, Bik. 2:1, 64b) state it as "death at the age of fifty". Some amoriam refer to it as death between the ages of fifty and sixty. The Mishna (Ker. 1:1) lists thirty-six transgressions mentioned in the Torah for which karet is punishment. The word karet has also become the standard for many severe violations of the halakhah. Karet has to be for a deliberate act. If the transgression was done inadvertently, only a sin-offering is required. The punishment of karet is divine, therefore God knows if it was deliberate or not and there need not be any witnesses.

There is discussion among the tannaim whether or not the penalty of karet exempts a person from flogging (see footnote 31) which is the penalty for most toraitic law

violations where the person is warned. The decision is that one should be flogged and repentance can annul a karet (Mak. 23a-b). Even though a transgressor may be punished by karet, he is still liable for any civil claims that may have arisen from his actions (Ket. 30a).

It was believed that natural death took place after sixty and if one died before that or one's life span was in any way curtailed this was considered "death by the hand of heaven" even though it had no fixed time. There was also discussion regarding the speed of death. Death in one, two, or three days before the age of sixty, or for those committing a transgression after the age of sixty was considered a sign of karet.

The medieval scholars who were very concerned with reward and punishment decided that a death from karet meant the absolute end, the maximal punishment, while ordinary sinners after being punished in Gehinnom, lived again in the world to come, a world not shared by those punished with karet. This was the view of Maimonides while Nahmanides felt that those who died by karet continued to suffer in the world to come since the soul can never be annihilated and perish. Karet was degradation of the soul and the negation of spiritual pleasures awaiting the souls of the righteous.

Israel Moses Ta-Shma, E. J., v. 10, pp. 788-89.

79. Stoning, sekilah, סקילה, is a Biblical form of capital punishment which was the standard penalty for crime in all

ancient civilizations. In the Torah there are two explicit methods of executing a criminal or a sinner; stoning and burning. According to the Talmud, the Torah has four methods of execution: stoning, burning, beheading, and strangling, (See B. Sanhedrin 49b., ff).

Stoning was an instinctive violent expression of popular wrath, (Exodus 17:4, 8:22; Numbers 14:10; I Samuel 30:6; I Kings 12:18; II Chronicles 10:18) and often in the Bible it is the prescribed mode of execution (Leviticus 20:2, 27, 24:16; Numbers 15:35; Deuteronomy 13:11, 17:5, 21:21, 22:21, et al). Originally, the whole community participated in the stoning and were required to throw stones at the guilty person. Stonings were probably the standard form of judicial execution in Biblical times, (Leviticus 24:23; Numbers 15:36; I Kings 21:13; II Chronicles 24:21).

The Mishna (Sanh.6:4) states that a "stoning place" was established where instead of a person being pelted by stones, the convicted person would be pushed down from a high place to his death provided it was not too high so as to mutilate the body which was a concern of the rabbis. It also was not to be too low so the death would be instantaneous. The reason for the stoning place was that the scriptural rule states "The hands of the witnesses shall be first upon him to put him to death," (Deuteronomy 17:7) and then afterwards the "hand of all the people (should be on him)", (Deuteronomy 17:7). To insure that the witnesses put him to death they were the ones to push him and thereby be first to put him

to death. Thus this method of "stoning" became acceptable as opposed to the actual throwing of stones. This also seemed the more "humane" way of carrying out capital punishment as the convicted person died more quickly and the danger of mutilation was reduced. In Maimonides' comment to Sanhedrin 6:4 he stated that it really made no difference if stones were thrown at one or if one were thrown at stones.

cf., Haim Hermann Cohn, v. 5, pp. 142-43.

80. Karet, כרת; see footnote 78.

81. Minḥah, מנחה, a time designating afternoon, meaning after the six and one half hour or after 12:30 P.M. according to our present day time system. (See footnote 40 for a more complete explanation).

82. The afternoon meal on the Sabbath is also referred to as Se'udah Shelishit, the third meal which is eaten on the Sabbath between the Minḥah, Afternoon Service (see footnote 40) and the Ma'ariv, Evening Service (see footnote 144).

83. Rabbenu Nissim on the chapter Kol Khit-vey, ר"ן פרק כל, כח"י, which is a commentary on the talmudic tractate Shabbat.

For Rabbenu Nissim, ר"ן; see footnote 47.

84. See in the Shulḥan Arukh, Orah Hayyim, chapter 334 which contains twenty-seven paragraphs on the laws that apply when a fire breaks out on the Sabbath. These same laws apply regarding a fire, according to Isserles to Yom Kippur.



85. Agudah and Maharil, אגודה ומהרי"ל.

The Agudah, אגודה, is a collection of halakhic decisions derived from talmudic discussions and arranged in the order of the talmudic tractates. It was written by Alexander Suslin ha-Kohen of Frankfort who died in 1349. The Agudah was published in Cracow in 1571 and it also included novellae of his own as well as those of his predecessors, and a commentary and collection of halakhot to the minor tractates and to the Mishnayot of the orders Zera'in and Tohorot. The language of the Agudah is very concise and it is evident that it was written quickly under the threat of the persecutions of the time since Suslin died a martyr's death in Erfurt. Suslin was the last of the early German halakhic authorities. This German talmudic scholar was born Erfurt where he taught, as well as in Worms, Cologne, and Frankfort.

The Agudah, Suslin's most famous work, gives halakhic rulings in concise form and it ignores differences of opinion. He used as sources Mordecai b. Hillel and Asher b. Jehiel. It is often necessary to consult the work of these two scholars to understand fully the Agudah. Jacob Weil (see footnote 27) wrote a digest to the work called Hiddushei Agudah which was published in Venice in 1523 and accompanies the Agudah. Later halakhic authorities such as Jacob ha-Levi Moellin (see footnote 8) and Moses Isserles considered his decisions authoritative and they quoted from him. Isserles mentioned the Agudah often in

his glosses to the Shulhan Arukh.

Editorial Staff, E. J., v. 2, p. 585.

Maharil, מהרי"ל; see footnote 8.

86. Minḥah, מנחה; see footnote 40.

87. Da'at Azmo, ד"ע, Isserles' own opinion; see footnote 38.

88. Karet, כרת; see footnote 78.

89. Og, King of Bashan was a very large, fat individual who lived in what is today the Golan Heights.

90. Sohakot (Rashba), שוחקות (רשב"א), the word Sohakot is a talmudic term of measure meaning large eggs. The reference is made that according to Rashba big eggs are to be considered when establishing the time that is required for eating in this case either three or four eggs. Rashba stipulated that these had to be large eggs and not another size.

Rashba as he is known, is the acronym for a Spanish rabbi named Solomon ben Abraham Adret who lived from around 1235 until approximately 1310. He was one of the foremost Jewish scholars of his day and he was a member of a well-to-do family in Barcelona where he lived all his life. He studied principally under Jonah b. Abraham Gerondi and also under Nahmanides. After a short career in business he became a rabbi in Barcelona for over forty years. He quickly became a well respected authority among Spanish Jewry and

beyond. Adret gave responsa to questions addressed to him from all over the Jewish world. His responsa were gathered into collections and served as sources of guidance. He had the ability to simplify and clarify difficult material, and he wrote over one thousand responsa. His responsa serve as a picture of the type of life around his time both for Jews and non-Jews because of his knowledge of Roman law and local Spanish legal practice. Adret knew philosophy and science but was fearful to let the masses study it and not the Torah. He therefore placed a ban on secular studies for Jews. He criticized the influence of mysticism in Judaism and the allegorical method of interpreting the Bible which was popular in southern France and Spain. Adret also defended Judaism against non-Jewish challengers.

In addition to his numerous responsa Adret headed a yeshivah to which students flocked from as far away as Germany. Adret wrote novellae to seventeen tractates of the Talmud that made up his academy lectures. Adret commented on aggadot (non-legal material) in the Talmud and he wrote a special work on the subject called Hiddushei Aggadot ha-Shas, published in Tel Aviv in 1966. Adret also wrote two legal manuals. Torat ha-Bayit deals with most ritual observances such as ritual slaughter of animals for food, forbidden foods, gentile wines, and laws of niddah. It was published in Venice in 1607. The second and lesser work is called Sha'ar ha-Mayim, which contains the laws of the mikveh, (see footnote 30) first published in

Budapest in 1930. These two sections which comprise one book are divided into seven parts which contain detailed halakhic discussions. Adret decided between opposing views and added his own opinion. As a practical guide Asher wrote a shorter version which he called Torat ha-Bayit ha-Kazer, published in 1556 in Cremona. Adret wrote a code on the laws of the Sabbath and festivals called Avodat ha-Kodesh and one on the laws relating to hallah called Piskei Hallah published in Constantinople in 1516.

The responsa of Adret had great influence and were a major source used by Caro in his compilation of the Shulhan Arukh.

Simha Assaf and Editorial Staff, E. J., v. 2, pp. 305-08.

91. Karet, כרת; see footnote 78.

92. A sin offering was the means by which a worshipper sought atonement when sacrifice was in existence. The person offering the animal (usually a bull or a lamb) would place his hands on the head of the animal being sacrificed, thus transferring the sins of the man symbolically on to the animal.

If a person committed one of the thirty-six transgressions stated in the Torah intentionally then he would suffer karet, a divinely enacted early death (see footnote 78). But if a person committed one of the thirty-six transgressions of the Torah inadvertently, he was required to

make a sin offering to atone for that sin. Some of the sins which are included in the thirty-six toraitic transgressions are eating forbidden foods, eating leaven on Passover, violating the Sabbath, and other serious transgressions without being warned prior to their commitments. The more severe the sin the more possible that even a sin offering would not achieve atonement, for example idol worship or desecration of the Sabbath. Sin offerings only atoned for man's transgression against God, not man's transgressions against his fellow man which required atonement from the person wronged.

93. Kol Bo, כל בו, see footnote 34.

94. The note that Isserles added to paragraph three of chapter 567 in the Shulhan Arukh, Orah Hayyim is found in the laws of fasting, Hilkhoh Ta'anit. The halakhah discussed concerns whether one is permitted to rinse out one's mouth on a fast day if one usually does this in the morning. A comment by Isserles is as follows: "It is permissible to chew on cinnamon sticks and other spices as well as chewing gum to freshen (moisten) one's throat and to (then) spit it out, but on Yom Kippur this is forbidden". ( מרדכי דתענית והגהות מיימוני פרק א' ). This comment was based on Mordekhai's commentary to the Talmud tractate Ta'anit which concerns fasting, and the Notes to the Mishneh Torah by Maimonides, chapter one.

For Mordekhai, מרדכי ; see footnote 24.

For Hagahot Maimuniyyot, הגהות מיימוני; see footnote 27.

95. Tur, טור; see footnote 23.

96. Terumat ha-Deshen, תה"ד, is a collection of responsa by Israel ben Pethahiah Isserlein who lived from 1390 until 1460. He was the foremost fifteenth century rabbi of Germany. He is mostly known for his chief work, Terumat ha-Deshen. Isserlein was born in Regensburg. He finally settled in Wiener-Neustadt after the death of most of his relatives. In 1445 he was appointed chief rabbi and av bet din, head of the rabbinical court, of that city and the surrounding area. He taught in Wiener-Neustadt and attracted many students. His halakhic decisions were well sought and well respected.

Isserlein lived a life of piety and ascetism. He refused to accept a salary from the community. He admired and used Sefer Hasidim as a basis for many of his rulings. His work, Terumat ha-Deshen contains 354 responsa (the numerical value of the word דשן equals 354). They are examples of practical halakhic rulings. They reflect a true picture of Jewish life during his time. His decisions were based on the Talmud and the works of French and German scholars. He also relied on Spanish scholars such as Alfasi, Maimonides, and Nahmanides. Isserlein strove to restore the study of Talmud which had given way to a reliance on decisions of posekim, scholars who made halakhic decisions. Isserlein usually decided according to the opinions of

earlier as opposed to later scholars. Isserlein, for the most part, was strict in matters of Biblical prohibition while he was lenient in other matters so as to establish a good relationship with the Christians.

In addition to Terumat ha-Deshen, Isserlein wrote other responsa which were collected by his pupils called Pesakim u-Khetavim, Be'urin, which were expositions to Rashi's Biblical commentary, and She'arin which is on the laws of issur ve-hetter. Isserlein also wrote some liturgical poems, piyyutim and prayers.

Simha Katz, E. J., v. 9, pp. 1080-81.

97. When hands are washed the following blessing is recited "Blessed art Thou, Lord our God, King of the Universe, who hast has sanctified us with Thy commandments, and commanded us concerning the washing of the hands".

98. The washing of one's hands in the morning was not necessary because they were dirty and had to be cleaned, but rather the washing of one's hands in the morning was of a symbolic nature to remove the evil spirits which were believed to cling to the fingers at night while one was asleep. The washing of the hands rinses the evil spirits away so they can not enter the body, (Alexander Guttman).

99. Hagahot Maiuniyyot, הגהות מיימוני; see footnote 27.

100. The priestly benediction, Birkhat Khohanim, ברכת כהנים, was also known as the Nesi'at Kapayim, נשיאת כפים, or the

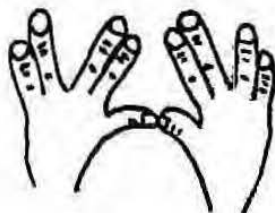
lifting of the hands. It was part of the daily service in the Temple every morning and evening before the thank-offering the priests would raise their hands up and pronounce the three-fold priestly blessing from a special platform called a dukhan, דוכן. Therefore the ceremony has also been referred to as the dukhenen. The ceremony was transferred into the daily service in the synagogue. In Ashkenazi communities it is restricted to the Musaf, Additional Service (see footnote 166) of festivals but is omitted on Simhat Torah because the Kohanim might be drunk and when the festival falls on the Sabbath. It is said during the Amidah (see footnote 43) of the Musaf Service during the fifth (of seven) benediction which calls for the restoration of the Temple Sacrifice Service where the priests served in performing the sacrifices for the people to God.

The Hebrew text of the blessing Numbers 6:24, consists of three short verses of three, five, and seven words respectively. It mounts in gradual stages from the petition for material blessing and protection, to that of a divine favor as a spiritual blessing, and it climaxes in a petition for God's most consummate gift of peace, which encompasses the welfare of all material and spiritual wellbeing. These fifteen words have a rhythmic beauty to them. They are introduced by a reminder of the Temple Sacrifice Service and a prayer for its reestablishment. The blessing was only spoken by Aaron but it was a blessing of God.

The words that the descendants of the priests chanted



in front of the congregation from the ark covered by their prayer shawls with their fingers separated in the middle are as follows:



The Lord bless thee and keep thee:

The Lord make his face to shine upon thee,  
and be gracious unto thee:

The Lord turn his face unto thee, and give thee  
peace.

And the congregation responds "Amen" to each blessing.

Hertz, op. cit., pp. 834-37.

101. Hagahot Maimuniyyot, chapter two from the Laws of Yom Kippur and Maharil, הגהות מיימוני פ"ב מהלי י"כ ומהרי"ל.

For Hagahot Maimuniyyot, הגהות מיימוני; see footnote 27.

For Maharil, מהרי"ל; see footnote 8.

102. Beit Yosef in the name of Hagahot Maimuniyyot and Sefer Mitzvot Gadol and Tur on the Laws of Tishah be-Av, ב"י בשם הגהות מיימוני וסמ"ג וסור הלכות ט"ב.

For the Beit Yosef, ב"י; see footnote 20.

For Hagahot Maimuniyyot, הגהות מיימוני; see footnote 27.

Sefer Mitzvot Gadol, סמ"ג, is also known by its acronym SeMaG for Sefer Mitzvot Gadol. It was written by Moses ben Jacob of Coucy, a thirteenth century French scholar and

tosafist. Moses of Coucy was the first French Jew to serve as an itinerant preacher, who wandered from town to town and from country to country trying to inspire Jews to renew their faith in God. He began his work in Spain in 1236 apparently after he received some mystical revelation. He excited people to renew their following of the commandments of tefillin (prayer phylacteries), mezuzah (Shema prayers placed on the doorpost), and zizit (garment fringes) which they had been lax in observing. He also spoke against a practice that had become common among Jews of Spain, having sexual relations with Gentile women. He stressed the value of the study of Torah and all positive commandments which had declined in Spain along with the allegorization of the Bible as a result of the philisophic writings of Maimonides which had become popular in the thirteenth century. Because of his vast sermonizing he received the name of Moses ha-Darshan, Moses the Sermonizer.

The SeMaG, Sefer Mitzvot Gadol, is Moses of Coucy's most extensive and important work, and it was first published before 1480 probably in Rome and again in Italy in 1547. The work is unique among the rabbinic writings of the period because of its style and arrangement. It contains the essence of the Oral Law, and it is arranged in order of the precepts divided into two parts, the positive and the negative precepts. Coucy based his work on the Mishneh Torah of Maimonides (see footnote 59) and he quoted from it directly on almost every page. He basically added to the

words of Maimonides using as his source the Babylonian and Jerusalem Talmuds as well as many midrashim, halakhic and aggadic commentaries on the Bible. He also employed the works of French and German rishonim, early scholars (see footnote 16). Coucy changed the language of the midrashim to fit in with the style of Maimonides. The order to the SeMaG is different than that of the Mishneh Torah and even different than Maimonides' Sefer ha-Mitzvot (see footnote 59) which also lists the 613 commandments in positive and negative precepts because Coucy was not familiar with this work by Maimonides. At the end of his book Coucy included rabbinic precepts so as to instruct the people in the way of the Lord, which had been his original aim. To reach this aim, Coucy also separated those precepts which had practical value from those which were no longer applicable. The work of Moses of Coucy, because of his travels in Spain and his discovery of the works of Maimonides, helped bring Maimonides to the awareness of the French Jewish community. It is ironic that the allegorization of the Bible that Moses of Coucy fought so hard against was the result of the philosophy of Maimonides whom, as a halakhist, Moses of Coucy respected so much.

Moses of Coucy employed the following style in Sefer Mitzvot Gadol: he began with a scriptural verse touching on the subject, he then sighted interpretations of the verse found in the Talmuds and the halakhic midrashim. He then gave explanations based on commentators and halakhic

scholars, and finally he summarized the halakhah. He weaved into the discussions aggadic and homiletic aspects, many of which were his own creation that displayed a love of God and his fellow man. The SeMaG became quite a popular and well known work among Jewish scholars for many generations. Isaac of Corbeil who had the title of "Head of the Yeshivot of France" compiled a book that was completely dependent on the SeMaG and he called it Sefer Mitzvot Katan, SeMaK, (see footnote 27), and he made it compulsory daily learning for every Jew. The SeMaG was the most accepted halakhic code among Ashkenazi and Sephardi Jewry until its position was taken over by the Shulhan Arukh. (For an explanation of the SeMaG and how it fits into the entire picture of codification literature, see the introduction to this thesis).

Israel Moses Ta-Shma, E. J., v. 12, pp. 418-20.

The Tur, on the laws concerning the Ninth Day of the month of Av, סדר הלכות ט"ב.

Tishah Be-Av is a fast day which commemorates the destruction of both the first Temple (586 B. C. E.) by the Babylonians and the second Temple (70 C. E.) by the Romans in Jerusalem which traditionally occurred on this date, (M. Ta'anit 4:6). (Actually records show that the major destruction of both Temples was on the tenth of Av but the Talmud proclaimed the Ninth Day of Av as the official day of mourning). It is a national day of mourning for the Jewish people. The rules regarding washing one's feet only

if they are dirty (for cleansing purposes) are the same on Tisha Be-Av as they are on Yom Kippur.

The Mishna, loc. cit., also points out other calamities that befell the Jewish people on the Ninth Day of Av. It was on that day that the children of Israel were told they could not enter the Promised Land following their exodus from Egypt. On the Ninth of Av Bethar, the last stronghold of the leaders of the Bar Kokhba revolt was captured in 135 C.E. and exactly one year later the Roman Emperor, Hadrian, established a heathen temple on the site of the Temple in Jerusalem and made the city a pagan city which the Jews were not permitted to enter. The Jews later were expelled from Spain in 1492 on Tishah be-Av. This day then became a symbol for the persecutions and misfortunes of the Jews throughout history.

Fasting on the Ninth Day of Av as a day of mourning might have even been in practice during the second Temple period, and it was certainly part of the Jewish life in mishnaic times. It is a fast like Yom Kippur, from sunset to sunset.

In some places it is customary to eat a boiled egg during the last meal before Tishah be-Av sprinkled with ashes to symbolize mourning. No meat or wine is to be included prior to the fast. It is a day of national fasting and mourning. The laws of fasting are very similar to those of Yom Kippur and the laws of mourning parallel those that apply to one who has just lost a close relative after the

burial. Lamentations are read as part of the Evening Service. While studying is prohibited, the Book of Job, curses in Leviticus (26:14-42) Jeremiah 39, and stories in the Talmud on the destruction of Jerusalem (Git. 55b-58a) may be read.

Supposedly Tishah be-Av will eventually again become a day of joy as the Messiah is to be born on this day.

Meir Ydit, E. J., v. 3, pp. 936-40.

For thr Tur, טור; see footnote 23.

103. Maharil, מהרי"ל; see footnote 8.

104. See footnote 94 for the explanation to this section which Isserles made reference to.

105. Hagahot Maimuniyyot, chapter two, and Mordekhai, and Sefer Mitzvot Katan, and Minhagim, הגהות מיימוני פ"ב ומרדכי וסמ"ק ומנהגים

For Hagahot Maimuniyyot, הגהות מיימוני; see footnote 27.

For Mordekhai, מרדכי; see footnote 24.

For Sefer Mitzvot Katan, סמ"ק; see footnote 27.

For Minhagim, מנהגים; see footnote 13.

106. Rambam, רמב"ם, Moses Maimonides; see footnote 59.

107. "One prays" meaning one may then pray the Morning, Shaharit (see footnote 17) Prayers for Yom Kippur, but one is not to recite the prayer that would normally be recited over washing and immersion which would have been required in this instance had it not been Yom Kippur, (see footnote

30 for the prayer required upon immersion in the mikveh.

108. Mikveh, מקוה; see footnote 30.

109. see footnote 107.

110. Mikveh, מקוה, see footnote 30.

111. When a woman begins her menstruation regardless of how short a menstruation period she might have, she waits a minimum of five days from the time she begins her menstruation, and provided her flow has stopped, she begins to count seven days from the fifth day after her menstruation began, and on that day (provided it is not Yom Kippur) she must immerse herself in the Mikveh (see footnote 30). Therefore if her flow stops any time prior to the fifth day after she begins her menstruation she immerses in the Mikveh a minimum of twelve days after her flow has begun. If a woman's menstrual flow should continue more than five days she must begin her counting of seven days from the day her menstrual flow stops. Her required immersion, therefore could possibly take place on the thirteenth, fourteenth, and so on, day after her menstruation began provided it is seven days after the menstruation has stopped if the menstruation lasted for more than five days. Twelve days would be the absolute minimum in all cases.

112. Mordekahi on Yoma and Terumat ha-Deshen, chapter 149.

מרדכי דיומא ותה"ד סי' קמ"ט

For Mordekhai and his commentary on the Talmud tractate Yoma, מרדכי דיומא; see footnote 24.

For Terumat ha-Deshen, תה"ד; see footnote 96.

113. Maharil, מהרי"ל; see footnote 8.

113a. The following comment is given by Magen Avraham, (see footnote 33.): 615:1 - "His wife": It is forbidden (for him) to touch (her, his wife) also during the day (not only at night) and he should also not talk to her too much (Shenei Luhot ha-Berit, של"ה, see footnote 20a.). And in the Maharil, מהרי"ל, (see footnote 8), the meaning is that one is to treat her (one's wife) according to all the laws of niddah (sexual impurity due to menstruation).

114. "All these things" means that little children are permitted all that it is not permitted to or for adults on Yom Kippur. Prohibitions on Yom Kippur therefore do not apply to little children.

114a. The following comment is given by Magen Avraham, (see footnote 33.): 616:1 - "To say to a Gentile": But a Jew is forbidden to wash them and annoint them (children) since he will find pleasure in the washing and in the anointing of his hands (Beit Yosef, נ"י, see footnote 20). And it is necessary to say that which is said in the Gemara "that this is permissible" means a priori, that is, a grown person pours water for them (the children) into a container, and they wash themselves. And the Bayit Hadash, נ"ח, (see footnote 20b.) wrote that it is permissible for a Jew to wash them in hot water that was warmed the day before, but



by a Gentile, it is permissible for them to heat the water, and so it is the understanding in Mordekhai, מרדכי, (see footnote 24), chapter two of Bezah.

115. Tur, טור; see footnote 23.

116. ibid.; see footnote 23.

117. Divrei Soferim, דברי סופרים, literally means "the words of the scribes", but the word Soferim during the time of the Second Temple took on the meaning of denoting a specific class of scholars. There is not total agreement on what the exact time demarkation is for the Soferim, but some say that the era of the soferim of the Talmud began with the time of Ezra and continued until the time of Simeon the Just who was the last of the men of the Great Synagogue. The names of all these scribes are not known but they were active during the Persian rule and they laid the foundations for the Oral Law. They placed restrictions on the people socially and religiously. They also interpreted the Torah and explained it to the people. They taught halakhot and established new ones through their study of and interpretation of the Bible. Through the teachings of the Soferim, the Torah was no longer just the book of the priests and levites, but scholars could arise then from any class.

The words divrei soferim come from the Talmud, Sanhedrin 88b where these scribes were considered scholars of the

Torah for they would count (sofer from the same root as scribe) all the letters in the Torah and were therefore meticulous with the text of the Bible and its transmission.

Other scholars (Kaufmann, Toledot ha-Emunah ha-Yisre'elit volume 4, part 1, 276ff. and 481 ff.) argue that there is no evidence in the Talmud for an era of soferim, and there is no talmudic tradition which attributes any halakhot to this period. The Talmud does mention regulations by Ezra and the men of the Great Synagogue, but it does not attribute any decrees or halakhot to scribes between Ezra and the tannaitic period. The word sofer in various eras meant Torah scholars and those who copied Torah scrolls. The meaning of the term sofer has varied over the years. Sometimes it meant scholars and other times simply a scribe. Occasionally soferim was a term applied to those who taught the Bible.

In talmudic sources the expression "divrei soferim", "the words of the scribes" always refers to statements of earlier scholars of the Oral Law and it can just as easily apply to Moses as it does to those of the generation immediately preceding the compilation of the Mishna. There is no way of being sure of who or to what age the expression "divrei soferim" directly refers.

Yitzhak Dov Gilat, E. J., v. 15, pp. 79-81.  
See cf., Alexander Guttman. Rabbinic Judaism in the Making. Detroit, Wayne State University Press, 1970, pp. 3-13.

118. Rabbenu Nissim and Or Zaru'a and in the Hagahot Maimuniyyot in the name of Halakhot Gedolot and the Roke'ah

and Rabbi Elijah Mizrahi, ר"ן א"ז ונהגות מיימנבי בשם ה"ג, ורוקח ורא"ם.

For Rabbenu Nissim, ר"ן; see footnote 47.

Or Zaru'a, א"ז, is an important halakhic work by Isaac ben Moses of Vienna who was also known, because of his work, as Isaac Or Zaru'a. He lived from around 1180 until approximately 1250. He was born in Bohemia and in his wanderings he came into contact with many German and French scholars. He studied under some of the greatest men of his age and was highly influenced by such men as Simḥah b. Samuel of Speyer, Eliezar b. Joel ha-Levi, and Judah b. Isaac Sir Leon of Paris.

The Or Zaru'a is a most extensive work and because of its size it was not extensively copied nor circulated. The first two parts of the work were not published until 1862 before which it remained in manuscript form. The first part of the Or Zaru'a deals with blessings, the laws connected with the land of Israel, niddah (the laws of menstruation), mikva'ot (see footnote 30), laws of marriage, and finally a collection of responsa. The second part of the Or Zaru'a basically covers the material covered in the Orah Hayyim section of the Shulhan Arukh. Other sections published later (1887-90) contain halakhic rulings derived from the talmudic tractates Bava Kamma, Bava Mezia, Bava Batra, Sanhedrin, Avodah Zarah, and Shevu'ot.

An abridgment of the work was written by Isaac's son,

Ḥayyim b. Isaac Or Zaru'a called Simanei Or Zaru'a and it received wide circulation. Many of the decisions of Isaac Or Zaru'a came from comments made on them from secondary sources which had used his decisions such as Mordekhai (see footnote 24) and Hagahot Maimuniyyot (see footnote 27).

Or Zaru'a gives a good picture of what life was like for the Jews of Europe at this time as well as being a valuable collection of the halakhic decisions of those German and French scholars. Much of the Or Zaru'a comes from the Rayyah by Eliezar b. Joel ha-Levi, a teacher of Isaac.

Shlomoh Zalman Havlin, E. J., v. 9, pp. 25-6.

For Hagahot Maimuniyyot, הגהות מיימוני; see footnote 27.

Halakhot Gedolot, הלכות גדולות, is an halakhic code from the geonic period (see footnote 19). The work gives a systematic and comprehensive summary of all the laws in the Talmud. It basically follows the order of the tractates except it will group several halakhot having to do with the same subject even though they are scattered throughout the books. Halakhot Gedolot works the opposite way of the Talmud. It first states the general principle and then it gives the details. Halakhot Gedolot gave new names to laws no longer in existence because of the destruction of the Temple. It based its decisions on those found in the Talmud and on principles laid down by the sages. Most of the book is based on the Babylonian Talmud but reference is made to the "Talmud of the West", that is the Jerusalem

Talmud. There are many responsa of Babylonian geonim and the book was widely known.

The book has an introduction which was a totally new feature at that time. It stated that the work was against the Karaites and others who rejected the Oral Law. It is in two parts. The first part has aggadic statements which praise the Torah and its students, and the second part enumerates the 613 commandments mentioned in the Talmud (Mak 23b) for the first time. They are listed according to the degree of punishment one receives for violating them which is their common character.

There is no agreement on who wrote Halakhot Gedolot. It has been attributed to Sherira Gaon, Simeon Kayyara (Spain and Provence), and Yehudai Gaon (northern France and Germany). Some scholars say that it was originally two parts which later were combined. The original Halakhot Gedolot they say was written by Simeon Kayyara and the extra was written by Yehudai Gaon in his Halakhot Pesukot. Yehudai Gaon used Aramaic and used the word for a legal decision, pesak, in his sections.

Other scholars say the whole work was written by Simeon Kayyara who lived at the beginning of the tenth century, one hundred and fifty years after Yehudai Gaon and that the Halakhot Pesukot was used as a source as was Aha of Shabha'a She'eltot for the Halakhot Gedolot. The second recension then supposedly came out in 900, seventy-five years after the first one.

Simeon Kayyara came from Boziah in Babylonia according to Hai Gaon. The city is mentioned twice in the work, and the city was under the influence of the Gaonate in Sura.

Yehoshua Horowitz, E. J., v. 7, pp. 1167-70.

Sefer ha-Roke'ah, ספר הרוקח, was written by Eleazar ben Judah of Worms who lived from approximately 1165 until around 1230. He was a scholar in the fields of halakhah, theology and biblical exegesis in medieval Germany. He was the last great scholar of the movement known as Hasidei Ashkenaz. He was born in Mainz but traveled and studied all over Germany and northern France until he settled and spent most of his life in Worms. Eleazar studied halakhah with R. Moses ha-Kohen, R. Eliezar of Metz, and his father Judah b. Kalonymus. He studied esoteric theology with his father and with Judah b. Samuel, he-Hasid. Eleazar witnessed much persecution of Jews at the hands of the Crusades at the end of the twelfth and the beginning of the thirteenth century. His wife, daughter and son were killed in one of these persecutions and he was badly injured. He wrote a book, Sefer ha-Hokhmah, the "Book of Wisdom" in 1217 where he felt compelled to put his knowledge into writing since he felt that oral tradition was dieing out in Germany as the situation of Jews there got worse and worse.

Eleazar wrote five types of works: halakhic, piyyutim (liturgical poems), theology, ethics, and exegesis. Sefer ha-Roke'ah, published in Fano in 1505, is his halakhic work that follows the pattern of the tosafists of Germany and

northern France. The book was to educate the common reader in the details of Jewish law. He explained the law and its talmudic basis. Unlike the tosafists, Eleazar included recommended minhagim, customs, in his work. They were not strictly halakhic but were practices followed. He relied a good deal on German scholars who preceded him, and he quoted more than forty of them.

He wrote many piyyutim. They expressed devotion to God but also protested to God about Israel's suffering. His theological work is called Sodei Razayya, "Secrets of Secrets". It is about creation based on the alphabet, angels, revelation, and prophesy. Eleazar wrote on psychology, Hokhmat ha-Nefesh analyzing the connection of the soul and the divine world, dreams, and life after death. Eleazar's work on ethics is found in the first two chapters of the Roke'ah. He discussed the central values of Hasidism, love and fear of God, prayer, humility, and he detailed the way of repentance. Eleazar wrote many exegetical works. He commented on the Torah, on the Passover Haggadah as well as prayers from the liturgy. He explained the content, interpreted the theology and tried to find the hidden harmony in the gematriot, the numerical equivalents of the letters. Over the years, Eleazar became a Hasidic legendary hero.

Joseph Dan, E. J., v. 6, pp. 592-94.

Rabbi Elijah Mizrahi, ם"א, who lived from around 1450 until 1526 was one of the greatest rabbis of the

Ottoman Empire in his time. He was of Turkish origin and was born in Constantinople. He studied under Elijah ha-Levi in rabbinic studies and Mordecai Comitiano in general studies. Mizrahi taught publically until 1475 when he became the most famous religious authority in the entire Ottoman Empire and questions on halakhah were addressed to him from all over. He was well respected as an halakhic decision maker, posek, in Turkey by his contemporaries and those who came after him.

In addition to teaching and heading the yeshivah he also wrote commentaries to religious as well as scientific works. He collected money to help absorb the exiles of Spain and Portugal. He respected the knowledge of the exiles, but he refused to allow them to bring in their customs foreign to Turkey. He helped teach the Karaites secular subjects as well as Oral Law, but he refused to allow Karaites to marry Rabbanites.

Mizrahi had a very clear halakhic style. He presented the fundamental principles and then he raised possible objections to them and then he examined and clarified each one. His responsa were thus considered authoritative even by those who opposed his views.

He is known to have had a very sad, poor life, with much family misfortune, but that did not hamper his work. His most famous halakhic accomplishment was his super-commentary to Rashi published in Venice in 1527. He discussed every word of Rashi and often disagreed with him,



yet he defended Rashi against Nahmanides. The combined works were studied by most biblical rabbinical commentators from the sixteenth century onward.

Jacob Haberman, E. J., v. 12, pp. 182-84

119. Yeish Omrim, יֵשׁ אֹמְרִים ; When this expression was used in the Shulhan Arukh it referred to a source which was transmitted anonymously. The name of the authority was not transmitted along with the source. But in tractate Horayot, הוֹרַיֹת, of the Babylonian Talmud which is concerned with what is to be done in cases of an erroneous decision by the court, the reference Yeish Omrim did refer to a specific person. In Horayot 13b, an incident was related where Rabbi Meir and Rabbi Natan tried to embarrass Rabbi Judah ha-Nasi to the extent that he would be deposed. Rabbi Judah ha-Nasi found out about the conspiracy and the decision was made that Rabbi Meir was to be punished by referring to him from that point on as Aheirim, אַחֲרִים, "others", and not using his name. Rabbi Natan's name was also to be concealed and his sayings were thereafter introduced by the expression Yeish Omrim, יֵשׁ אֹמְרִים, "there are those who say".

This is not the reference, though, made in the Shulhan Arukh, (Alexander Guttmann).

120. Terumat ha-Deshen, chapter 155; תה"ד ; see footnote 96.

121. Tur, טור; see footnote 23.

122. This is one of the few instances where Isserles, in

his disagreement with Caro's decision, was more strict. He usually tended toward leniency but here Isserles had decided that a twelve year and one day old girl and a thirteen year and one day old boy must fast regardless of whether or not they have started to grow pubic hairs. Puberty along with age in Judaism indicated adulthood and the religious responsibilities that it brought. Isserles changed this ruling and made it more strict deciding that age alone would mark adulthood and its religious obligations even for one who reaches puberty later than most normally do. The reason Isserles gave is that the person might actually have grown some pubic hairs but, because of their fragility, they might have fallen off before they could be noticed. Therefore, age determined when one was obligated to begin a full fast on Yom Kippur.

123. Terumat ha-Deshen, תרומת הדשן, chapter 155; see footnote 96.

124. Kol Bo, כל בו; see footnote 34.

125. Yom Kippur in this example is actually the fourth day but the term "day" here is not to be understood as precisely a twenty-four hour day. In other words, according to a strict counting of twenty-four hours, she should be given food on the evening of the tenth of Tishrei which is Yom Kippur, but if the woman does not feel that she needs the food at this time after giving birth she is considered

legally already in her fourth day after giving birth where the law states that she may fast unless she feels she must eat. She may not observe the fast up to seven days after giving birth, but after that time has elapsed, she must fast as every other person does. It was felt that she was out of physical danger by this time unless complications arose.

125a. The following is a comment given by Magen Avraham, (see footnote 33.): 618:1 - "Even if he is a Gentile": The Rosh, הרא"ש, (see footnote 62) wrote in the name of Riba, ריב"א, (Riba are the initials of Rabbi Isaac Ben Asher who was also known as Isaac ben Asher ha-Levi. He lived in the second half of the eleventh and the first half of the twelfth century. He was a talmudist of Speyer and the first of the German tosafists. He was a pupil of Rashi. He was well respected by his contemporaries and was consulted on many halakhic questions. His death came as the result of choosing to fast on Yom Kippur even though he was warned that if he did so he would die. He compiled tosafot to most of the tractates of the Talmud and his halakhic decisions are quoted in later halakhic works; Shlomoh Zalman Havlin, E. J., v. 9, pp. 16-17), that a Gentile or a woman are believed to effectively contradict a Jew (in this situation).

125b. The following comment is given by Magen Avraham, (see footnote 33.): 618:2 - "Who says": Even if he does

not say that he will endanger himself, only that he says that it is possible that the illness will worsen on him, we give him (food) since we fear that perhaps he will endanger himself (by not eating), (Bayit Hadash, נ"ח, see footnote 20b.; Maharash, מהר"ש, Morenu ha-Rav Rabenu Shimshon of Chinon (France); Levush, לבנוש, see footnote 20a., and Maharil, מהרי"ל, see footnote 8.).

126. According to Judaism, two witnesses in any situation are legally just as weighty as one-hundred witnesses, and therefore two witnesses decide the issue as is the case in this instance. In this situation when two say yes, feed him and one hundred say no, do not feed him, the one hundred are legally considered the same as the two. Two against two in this case decides the issue for leniency in that the man should be fed so as not to endanger the health of the sick man. (See B. Yoma 83a.).

127. ibid., for the same reason when the sick person himself wants the food and counts as the two against the one hundred who are legally considered as two, and two decides the issue to feed the man.

128. Tur, טור; see footnote 23.

129. In matters of sickness, the statement of the sick person is taken as a sincere and honest statement and not merely as the echo of the doctor's words who the sick person probably respects. Therefore the sick person's

word counts as heavily as the doctor's when the man asks to be fed on Yom Kippur. (See B. Yoma, loc. cit.).

130. Beit Yosef in the name of Moreiynu ha-Rav Rabbi Israel Isserlein, ב"י נסם מהרי"א.

For the Beit Yosef, בית יוסף; see footnote 20.

For Israel Isserlein, מהרי"א, see the footnote on Terumat ha-Deshen, footnote 96.

131. Issur ve-Hetter he-Arokh was published in Ferrara in 1555. Its authorship has been attributed to Jonah ben Abraham Gerondi. It contains laws on forbidden foods which is the meaning of the title, but it also has laws which are connected with the duty of saving lives.

The term issur ve-hetter designates all halakhic rulings on forbidden foods and topics related to that. From the second half of the twelfth century onward it came to specify a literary genre dealing with the subject of forbidden foods. Many books dealing with the subject were produced. As Jews moved and settled in Germany, different customs arose which had not been dealt with before and this produced a need, especially relating to food, as to what was and what was not permitted to Jews.

Many of the issur ve-hetter books are anonymous and many glosses and notes have been added to the original texts to make them relevant to new customs. Some of the best known works in this category are: Sefer ha-She'arim or Shá'arei Dura, called "Issur ve-Hetter" by Isaac b. Meir

of Dueren; thirty-six She'arim on laws of issur ve-hetter by Israel Isserlein (see footnote 96) along with his glosses to Sha'arei Dura; the laws of issur ve-hetter at the end of Minhagei Maharil (see footnote 8) which is an abridgment of the Sha'arei Dura as is the Torat Hattat by Moses Isserles, and the most well known, the Issur ve-Hetter he-Arokh.

Jonah Gerondi was born around 1200 and died in 1263. He was a Spanish rabbi, author and moralist. He studied in France where he learned from his teacher Solomon b. Abraham of Montpellier who had an intense hatred for the philosophical works of Maimonides. He helped burn the books of Maimonides but repented later when Talmud books were burned in the same square a few years later. He saw this as divine retribution.

Jonah was influenced by Kabbalah and he later returned to his home town of Gerona in Spain where he publically preached his doctrine of ethics and morality, torat ha-musar. He finally settled in Barcelona and became a very popular teacher. He established a large yeshivah in Toledo and died there.

He was known as a scholar involved with piety, humility, and ascetism. He wrote on ethics and the bad state of Spanish Jewry which was ignoring the mitzvot especially in matters of sexuality. He inspired public responsibility for each person for his fellow man. He based his ideas and decisions on the halakhah and popular aggadah. He wrote ethical works on social justice and social ethics. He

was given credit for writing the Issur ve-Hetter he-Arokh and the laws of the saving of life attached to it.

Israel Moses Ta-Shma, E. J., v. 9, pp. 1085-86;  
Ephraim Kupfer, E. J., v. 10, pp. 179-80.

132. See the Shulhan Arukh, Orah Hayyim, chapter 612, all, above, for the rules that apply in this case.

133. The important element here is the amount of time that passes while eating or drinking on Yom Kippur. "The above amount" refers to the time measurement. It should take longer than the time required to consume four eggs. This applies to both eating and drinking. Food or drink on Yom Kippur must take longer to consume than one would normally take to ingest them. If one must eat on Yom Kippur, then one must eat and drink slowly so that the transgression which results is a minor transgression and not a more serious one. The prohibition of eating and drinking is within a certain time period. A transgression does result, but not as severe a one as would result from eating quickly or even normally. The amount of time one must wait between one drink and the next is at least as long as it takes to drink two revi'it, the amount of one revi'it being one and one-half egg. Therefore the least amount of time one must wait between drinks is the length of time it takes to drink the equivalent of the contents of three (medium) eggs.

134. Kosher food is food which is ritually pure, and

which a Jew is permitted to eat. Basically this restricts a Jew to meat from an animal with split-hoofs and which chews its cud, a fish with scales and fins, and certain fowl and locusts, (Leviticus II, Deuteronomy 14). The animals must be killed in a specially prescribed way and be prepared so that all the blood is removed. (See Shulhan Arukh, Yoreh De'ah I-III, including other relevant laws).

135. An example of this might be a selection between beef that was not slaughtered according to Jewish law or a cut of beef not permitted and a piece of pork. The pork is more strictly forbidden and therefore of the available choices, the non-Kosher beef would be used instead of the pork.

136. In the Shulhan Arukh, Orah Hayyim, 328:14 the same situation is discussed as is discussed in 618:9 except in the earlier law the Sabbath is being discussed and not Yom Kippur, but in this case, according to Isserles, the same law applies. A person is sick and for his illness he needs to eat meat. On the Sabbath as on Yom Kippur it is forbidden to slaughter an animal for food under normal circumstances, nor is it permitted to cook food. The question is whether one is able to violate the Sabbath on Yom Kippur to save a life (which is permitted) by killing an animal according to the laws of Kashrut for this person's needs, or is it better to permit the sick person to eat non-Kosher meat that would not require a slaughtering on



the Sabbath or Yom Kippur. Which would be more preferable among these two options? The law is that if there was time to do it, that is, if the sick person could wait for the meat, they would slaughter the animal and eventually feed him Kosher meat and not meat from a ritually impure animal. But if the sick person needed the meat immediately and the ritually impure meat was ready, and the slaughtering of a Kosher animal would postpone the sick person from being able to eat too long, then they were permitted to feed him meat from a ritually impure animal in that case to save his life.

137. The Grace after meals, Birkhat ha-Mazon, ברכת המזון, is a central part of the home liturgical service. Its obligation is considered biblical from the verse: "Thou shalt eat and be satisfied and bless the Lord thy God for the good land which He has given thee", (Deuteronomy 8:10). It has four parts to it and it should be said only after bread has been eaten. When bread has not been eaten, a shorter version of the Grace is recited.

The first blessing, Birkhat ha-Zan praises God for providing food for all His creatures. The second blessing, Birkhat ha-Arez, expresses Israel's special thanks for the good land God has given it. It speaks of the redemption from Egypt, the covenant of circumcision and the revelation of the Torah. The third benediction, Boneh Yerushalayim and also Nehamah, consolation, asks God to have mercy on

Israel and to restore the Temple and the Kingdom of David. These blessings also include a plea for God to always sustain and support Israel. This was the core of the Grace after Meals, but after the destruction of Bethar during the Bar Kokhba revolt in 135 C.E. a fourth blessing was added, Ha-tov ve-ha-metiv. It thanks God for His goodness praying that He may fulfill specific desires. This is followed by special petitions which begin with the word Ha-Rahaman, "May the All-Merciful..." This part of the prayer was once for personal desires but it then became standardized. The number of petitions vary. The Sephardi rite has fifteen while the Ashkenazi only has nine.

The Talmud (Ber. 48b) ascribes the origin of each of the benedictions to different Jewish heroes and events. The first was originated by Moses when he saw manna fall, the second by Joshua when he conquered Erez Israel, the third by David and Solomon and the fourth by the rabbis at Jabneh although it might actually date back to as early as the reign of Hadrian.

The Birkhat ha-Mazon, on Sabbaths and festivals is usually preceded by Psalm 126, which reminds us of Zion and its restoration among our earthly delights. Whenever three or more men have eaten together one of the men begins the Grace by summoning the others, (Ber. 7:1-5), "Gentlemen, let us say Grace", (in the Sephardi rite it is "with your permission"), and the others reply "Blessed be the name of the Lord henceforth and forever." The

leader repeats that statement and says, "With your consent (the Sephardim say, "With the permission of heaven"), let us now bless Him of whose food we have eaten." The others respond, "Blessed be He whose food we have eaten and through whose goodness we live." This whole introduction is called zimmin (Ber. 45b). The Talmud states that this must be said also by three women who eat together. The zimmin becomes somewhat longer when the number of people together goes to ten, a hundred, a thousand, and ten thousand. Now we insert the word Elohenu, "Our God" in the third line when ten or more eat together. Grace used to be followed by a cup of wine and there was a discussion if this was only when the grace was said with zimmin or also individually, (Shulhan Arukh, Orah Hayyim, 182:1). The custom now is to have the wine only on Sabbaths, festivals, and special occasions.

On Sabbaths and festivals special sections are added to the third blessing, Boneh Yerushalayim, these are Rezeh and/or Ya'aleh ve-Yavo and an additional petition is added in series of Ha-Rahaman. Special Ha-Rahaman petitions are inserted for New Moons, Rosh HaShanah, Sukkot, Passover, and Shavuot. On Hanukkah and Purim the special Al ha-Nissim, "about the Miracles", section is said during the second blessing which is devoted to the thanksgiving.

The Grace at a wedding feast is slightly different. The third line of the zimmin is supplemented by "Blessed be our God in whose abode is joy, of whose food we have eaten, and through whose goodness we live" and then the seven

wedding benedictions are recited at the end of the Grace. The Grace at the house of a mourner is also changed. The end of the third benediction has a special prayer substituted, the text of the fourth blessing is changed as is the zimmin. At a circumcision ceremony, the wording of the zimmin changes to fit the occasion. The Ha-Rahaman petitions also allow for passages to be inserted by children, guests or masters of the house.

The Birhat ha-Mazon is the only prayer commanded by the Torah but the words were developed by man. Therefore under certain circumstances and for children different, shorter versions have been developed which at least mention the land and Jerusalem. When bread is not eaten another form of Grace is said. It is called Berakhah Ahronah, a "final benediction" and what is said depends on what is eaten. When one eats of food from the five species of grain; wheat barley, rye, oats, and spelt, wine, or fruits of Erez Israel, a short Grace is said, which consists of one benediction with an insertion for the type of food eaten and for the special nature of the day if it is the Sabbath or a festival. It is called Berakhah Me'ein Shalosh, "a benediction summarizing the three" regular benedictions. For any other food a short benediction called Ve-Lo-Khelum, "nothing" is said. It is also known by its first two words, Bore Nafashot.

Editorial Staff, E. J., v. 7, pp. 838-41.

138. Ya'aleh ve-Yavo, יַעֲלֶה וַיָּבוֹא, "May our Remembrance

rise and come and be accepted before Thee" is a special insertion made to the third blessing of the Grace after the Meal, Birkhat ha-Mazon, (see footnote 137) called Boneh Yerushalayim, which speaks about the restoration of the Temple and the Kingdom of David. It also asks God to have mercy on Israel. The blessing includes a plea for God to sustain and support Israel. The insertion of the Ya'aleh ve-Yavo is made on the festivals and New Moons and the Rezeh on the Sabbaths. Both are inserted when the Sabbath falls on a festival. Since Yom Kippur is a fast day, there is no special insertion which specifically mentions Yom Kippur in the Birkhat ha-Mazon which is the Grace after Meals, of which there are not to be any on Yom Kippur. According to the Shulhan Arukh if one must eat on Yom Kippur for reasons of health and then is able to, he must recite the Grace after Meals, and in the third blessing, the Boneh Yerushalayim he must insert the Ya'aleh ve-Yavo prayer which states that it is indeed a holiday, and at the time in the prayer when the specialness of the festival is mentioned, the person must also say "Yom ha-Zikharon ha-Zeh, "This Day of Remembrance" which indicates it is Yom Kippur.

139. Boneh Yerushalayim, בונה ירושלים, the third blessing in the Grace after Meals; see footnotes 137 and 138.

140. This is the prayer that the reader recites as the services begin on the night of Yom Kippur after the sun

goes down marking the beginning of the Day of Atonement. The prayer is said immediately after placing on the talit, the prayer shawl, which is only worn during the day, but exceptionally, also on the night of Yom Kippur.

The word "transgressors" at the end of the prayer referred originally to the Marranos, those Jews who chose to convert to Christianity rather than suffer as Jews.

141. The Evening Service (see footnote 144) on the night of Yom Kippur has taken on the name of Kol Nidrei, כל נדרים, "All Vows" after the unique Aramaic prayer of the same name that marks the beginning of the Service. The prayer is a supplication for annulment of vows. The congregants pray that all the personal vows, oaths, and obligations that will be made during the coming year should be null and void. This applies to vows made between man and God. The recitation of the Kol Nidrei begins while there is still daylight and is prolonged until the sun sets. It has become the custom to repeat the chant three times so that late comers can be sure and hear it. The prayer relieved anxieties of a person who worried that he might have violated the sanctity of some pledge. The rabbis were concerned with the ease of annulling a vow and put certain restrictions on the procedure.

The origin of the Kol Nidrei is not known for sure. It is mentioned in the responsa of Babylonian geonim (see footnote 19) in the eighth century. It was condemned by

the geonim of Sura. Some theorize that it originated in Palestine as a Rabbanite practice against the Karaites. Some feel that prayer has mystical origins like other Aramaic prayers which annul curses and oaths which had touched off evil forces in the community. By 1000 C.E. the prayer had been generally accepted by the Pumbedita geonim as a way to invoke pardon, forgiveness and atonement for failing to keep a vow from the previous Day of Atonement to this one. Rabbenu Tam's version changed the wording to read from this Day of Atonement to the next, the wording accepted by most Ashkenazim while most Sephardim except for the oriental and Yemenites, refer to past vows not future ones.

Anti-Semites have often used this prayer as evidence that the vow of a Jew was worthless, even though the prayer does not refer to man's vows with his fellow man, only with God.

Bathja Bayer, E. J., v. 10, pp. 1166-68.

142. The prayer Shehehayanu is a prayer recited at the beginning of festivals, minor holidays, and at special times which mark a new, significant event and also when acquiring and putting on new clothing. It is a prayer which thanks God for allowing us to live and celebrate a joyous occasion. "Blessed art Thou, O Lord our God, King of the Universe, who hast kept us in life, and has preserved us, and enabled us to reach this season."

143. Normally when the Shehehayanu (see footnote 142) prayer is recited at a festival, it can be said with a cup of wine, but since Yom Kippur is a fast day, the wine is not permitted.

144. The Evening Prayer Arvit, ערבית, is also referred to as the Ma'ariv Service, which is the word at the beginning and end of the first blessing before the Shema, (see footnote 17 and 173). Originally the Arvit Service was an optional one since there was not an evening Temple sacrifice that corresponded to it as was the case with the Shaharit (see footnote 17), Minhah (see footnote 40) and Musaf (see footnote 166) Service. Traditionally this Service was attributed to Jacob who prayed and Evening Service (Genesis 28:11).

The Arvit Service basically consists of a Barekhu which is a call to worship followed by the Shema and its benedictions and the Amidah (see footnote 43). After nightfall Psalm 134 begins the Service. On weekdays the Service begins with Psalms 78:38 and 20:10.

The blessings around the Shema are a bit different for the Arvit Service. The theme of the first blessing before the Shema is the change from evening to night and the second blessing is one of thanksgiving for the love shown by God for Israel in revealing his Torah. The blessing which follows the Shema in the Arvit Service is a Ge'ullah prayer which praises God as the Redeemer who redeemed Israel from Egyptian slavery. This is all followed by a special



night prayer called the Hashkivenu, "Grant us to lie down in peace", which asks for God's help and protection from various mishaps and dangers that can happen in the mysterious night.

There were two versions of the final prayer, a Babylonian and a Palestinian. The Babylonian version is now used on weekdays and it speaks of God "who guards His people Israel forever." The Palestinian version is used on Sabbaths and festivals which is a prayer for peace and Zion; God "who spreads out the tabernacle of peace".

In the Ashkenazi rite several scriptural verses beginning with Psalm 89:53, "blessed by the Lord for evermore", are inserted between the Hashkivenu and the Amidah. The Sephardi rite does not have this.

The Amidah (see footnote 43) during the Arvit Service is only prayed silently. It is not repeated by the reader as it is in the other Services. The Amidah is preceded by a half reader's Kaddish (see footnote 177) and it is followed by the full reader's Kaddish. The prayer, Aleinu le-Shabbe'ah (see footnote 182) concludes the Service.

On the evenings of Sabbaths and festivals there are a few changes in the Arvit Service. On the Sabbath it is preceded by a special set of prayers and Psalms which welcome the Sabbath, called Kabbalat Shabbat. The Amidah changes to the special Sabbath Amidah of only seven benedictions. Also a Kiddush, a blessing over wine, is also inserted into the Service. At the conclusion of the Sabbath

a special Havdalah (see footnote 226) section is added to the fourth benediction of the Amidah and readings are added to the end of the Service. The Arvit Service usually follows the Minhah Service immediately after sunset, but it can be recited up until dawn, and under special circumstances, even as late as after twilight.

Alexander Carlebach, E. J., v. 3, pp. 664-66.

145. Kol Nidrei, כּל נדרֵי; see footnote 141.

146. Maharil, מהרי"ל; see footnote 8.

147. This is a prayer from Numbers 15:26 and 14:19-20 which follows the chanting of the Kol Nidrei (see footnote 141).

Ben Zion Bokser. The High Holyday Prayer Book,  
New York, Hebrew Publishing Company, 1959, p.259.

148. Minhagim, מנהגים; see footnote 13.

149. Piyyutim, פיוטים, is a Hebrew word derived from Greek which means a lyrical composition which was intended to embellish an obligatory prayer in the liturgy, or any other religious service whether communal or private. The word refers to liturgical compositions in Hebrew from the first century of the Common Era until the beginning of the Enlightenment, the Haskalah. Originally piyyutim meant to replace the set versions of prayers, expressing the same basic ideas, mainly on the Sabbath and festivals. When prayers became fixed, piyyutim were inserted into or around a set prayer. Most piyyutim were used to adorn and

make beautiful the holy days, but there are many which were written for the Sabbaths, fast days, and even weekdays. There are also piyyutim for weddings, circumcisions and mourning.

Piyyutim are characterized from regular prayers by their lofty style and rhythm. We know the authors of many piyyutim while others remain anonymous. Piyyutim were produced at one time or another in every land where Jews lived, each area producing its own style. There are Kerovah types of piyyutim which usually are found in the Amidah prayer and Yozer piyyutim found in the benediction before and after the Shema in the Morning Service (see footnote 17 and 173). Piyyutim used in the Amidah of Musaf and Arvit for Sabbath and holy days are called shivata because of this Amidah having seven (Shevah) blessings. The Morning Service Amidah for Sabbaths and holy days contains a sanctification prayer, therefore the piyyutim associated there are called Kedushata (sanctification is Kedushah in Hebrew, see footnote 213). Different holy days have special Kerovot piyyutim associated with the characteristic of the holiday. On Yom Kippur the special section of the service describing the Temple Sacrificial Service has many piyyutim associated with the Seder ha-Avodah (see footnote 22). There are many selihot piyyutim for the fast days (see footnote 14).

Styles and vocabulary of the various piyyutim stretch Hebrew to its fullest in creativity and made the language rich. Many piyyutim are difficult to understand because

of the freedom of style and vocabulary that was employed. The first piyyutim only used rhythm but later rhyme also played an important role in the piyyutim especially in Spain. Some have no specific poetical characteristics.

Ezra Fleischer, E. J., v. 13. pp. 573-602.

150. Maharil, מַהְרִ"ל; see footnote 8.

151. This is the blessing that is said in response by the congregation to the Barekhu, which is the call to worship made by the reader. In all other services it is said in a wisper, but on Yom Kippur night and during the day it is said outloud by the congregation.

The following comment is given by Magen Avraham, (see footnote 33.): 619:8 - "Outloud": Since all year we say it in a wisper because Moses stole it (the response) from the angels, but on Yom Kippur, Israel also resembles the angels, (Tur, טור, see footnote 23).

152. The prayer which begins Va'yekhulu comes from Genesis 2:1-3. It is recited on the Sabbath because it tells the account of God's creation of the seventh day as a day of rest. It is normally recited just before the Sabbath Kiddush, (Kiddush ha-Yom, sanctification of the day; i.e., the Sabbath). There of course is no Kiddush on a fast day such as Yom Kippur, because it is always connected with drinking wine or eating bread.

Bokser, op. cit., p. 275.

153. For an explanation of the Silent Prayer, the Amidah see footnote 43.
154. Tefilat Me'ein Sheva, תפילת מעין שבע, is a prayer recited on the Sabbath which is one prayer which summarizes the Sabbath Amidah, containing seven (Sheva, שבע) blessings. The substance (Me'ein, מעין) of the longer prayer is abbreviated in this short prayer. The ideas of the normal seven benedictions of the Sabbath evening Amidah are included in the prayer.
155. The prayer concludes with the words Mekadesh ha-Shabbat, מקדש השבת.
156. There is no special mention in the prayer which states the fact that it is the Day of Atonement, only the fact that it is the Sabbath.
- There is mention of the fact that it is a high holyday in the Birkhat ha-Mazon if one must eat on Yom Kippur and thus one must say the Grace if he is able. See footnote 138.
157. Avinu Malkhenu, אבינו מלכנו, "Our Father, our King"; see footnote 15.
158. Selihot, סליחות, prayers for forgiveness; see footnote 14.
159. Tahanun, תחנון; supplication prayers; see footnote 10.
160. Rabbi Isaac ben Sheshet Perfet, chapter 512, and Minhagim, ריב"ש סימן תקי"ב ומנהגים.

Rabbi Isaac ben Sheshet Perfet was also known by his acronym Ribash, ריב"ש. He lived in Spain from 1326 until 1408. This halakhic authority was born in Barcelona and he studied under Perez ha-Kohen, Hasdai b. Judah Crescas and Nissim b. Reuben Gerondi. He moved to Saragossa after he was imprisoned in Barcelona, but his life in his new home was also full of controversy and family tragedy.

In Saragossa he tried to abolish certain local customs he did not agree with and he won the anger of many local scholars. He as a result finally moved to Valencia in 1385 where he served as the rabbi. In 1391 there were anti-Jewish riots which forced him to move to North Africa, and he settled in Algiers where he became the communal rabbi and was well respected even though at first his appointment was challenged by Simeon b. Zemaḥ Duran (Tashbaz, תשב"ץ; see footnote 20).

Perfet's most important work was his responsa which was published in Constantinople in 1546. His responsa influenced the halakhah after him and Caro used Perfet's decisions extensively in the Shulhan Arukh. In addition to the vast amount of halakhic material, the responsa also reveal much about the life and customs of the Jews of Spain and North Africa in the fourteenth century. Perfet was the first to discuss the status of the Marranos (Spanish Jews who converted to Christianity so as not to be expelled in 1492) from an halakhic point of view. This became a quite crucial and painful problem for the Jews of Spain and

North Africa. Perfet also wrote commentaries on many talmudic tractates and the Pentateuch. He refused to be associated with Kabbalah and even though he knew philosophy, he opposed its study including the works of Maimonides.

Hirsch Jacob Zimmels, E. J., v. 9, pp. 32-33.

For Minhagim, מנהגים; see footnote 13.

161. While the reader is saying these prayers on the night of Yom Kippur he is to be flanked on both sides.

161a. The following comment is given by Magen Avraham, (see footnote 33.): 619:10 - "Those who stand": This is at the hour of the Arvit Prayer, (see footnote 144), but one who stands throughout the whole night will not be able to pray with devotion during the day (Beit Yosef, ביה יוסף, see footnote 20). They should be careful not to hold back when they need to go to the bathroom; and if they become weak they are able to lean on anything, (Maharil, מהר"ל, see footnote 8, and Darkhei Moshe, ד"מ, see footnote 6). See the beginning of 585, (in the Shulhan Arukh, Orah Hayyim, and the reason for standing is to be similar to the angels, and therefore women should not stand, and this is what is written at the end of chapter 610 (of the Shulhan Arukh, Orah Hayyim), (Matteh Moshe, מט"מ; this book is a compendium of Jewish ritual law completed in 1584. It was written by Moses Mat who lived from 1551 until 1606. He was a Galician rabbi was born in Przemysl. He was a disciple of Solomon Luria. Mat headed the yeshivah in

Pezemysl and later lived in Lyuboml and Opatow. He was one of the leading rabbis of Poland and also wrote Taryag Mitzvot, which is a versification of the 613 commandments. He wrote a commentary to the Pentateuch which was actually a supercommentary to the commentary by Rashi. He is quoted often by his contemporary Joel Sirkes, author of the Bayit Hadash, ג"ח, see footnote 20b.); Tovia Preschel, E. J., v. 11, pp. 1120-21).

161b. The following is a comment given by Magen Avraham, (see footnote 33.): 619:11 - "To sleep in the synagogue": Levush, לבוש, (see footnote 20a.) wrote that it is better to go to sleep in one's house because he who stays awake at night will sleep during the day, and he will not say with conviction (his prayers). If (he stays awake all night) so as to guard the candles (so the synagogue does not burn down) he should hire a guard instead. It was written in the Shenei Luhot ha-Berit, של"ה, (see footnote 20a.), that before one goes to sleep one should say the first four Psalms which is to guard against (nocturnal) pollution.

162. Mordekhai, מרדכי; see footnote 24.

163. Mahariv, מהרי"ר; see footnote 27.

164. Maharil, מהרי"ל; see footnote 8.

165. Shaharit, שחרית, the Morning Service; see footnote 17.

166. Musaf, מוסף, the Additional Service; is a special sec-



tion of prayers that is added to the Morning Service on Sabbaths, festivals, and New Moons which corresponds to the additional sacrifice that was made on these days in the Temple. In the Bible (Numbers 28-29) additional offerings are prescribed to be brought on Sabbaths, the three pilgrimage festivals, Sukkot, Pesah, and Shavuot, Rosh HaShanah, Yom Kippur, and Rosh Hodesh (New Moons). Talmud tractate Yoma 33a states that this Additional Sacrifice was to be made after the regular Morning Sacrifice. After the Temple was destroyed the Musaf Service found its place after the Shaharit (see footnote 17) Service in the prayers on these Sabbaths and festivals. The Musaf Service now comes immediately after the Torah Service, where the Torah and Haftarah (see footnote 170) are read, which follows the Morning Prayers on Sabbaths, festivals, and New Moons. Musaf can be recited anytime during the day, but one who recites it after the seventh hour (1:00 P.M. according to our time system except on Yom Kippur, see footnote 167) is considered a transgressor.

The Musaf Service begins with the reader's recitation of the half-Kaddish, or praise of God (see footnote 177), which is followed by the Musaf Amidah (see footnote 43). This Amidah normally consists of seven benedictions, the first and last three being the same as is always said, and the middle benediction known as Kedushat ha-Yom, "Sanctity of the Day". In the case of the Musaf Service the middle benediction has an introductory paragraph followed by a prayer for the restoration of the Temple Service, and it

concludes with the section from the Torah which deals with the particular Additional Sacrifice made on that Sabbath or festival.

On Rosh HaShanah the Musaf Amidah takes on a unique configuration. It has three central benedictions, thus making a total of nine benedictions in the Amidah. The three benedictions cover the theme of the holy day, malkhuyyot (kingships), zikhronot (remembrances), and shofarot (Ram's Horns, see footnote 221).

The Musaf Amidah after being recited silently is repeated outloud by the reader (see footnote 42). On the Sabbath, the Musaf Amidah is made up of twenty-two verses following the Hebrew alphabet backwards, and a description of the Musaf Sacrifice found in Numbers 28:9-10. The Musaf Amidah takes on a slightly different form for each festival. On the Day of Atonement, the Amidah opens with the usual three benedictions. This is followed by the description of the Additional Sacrifices made on Yom Kippur found in Numbers 29:7-8. After this a prayer for the forgiveness of sins is found. The Confession, the Al Het and Ashamnu Prayers (see footnote 45), form the most important part of the Amidah as they do in the other Amidot of Yom Kippur. Various piyyutim (see footnote 149) are added in the reader's repetition of the Musaf Amidah on Rosh HaShanah and Yom Kippur.

Aaron Rothkoff, E. J., v. 12, pp. 532-34.

167. In halakhic literature the daylight hours were divided up into twelve equal parts regardless of how short or long the day was at various times of the year. In rough terms we can think of daylight beginning at 6:00 A.M. and ending at 6:00 P.M. Therefore the first hour of the day, in halakhic terms begins at 6:00 A.M. and ends at 7:00 A.M. We need then only add six to the halakhic hour to get the approximate corresponding time in our system. Therefore the seventh hour for us would be seven plus six, which is thirteen o'clock or, in other words 1:00 P.M.

168. Two Torah scrolls are taken out on the festivals because portions from two separate sections of the Torah are read. The Torahs can be set before hand so that they can be opened to the correct portion without the necessity of rolling the scroll from one portion to the next.

169. Maftir, מפטיר, means literally "one who concludes". It is the name given to the man who is the last to read in the Torah and he also usually reads the haftarah (see footnote 170), the section of the prophets that corresponds to the Torah reading. Maftir is also the name given to the three or more concluding verses of the regular weekly Torah portion as well as to the final verses read on festivals and public fast days.

Editorial Staff, E. J., v. 11, p. 685.

170. The Haftarah, הפטרה, is a portion from the Prophets

section of the Bible read after the Torah is read on Sabbaths, festivals, and fast days. On Sabbaths and festivals the haftarah is read during the Morning, Shaharit Service (see footnote 17), but on fast days it is read only during the Afternoon, Minhah Service (see footnote 40). The exception to this is Yom Kippur and Tishah be-Av (see footnote 102) where there is a haftarah after the Torah reading in both the Morning and the Afternoon Service.

The Torah in its regular portions is read straight through during the year but such is not the case on festivals and some special Sabbaths. The haftarot are selected in parts from both the Former and Latter Prophets. Only two prophetic books are read in their entirety as haftarot, the Book of Obadiah which has only twenty-one verses and is read after the Torah portion Va-Yishlah (Genesis 32:4-36:43) according to the Sephardi rite, and the Book of Jonah which is the haftarah for the Minhah Service on Yom Kippur (see the Shulhan Arukh, Orah Hayyim 622:2).

Haftarot were usually selected so there would be some similarity in content between the Pentateuchal and the Prophetic portions, but often this did not happen and haftarot were chosen because of historical events or because of some special date. Special haftarot are read on special Sabbaths and the haftarah for each festival is based on the nature of the festival.

When the custom of reading the haftarah got started is not known for sure, but it is thought that it began

during the persecutions of the Antiochus Epiphanes which preceded the Hasmonean revolt. The Torah was not permitted to be read by the Jews during the persecution for it was felt that the reading of it kept the Jews together and gave them a special strength. As a substitute for the Torah reading, sections from the Prophets were chosen that would remind the Jews of the corresponding Torah portion. Apparently when the ban against reading the Torah was lifted, the practice of reading the haftarah continued. The first mention of the practice of the reading of the haftarah is found in the New Testament. Acts 13:15 states, "after the reading of the law and the prophets". Haftarot are also discussed in the Talmud as to which are to be read at specific times and festivals. In Mishnaic times different communities read different haftarot, and a set order was probably not established until talmudic times. Some haftarot today differ from those recorded in the Talmud, and there are differences in the Sephardi and Ashkenazi rites.

The maftir, the one who reads the haftarah also reads the last part of the weekly portion, (i.e., the Torah reader reads it for him). On the Sabbath, after the seventh reader from the Torah, the maftir usually rereads the last three verses of the weekly portion. On festivals and the four special Sabbaths, the maftir reads the special section from the second scroll which is usually a short description of the festival found in the Torah. Before the haftarah is read (or chanted) the maftir precedes the haftarah

with two blessings and after he ends the haftarah he recites three blessings to which a fourth one is added on Sabbaths and festivals. This fourth blessing changes with the nature of the day. The Sabbath haftarah usually has a minimum of twenty-one verses while the festival has at least fifteen verses. Lately it has become the custom for the Bar Mitzvah boy (a man upon reaching the age of thirteen) to chant the haftarah to display his ability with a Hebrew text.

Louis Isaac Rabinowitz, E. J., v. 16, pp. 1342-44.

171. A circumcision must take place on the eighth day after birth, if the baby is healthy, regardless of whether it is the Sabbath, Yom Kippur, or any day of the year. The circumcision takes precedence over anything else.

172. Shaharit, שחרית; see footnote 17.

173. The Shema, made up of Deuteronomy 6:4-9; 11:13-21; and Numbers 15:37-41, during the Morning Service is surrounded by two blessings before and one afterwards. (In the Evening Service there are two blessings before and two afterwards.) The Shema and its blessings are called Keri'at Shema, קריאת שמע, the Reading of the Shema. It is the basis of a Jew's declaration of One God and his devotion to God. "Hear, O Israel, the Lord our God, the Lord is One."

The first blessing before the Shema in the mornings is called the "Yozer Or", יוצר אור, "Who formest light and createst darkness" and it is a prayer of thanksgiving for

the creation of physical light, the light of day and the daily renewal of creation. (For a further explanation of the Reading of the Shema, see footnote 17).

Hertz, op. cit., p. 108.

174. Musaf, מוסף, Additional Service; see footnote 166.

175. Ashrei, אשרי, means literally "Happy are they". It is the first word and the name of a prayer in the liturgy composed from the Book of Psalms. The prayer is made up of the following: Psalms 84:5, 144:15, 145, and 115:18. The Talmud (Ber. 4b) states that anyone who recites the Ashrei three times a day will be assured of a life in the world to come. Therefore the prayer is read three times a day in the liturgy. It is read twice during the Shaharit Service, once in the preliminary psalms, Pesukei de-Zimra (see footnote 17), and once toward the end, and it is read at the beginning of the Afternoon, Minhah Service (see footnote 40). The Ashrei is also recited before the Selihot (see footnote 14), prayers of forgiveness, in the months of Elul and Tishrei. On Yom Kippur the Sephardim recite the Ashrei both at Minhah and Ne'ilah (see footnote 191) whereas the Ashkenazim only recite it at the Ne'ilah Service.

Raphael Posner, E. J., v. 3, p. 736.

176. Minhagim, מנהגים; see footnote 13.

177. The Kaddish, קדיש, which literally means "holy" is

a doxology, mostly in Aramaic which is recited by a reader with responses made throughout it by the congregation at the close of individual sections and at the conclusion of the whole prayer. There are four principal types of the Kaddish; the whole or complete Kaddish, the half Kaddish, the Kaddish de-Rabbanan (the scholar's Kaddish), and the Mourner's Kaddish.

The whole Kaddish basically glorifies God and prays for peace. It is recited by the reader after the Amidah except for the Morning Service when it comes after the prayer U-Va le-Ziyyon (see footnote 187). The half Kaddish omits the conclusion of the prayer which consists of the last three blessings. The half Kaddish is recited by the reader between different sections of the service. The Kaddish de-Rabbanan is the whole Kaddish except for a substitution which prays for those who study Torah and teach it. It is recited after communal study, after the reading of the lighting the Sabbath candles in the synagogue (Be-Mah Madlikin, Shabbat 2), after the early Morning Service, and after the song Ein Kh'Eloheinu praising God. The Mourner's Kaddish is recited by the close relatives of a deceased person for eleven months following the death and every year on the day which marks the anniversary of that death. It is basically the whole Kaddish with the exception of one line concerning supplications. It is said at certain points of the service, e. g., after the Aleinu (see footnote 182) and may be repeated after the reading of additional



psalms.

All versions of the Kaddish are said standing facing Jerusalem. The Sephardi form has an additional verse which is not found in the Ashkenazi concerning the coming of the Messiah. At first the Kaddish was not part of the daily synagogue worship but by the geonic period (see footnote 19) it was an established part of the Service and it required ten men (a minyan constituting a congregation) to be recited.

The Kaddish did not become a Mourner's prayer until around the thirteenth century as a result of the persecution of German Jews by the Crusades. The prayer is not for the soul of the departed, but rather an expression of the justification of judgment proclaimed by those who have suffered a loss. Man is required to give praise to God even when afflicted by sorrow.

Editorial Staff, E. J., v. 10, pp. 660-62.

178. A cup of wine is used in the circumcision ceremony, but because it is Yom Kippur there was some question as to whether this was permitted or not.

179. Children, and therefore certainly infants, are not subject to the laws of fasting on Yom Kippur. The custom, therefore developed that a cup of wine was used in the circumcision ceremony on Yom Kippur. The infant is usually given a small piece of cloth or cotton to suck on which has been dipped in wine. This sanctifies the baby's circumcision according to the Jewish law.

180. Musaf, מוסף, Additional Service; see footnote 166.
181. Avodah, עבודה, the Sacrificial Service on Yom Kippur; see footnote 22.
182. The prayer Aleinu Le-Shabbea'ah, עלינו לשבועה, means "It is our duty to praise the Lord of all things." This prayer now is recited at the conclusion to the Morning, Afternoon, and Evening Prayers, daily and on the Sabbaths and festivals. Originally it introduced the Malkhuyyot (Kingships) section of the Rosh HaShanah Musaf Amidah (see footnote 166). It is also found in the Musaf section of the liturgy for Yom Kippur.

The form of the Aleinu is like an early liturgical poem, piyyut (see footnote 149). It has short lines, each having about four words with marked rhythm and parallelism. Some traditions say it was written by Joshua while others give authorship to the men of the Great Assembly during the period of the Second Temple. It probably dates back to the time of the Second Temple because of two reasons. First of all there is no mention of the restoration of the Temple in it, which is unusual for this type of prayer it was written after the Temple was destroyed. Secondly, the prayer demands prostration which was a Temple practice abandoned after the Temple was destroyed except during this prayer on Rosh HaShanah and Yom Kippur in the Ashkenazi rite. At all other times it is customary to simply bow when reciting the words "we bend the knee..."

The main theme of the prayer is the Kingdom of God. God is praised in it for singling out the people of Israel as a nation of God worshippers not idolaters. The second paragraph expresses a hope for the coming of the Kingdom of God when all mankind will recognize the one and only true God, this being a universal ideal.

The prayer was censored over the years by the Christians who felt, due to a misunderstanding of the words, that it insulted Christianity even though it pre-dated that religion. Throughout the centuries different parts of the prayer were left out due to outside pressure. The Sephardim for the most part retained the entire original text which has not been restored throughout most of the Ashkenazi rites.

Hanoch Avenary, E. J., v. 2, pp. 556-59.

183. Prostration was part of the Temple Service. It was believed that the Aleinu prayer was part of the Temple service in view of the line in the prayer which states that "we bend the knee and bow down..." (see footnote 182). After the Temple was destroyed it became the custom to only bend one's knee at this above stated line in the Aleinu. In the Ashkenazi rite, the reader would actually prostrate himself when he read this line during the Musaf Service on Rosh HaShanah and Yom Kippur. This was not done among the Sephardi communities.

183a. The following comment is given by Turei Zahav, (see footnote 19a): 621:4 - "For the dead": Beit Yosef, י"ג,

(see footnote 20) cited that there is in a Midrash (stated) that even the dead need atonement and they acquire merit by the (living) giving of charity on their behalf since God examines the hearts (of people) and knows that if they were alive they would have given charity.

184. Mordekhai, מרדכי; see footnote 24.

185. Minhah, מנחה, Afternoon Service; see footnote 40.

186. Ashrei, אשרי; see footnote 175.

187. U-Va Le-Ziyyon, וְנָא לְצִיּוֹן, is a prayer found near the beginning of the Minhah Service on Shabbat as well as on festivals. It is of biblical origin coming from Isaiah 59:20-21. It usually follows the Ashrei (see footnote 175). It is also found in additional prayers often recited after the daily Shaharit, Morning Service. The prayer speaks of a Redeemer coming to Zion, Jerusalem, and helping Israel who eternally shares in God's covenant.

Hertz, op. cit., p. 571.

188. Ve'ani Tefilati, וְאֲנִי תְפִלָּתי, is a prayer recited on the Sabbath during the Minhah Service. It closes the prayers immediately preceding the Torah reading done during the Afternoon Sabbath Service. It is only recited on the Sabbath. If a festival occurs on a weekday the prayer is omitted. On Yom Kippur the prayer is omitted even if Yom Kippur falls on the Sabbath because it is not in keeping with the spirit of the Day of Atonement. The prayer is from Psalms

69:14, "And as for me, may my prayer unto Thee, O Lord, be in an acceptable time: O God, in the abundance of Thy lovingkindness, answer me with thy sure salvation."

ibid., p. 572.

189. Ashrei, אַשְׁרֵי; see footnote 175.

190. U-Va Le-Ziyyon, וּבֵא לְצִיּוֹן; see footnote 187.

191. Ne'ilah, נְעִילָה, is a worship service which concludes the prayer service recited on Yom Kippur. The name Ne'ilah was derived from a ritual during the time of the Second Temple. Even though the service is now only recited at the conclusion of the Day of Atonement, it was originally recited on all public fast days including Yom Kippur.

The full name of the service is Ne'ilat She'arim which means the "Closing of the Gates". This referred to the daily closing of the Temple gates at night. On Yom Kippur this terminology is symbolically associated with the closing of the heavenly gates which are open until sunset to receive the atonement of a person who truly repents.

According to the Talmud, during Temple times Ne'ilah was recited daily one hour before sunset at which time the Temple Gates were closed as there was no evening sacrifice only an Afternoon Minhah Sacrifice (see footnote 22). On Yom Kippur Ne'ilah, because of the length of the Temple Service and the special rituals involved, could not begin until close to sunset. After the destruction of the Temple and when Ne'ilah became only associated with Yom Kippur, it

became the practice for the service to begin close to sunset, before twilight and to end at nightfall.

In the third century the Ne'ilah Service consisted of an Amidah of seven benedictions which were parallel to the other Amidot of the day (see footnote 43) and a confession of sins, the Al Het (see footnote 45). The confession of sins though was later replaced by two prayers that are unique to the confession made during the Ne'ilah Service: Attah noten yad le-foshe'im, "Thou stretchest forth Thy hand (in forgiveness) to sinners," and Attah hivdalta enosh, "Thou has distinguished man (from the beast)." These prayers remind man that God eagerly forgives one who is genuinely penitent. There is a basic rabbinic idea that divine judgment is inscribed in the "Book of Life" on Rosh HaShanah, but it is not sealed until the end of the Day of Atonement. Therefore at the end of the Amidah in the Ne'ilah Service the root for the word inscribe, ktv, כתב, is replaced by the root for the word seal, hgm, חתם, when reference is made to the "Book of Life". To help set off the Ne'ilah Service and its uniqueness on Yom Kippur, the Ashrei (see footnote 175) and the U-Va Le-Ziyvon Go-el (see footnote 187) prayer which normally come at the beginning of the Minhah Service on Sabbaths and festivals, come at this time before the Ne'ilah Service.

Beautiful liturgical poetry has become associated with the Ne'ilah Service especially prayers of forgiveness, selihot (see footnote 14). The central theme of the Service

is to give one a final chance and effort to seek forgiveness before the heavenly gates symbolically close at sunset. The Service ends with a feeling of confidence.

The Ne'ilah Service contains piyyutim (see footnote 149), an Amidah and a reader's repetition of it, selihot, Ashamnu (see footnote 45), Avinu Malkenu (see footnote 15), and the Kaddish (see footnote 177). The entire ritual culminates with a responsive proclamation of the Shema once (see footnote 173, but only the one line "Hear, O Israel, the Lord our God, the Lord is One") followed by its response three times, Barukh shem kavod malkhuto le'olam va'ed, "Praised be His glorious Kingdom forever and ever", and Adonai Hu ha-Elohim, "The Lord He is God" (I Kings 18:39) seven times. Finally in the Ashkenazi rite a final single shofar blast (see footnote 221) marks the end of the Day of Atonement, the Sabbath of Sabbaths.

Herman Kieval, E. J., v. 12, pp. 943-44.

192. Mordekhai and Hagahot Maimuniyyot at the end of the book Ahavah, Love, (which is the name of the second book of Maimonides' Mishneh Torah, see footnote 59) and the end (of the section) of the Laws of Yom Kippur, and Kol Bo and Minhagim, מרדכי והגהות מיימוני ס' "ס" אהבה וסוף הלכות יו"כ וכל בו ומנהגים.

For Mordekhai, מרדכי; see footnote 24.

For Hagahot Maimuniyyot, הגהות מיימוני; see footnote 27.

For Kol Bo, כל בו; see footnote 34.

For Minhagim, מנהגים; see footnote 13.

193. En Kh'Elohenu, אין כאלהינו, is one of the most popular chants connected with the Jewish liturgy. The Sephardim sing it everyday while the Ashkenazi rite has usually limited its singing to the end of the Musaf Service (see footnote 166) on Sabbaths and festivals shortly before the Aleinu Prayer (see footnote 182). During the geonic period (see footnote 19) it was also chanted during the Evening Services.

The prayer expresses God four ways: God, Lord, King, and Savior and that there is none like Him, who is like Him?, we will give thanks to Him, we will bless Him, and proclaim that He is God who our fathers worshipped. Each statement expresses the same thoughts repeated four times, once for each name of God. The first three letters of the first three expressions spells, אמן, Amen.

Hertz, op. cit., p. 544.

194. Minhagim, מנהגים; see footnote 13.

195. Maftir, מפטיר, and Haftarah, הפטרה; see footnotes 169 and 170.

196. The blessing that comes after the Haftarah on the Sabbath mentions the fact that it is the Sabbath day with the words "shel ha-Shabbat", "of the Sabbath".

197. These words are included in the prayers normally



said on the Sabbath in the blessings after the Haftarah but during the Minhah (see footnote 40) Service on Yom Kippur they are omitted.

198. Hagahot Maimuniyyot, the end of the Laws of Yom Kippur, and Maharil, and Minhagim and Hagahot Mordekhai,

הגמ"י סוף הלכות י"כ ומהרי"ל ומנהגים והגהות מרדכי.

For Hagahot Maimuniyyot, הגהות מיימוני; see footnote 27.

For Maharil, מהרי"ל; see footnote 8.

For Minhagim, מנהגים; see footnote 13.

Hagahot Mordekhai, הגהות מרדכי, is a collection of notes and commentaries on Mordekhai written by Samuel Schlettstadt in 1376 which was a result of the popularity of the Mordekhai in Europe in the fourteenth century (see footnote 24).

Samuel ben Aaron Schlettstadt was an Alsatian rabbi who lived in the second half of the fourteenth century. He was the head of the yeshivah in his home town of Schlettstadt. Little is known of his life other than the fact that he apparently had to hide for a number of years due to the revenge caused by his sentencing to death two conspirators who were working for the knights of Andlau. One of the conspirators was killed and the other fled and apostatized. It seems as if a number of Jews were involved in the affair for financial gain and Samuel eventually made his way to Babylonia where he obtained deeds of excommunication (see footnote 29) from the nesi'im, the heads of the academies, against those who were involved in the affair.

Samuel's best known work, Hagahot Mordekhai is also referred to as Ha-Mordekhai ha-Katan, Ha-Mordekhai ha-Kazer, and Kizzur Mordekhai. It is an abridgment of the Mordekhai by Mordecai b. Hillel (see footnote 24). It seems as if the work had an independent value apart from the major work upon which it was based. It was mentioned in numerous halakhic works by such scholars as Isserlein (see footnote 96), Weil (see footnote 27), Moellin (see footnote 8), and Landau (see footnote 223).

Samuel added notes containing rulings and additions from the work of various posekim, halakhic decision makers, to the Mordekhai, and the notes have appeared as an appendix to the major work since the edition published in 1559 of Riva di Trento.

Shlomoh Zalman Havlin, E. J., v. 14, pp. 974-75.

199. Zidkatkha, צדקתך, is a prayer found in the Minhah (see footnote 40) Service Amidah on Sabbaths and it is omitted at such times when Tahanun is omitted on weekdays (see footnote 10) in the Ashkenazi rite. The prayer is included in the Sephardi rite when Yom Kippur falls on Shabbat, but it is not included by the Ashkenazim.

The prayer Zidkatkha means "Thy righteousness" and it comes from a combination of Psalm verses: Psalms 112, 142, 71:19, and 36:7. It talks about God's true righteousness and His divine judgment which saves man. The reason for this prayer in the Sabbath Minhah Service is probably a replacement for the supplication found in the weekday

Amidah which is omitted on the Sabbath (see footnote 43).  
Hertz, op. cit., p. 580.

200. Avinu Malkhenu, אַװינוּ מַלְכֵנוּ; see footnote 15.
201. For an explanation of the Priestly Benediction see footnote 100.
202. Ne'ilah, נְעִילָה, the Closing Service; see footnote 191.
203. Ashrei, אֲשֵׁרֵי; see footnote 175.
204. Kaddish, קַדִּישׁ; see footnote 177.
205. U-Va Le-Ziyyon, וּבָא לְצִיּוֹן; see footnote 187.
206. Prayers of forgiveness, selihot, סְלִיחוֹת; see footnote 14.
207. The Tefilah, הַתְּפִילָה, or the Amidah, עֲמִידָה; see footnote 43.
208. It is customary on Yom Kippur to chant and sing each word in a long drawn-out manner often repeating words in the chant, because one is obligated to spend the entire day in the synagogue in prayer. But for the Ne'ilah Service this practice is not followed, rather, the Service is read rather quickly.
209. For an explanation of this practice concerning the wording around the expression the "Book of Life", see footnote 191 on the Ne'ilah Service.

210. Tur, טור; see footnote 23.

211. See footnote 196 concerning the added words "of the Sabbath".

212. Amidah, עמידה; see footnote 43.

213. The Keter, כתר, was an ancient beginning of the Kedushah, קדושה, or sanctification prayer. It is no longer said and the Kedushah now begins with the word na'arizkha, נעריצך. It is part of the Sabbath and festival Musaf Service (see footnote 166).

The Kedushah said during the Musaf Amidah is different than the Sanctification recited in the Shaharit Amidah on the Sabbath (see footnote 17). The Musaf Sanctification dwells more sublimely on the majestic conception of the angels in heaven glorifying the Eternal King and it introduces Israel proclaiming in response to the angelic choir, the holiness, glory, unity, and sovereignty of God's name. The Shema, the congregation's confession of faith, is part of the Musaf Kedushah (see footnote 17, section (3)).

The Shema entered the Musaf Kedushah as the result of a sixth century persecution. The Byzantine Empire forbid Jews to recite the Shema in public worship. On Sabbaths and festivals government spies would enter the synagogues to make sure the Shema was not said in its regular place during the Shaharit Service. As a means of getting the Shema into public prayer, the reader would insert it into the Musaf Kedushah, a place where the spies would

not expect it and thus not be aware of it. The Shema has remained a part of this Sanctification ever since.

The Kedushah is part of the third blessing of the Amidah and in the Musaf Service for the Sabbath it is made up of the following parts along with connecting sentences: Isaiah 6:3, Ezekiel 3:12, the Shema, Deuteronomy 6:5, and Psalms 146:10. On festivals there is an additional verse from Zechariah 14:9 following the Shema.

Hertz, op. cit., pp. 528-31; 816-19.

214. Musaf, מוסף; see footnote 166.

215. Priestly Benediction, ברכה כהנים; see footnote 100.

216. Avinu Malkhenu, אבינו מלכנו; see footnote 15.

217. Prayers of forgiveness, selihot, סליחות; see footnote 14.

218. See the end of the footnote on the Ne'ilah Service, number 191. This is how the Ne'ilah Service ends.

219. In the Shulhan Arukh, Orah Hayyim, chapter 61, there are twenty-six paragraphs which contain the laws concerned with how one is to pronounce it and what is to be one's personal conviction when reciting the Shema prayer.

220. Minhagim, מנהגים; see footnote 13.

221. The shofar, שופר, is a ram's horn which has been prepared to use as a musical instrument. The word is men-

tioned sixty-nine times in the Bible as well as numerous times in talmudic and post-talmudic literature.

The shofar was used to proclaim significant events in Judaism. It proclaimed the Jubilee Year (Leviticus 25:9-11) every fiftieth year proclaiming freedom throughout the land. Its most noted use is on Rosh HaShanah which is also called yom teru'ah, "a day of blowing", (Numbers 29:1). It was also used to declare war (Judges 3:27) and to induce fear (Amos 3:6).

In Temple times the shofar was not exclusively a ram's horn. Any curved animal's horn from a sheep, goat, mountain goat, antelope, or a gazelle was possible. The use of the ram's horn became popular because of its association with the Akedah, the sacrifice of Isaac read on Rosh HaShanah when the shofar is sounded. A ram was substituted for Isaac in the biblical account (Genesis 22) which is read on the second day of Rosh HaShanah. The shofar may have carved designs on it as long as the mouthpiece is natural. It may not be painted. It may not have a hole.

The Bible only refers to two trumpet sounds, teki'ah and teru'ah (Numbers 10:5-8) the Mishna (RH. 4:9) describes teki'ah as one long blast and teru'ah as three wavering crying blasts. It prescribes three sets of shofar sounds since the word teru'ah is mentioned three times in the Bible, (Leviticus 23:24, 25:9, and Numbers 29:1). In talmudic times there was a disagreement about what exactly the sounds of the shofar should be and Rabbi Abbahu decided the issue

by compromise. The shofar was to be sounded three times which included different notes of shevarim, which are broken sounds and teru'ah, nine staccato notes. The sounding is one set of teki'ah, shevarim - teru'ah, teki'ah, and two sets of the following: teki'ah, shevarim, teki'ah, and teki'ah, teru'ah, teki'ah. The teki'ah begins as a low noteswelling to a higher one. The teru'ah is a series of staccato blasts and the shevarim alternates higher and lower notes. The concluding note of each of the two series is a teki'ah gedolah, a great, long blast, which derives its origin from Exodus 19:13, "When the ram's horn soundeth long, they shall come up to the mount."

The shofar used to be sounded on the second day of the month of Elul marking the beginning of the penitential season. Today it is sounded daily except for the last day of the month of Elul at the Morning Service until Rosh HaShanah is over and it is sounded at the end of the Ne'ilah Service at the conclusion of Yom Kippur.

On Rosh HaShanah, Psalm 47 is recited seven times before the shofar is sounded. This is a reminder of the walls of Jericho being circled seven times before they fell to the sound of the shofar.

The shofar may only be sounded during the day. It is not sounded when Rosh HaShanah falls on the Sabbath, lest one violate the laws of the Sabbath by carrying the shofar into the synagogue. When the Temple was in existence the shofar was blown there on the Sabbath.

Throughout Jewish history the shofar was blown to announce a death, on fasts, at excommunications (see footnote 29), and at funerals. On Friday afternoons it was sounded six times to announce various work stopping times and the times to light the candles and usher in the Sabbath. Today it is used to inaugurate a new president in Israel.

According to the Sephardi rite the shofar is sounded at the end of the Ne'ilah Service as follows: teki'ah, one rising blast; shevarim, three blasts alternating high and low; teru'ah, seven staccato blasts; and teki'ah, one rising note.

Albert L. Lewis, E. J., v. 14, pp. 1442-47.

The following comment is given by Magen Avraham, (see footnote 33.): 623:4 - "And they blow (the shofar)": Even though they still have not "separated" (said Havdalah, see footnote 226) in the prayer (and it is still not actually night), nevertheless since (the blowing of the shofar is a matter of) wisdom (art and know-how) and not work, and the rabbis were not too strict about it, (did not prohibit it at this occasion), since the day has already passed (Tur, טור, see footnote 23). And even though he wrote that one should complete it (the shofar blowing) close to sunset, this means that the stars still have not come out (indicating nightfall), nevertheless this is twilight, and see the end of chapter 299, (in the Shulhan Arukh, Orah Hayyim).

222. The Ashkenazi rite states that at the end of the Ne'ilah Service only one long shofar blast is sounded,



teki'ah gedolah, חקיעה גדולה.

223. Mordekhai and Hagahot Maimuniyyot, the end of the Laws of Yom Kippur, and Agur, מרדכי והגהות מיימוני סוף הלכות י"כ ואגור.

For Mordekhai, מרדכי; see footnote 24.

For Hagahot Maimuniyyot, הגהות מיימוני; see footnote 27.

Agur, אגור, is a halakhic work that deals basically with the subject matter found in Tur Orah Hayyim and Yoreh De'ah, (see footnote 23). It was written by Jacob b. Judah Landau, a fifteenth century German talmudist. He was educated in Germany by his famous father Judah who died in 1464. Judah was a favorite pupil of Jacob Moellin (see footnote 8) and a relative of Jacob Weil (see footnote 27) who was the head of a large yeshivah and a well respected posek, an halakhic decision maker.

Jacob emigrated at some time in his life to Italy along with the great wave of Jewish emigration from Germany and in Pavia in 1460 he met Joseph Colon from whom he drew many rulings and quotes. While in Pavia he wrote Hazon a work introduced by the words "How could it be?" In 1487 Jacob went to Naples. He worked there as a proofreader for the new Hebrew Press established there, which published his work, Ha-Agur along with Hazon.

Ha-Agur is an anthology and a summation of German-Jewish scholarship on the laws contained in Orah Hayyim and Yoreh De'ah down to Jacob's own time. He based himself on the Tur of Jacob b. Asher (see footnote 23). Jacob wanted

to assemble all the data on a particular halakhah, (but omitted the arguments), lay down the halakhah, and then include any new rulings by people such as Israel Isserlein (see footnote 96), Jacob Weil (see footnote 27), Joseph Colon, and particularly his father Judah. The work is organized similar to the Tur and is distinguished by the interweaving of varied material from many different works. Landau, who was well versed in Kabbalah interlaced those theories together with the halakhic material as an aid to arriving at decisions. The work reveals a great deal of the teachings of the German scholars in the fourteenth and fifteenth centuries.

Israel Moses Ta-Shma, E. J., v. 10, p. 1393.

224. Kaddish, קדיש; see footnote 177.

225. Arvit, ערבית, the Evening Service; see footnote 144.

226. Havdalah, הבדלה, literally means distinction. It is a blessing that is recited at the termination of Sabbaths and festivals in order to help distinguish the holy of the holiday from the profane or ordinary nature of the regular weekday. According to the Talmud (Ber. 33a) the men of the Great Synagogue instituted these prayers. At times the prayer was said in the Amidah, but when Israel got richer and could afford it, the prayer was said over a cup of wine and, therefore taken out of the Amidah and placed at the end of the Service. The location of the prayer varied through the tannaitic period. In different rites, different

prayers begin the ceremony. Most Ashkenazim recite Isaiah 12:2-3, "Behold, God is my salvation". The introduction is followed by three blessings, over wine, spices, and light. the order varied before it was set down in the Mishna.

The blessing over light was to display that work (lighting fire) was now permitted as the Sabbath or festival was over. The blessing over wine comes from the early established duty to recite the prayer over wine. There is no agreement as to the origin of the blessing over the spices. The rishonim (see footnote 16) state that it is to compensate the Jew for the loss of his "additional soul" which traditionally accompanied him throughout the Sabbath and festivals, although other reasons have also been given.

The actual Havdalah blessing itself, the blessing over the separation of holy from profane, is the fourth blessing in the ceremony. It developed over the years into various versions. It was decided that the prayer must mention at least one distinction, that between holy and profane. When a festival is followed immediately by the Sabbath the distinction mentioned is between the holy and the holy. When a festival is followed by a weekday, Havdalah may be recited over wine alone without the candle and spices. Many local customs developed around this mystical ceremony as did many special songs and hymns.

Editorial Staff, E. J., v. 7, pp. 1481-82.

227. According to the Sephardi ritual, the Havdalah cere-

mony was part of the Arvit Service (see footnote 144) and the recitation of the Havdalah was done during the Amidah (see footnote 43). It was inserted into the fourth benediction of the regular nineteen benedictions which make up the weekday Amidah, Honen ha-Da'at, חונון הדעת, a prayer of thanking God for knowledge and understanding.

228. "Add some time," means one must wait a little while and not rush for the conclusion of the Day of Atonement. One should prolong the day a bit by not rushing into the Havdalah prayer, (see footnote 226).

229. From "the profane to the holy" means that by waiting a bit to recite the Havdalah prayer one takes away a bit of the profane, that is the weekday, and adds a bit to the holy, that is Yom Kippur, by prolonging the Day of Atonement a bit longer than is actually dictated by the fall of night.

230. When three stars appear in the sky that is the definite distinction between light and dark, between day and night. The sight of the three stars definitely establishes the fact that it is night, that the holiday is over, that a new day has begun according to the Hebrew calendar, and that the Havdalah Prayer can be recited.

231. For an explanation of this special case regarding the Havdalah, see the end of footnote 226.

232. To say the blessing over the lights in the Havdalah ceremony one may not use a fire that one sees from the

first spark that results when two stones are struck together. The fire that can be used for the prayer has to be the result of at least the second fire that was ignited by those first sparks. The first sparks do not burn long enough to say a blessing over them. According to the commentator Magen Avraham, a commentary on the Shulhan Arukh, Orah Hayyim by Abraham Abele Gombiner (see footnote 33), the first sparks are not a real fire. Only the second fire ignited from the first sparks is considered a real fire that continues to burn long enough for a benediction to be recited over it.

233. These candles in the synagogue were kindled before Yom Kippur and therefore they are not the candles that were lighted and used on Yom Kippur by non-Jews. Candles lighted and used on Yom Kippur by Gentiles are not to be used to ignite candles to be blessed during the Havdalah ceremony, but candles in the synagogue that had been ignited prior to Yom Kippur and they burned all through Yom Kippur without being touched can be used to light candles which are to be blessed during the Havdalah ceremony following Yom Kippur.

234. Havdalah, הנדלה; see footnote 226.

235. Ha-Maggid and Abudarham and Or Zarua'a, המגיד ואבודרהם, רא"ז.

Ha-Maggid, המגיד, refers to the work Maggid Mishneh, a

commentary to the Mishneh Torah by Maimonides, (see footnote 59). It was written by a Spanish rabbi known as Vidal Yom Tov of Tolosa who lived in the second half of the fourteenth century. He came from Tolosa, Catalonia where he wrote his commentary. The commentary does not cover the entire Mishneh Torah, only Books 3; 4; 5, chapters 1-9; 11; 12, chapters 1-3; and 13 are in existence. Some of his commentaries may have been lost, but it is also possible that he only commented on laws that were practical during his time. His purpose was to clarify the difficult passages of Maimonides and to indicate the sources Maimonides used. Vidal also dealt with criticisms, hassagot, of Abraham b. David of Posquieres and tried to answer them. He often found both men right attributing the differences to different versions of the text. He also explained the order of the halakhot of Maimonides in each book. He felt that a misunderstanding of Maimonides' order was the reason for the book being so severely criticized. Vidal was quite strict in his rulings where he quoted extensively from Nahmanides and Solomon b. Abraham Adret and others. The Maggid Mishneh has become the standard commentary on the Mishneh Torah.

Yehoshua Horowitz, E. J., v. 16, pp. 119-20.

Sefer Abudarham, ספר אבודרהם, was written in Seville in 1340 by David ben Joseph Abudarham, a fourteenth century Spanish liturgical commentator. He was a communal leader in Toledo, and he was inspired to write his book because of the fact that customs connected with prayer varied from

country to country where the Jews lived. Most of the Jews at this time did not understand the words of the prayers, nor the correct procedures and the reasons for saying them. Abudarham based his decisions on the Talmuds, the decisions of the geonim (see footnote 19), and early and late commentators of Spain, Provence, France and other Ashkenazi origins. Abudarham made much use of the prayer book of Saadiah Gaon. He also used several customs based on the Manhig of Abraham b. Nathan ha-Yarhi of Lunel and the Minhagot of Asher b. Saul. He derived legal material from Asher b. Jehiel and the Turim of Jacob b. Asher (see footnote 23).

Abudarham traced the various customs in different countries of each prayer and commented on them. He included in his commentary an examination of the Passover Haggadah. He also discussed the weekly division of the Torah readings and their corresponding Haftarot (see footnote 170). He added to his book the rules of various benedictions, dividing them into nine categories and explaining and interpreting them. Sefer Abudarham was first published in Lisbon in 1490. Abudarham also wrote a book commenting on the liturgy of Yom Kippur which has been ascribed to Yose b. Yose, and other liturgical poems.

Zvi Avneri (Hans Lichtenstein) and Editorial Staff, E. J., v. 2, pp. 181-82.

For Or Zaru'a, ר"ז; see footnote 118.

236. In other words one lights the candle over which the Havdalah Prayer is recited from a candle that was lighted

from the synagogue candles, thus making the lighting of the candle over which the blessing is said once removed from the synagogue light. In this way, the candle of the synagogue which burned throughout Yom Kippur is not used directly.

237. Maharil, מהרי"ל; see footnote 8.

238. The Shulhan Arukh, Orah Hayyim, chapter 238 contains the laws of the candle used for the Havdalah ceremony in fifteen chapters.

239. It is not actually according to official terminology a holiday on the night after Yom Kippur, but that night is celebrated as somewhat of a holiday to mark the end of fasting and the hope of true forgiveness by God for the genuine repenter.

240. Tur and Mahariv and Or Zaru'a, א"ז, טור ומהרי"ר.

For Tur, טור; see footnote 23.

For Mahariv, מהרי"ר; see footnote 27.

For Or Zaru'a, א"ז; see footnote 118.

241. If one started a second day of Yom Kippur he can be excused of it and stop his observation. The method that should be employed to stop the second day of fasting once it has been begun is the same as the process that is used to annul a vow, hattarat nedarim, declaring that the vow is null and void outloud by the bet din, the rabbinical court made up of three rabbis.



242. Or Zaru'a, א"ז; see footnote 118.
243. A fast observed as the result of a bad dream or a nightmare, ta'anit halom, תענית חלום; see footnote 7.
244. This means that if one has had a bad dream and observes a dream fast (see footnote 7) for it one year immediately after Yom Kippur, there is no need for him to fast every year after Yom Kippur just because he did it once. This one time is sufficient.
245. Minhagim, מנהגים; see footnote 13.
246. Tahanun, תחנון, prayers of supplication; see footnote 10.
247. Zidkatkha, צדקתך; see footnote 199.
248. Sukkot, סוכות, the "Festival of Booths" is one of the three pilgrimage festivals. It begins on the fifteenth of Tishrei, five days after Yom Kippur. It commemorates the event that the Children of Israel dwelt in the wilderness after the Exodus from Egypt. The festival lasts for seven days. The first day (the first two days in the Diaspora) is a yom-tov, a festival on which no work is permitted. On the intermediate days, hol ha-mo'ed, work is permitted. Immediately after Sukkot, on the eighth day is the festival of Shemini Azeret, "The eighth day of solemn assembly" which is again a yom-tov. In the Diaspora a second day of Shemini Azeret is observed called Simhat Torah, "Rejoicing over the Torah."

The holiday is called the feast of Tabernacles or Ingathering is mentioned often in the Bible, especially in Leviticus 23:39-43. It marks the Fall harvest.

The holiday is celebrated by living in temporarily constructed or completed booths, Succot, of which at least the roof is made especially for the holiday. These booths have a roof which enables those in them to see the sky but more of it has to be covered than not. Dwelling in these booths is to remind the Jews of the wandering of the Israelites through the desert. All meals are to be eaten (by the men) in the Succah, and one (i.e., the men) was supposed to live in the Succah throughout the holiday if the weather permitted this. During the time of the Temple Jews would make Sukkot one of their minimal of three pilgrimages to offer a special sacrifice in honor of the harvest and the festival.

The rabbis established four species of plant, arba'ah minim, to celebrate the festival with based on Leviticus 23:39-43; the citron, etrog; myrtle twigs, hadassim; palm branch, lulav; and willows, aravot.

Louis Jacobs, E. J., v. 15, pp. 495-502.

249. One is to build a Succah for the holiday of Sukkot (see footnote 248). The Succah must be at least three sided and its roof must be made of leaves and branches. The roof should be such that it will not be able to withstand a heavy down-pour. One is to dwell in the Succah

during the holiday of Sukkot to remind the Jew of the wandering of the Israelites in the desert following the Exodus from Egyptian slavery. If it rains or the weather is severe one is only required to eat meals in the temporary booth of this harvest festival. According to tradition preferably each household is to have its own Succah and the building of it should begin immediately following Yom Kippur.

250. It is a talmudic principle that one goes from mitzvah to mitzvah, from commandment to commandment. That means that when one is through completing his religious obligations in one area or a good deed, he must immediately begin fulfilling another commandment or doing another good deed. Sukkot is the next festival, following Yom Kippur by only five days. The concern with the festival of Sukkot must occupy the thoughts and the life of a pious person immediately upon the termination of Yom Kippur. Therefore the next day, if it is not the Sabbath, one should begin constructing his Succah (see footnote 249).

251. Maharil and Minhagim and Hagahot Maimuniyyot, chapter two of the section Berakhot, Blessings, and Mahariv, מהרי"ל ומנהגים והגהות מיימוני פרק ב' דברכות, מהרי"ר

For Maharil, מהרי"ל; see footnote 8.

For Minhagim, מנהגים; see footnote 13.

For Hagahot Maimuniyyot, הגהות מיימוני; see footnote 27.

For Mahariv, מהרי"ר; see footnote 27.

## CONCLUSION

It is quite interesting to take a document from the sixteenth century which gives, in the form of a code, a summary of Jewish law on a specific subject and be able to use it as an authoritative source for traditional Jewish practice in the twentieth century. The Shulhan Arukh achieved its goal of becoming an accepted and binding short code of Jewish law which one could use to easily find out what the (latest) accepted decision was on a certain topic without being bogged down with long discussions and sources which went into deciding the final law. It was not written to take the place of exhaustive study which must go into the process of deciding a law for a new situation. The code is a useful way of quickly determining the accepted halakhah. Other works provide one with the information necessary to trace the development of a law through its original sources and discussions.

The beauty of the Shulhan Arukh is in its clearness, conciseness, and organization to which it is indebted to a considerable extent to the Arba'ah Turim by Jacob b. Asher. Laws on similar subjects and common areas are grouped together, but not only that. The laws in each section dealing with a specific subject are systematically organized. As an example, the Laws of Yom Kippur are listed chronologically. Situations are dealt with as one encounters them in his observance of

the Holy Day. In each time period of the day, the laws that are applicable are given. Every conceivable situation is considered in relation to the Day of Atonement including special liturgy, type of dress, personal care, mental attitude, sickness, study, children, food, atonement, confession, and marital relations to name a few.

The richness of the basic Shulhan Arukh by Joseph Caro is only enhanced by the glosses of Moses Isserles. Caro supplied mainly the customs and accepted halakhah of his Sephardi tradition while Isserles enabled the Shulhan Arukh, through his addition of the customs and halakhot practiced in the Ashkenazi communities, to be a code for the whole of world Judaism. The Shulhan Arukh was able to survive and be binding on Jews because it contained in it the accepted laws and practices of almost all Jews wherever they lived with the inclusion of the notes by Isserles. Isserles often disagreed or expanded upon what Caro had stated so as to supply the customs and special practices of the Ashkenazi communities. This did not weaken the work as a binding code, but rather it had the opposite effect of making the total work more complete. When there was a disagreement between Caro and Isserles on a certain point, in certain areas Isserles was more lenient than was Caro; in other areas he tended to be more strict.

The Shulhan Arukh has not been surpassed by any other code of Jewish law since it was written. The traditions preserved by Judaism have not changed that significantly

since the time of the Shulhan Arukh to warrant a whole new code. Instead the code as we have it today has been extensively commented upon by successive generations. These notes and comments serve a similar function to that of the glosses of Isserles, in that they provide customs and variations which developed in different lands over generations. These additional notes on the Shulhan Arukh enrich this code even more by adding a wealth of explanations, interpretations, and variances unique to separate Jewish communities throughout the world, thus keeping the Shulhan Arukh alive and authoritative for traditional Jews.

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