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AN INVESTIGATION INTO THE ORIGINS OF JAHRZEIT PRACTICES

by

Steven L. Silver

Thesis submitted in partial fulfillment
of the requirements for Ordination

Hebrew Union College - Jewish Institute of Religion
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Referee, Dr. Jakob J. Petuchowski

DEDICATION

This volume is dedicated to my wife and friend, Cheri Ellowitz Silver. She is worthy of more than I possess.

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I would like to thank the following people who have been instrumental in my journey:

My parents, Albert and Renee who taught me to love my Judaism.

Rabbi Aaron J. Tofield who opened my eyes to the wealth and beauty of our tradition.

Professor Amos Funkenstein who, because of his encyclopedic erudition, convinced me that I would be a better rabbi than scholar.

Professor Jakob J. Petuchowski who helped me realize a life long dream through his patient support, friendship, and superlative scholarship.

DIGEST

It is hoped that this thesis will constitute the realization of two goals.

1. Present a comprehensive examination of the origins of Jahrzeit.

2. Offer a theory which may help to clarify the obscure process by which Jahrzeit came into being.

In the first section we collect pertinent selections from the secondary literature dealing with Jahrzeit. It becomes apparent that most writers on the topic borrow heavily from each other and make scant use of Jewish literary sources in their findings.

Chapter two is divided into two parts, talmudic sources and midrashic sources. It emerges that medieval writers relied heavily on concepts and dicta found in the Talmud and Midrash.

Chapter three examines the death customs and observances developed by medieval Ashkenazi Jewry: Fasting, Intercession and Tzedakah, Kaddish, Hazkarath Neshamoth, and Lights. The relation of each of these customs and their theological rationale vis-a-vis Jahrzeit is examined.

Chapter Four presents material dealing with the term "Jahrzeit" and surveys current practice among the three principal branches of American Judaism.

The Conclusion is divided into two sections. Section

one analyzes the possible relationship between Jahrzeit and Yom Kippur, based entirely on Jewish literary sources. Section two reviews the various claims that Jahrzeit is profoundly influenced by parallel Catholic customs and concepts.

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CHAPTER ONE

A Brief Summary of the Secondary Literature

The subject of Jahrzeit has been dealt with by Jewish scholars for over one hundred years. However, the secondary literature does not treat Jahrzeit extensively or completely in any sense of the word. It frequently shows up as a footnote or afterthought in otherwise extensive works.

This footnote from Israel Abrahams' Jewish Life in the Middle Ages[1] is typical:

> This commemoration of the dead was probably of Persian origin (cf. Schorr, פרדס vol. vi), but in the middle ages the popularity of the custom was strengthened by imitation of the Catholic masses. Besides the fast, two principal rites distinguished the Jahrzeit: (a) the Kaddish prayer, which was not due to Christian influence, and (b) the Jahrzeit-light, which was kept burning for twenty-four hours on every anniversary of the death. This light is emphatically pronounced by Dr. Güdemann (iii. 132) to be of Christian origin, and already Bacharach (Index, 94a) could give no Jewish explanation of it. The very term Jahrzeit was used in the Church of the masses in memory of the dead. But I do not think that we have yet got to the bottom of this custom, on which investigators of folklore have not said their last word. R. Judah Hanasi ordered a seat and light to be kept ready in his wonted place after his death (T. B. Kethuboth, 103a). This association of a flame with the soul is certainly pre-Christian. A similar remark applies to the Day of Atonement candles, though here Christian influence is much more obvious.

Abrahams raises many important questions but provides few answers.

Like Abrahams, I too do not think we have gotten to the bottom of the origins of the Jahrzeit.

In J. D. Eisenstein's article on Jahrzeit for the Jewish Encyclopedia of 1904 we read the following:

> Isaac of Tyrnau was probably the first writer to call the anniversary by the German name "Jahrzeit;" thus the term "jahrzeit" can be traced to the sixteenth century. Mordecai Jaffe (d. 1612), in his Lebush ha-Tekelet (#133), was the second writer to use it. The observance of the Jahrzeit for parents originated probably in the Middle Ages with the Jews of Germany, where the term itself was used by the church to denote the occasion of honoring the memory of the dead. . . . The Jahrzeit is distinguished by three main rites: (1) Fasting, which has been relaxed in modern times; (2) the Kaddish prayer; (3) the jahrzeit candle, which is kept burning for 24 hours. Some authorities pronounce this light to be of Christian origin (Güdemann, "Gesch," III. 132). . . .[2]

In addition to viewing the Jahrzeit as a late custom influenced by Christianity, another tendency can be noted in late 19th and early 20th century Jewish scholarship, that of seeing non-Jewish origins for many Jewish beliefs and customs.

Kaufmann Kohler's remarks on the subject of the Kaddish and mourning customs in general are typical of this school of thought:

"(The Kaddish) originating, no doubt, in the primitive pagan belief that the son must by some rite, originally by offering food and drink, keep the father's soul from perdition in the grave, the view took shape in Jewish circles that by having the son or grandson study and teach the law, the father escapes from the fire of Gehenna. . . . No doubt, the whole conception was adopted by the Jew from his Persian

surroundings, and the church took it over from the Essene Circle. . . .

"Originally, then the Kaddish recital for the dead rests on a view which has no root for our system of belief, but, like all the funeral rites in a later stage, it assumed the character of pious regard for the dead. All the more it behooves us to do away with such customs and practices as still bear the character of crude superstition. . . . As to the Jahrzeit, its history is also singular. The name which is found also among the Jews of Italy and Persia has been taken over from the Germans, who held a Todtenfeier annually for their dead on the day of their death on which the souls were believed to return to look after their relatives."[3]

Kohler's comments were considered definitive for his time and his influence can still be seen in later writings on the origins of Jahrzeit. Indeed, because they are extensively quoted in the "Historical and Explanatory Notes" section of the CCAR's Rabbi's Manual[4] they have exerted wide influence on several generations of Reform rabbis.

The sections from the Rabbi's Manual (Kaddish Yatom, Jahrzeit and Memorial Service) edited by Samuel Cohon are mainly extracted from the Jewish Encyclopedia with wide borrowing from Kohler. One of the best examples of this similarity is to be found in the closing paragraphs of their respective short articles on the subject.

CCAR Yearbook, Kohler:[5] "We have here again a custom based on some superstitious notion transformed into a mark of filial piety, and it is as such that it claims our con-

sideration."

Rabbi's Manual, CCAR, Cohon:[6] "Dissociated from the superstitious notions, which are connected with it, the Jahrzeit has a strong claim on our religious life."

In Cohon's defense we should also say that he attempted to summarize the definitive thinking of the Reform Movement on many subjects in as brief a way possible for quick reference. He also quotes extensively from other sources and authorities. The point I am trying to make is that in some instances the thoughts or opinions of one or two scholars sometimes begin to take on a "canonical" character because they are so widely reprinted and not critically re-examined for several generations.

A clear example of this can be seen in the following three passages:

Yearbook, CCAR, Kohler[7]

> The name occurs in Jewish literature first among German authors at the end of the sixteenth and the beginning of the seventeenth centuries, whereas the Spanish Jews of the Orient opposed the Kaddish recital on the Jahrzeit as casting reflection on the parental honor in the spirit expressed above.

Rabbi's Manual, Cohon[8]

> As in addition to fasting, Jahrzeit came to be observed by means of reciting the Kaddish, the Sephardim of the Orient opposed the practice on the ground that the continuation of the Kaddish after the first eleven months appears as a reflection upon the dead. . . .

American Reform Responsa, Jacob, et. al.[9]

> Jahrzeit quickly became established among Ashkenazic Jews. The Sephardim were late in adopting the custom, feeling that the Kaddish recited after twelve months of mourning reflects poorly on the deceased. . . .

I am sure that by now the reader has seen enough examples of this type of scholarship. There is not a single footnote among the three, except Kohler's, in which he refers to Isaac of Tyrnau and Mordecai Jaffe to support his contention that the name Jahrzeit is of 16th-century origin. Later in this paper we will challenge this assertion, originally borrowed from Eisenstein's Jewish Encyclopedia article.

Another popular writer, Theodor H. Gaster, has written an article on Jahrzeit and Yizkor entitled "Commemoration," which originally appeared in Commentary[10] and later was published in a collection of Gaster's articles entitled The Holy and Profane. He makes three points which are germane to our discussion.

1. "Yizkor (by which he also seems to mean Jahrzeit) originated in western Germany in the twelfth century, and its purpose was to commemorate the Jewish martyrs of the First and Second Crusades."

2. "Originally the recitation of the Yizkor prayer was not accompanied, as it is today, by vows of charity. The combination arose only at a later date in consequence of the fact that the commemoration of the year's end, with the accompaniment of vows, happened to coincide on the Day of Atonement, with the Yizkor service proper."

3. "The custom of commemorating martyrs by reciting their names and praying for their repose was borrowed directly from the Christian church."

These three points, perhaps owing to the fact that they appeared in a non-scholarly publication, are not substanti-

ated by any references to the literature, either primary or secondary. However, they suit our purposes in that they summarize the popular thinking that has prevailed since the close of the 19th century in America and Europe. For that reason, we ask that the reader keep them in mind as we attempt to present the primary literary evidence as found in the extant Jewish sources.

At the conclusion of this paper we shall see if Gaster's assertions stand up to the light of day or not.

CHAPTER TWO

The Sources: Talmud and Midrash

I. Talmudic Sources

The Talmud mentions many stories, customs and laws which pertain to death, funeral practices, and mourning rites. None of them mentions Jahrzeit directly. However, several of the attitudes toward the dead, particularly the parent, seem to have influenced later generations.

One of the most prevalent ideas seems to have been that the body (ɑuf) of the father and son are inextricably bound together. That is to say that the actions of one effect the well being of the other.[1]

In Ta'anit 16a, the rabbis debate why people visit the cemetery. One rabbi says that this signifies the mourner's feeling that he "is as dead before his parent." In other words, filled with grief and humility. However, the other rabbi, R. Ḥannina, says that the mourners go to the cemetery to "ask the dead to intercede for mercy on our behalf."

A few pages later in Ta'anit 23b we read the following:

> Again his son, R. Mani was annoyed by members of the household of the Patriarch. He went and prostrated himself on the grave of his father and exclaimed; "Father, Father, these people persecute me." Once as they were passing (the graves) the knees of their horses became stiff (and remained so) until they stopped persecuting him.

In both these stories aid comes from the parent who apparently reposes in the world beyond. However, we also find that the son can aid his father, at least during the initial twelve month mourning period.

In T. B. Kiddushin 31b we read:

> Our rabbis taught: He must honor him in life and must honor him in death. In life, e.g., one who is needed in a place on account of his father should not say, "Let me go for my own sake," etc. "In death," e.g., if one is reporting something heard from his mouth, he should not say, "Thus did my father say," but, "Thus said my father, my teacher, for whose resting place may I be an atonement." But that is only within 12 months [of his death]. Thereafter, he must say, "His memory be for a blessing, for the life of the world to come."

The key phrases here are "honor him in death" and "for whose resting place may I be an atonement." It is clear from the rest of the passage what "honor him in death" means. However, Rashi sees fit to comment on "atonement" as follows: "May I make atonement for all the punishment in the hereafter that may have to come upon him."

Unfortunately, it is not specified here for us what methods the son of the deceased used in Rashi's time to achieve atonement for his parent.

Intimately tied into the idea of atonement for the parent was the talmudic concept that the father and son share responsibility for each other, both on a temporal plane and in a spiritual sense. This is derived from two classical statements. "The son acquits the father" (Sanhedrin 104a) and "father and son are as one body (or entity)" (Erubhin 70b).

In addition to the voluntary non-ritualized pious inter-

cessions mentioned above, the Talmud mentions fasting in connection with the death of a parent.

> . . . An objection is raised. Which is the vow mentioned in the Torah? If one says "behold, I am not to eat or drink wine, as on the day my father died" [or] "as on the day when Gedaliah, the son of Ahikam was slain" [or] "as on the day I saw Jerusalem in ruins. . . ." (T. B. Nedarim 12a).

From this passage, we learn that some people would volunteer not to ear on the day their parent died. But is is unclear as to whether this was a one time only fast or an annual fast. Unfortunately, this lack of clarity is evident also in a passage from T. B. Nedarim 14a. "One should fast on the day one's father and mother died." A similar injunction is also mentioned in Shevuot 14a.

From the Nedarim 12a passage one might be able to postulate, as some modern scholars have, that because the son mentions the fast for his father in the context of two historical fasts, Fast of Gedaliah and Tisha B'av, that his fast is also annual. Unfortunately, we cannot make this assertion with certitude for the talmudic period.[2]

The picture that seems to emerge from the talmudic material is complex. On one hand the living can ask for the dead to intercede on their behalf. But there is a stronger tendency in the other direction, to regard the son and father as linked by a mystical bond which allows for the opposite, the son to aid the father in Gehenna. We are not sure from Talmudic materials alone what the son needs to do to effect this atonement, except for the act of fasting.

II. Midrashic Sources

Medieval minhagim books utilize various sources for the basis of their death customs. Three midrashim, in particular, figure very prominently in their thinking.

In 1928 L. Ginzberg published Ginzé Shechter[3] in which he reproduced a fragment from the Cairo Genizah containing the story of R. Akiba and the Ghost. I do not wish to enter into the discussion as to which version of this story is the oldest. Ginzberg believes that to his belongs this distinction. He also believes that all these versions are indebted to an older arabic version found in Rabbenu Nissim's Hibbur Yafeh.[4]

In the Ginzberg version we find the following; Rabbi Akiba was walking in a ce etery and happened upon a naked man, black as a ghost, who was carrying a load of wood. He was burdened as though he was a horse. Akiba inquired as to why he was so burdened. He offered to free him if he were a slave or if he was poor to give him money so that he could escape this type of work. The man asked not to be delayed in conversation so that he could continue his work. Akiba inquired as to what his work was for. The man collected wood so that when there was enough he could be burned with it. His sin had been that as a tax collector he had been partial to the rich but had killed some of the poor (for failure to pay taxes). He also revealed to the rabbi that he had heard from his torturers that if he had a son who could pronounce the blessings over the Torah in a synagogue (Barekhu) and the

congregation responded [Barukh, etc.], that he would be released immediately from his torture. Unfortunately, he did not have a son, but his wife had been pregnant when he met his earthly judgment. He did not know if the child was male or female. And if it was a male, who would teach him Torah? At that moment R. Akiba took it upon himself to search for that child in order to teach him. Akiba asked the man his name and other pertinent particulars and went in search of his child. When Akiba found the boy, he was not circumcized. He accomplished this mitzvah and began to teach the child. But the child would not learn, so Akiba fasted for 40 days. A Bat Kol (heavenly voice) asked if he was indeed fasting for this boy. The boy was then enabled to learn the Shma, the 18 benedictions and Grace after Meals. Akiba stook him before the congregation, whereupon he pronounced "Praised be the Lord," and they responded "Praised." Immediately the father was removed from his tortures and stood before Akiba, "You can rest your thoughts in Paradise because of the way you rescued me from the penalty of Hell." Whereupon Akiba declared; "Thy name, O Lord, endures forever; and they renown, O Lord, throughout all generations." (Ps. 135:13).

In the Pseudo Eliahu Zuta version published by M. Friedmann[5] the story is told in the first person by Rabbi Yohanan ben Zakkai. It differs in that there are two men condemned to eternal burning. According to this version they collect enough wood so that the other will be burned. The sin given is שלי וחברי פלטרי היינו עושקין . "My partner and I were engaged in a bakery business."

Ginzberg[6] explains that this is a scribal error (deliberate?) based on an orthographic confusion of L and R in Greek for the real word, פדרסטי , pederasty.

In this story the condemned man knows that he has a son. He merely informs the Rabbi of what needs to be done and the reader is to assume that it was done. This is a much shorter version than that described above, merely ten lines as compared to thirty verses above.

There is also an Aramaic version found in Kallah Rabbati.[7] In this version the man commits an additional sin, that of taking a betrothed woman to wife on Yom Kippur.

In the Menorat ha Maor[8] the Kallah Rabbati version is cited in its totality. Then the text states that a longer version is to be found in the Tanḥuma in Parashath Toledoth Noaḥ. No version we have today of the Tanḥuma cites this story.[9] In Ginzberg's opinion the Menorath ha Maor version is the latest (14th century) because of its use of language. He also believes that the editor of Menorath ha Maor actually had a Tanḥuma to which late additions had been made.

This version differs from the Seder Eliahu Zuta version in the following ways.

1. The rabbi, Akiba, asks the man if he is human or a spirit.
2. His work was that of a tax collector who favored the wealthy and sometimes murdered the poor.
3. The man appears to Akiba in a dream in order to tell Akiba that he has been released.

There are four theological points that can be extracted from all these versions of the story.

1. The son can expiate the sins of the father.
2. Even if the sin of the father is grievous, e.g., murder, sexual impropriety, thievery, no sin is too great.
3. The release from Gehenna is effected immediately. There are no further steps that must be taken.
4. No matter how ignorant or far from Jewish life the son is at present, e.g., uncircumcized, the correct saying of a certain prayer in front of a Congregation will cause the parent's release.

In addition, it should be noted that the son of a woman betrothed to another would be halakhically considered a mamzer. The prayer of even such a one as this is also effecacious.

From a literary perspective, if we see Ginzberg's version as the earliest one, we can detect in the version of Friedmann a tendency to sanitize and condense that we would expect with Pietistic work that take on a sacred character. As part of a cannonized Midrash, Menorat ha Maor, on the other hand, is an embellished popular version with the magical, automatic elements emphasized with details such as the ghost and the dream.

The question as to how the Barekhu of this story comes to signify the Kaddish in later versions is a difficult one to answer. Solomon Freehof[10] quotes Ginzberg, who points out in Ginzé Schechter that the original response to the Barekhu "was not as today, Barukh Adonai, etc., but Ye-hey Shemay Rabbah." Ginzberg says that the Rishonim saw in this story a reference to the Kaddish because in early times the response to Barekhu was Yeheh Shmay Rabbah, or Barukh Shem. However, when later scribes read the Ye-hey Shmay Rabbah

response, they knew this only in relation to the Kaddish. Thus, some scribes changed the test to say that the child recited Kaddish while others changed the story to say that the child said the Barekhu with the response then current among them, Barukh Shem. This sort of confusion may be reflected in the Or Zarua's retelling of the story.[11]

One further point should be made here, that of the power of words to change one's fate, or even history. David de Sola Pool in his early work, The Kaddish,[12] also finds the story of Akiba and the ghost pertinent to his study. He illustrates the high importance attached to the saying of Yeheh Shmay Rabbah with the following selections from the Talmud:

> Anyone who answers Amen, Yeheh Shmay Rabbah Mevorakh with all his might causes the decree of 70 years (of life) to be cancelled. Rabbi Yohanan adds that R. Hiyya bar Abba said that one is forgiven even if one has the blemish of previous idolatry. (Shabbat 119b.)
>
> One who answers Yeheh, etc. [in a dream] is assured that he will have a share in the world to come. (Berakhot 57a.)

To emphasize the overriding mystic power of the Yeheh, etc. response one rabbi insisted that even the Shmoneh Esreh could be interrupted for it. "Rav Dimi said in the name of R. Yehuda and R. Shimon, pupils of R. Yohanan, that one may interrupt the Eighteen Benedictions only for this response and if one is studying the mysteries of the Chariot it may also be interrupted. But the Halakha is not thus." (Berakhot 21b.)

It is clear from this passage and the others enumerated above that great powers were ascribed to this response to

the utterance of God's name. Now it is clear why the "soul of the tortured parent" is raised out of Gehenna when the Barekhu or Kaddish is said.

Another potent midrash which influenced the thinking of the Rishonim is taken from the Pesiqta Rabathi 20:2 (ed. Friedmann), p. 95b. This section deals with the giving of the Torah and the Ten Commandments particularly. The Pesiqta here investigates the significance of the various signs of the Zodiac and it is here that we find material of relevance to our subject. The form is that of a dialogue between the Creator and Satan, who asks the Holy One what each sign means:

> ". . . after that what will you create?" "Libra, [Balances, the sign for Tishri], for man's deeds will be weighed in the balance." "And after that, what will you create?" "Scorpion, [the sign for Heshwan]. When a man is weighed and sins discovered in him, he is made to go down to Gehenna." "And after that, what will you create?" "The bow [of the archer, the sign of Kislew]. Perhaps you will say that once a man is plunged into Gehenna, there will be no coming up for him. When mercy is besought on his behalf, however, he is shot up from Gehenna as an arrow from the bow." "And after that, what will you create?" "Capricorn, [male kid, the sign for Tebbeth]. You might think that when a man comes out of Gehenna, his face will be black. The truth is that as he comes up he will romp like a Kid." "And after that, what will you create?" "The bucket of the Waterbearer, [the sign for Shebhat], the bucket from which I splash pure water on a man to purify him of his sins." . . .[13]

In this section of the much longer midrash on the Ten Commandments, we see what really amounts to a complete outline of what happens when one's soul is submitted for evaluation in the world to come. Medieval writers saw it as such and refer to it on numerous occasions. They were especially interested in the implications of the image "when

mercy is besought on his behalf, he is shot up from Gehenna as an arrow from the bow," as in our previous midrash and its variations, when the special act is performed (in this case 'mercy,' in the previous case special words) the soul of the departed automatically is shot out of Gehenna.

The dating of the Pesiqta Rabathi is, of course, quite hotly disputed. W. Braude[14] summarizes the issues and theories for us in his introduction to his translation of the Pesiqta. He feels that the Pesiqta is Palestinian in origin and probably composed in the fourth century because the teachers quoted are all Palestinian Amoraim of the third and fourth centuries. He feels that "the most likely date for the Pesiqta's redaction is the seventh century, although the sixth century is also a possibility.[15]

This midrash was so popular that it was adapted by a later author and added to the Tanhuma, Parashath Ha'azinu.[16] It was so obviously of a later origin from the rest of the material that traditional editions of the Tanhuma state at the end of the passage; "up to here this material is new, from here on, old." We will quote from this addition later in the course of this paper.

The third important midrash is from Siphré Debharim 210 (ed. Finkelstein, p. 243).

> "And they shall speak and say," (Deut. 21:7) in the Holy Tongue "Our hands have not shed" [this blood] (ibid.,) so that if it should occur to us to say that the elders of the Court are "shedders of blood," rather that [the man] could not come to us (and say) he died [of hunger] and we did not visit him or

that he was laid to rest without a funeral.

> The priests say, "Forgive, O Lord, Thy people Israel," (Deut. 21:8). When he says, "Whom Thou hast redeemed," it teaches that this atonement atones for those who left Egypt. "Make atonement for Thy people," refers to the living. "Those whom You have redeemed," refers to the dead. This teaches that the dead require atonement. We learn from this that the shedders of blood were sinners until they left Egypt. "Whom Thou hast redeemed," for this reason redeem us so that "shedders of blood" will not be among us. Another matter; for this reason redeem us, so that if we should sin you will make atonement for us. And the Divine spirit says that each time that you do so (sin) the blood will atone for you. And you shall certainly do away with the evil doer from Israel.

The pertinence of this midrash is clear. Death of the individual is not sufficient to atone for his worldly sins. According to this logic, then, one must find a method by which one can effect the atonement of one's dead. Otherwise, they may languish in Gehenna for eternity. This seems to be precisely the function of the pious acts performed by the children of the dead.

If we put these three midrashim together the following conceptualization of death and atonement emerges.

1. The dead require atonement.
2. Atonement can be offered by a child of the dead person.
3. When this is done, the dead are released from their tortures immediately.
4. The nature of the sins committed by the dead is not material, nor are the sins of the son.
5. The exact nature of the method by which atonement is brought about is vague; "when mercy is besought," when "Barekhu, etc. is recited."

CHAPTER THREE

Medieval Minhagim

I. Intercession and Tzedakah

Our method thus far has been to survey closely the classical sources of the Midrash and Talmud which the medieval writers were wont to draw upon. Now we are ready to examine the medieval sources themselves.

In order to make the medieval sources more intelligible we have imposed categories upon them. Some of the categories have already emerged from the talmudic and midrashic material e.g., fasting, influence of the living on the dead, and vice versa, and the saying of the Barekhu/Kaddish.

One of the principal repositories of medieval Jewish custom, folklore, religious values, and a wealth of material on mystical and religious speculations is the Sepher Hasidim composed or edited by R. Judah the Pious, who died c. 1217 in Regensburg.

However, other categories are later innovations, such as Jahrzeit, Hazkarath Neshamoth, and the use of memorial lights. In some cases the sources bring together a number of customs and beliefs, such as the following discussion of Tzedakah and hoped for "merit" from Sepher Hasidim, (ed. Margalioth), p. 176, para. 170.

> Once a certain pious person (Hasid) had donated money for the dead (neshamoth), who were his relatives; and after that he donated money without designating anyone's memory in particular. They said to him, "why did you do that?" "Because of some of them I enjoy merit and I don't want to be (thought of) as an ingrate. And furthermore if it is also for them, it is to my benefit.
>
> And if you should say, behold, your sin which killed him (you) is the master of Death because the sin offering is supposed to protect against suffering and you have already died, and furthermore death is an atonement. However, Tzedakah which is donated is similar to the heifer whose neck was broken, (Deut. 21:6) as it is said [T.B. Horayoth 6B]. It is clear that this atonement is to atone for those who went out of Egypt retroactively. (Emphasis mine.)
>
> Another thought: If a man should say "how can I be of help after the death of my son if he is an evildoer." Behold, a father is able to redeem him with Tzedakah. It says in Psalms 49:8 "No one can redeem his brother." But one who is not worthy, after his death nothing which is done on his behalf will be of use to him. Rather, according to what we find if one vows to bring a sacrificial offering the son may bring it after the (father's) death. And accordingly, everything which is true of the sacrificial offerings is also true of Tzedekah, because each is a form of vow or donation. Even though they are not precisely the same because the son cannot bring an offering (on behalf of the father) which the father did not (already) intend to offer . . .
>
> A lengthy story of a Gentile ghost follows.

In this source the concept of intercession is clearly articulated. The pious donor of memorial funds relies upon the ancient concept of Zekhuth Abhoth (lit. merit of the fathers, Abraham, Isaac and Jacob). If he were to give money only in the name of his close relatives, what then of all his other forebears, too numerous to be recounted? Would they not feel slighted and perhaps consider him less worthy of the "merit" they are able to confer upon him?

Secondly, we are told that there are limits to the ability of a living person to aid the deceased. This seems to be in contradiction to the midrashic and talmudic material presented above. It may be that this statement is a Pietistic attempt to correct the "abuse" that could obviously arise from the popular notion that anyone can be immediately redeemed from Gehenna if a few rituals are carried out.

Not incidental to our discussion is the mention in the above passage of Tzedakah given in order to redeem (פדיון) the departed, even retroactively. This is a clear reference to the Siphré Debharim Pisqa #210. We now can say that in this instance redemption could be effected by one's descendants by giving Tzedakah in behalf of the departed.

In paragraph 571 of Sepher Hasidim[2] we are warned not to cause our departed parents dishonor because "The soul of a person knows all that we do in this world." This is borne out by a citation from I Sam. 2:33 which speaks of future generations grieving for the pater familias. No doubt, the author of this thought felt that the "lines of communication," between this world and the next were open. This can best be illustrated by his choice of words נפש רוח נשמה, the soul-spirit of the man. In other words, the sentient portion of the human being that survives the death of the body. Thus, when we speak of the "dead" we should understand that the medieval Jew meant only to indicate the mortality of the body.

The idea of the survival of the soul and its continuing

connection with the world of the living which so occupied the thoughts and imagination of medieval Jews is nowhere better illustrated than in this selection from the Sepher Hasidim (ed. Margalioth), pp. 578-9, para. 1171.

> Absolve, O Lord, your people Israel whom you have redeemed. (Deut. 21:8). It is fitting that this absolution absolve also those who went out of Egypt, that is to say, all the dead which went out of Egypt. And how is the deed to be accomplished by one who has not atoned in his life. And is it not that the sin that killed him left him when he ascended. There is no need for atonement after death because in the agony of death a man's sins are forgiven him. However, thus says the Holy One blessed be He; "The son acquits the father." To wit; if the father is a sinner but teaches his son good deeds, it helps (the father). And due to the father, the son obtains merit; the son acquits the father. And if the fathers command the sons to do certain things after their death behold, as the sons do it, it is as though the fathers had done it. On this basis, it has been ordained that the giving of Tzedakah is of benefit to those already dead. We also find that the dead are able to pray for their sons as it is written, "And the layer of dew went up." (Exodus 16:14). It is a plea of those who lie in their graves. And so it is a help to the dead that the living pray on their behalf or that they give Tzedakah for them. Tzedakah rescues one from death. (Proverbs 11:4). From death, that is in this world, and from death that is of the future (world). Samuel requested for Levi in Berakhoth 18b, as it is written, if one gives Tzedakah on his behalf because "what is prayer to me, what is Tzedakah to me!" Certainly in this world one may benefit the soul of a dead person and if one is silent (doesn't pray) in this world and did not implore them (the dead) will not implore (for you) in the world to come. If one implores in this world, it is of benefit to the dead. And R. Meir said, "When I die, smoke will go up from my grave afterwards." R. Yohanan said, "I will take him out of Gehenna." Why were they not able to do this while they were alive? Because later their sins were too great. If not, then R. Meir would have done it by force. And so after his death, R. Yohanan tried, but the gate-keeper fled before them and they were not able to perform this request in life.

> The dead quarrel in the Heavenly court, and the righteous make peace among them. Sometimes (a dead person) will not be pardoned until he decides not to cause any trouble to his (surviving) descendants.

Aside from these three explicit and very important medieval references to paternal merit and continued awareness and interest in the day to day affairs of the world on the part of the dead, it should be noted that the concept of intercession is ubiquitous in virtually all our references and underlies the entire subject of Jahrzeit. Furthermore, the survival of the soul and its continuing awareness is fundamental to Pharisaic Judaism and, therefore, a central Jewish idea among all subsequent strata of Jewry until very recent times, and certainly is widely held today in certain circles.

II. Fasting

Modern sources speak about fasting as a meritorious deed that one performs on the anniversary of a parent's death. Maurice Lamm[3] notes "that it is customary for some mourners to fast" on their parents' Jahrzeit. He is joined in this by numerous other authorities.

Medieval writers were more emphatic about the need to fast. Our earliest medieval source for this custom is again the Sepher Hasidim. In #231 we read "The reason why one fasts on the day of our father's death, is because David fasted for Saul who he called his father and he fasted for Jonathan.[4] Another matter: It is a law (to fast) because the father and son are considered to be of one person

and it is a law that children should mourn."

In the next paragraph, 232 of Sepher Hasidim, the idea of father and son being as one body is further emphasized. It closes with a statement which for us is important. "And as Jeremiah also did, for the coming year(s) on the same day (as the parent's death) do not allow yourself to be merry, because one must fast on the day of one's parent's death."

Paragraphs 231 and 232 are very important for our understanding the origins of Jahrzeit. From this we can see that it is a very old custom to fast on the day of death of a parent. As mentioned above, this is established in the Talmud in Nedarim 12a. However, these passages do not make use of this text because, I believe, they are talking about a different observance--an annual observance of a fast. It does not appear that an annual fast can be justified on the basis of Nedarim 12a alone, but can be justified on the "mystical" basis of Erubhin 70b, that is, that father and son are tied together in a physical and mystical bond. This text from Sepher Hasidim actually tells us that the custom it is speaking of is not the one-time-only fast when a parent dies, because it introduces the subject by stating "one should fast on the date of one's father's death." We must ask ourselves why the old custom of one-time fasting would be asserted again if that is all that is under discussion. Clearly, to my mind, an annual fast is being recommended.

But if this passage is deemed too equivocal, then we must look for another. We find such a passage also in Sepher

Hasidim, page 440, para. 712.

> A man's father died in Adar I and the son fasted on the same day that he died. But on a non-leap year, he fasted on Shebhat, and on Adar it was enough (completed).

Here is a clear reference to a fast which fell originally in a leap year and then had to be adjusted for the coming year. This is firm attestation to a private annual memorial observance.

I believe that these two references demonstrate clearly that the circle of Pietists who were responsible for the Sepher Hasidim adopted the fast as an annual, private memorial. This is the earliest reference, to my knowledge, that such an observance is noted in the medieval literature.[5]

III. Kaddish

As is well known, the Kaddish was not originally a prayer for the dead. It is not our concern here to trace the Kaddish's evolution from a "closing doxology to an Aggadic discourse"[6] as is done so authoritatively by R. David de Sola Pool, but rather to explore the role of Kaddish in the development of Jahrzeit, if any.

As has already been mentioned above, the Kaddish seems to have become associated with the Barekhu because of the similarity in word and meaning of "Yeheh Shmay Rabbah," etc. and the Talmud explicitly refers to benefits in the world to come for those who make this response when they hear the Divine Name pronounced.

Among our earliest sources for the slow process of replacement of the Barekhu by the Kaddish are the Mahzor Vitry

and the Or Zaru'a, as pointed out by Solomon Freehof in his important article, "Ceremonial Creativity."[7]

In the Mahzor Vitry[8] we are given an account of the midrash of R. Akiba and the ghost. This is done under one heading of Motza-é Shabbat. There is no need here to discuss the story again. What is interesting is that the child here says: Barukh and the congregation responds Barukh Adonai ha-Mebhorakh. Rabbenu Simḥa, a pupil of Rashi's, comments, "Therefore it is customary on Saturday nights for a man who has no mother or father to go before the Ark to say the Barekhu or Kaddish." In the next paragraph we find out why Motza-é Shabbat is the preferred time for the orphan to participate in the service. "Therefore we elongate the prayers on Motza-é Shabbat with Wihi No'am, Seder K'dusha and P'suke Nehamot because on the Sabbath the sinners of Israel go out of Gehenna and they have rest on Sabbath." It goes on to explain that one should not drink water during the twilight hours because it is as though we rob the dead. Up to twelve months after death the dead can drink water because the body continues to exist.

I think that it is clear from the above that the Kaddish or Barekhu mentioned in Mahzor Vitry refer only to the first year of mourning.

In the Or Zaru'a[9] we also find the Akiba midrash, but this time it is placed in the section dealing with the Saturday morning Musaph. "It is our custom in Eretz-Kena'an (Bohemia) and also in the Rhine that the bereaved stand after Ayn Keloheynu and say Kaddish. In France I saw that they

are not strict about who should say Kaddish, whether it is a youth who is an orphan or a youth whose mother or father is alive. And so our custom is reasonably based upon the story of what happened to Rabbi Akiba." (The midrash follows.)

It would seem that in France the use of the Kaddish was in flux during this period. It was both a concluding prayer and a prayer offered by the mourner. After the midrash he continues, "And thus my teacher, R. Eleazer of Worms taught that on the basis of Eliahu Rabba that a minor who says Yithgadal saves his father from eternal torment."

We may agree with Freehof that "the custom of saying Kaddish became fairly established for every orphan boy (no matter how young)"[10] by the time of Eliezer of Worms (d. 1238). But only in the regions of Southern Germany and Bohemia. It is curious that Freehof left this detail out.

It is also curious that in the version of the Akiba midrash that Isaac of Vienna gives, he has the afflicted man say that the child must pronounce either the Barekhu and its responses, or the Yithgadal and its response Yehey Shmay Rabbah. When the child actually ascends the Bima he says Barekhu et Adonai ha Mebhorakh and the congregation responds Barukh Adonai Hamborakh le'olam Va'ed Yithgadal Yehey Shmay Rabbah!

Thus, it may be true that by the time of Eliezer of Worms the orphan said Yithgadal, as Freehof infers from the above mentioned text, but it is also true that the version of the midrash that the Or Zaru'a has still leaves this point unclear! In fact, it compresses the two responses.

It is up to the liturgists to discover if this is a misunderstanding on the part of the copyist, or evidence for an isolated usage.

We are also told that the orphan should say Kaddish for twelve months, say the Maphtir and especially, go to services on Motza-é Shabbat for the reasons we read about in the Mahzor Vitry.

In Sepher Hasidim, p. 443, para. 722, we also read of a definite connection between Kaddish and the orphaned son. "A man was close to death so he requested that a certain Jew teach his son Kaddish. He also asked the man that he not allow his (soon to be) widow to marry their freed slave." The Hasid promised not to let this happen. Because it was difficult to teach the man's son the Kaddish, the son of the Hasid said it for him, "because it is a Mitzvah to teach him the Kaddish and to say the Kaddish for the son of the dead man." Hasidé Askenaz considered the mourner's Kaddish so essential that they allowed for a non-relative to say the Kaddish on behalf of one who was unable to do so. This is a logical extension of the situation described in the Akiba midrash. Unfortunately we are not told what happened when there was no son, or only daughters. Nor is there any reference as to how long the son is to say the Kaddish.

In the Kol Bo[11] the midrash of Akiba and the ghost is again retold, except it is no longer Akiba but an anonymous rabbi. The child must say either Kaddish or the Maphtir; no mention of the Barekhu is made.

By the time of the Maharil (14th-15th C.), the rights

of a visitor to say Kaddish in a strange town are established when it is Yom Shemet Abhiw, i.e., the anniversary of a parent's death.[12] If the mourner is a minor, then an adult is to repeat each word for him. From this, we may infer that a custom which began in a limited geographic area had spread throughout Ashkenaz. Needless to say, Isserles goes even further. He acknowledges that Kaddish can be said on Shabbat and Yom Tov, but only for eleven months so that others won't think that one's parent was so wicked that he required twelve months of prayers on his behalf.[13]

IV. Hazkarath Neshamoth

As Solomon Freehof has pointed out in his article "Hazkarath Neshamoth"[14] the subject of communal memorial is a difficult one to deal with, because the texts are frequently contradictory. This came about because "it is evident that the customs were in a continual state of development and explanation."[15] Freehof divides the memorials into three categories. First of all, the communal memorial for martyrs of the Crusades and Black Death, as listed in the Memor-Books who were memorialized on certain Sabbaths. Second, Liturgical Family Memorials which we call Yizkor and observe on certain days in memory of our family. The third type is the Individual Memorial and has no congregational liturgy. This is observed by the mourner who is usually called to the Torah on the anniversary of a parent's death (Jahrzeit).

It is not our goal to enter into this subject as fully as Rabbi Freehof has already done. However, it will be

useful to our investigation to examine closely some of the earlier texts to see if a pattern of thinking can be elucidated from them.

In the Mahzor Vitry, p. 392, and the Siddur Rashi (214) for the Shaharith service on Yom Kippur we read in part:

> "We give Tzedakah publicly for the living and the dead. We do not give Tzedakah for the dead in all the lands of Ashkenaz except for today alone. Why should we give Tzedakah on Yom Kippur for the dead? Because it is a day of atonement, pardon, and forgiveness for them."

As we have already seen, the dead clearly are in need of atonement. What more auspicious day for achieving this could there be? The Mahzor then goes on to cite the passage from the midrashim we have already mentioned; the Pesiqta and Siphré. It concludes with this remark:

> There is no fast without Tzedakah as it is said in Ta'anit "anyone who fasts and does not do Tzedakah is like one who gives an Olah (burnt) offering without a Minhah (cereal) offering or a zebhah (peace) offering without a Nesahim (drink) offering.

There is a convergence of a complex of ideas: fasting, Tzedakah and atonement, which makes Yom Kippur the day of Remembrance par-excellence of the Jewish liturgical calendar. This fact should not be overlooked when examining the development of Jahrzeit.

The other authorities, Rokeah 217 and Mordecai[16] also concur that Yom Kippur is the only time that is appropriate for Yizkor.

The apparent contradiction arises when we observe that authorities such as the Maharil[17] state, "It is a rule that every Yom Tov when we read (the section) Ish Matnath Yado (Deut. 16:17) we memorialize the dead and say "Abh Harahamim."

However, in the Mahzor Vitry, p. 173, which is earlier than the Maharil, the contradiction is somewhat clarified by this note to the last day of Festival observances, "We recall the dead who increased Torah and rulings (Takanoth) in Israel, and those who left something to the congregation and those for whom others left something on their behalf."[18] In other words, distinguished Rabbis, and presumably, the poor who could not afford to leave funds for a memorial or who are remembered by friends are memorialized, and not those who have children who are able to fulfill their obligation to their parents (the son acquits the father, father and son are one body). The Mahzor then goes on to cite the Pesiqta and Siphré Debharim passages.

This passage, overlooked by Freehof, seems to indicate that the memorial on the last day of the Festival originally had a different character and purpose than the Yizkor on Yom Kippur. The "mechanism," if you will, was different. These "Matnath Yad" memorials are reserved for the noted rabbis, the poor and especially those with no son to offer the expatiatory prayers and Tzedakah.

On page 345 (top) of the Mahzor we find an additional comment:

> "We give Tzedakah in public on behalf of the living only. Because this day is called (Ex. 16) Ish K'matnath Yado. Thus it is a custom on the last day of a Festival when this parasha is read to donate Tzedakah on behalf of the living only and not on behalf of the dead, so as to not sadden them. Because it is written in connection with the Pilgrimage Festivals (Deut. 16) 'You shall be altogether joyful.' Therefore, it is the custom in Ashkenaz not to give Tzedakah for the dead on the three Pilgrimage Festivals, only on Yom Kippur."

This passage does not appear in Freehof's "Hazkarath Neshamoth," either.

The Maḥzor makes it clear that we are not to sadden the dead because of the joy of the Festival. Freehof feels that the earlier statement in the Maḥzor, p. 392, is essentially correct because the martyrs were deemed not to need atonement, therefore, there was no Tzedakah given on the festivals.[19] However, the simpler explanations are as follows:

1. It is clear from the Maḥzor, p. 392, that there is no fast without Tzedakah. And, unless Tzedakah and fasting are done together (as on Yom Kippur), no benefit is bestowed upon the dead. Therefore, according to this logic, there could be no Tzedakah for the dead on Yom Tov.
2. An even simpler point is made in the Maḥzor Vitry, p. 345 passage; No Tzedakah is given on Yom Tov for the dead so as to not grieve them.

The larger problem is to reconcile the passage from Maḥzor Vitry, p. 173, which speaks about those for whom no relative stands in remembrance, and the passage that no Tzedakah at all is given on the Festivals on behalf of the dead, only on Yom Kippur. This can be sorted out in the following way.

1. Tzedakah is given on Yom Kippur for the living and the dead. This is done because both living and dead require redemption and atonement. In addition, there can be no fast without the giving of Tzedakah.
2. On a festival, the dead who were particularly notable (rabbis) or have no money or (perhaps) no heir, but are remembered by friends, are memorialized. But there is no fasting on Yom Tov, so no Tzedakah for the dead.

3. We can give money, however, on behalf of the living because of the (curious coincidence) of the phrase Ex. 16:17, Matnath Yad falling on the last day of the Festival. We do not give Tzedakah on behalf of the dead, so as to not cause them any discomfort on the Yom Tov.

Only the money given on Yom Kippur is redemption money (כופר). The money given on behalf of the living on the Yom Tov is merely a pious offering meant to increase the merit of the living.

Later generations, as shown by the Maharil, forgot this distinction and regularly gave Tzedakah for the dead on Yizkor, as a matter or course. This process of "merging" of theological beliefs which were specific to certain days of the calendar is directly related to the emergence of Jahrzeit which I believe is a result of the merging of a whole combination of beliefs and pious desires.

As we mentioned above, there is also an interesting passage in the Tanhuma[20] which seems to have been inserted in medieval times. The writer interjects his own comments into what is essentially the zodiac midrash from the much earlier Siphré. Here is a selection from it: "If a man sins he becomes like Virgo. And if he adds to his sins he is weighed in the scale (Libra). If he stands up in rebellion he is lowered into the lowest level of Sheol and Gehenna like the scorpion (Scorpio) that lies in the ground and in ditches. And if he returns (שוב) he is thrown out (of Hell) like the shot of an arrow in a bow (Sagitarius). Therefore, we are accustomed to memorialize the dead on Shabbat so they won't return to Gehenna as it is written in the

Torath Kohanim[21] "These are the living whom you have redeemed." These are the dead, from here (we prove) that the living redeem the dead. Therefore, we customarily memorialize the dead on Yom Kippur and give Tzedakah on their behalf. As we are taught in Torath Kohanim, it is possible that the Tzedakah will not help them. The Torah says "whom you have redeemed." (Deut. 21) From this we know that when Tzedakah is given for them they are released and rise like an arrow from the bow. They are immediately made soft and clean like the kid (Capricorn) and as pure as when a new born babe. He is fed pure water from the pitcher (Aquarius) and grows fat like a fish (Pisces) who enjoys the benefits of the water. Thus he will float in the Rivers of Afarsimon (Balsam) and milk and oil and honey. He will eat from the tree of life always and be placed in the (heavenly) precinct at the table of the Tzadikim and everlasting life."

Apart from the difficulty in dating this passage exactly, it is obvious that it bears a remarkable resemblance to the imagery and phraseology used in the Sepher Hasidim and the Mahzor Vitry. In addition, it gives us an important bit of information which corroborates what we have already read in the Mahzor Vitry and the Or Zaru'a. The dead are remembered on the Sabbath so that they do not return to Gehenna. Presumably the medieval Jews believed that if they did not "call" the dead on the Sabbath they would not be let out for the day. However, when it comes to redemption the writer speaks of Yom Kippur and the giving of Tzedakah. This is evidently the Yizkor memorial and should not be confused with the

regular remembrance of the dead on the Sabbath, nor the Matnath Yad of the Festivals. We cannot be sure as to how the dead were "remembered" from this passage. However, there are several hints elsewhere in the literature that they were in fact remembered each Sabbath. The passage we quoted earlier from the Or Zaru'a[22] stated, in part, that "in France they are not particular about whether an orphan or a lad whose parents are alive says the Kaddish." Perhaps they were not particular because the Kaddish was offered on behalf of all the congregation's dead. After all, would the community want only a few of the dead to escape Gehenna on the Sabbath?

Another bit of evidence for this idea comes from another passage w have already quoted in connection with Tzedakah. In Sepher Hasidim #170, we read of a man who left money, at first, for his own relatives and then, later, for all the departed to be remembered. Even though this does not specify when the departed were memorialized or how, the fact remains that this man was concerned with all the dead of his community and not his own relatives or parents.

As unclear as this statement may be with respect to particulars, the Memor-Book[23] of Isaac ben Samuel of Meinigen, written in 1296, states that certain names (ten in all) were to be read each and every Sabbath. After these names were read, a prayer was recited which asked God to remember all the dead of all the congregations that were slaughtered in the Crusades. Clearly this shows both that all the dead of all communities were remembered even though not named and

that this was done every Sabbath.

R. Issac ben Samuel does not mention Yom Kippur at all in his directions to the community, perhaps because, as Freehof says, those who were killed al-Kiddush ha-Shem, martyred for God, were considered Kedoshim (Saints). This would further elucidate the statement in the Tanhuma. The dead who are memorialized every Sabbath are either those who have died in the past year and thus still need atonement or they, like the ten names mentioned by Samuel ben Isaac, were prominent people who were recalled because of their good deeds. In that case, they do not need atonement and they are to be memorialized in perpetuity.

We shall also note that neither the Tanhuma insertion nor the Memor ook make reference to the three Festivals as a time to memorialize the departed. In the Memor Book the dead are remembered on "Martyr Sabbaths" (the Sabbaths before Tish'a b'Abh and Shavu'oth) and not on the Festivals.

The extension of the Yom Kippur Yizkor to the Yamim Tovim was due, in part, to the Matnath Yad reading for the last day of the Yom Tov. As we have already said, our purpose here is not to trace this development any further. Rather, it is to show the special and preeminent nature of the Yom Kippur Yizkor and two of its unique elements, Fasting and Tzedakah. There is, however, a third element of Yom Kippur which, at this early period, was also unique to it alone--the kindling of a memorial light. This is the topic of our next section.

V. Lights

The use of lights is very widespread in Jewish life, both among Sephardim and Ashkenazim. It figures most prominently in our celebration of Shabbat. One medieval authority whom we have already discussed, the Or Zaru'a,[25] explained the Sabbath lights as follows:

> Why (do we have) the Mitzvah of the light? Because Adam was (God's) light in the world. As it is said, "the light of God is the soul of man." (Prov. 20:27) And then Eve came along and extinguished him. The Holy One said, "I will give her the commandment of the light to atone for her by the very same light that she extinguished." Therefore, women are commanded to kindle the light on the Sabbath.

It is interesting to note here that the kindling of the Sabbath light constitutes an act of atonement for women, according to the Or Zaru'a. This is in spite of the joyous nature of the Sabbath in general.

In the Mahzor Vitry, p. 373, we read this reference to the Yom Kippur lights:

> As for the reason to kindle lights on Yom Kippur I found in the Tanhuma in Parashat "You shall take them for yourselves" (Lev. 23:40). I said to them, "They shall bring to you pure beaten olive oil" (Lev. 24:2). Do I need their light? Rather (they need it) in order to watch over their souls. Because the soul is analogous to the light. As it is said, "The Light of the Lord is the soul of man" (Prov. 20:27). Because of this, we are accustomed to kindle lights on Yom Kippur.

It should be pointed out that the Tanhuma passage (49b in Buber) that the Mahzor uses speaks only of living persons, nor does the Mahzor speak of anything other than living persons. The Mahzor is, in fact, quite unclear as to what it means when it says that the light "watches over their souls."

However, two things can be established from this passage.

1. Lights are, indeed, lit on Yom Kippur.

2. They are lit because of a theological belief that the light has something to do with the human soul, based upon Prov. 20:27.

At this point, it may be profitable to look at what the medieval commentators have had to say on this verse from Proverbs. Rashi (d. 1105), simply says that "the soul which is within (a person) testifies about him in judgement." We must assume that this refers to judgement after death. It is an important remark in that it refers to death, but because of its brevity, one cannot make too much of it.

Ibn Ezra, the Spanish exegete and poet of the 12th century, says·

> This is a figurative statement because the soul moves from His light and the abode of rest, at first, and from there illumines the spirit and the soul with intelligence. (God) illuminates it (soul) with light. Because of this, it is called His light. . . .

Ibn Ezra clearly understands the verse as an explanation of the heavenly processes by which the soul of a human being receives its Divine character. Ibn Ezra is obviously operating on a more philosophical level than Rashi. But both commentators understand the passage to be concerned with man's ultimate source and destiny in some way.

This is evidently the reason the Mahzor found this verse a fitting reference, aside from the plain, Pshat, meaning of the words. Medieval Jews, like virtually all Jews, found Yom Kippur to be a period of extraordinary cosmic significance

in which one's life literally hung in the balance. The lighting of a candle or oil lamp was but a physical manifestation of their concern during this momentous period in which their fate was to be decided.

Other early references to candles or oil lights are few and far between. In a slightly exotic vein, Benjamin of Tudela (12c), the Jewish counterpart to Marco Polo, reported what he saw when he visited Persia, "A lamp burns day and night over the Sepulchre of Ezekiel; the light thereof has been kept burning from the day he lit it himself and they continually renew the wick and replenish the oil unto the present day."[26]

Because of the great distance between Persia and Europe, the influence of this report upon the customs of European Jewry is open to doubt. In addition, Benjamin of Tudela's book was not published until 1543.

Closer to home is the custom of burning a candle in the death chamber after burial. Trachtenberg, in his Jewish Magic and Superstition, reports that it was customary to place a candle and a cup of water and salt at the place where the head of the deceased lay when he died. "When I read my account of this custom to R. Israel Isserlein (d. 1460)," wrote Joseph ben Moses, his disciple, "he shrugged his shoulders but didn't tell me to cross it out."[25]

Perhaps the first reference to the Jahrzeit candle, per se, is to be found in The Responsa of the Maharshal, R. Solomon Luria (1510-1573):

. . . I have heard from an elderly man that on Erebh

Shabbat at twilight one may instruct a Gentile to light a candle in the Beth Midrash if one forgot to do so during the day which is the Yom Shemet bo Aviv (here this term means, Jahrzeit) upon which we are accustomed to kindle a light in all the lands of Ashkenaz. The reason (for it) is that we should be careful about this light. We should think of it as an important requirement. Therefore, we instruct that there is no difference between this requirement and a full eulogy with respect to this matter (doing certain types of work on Erebh Shabbat)."[27]

Thus, we find that one of the most widespread Jewish customs cannot be attested to in the literature before the 16th century. However, it is clear both from the Maharshal's source (the old man) and his emphatic endorsement of it, that the custom of lighting a Jahrzeit light must be, at least, several generations older than he was at the time. Most folk customs, it would be safe to say, enter the literature only after a considerable period of time, after they have become widespread and therefore draw the attention of the authorities of the day.

By the 18th century, the Jahrzeit light or candle was a regular and accepted feature of Jewish life. All that remained for the rabbis to do was to find a scriptural or talmudic source for it. Aaron Berechiah of Modena (17th c.) wrote in his Ma'abhar Yabbok that "The burning wick is like the soul in the body and the soul of man is the lamp of the Lord."[28] (Prov. 20:27). The numeral value of נר דלוק (burning light) is 390, which is equal to השכינה (the Divine Presence).

As is well known, when a custom, or phrase of Torah, or a similar thing cannot be explained on the Pshat (plain) level, the medieval authorities often resorted to fanciful gematria explanations. Aaron Berechia's use of gematria is virtually an admission that he does not know where the Jahrzeit light comes from.

It is also fascinating that, like the Or Zaru'a explaining the Sabbath lights and the Pietists of the Mahzor Vitry explaining the Yom Kippur lights five hundred years before him, Aaron Berechia also relies upon the Pasuk from Proverbs. In fact, the Hebrew term for Jahrzeit light is נר נשמה "light of the soul," and therefore probably based on Proverbs.

The attempt to derive a meaning for the Jahrzeit light continued into the 20th century. Rabbi Josef Schwartz, the Romanian authority, notes in his Hadrath Kodesh[29] "that many are particular that the light be only of wax (שעוה), as it is an acronym for 'Awake and sing you who dwell in the dust,' הקיצו ורננו שוכני עפר (Is. 26:19) or they prefer an oil light because נשמ are the letters of the word for soul נשמה ." Predictably, he tries to discourage the use of electric Jahrzeit lights, perhaps because no similar acronym could be found for it.

CHAPTER FOUR

Jahrzeit: Early Evidence and Current Thinking

It should be clear by now that an annual remembrance of one's dead parents which was not yet called Jahrzeit was observed by some, at least, from a very early time. Perhaps it only involved a voluntary fast and later took on other features. At any rate, the rise of the term Jahrzeit certainly is later than the actual performance of "Jahrzeit" type rites. In other words, people may have been doing things on the anniversary of their parents' death before those rites became known as Jahrzeit.

One of the earliest references to something along those lines is the comment of Rashi in Yebhamoth 122a to the word . "The anniversary of the death of a great man was established in his honor, and when that day arrives all the scholars in the region assemble and visit his grave with the ordinary people and hold a ceremony there."

This statement has three important elements.

1. A ceremony was performed on an annual basis.

2. It was performed in memory of a "great man" by scholars and ordinary people.

3. The ceremony was held at the gravesite.

It is impossible to weigh the impact of this statement upon the generations which followed Rashi. However, it

should be pointed out that the liturgical calendar already contained the fast for the death of Gedaliah (II Kings 25:25) and numerous other fasts for both historical and personal reasons. Therefore, a memorial observance had sufficient precedents.

According to Freehof[1] one of the earliest references to the actual work Jahrzeit is to be found in the Responsa of Moses Mintz (15th c.).[2] Until Freehof, most authorities, as noted in chapter one, insisted that the earliest use of the term was by Isaac of Tyrnau (16th cent.).[3]

Moses Mintz, in a discussion of mourners' rights to say Kaddish when there is a conflict between mourners from town and out of town, and those within 7 days, 30 days, and 12 months of their parents death, decides that the person who is observing Jahrzeit must step aside on Shabbat so that others can say Kaddish and be called to the Torah. But his right to lead the prayers and say Kaddish on Motza-é Shabbat, if that Sabbath was a parent's Jahrzeit, cancels out the rights of those still within Shloshim (30 days) or twelve months.

We should note here the strong "claim" that the person observing Jahrzeit has to the Motza-é Shabbat prayers. We can speculate, with a good deal of certitude, that this is because of the underlying notion that the orphan's prayer is particularly effective on Saturday evening in aiding the parent by raising him up to a higher rung in either paradise, or Gehenna.

Before we enter into the discussion surrounding levels

(Madregot) in the Heavenly World, we should point out that in R. Moses Mintz's very long Responsum he uses the word Jahrzeit only once and there points out that it is a foreign word. Everywhere else he uses the phrase "Ira' Lo yom shemet bo Abh o em or simply Yom Shemet bo Abh oem. Could it not be that early Poskim such as Mintz were beginning to use the Judeo-German term Jahrzeit because it was a more convenient term to indicate a concept that, while wholly Jewish, was also used by non-Jews? More will be said on this subject in the concluding chapter.

One of the most puzzling aspects of the Jahrzeit, has been for me, the question "Why observe an annual memorial if the soul of my parent is already released from Gehenna." (We know that the soul o the parent is released because the longest period of suffering in Gehenna is twelve months according to the Talmud[4]).

One answer to this problem is provided by the Ashkenazi mystic R. Isaac Luria (16th c.) who taught that the Jahrz it Kaddish elevates the soul of the deceased to higher levels within paradise.[5] In other words, the Kabbalistic concept that there are levels to heaven and hell allows for a continual progression of the soul. Undoubtedly, this is a later rationalization for a custom which was already quite old by the time of Luria (we saw that his father was familiar with the Jahrzeit light).

Modern authorities have also wrestled with the theological problems of Jahrzeit. R. Sperling, in his Ta'amé ha-Minhagim,[6] in a response to a question dealing with the

rationale for the observance of the Jahrzeit can do no better than mentioning Rashi's comment in Yebhamot 122a and a citation from the Kitzur Shulhan Arukh; "It is meritorious to fast on the death anniversary of one's father or mother as a means of repentance and self-examination which in turn will help his parent reach a higher sphere in Gan Eden."

Isaac Klein, the Conservative authority, in his Guide to Jewish Religious Practice[7] says simply that Jahrzeit is a "solemn day of remembrance in prayer and meditation." Theological considerations are not taken up at all, but calendrical and other details are enumerated.

Walter Jacob explains that Isaac Luria's idea of elevating our parents' soul "is not necessarily our (Reform Jewish) reason for reciting Kaddish. We do so to honor and to remember our dead, and to praise God for their lives and accomplishments."[8]

Incidently, Jacob mentions nearly all the traditional observances connected with Jahrzeit including: Kaddish, being called to the Torah on Sabbath, visiting the cemetery and Tzedakah as customs Reform Jews engage in to mark a Jahrzeit. Fasting and study do not appear among such observances.

Rabbi Maurice Lamm, the Orthodox scholar and rabbi, adopts a rather psychological explanation of the inner meaning of Jahrzeit, "It is a day when one relives the moment of doom, perhaps even fasts to symbolize the unforgettable despair. It is a day conditioned by the need to honor one's parent in death as in life, through study and charity and

other deeds of kindness. It is also conditioned by the non-rational, but all too human feelings that it is the day itself which is tragic, one which might bring misfortune with every annual cycle, and for which reason one slows one's activities and spends a good part of the day safely in the synagogue."[9]

This is a surprisingly frank acknowledgement of the superstitious elements underlying the Jahrzeit, but also a sensitive insight into the survivor's continual feeling of loss and bereavement, especially on the yearly memorial date.

The surprising element in all these statements is how little has really changed in terms of observances since they came into popular usage in the Middle Ages.

Jahrzeit, in one form or another, remains one of the most popular and widespread Jewish observances.

CHAPTER FIVE

Conclusion

I. Jewish Origins

It would seem that so much controversy has surrounded the origins of Jahrzeit because of the lack of any one set of definitive sources. This is, of course, to be expected when attempting to trace the development of a non-halakhic folkloristic custom. Sources are late, often contradictory and widely scattered over Responsa, Minhag, Code and Pietistic writings.

However, I believe that we can make a number of claims based upon the evidence we presently possess.

1. An annual fast was observed on the death anniversary by the Hasidé Ashkenaz, and possibly during Talmudic times. (T.B. Nedarim 12a)
2. The idea of the dead requiring atonement within twelve months of death is established in the Talmud and amplified by Rashi. (T.B. Kiddushin 31b)
3. The concept that father and son are as one person is clearly established in the Talmud. (Sanhedrin 104a)
4. Three midrashim speak clearly about the surviving son's ability to save the father from Gehenna. The passages from the Siphré and the Pesiqta Rabathi are certainly older than the tenth century and may be several centuries earlier.
5. The Talmud specifically mentions the usefulness of saying Yehey, etc. in winning Divine favor. Shabbat 119b and Berakhot 57a.

Those five points do not, of themselves, establish

for us the origins of the Jahrzeit. They do, hoeever, give us an idea of what concepts, beliefs and practices were available to the medieval Pietists from Jewish sources alone. With the exception of the midrashim, all of those concepts and practices are from the Talmud, which is relatively early. The midrashim are probably later, as we have already said, but they are not necessary for us to understand the theological basis of Jahrzeit. If we do choose to use them as evidence, they only crystallize in story form what we already know from the Talmud. Because it is not within our ability to date the midrashim, we leave the matter up to the inclination of the reader.

The medieval sources are, on the whole, far more explicit. They make use of Talmudic dicta and sometimes give us a case study. That is, they begin, "a certain Ḥasid." In other words, the Sepher Ḥasidim often illustrates ideas by citing examples from daily life. This type of evidence is, perhaps, even stronger than isolated dicta from Talmud or code books, because it shows us what people were actually doing and not merely what was officially "on the books."

The passage taken from Sepher Ḥasidim, ed. Margaliot, p. 579 is especially important for us, because as modern rationalists, we tend to forget that the boundary between the real and the spirit world was at one time quite blurry, if present at all. Furthermore, this passage is cited, as far as I know, no where else in the secondary literature published in English. Thirdly, it presents us with a virtually complete picture of what the Ḥasidé Ashkenaz

understood to be the relationship between the living and the dead.

1. Redemption, absolution and atonement are not necessary for the dead. But they are desirable.
2. However, the dead can be aided by the living through prayer and Tzedakah. Tzedakah rescues one from death.

The concept that death is, of itself, an atonement is talmudic (Yoma 85b). The author of the passage in Sepher Hasidim could not afford to ignore it. His difficulty is that there is also the statement that "the son acquits the father" (Sanhedrin 104a). If the father needs no acquittal because he is already dead, then why the statement? The age-old solution is to harmonize the two talmudic concepts. Therefore, he goes around the Yoma 85b statement and asserts that the dead are benefitted by Tzedakah, prayer and good deeds. Clearly, however, the entire paragraph taken together conveys the idea that the dead are indeed absolved by their children. He even reminds us that the dead can cause their children trouble. The parent-child relationship is evidently eternally quarrelsome.

The lengthy passage mentioned above (Margaliot 578-9) does not mention fasting as an expatiatory rite. Elsewhere, in Sepher Hasidim, fasting is, of course, commanded for the mourner on an annual basis. The talmudic basis for this is that the father and son are as one body. The fast of the surviving member of the "diad" is essentially a fast for one's self. It is as though the living person died, or a part of him died, when his father died. When we use this

insight to illuminate the medieval Jewish conception of the father-son relationship, we can easily understand the implications of "son acquits the father." They are the same person. (This has fascinating implications for the development of Christian doctrine, but this is not our specific concern here.)

Using this idea as a basis, or a lens through which to view all the other customs connected to Jahrzeit, we can now understand the importance of the Kaddish. The Kaddish, of itself, is not connected with the subject of mourning or death. The Kaddish becomes important becaust its mystical power "works" every time the "Yehey, etc." response is given. This applies to every Jew who participates in its recital. But when a mourner says Kaddish, the benefits also apply to the dead person because the living and the dead are "bound up in the bond of everlasting life," (I Sam. 25:29) as our prayerbooks say. In other words, it is a meritorious deed to say the Kaddish, but when one is mourning, the merit also accrues to the dead. Thus we can say that the Kaddish has an important place in the Jahrzeit ritual only because, in the minds of medieval Jewry, it already had mystical powers. We cannot be sure if, for instance, it was more or less important in securing eternal rest for the parent, than Tzedakah or fasting, for instance. However, it certainly was a cheaper and easier "good deed" to perform.

One of the most important references for understanding the origins of Jahrzeit is the passage from Mahzor Vitry, p. 392. We are given the puzzling announcement that Tzedakah is

only given on Yom Kippur on behalf of the dead. This day is the preferred, and actually only one permitted, because like all living Jews, the dead also require atonement. Yizkor or Yom Kippur is in an entirely different class from the recitation of Hazkarath Neshamoth on the festivals. Only on Yom Kippur do all the elements come together: atonement, fasting, Tzedakah, and, during other parts of the service, the Kaddish. The obligation to give Tzedakah and simultaneously fast on Yom Kippur for the sake of the dead is the possible solution to understanding the origin of the Jahrzeit.

Thus far, we have dealt only with suppositions which can be firmly substantiated by sources. We cannot, as yet, prove categorically that the Yom Kippur memorial was the basis for the Jahrzeit. But we do show that Yom Kippur is the only time on the liturgical calendar that shares all the same ritual elements as the medieval Jahrzeit observance.

The Matnat-Yad on the other hand, has been shown by us to be of a different purpose and character from the Yom Kippur Memorial. No fasting or atonement takes place and the Tzedakah was given only on behalf of the living. Therefore, there is no relationship between Matnat-Yad and Jahrzeit. Modern writers on the subject should take note of this important distinction.

The correlation between Yom Kippur and Jahrzeit offers us one further insight. We know from Mahzor Vitry, p. 373 that a Yom Kippur light was kindled "because the soul is analagous to the light." If indeed the son and father are one body, then the pious son who lights this Yom Kippur lamp

does so for his dead parent no less than for himself. Both require atonement, both stand before God and say "We are as dead before You" (Ta'anit 16a). We already read that the son who quotes his father says "Thus said my father, my teacher, for whose resting place may I be an atonement." (Kiddushin 31b).

Therefore, I believe that the origen of the Jahrzeit lamp is to be found in the Yom Kippur light. This conclusion is at variance with every single writer on the subject, as we saw in our introduction. However, the authorities to whom we are referring all rely upon a passage from M. Güdemann's classic "Geschichte" which we will examine next.

II. Christian Origins

Is ael Abrahams seems to be the earliest English speaking authority to refer to Güdemann's opinion on the origin of the Jahrzeit light. The reader may recall that Abrahams states that Güdemann "emphatically pronounced" the Jahrzeit light to be of Christian origin. Eisenstein, in his 1904 article for the Jewish Encyclopedia follows Abrahams' reading of Gudemann. It may be instructive to reprint exactly what Güdemann actually wrote:

> Waren in diesem Punkte die Christen Schüler der Juden, oder umgekehrt? Das Jahrzeitlicht zum Andenken des Verstorbenen dürfte christlichen Ursprungs sein, wie auch der Ausdruck „Jahrzeit" fur Todestag kirchlich ist.[1] Dafür hat die Kirche (um hier bloss von Todtengebräuchen zu reden) die sieben strengeren, sowie die dreissig Trauertag dem Judenthum entlehnt.[1]

With the help of Dr. J. J. Petuchowski, a native of Berlin, we have arrived at a very different translation of

Gűdemann's purported remark:

> "Are the Christians pupils of the Jews or vice versa? The Jahrzeit light in memory of the deceased might be of Christian origin, even as is also the expression "Jahrzeit" for the day of death Christian ecclesiastical. On the other hand, the Church borrowed from Judaism the seven severe days of mourning, as well as the thirty days of mourning." (emphasis mine)

For almost one hundred years English speaking authorities have been relying upon a mistranslation to explain the origins of the Jahrzeit light. And, perhaps even more appalling, is the fact that Güdemann himself offers no real proof for either contention. It is his learned opinion, but an opinion nevertheless. It is not within our abilities to respond fully to Gaster's contention that the Jewish Jahrzeit is a direct borrowing from the Catholic Church. This theory is based upon h's notion that mutual borrowings among Jews and Christians were pervasive.

Recently, in an attempt to establish just such an idea, the art historian, Joseph Gutmann, published a paper entitled "Christian Influences on Jewish Customs"[2] which begins in this manner: "Judah ben Samuel (called he-Ḥasid, the Pietist) sadly observed that Jewish customs (minhagim) in many places [of Germany] are like those practiced by non-Jews [i.e., Christians]." Judah the Ḥasid's statement represents no minor irony when viewed in the light of his own teachings."

This passage is taken from the Sepher Hasidim (ed. Margaliot), p. 557, para. 1101. The Hebrew reads:

כמו שמנהג הנכרים כן מנהגי היהודים ברוב מקומות כגון אם הנכרים גדורים בעריות כן יהיו בני היהודים הנולדים באותו העיר.

> "As the Gentiles behave, so do the Jews in most places; for example, if the Gentiles are

> on guard against licentious behavior, so
> also will be the Jewish natives of that town."

This statement obviously has nothing to do with religious practices (Minhagim), but rather with the moral behavior of the town's Jewish and Gentile citizens. Gutmann evidently misunderstood the various meanings and nuances of the root N-H-G. Furthermore, this passage occurs in the midst of several other passages which discuss herem, the punishment of banning imposed by Jewish courts for non-compliance with rabbinic rulings, mostly having to do with breach of contract and similar financial matters. Gutmann attemps to show his readers that numerous Medieval Jewish customs were influenced by Christianity. He does this by mistranslating and pulling out of context a statement from Sepher Hasidim!. Incidentally, his footnotes reveal that all his research consists of an extensive mining of the secondary literature.

In chapter one to this paper (p. 5), we quoted T. H. Gaster's opinion that the custom of commemorating Martyrs by reciting their names and praying for them was borrowed directly from the Christian Church. "From the fourth century onward, it was the practice of the Church, during the celebration of the Mass, to offer a special prayer for local martyrs and deceased dignitaries, their names being read out from a diptych--that is, from two wooden boards folded together like the pages of a book."[3]

This provocative opinion seems to ignore the writings of S. Salfeld, to be found in his introduction to Das Martyrologium des Nürnberger Memorbuches and his article on Memor-

Book for the Jewish Encyclopedia.[4]

> The earliest memor-book extant is that of the community of Nuremberg. It was begun in 1296, and is so complete that it must have had predecessors which served as models for it. At all events, notwithstanding their name, the memor-books are not borrowed from the Christian Church, but are a product of Jewish piety; for it has always been customary in Israel to remember the dead, to pray and to present offerings for them, and to hand their names down to posterity. Indeed, the Christian Church adopted this custom, which developed into the ritual observance of All Souls' Day, from Judaism. Although the different memor-books occasionally show a resemblance to a certain form of literature produced by the Catholic Church--the diptychs borrowed from the Romans, the "libri vitae" or "libri viventium" used until the Carolingian period, the later calendars, necrologies, and martyrologics--yet many passages in the Church Fathers indicate that the prayers for the dead were Jewish in origin, and date from the time of the Apostles, who were Jews (comp. Bautz, "Das Fegfeuer," p. 76, Mayence, 1883; Propst, "Liturgie der Ersten Drei Christlichen Jahrhunderte," pp. 304 et seq.).

Interestingly enough, Cohon reprinted this very same selection from Salfeld's Encyclopedia article in the CCAR Rabbi's Manual.[5] Gaster could not have been unaware of Salfeld's findings.

At any rate, the connection between All Souls' Day on which a Requiem Mass is celebrated to help the deceased "obtain the final purification necessary to be admitted to the beatific vision"[6] and the Jahrzeit which is an individual family memorial seems to be slight. It seems that All Souls' Day by itself is only medieval, as is shown by A. Cornides in the New Catholic Encyclopedia;

> The choice of November 2 is traditionally attributed to St. *Odilo, the fifth abbot of Cluny (d. 1048), because of his decree that all Cluniac monasteries should follow the example of Cluny in

> offering special prayers and singing the Office for the Dead on the day following the feast of *All Saints. Due to the influence of Cluny the custom spread and was finally adopted universally in the Latin Church.[7]

The development of All Souls' Day may, in fact, have taken place simultaneously with that of the Jewish Jahrzeit. It must also be pointed out that All Souls' Day is a feast and not a fast. Could there be a more profoundly different manifestation of the Christian and Jewish attitude toward the dead and piety?

To sum up, we feel that we have shown that there is ample literary evidence from Jewish sources alone to show that the Jahrzeit is derived from sentiments and beliefs which are wholely Jewish in nature. The fact that the term "Jahrzeit" was used by the medieval church seems to be irrelevant. The term enters the Halakhic literature (Mintz 15th c.) long after the observance of Jahrzeit became a widespread Jewish custom and seems to have been used as a shorthand for the cumbersome Hebrew phrase.

The most likely scenario is that the atonement aspect of Yom Kippur merged with the fast that since Talmudic times is recommended for the anniversary of a parent's death. This, coupled with the giving of Tzedakah forms the matrix around which the Jahrzeit developed. The reciting of Kaddish, for its own distinct reasons, and the lighting of a memorial light are basically incidental to the Jahrzeit, but for reasons of folk piety and sentiment became, over time, synonymous with Jahrzeit. (The same process can be seen with the development of the Kaddish itself).

It seems highly unlikely to this writer that Christian mourning customs, which were themselves in formulation in the early Middle Ages would have exerted a profound or even moderate influence upon Jewish Pietists. At most, Jahrzeit and Christian mourning customs represent convergences which are due to feelings of piety and respect for the dead which are common to most Western peoples.

FOOTNOTES

Chapter One

[1]Israel Abrahams, Jewish Life in the Middle Ages, p. 140.

[2]J. D. Eisenstein, "Jahrzeit," Jewish Encyclopedia, VII (1904), p. 63.

[3]Kaufmann Kohler, Yearbook, CCAR, Vol. XXIII, pp. 174-5.

[4]Rabbi's Manual (Samuel S. Cohon, ed.), CCAR, (1928), 1961).

[5]Kohler, op. cit., p. 176.

[6]Rabbi's Manual, (1928), p. 199 and (1961), p. 150.

[7]Kohler, op. cit., p. 176.

[8]Rabbi's Manual, (1928), p. 198 and (1961), p. 150.

[9]Walter Jacob, ed., American Reform Responsa, (1983), p. 394.

[10]Theodore H. Gaster, "Commemoration," Commentary, (March, 1953), Vol. 15.

Chapter Two

[1]T. B. Erubhin 70b. The Talmudic formulation is יורש כרעיה דאבוהו . The medieval sources, such as Sepher Ḥasidim #231 refer to this as דין הוא לפי שהאב והבן גוף אחד .

[2]Eisenstein in his article "Jahrzeit," Jewish Encyclopedia, VII, p. 64 states, "In the Talmudic period the anniversary of a father's or teacher's death was often devoted to fasting." The Rabbi's Manual, op. cit. (1928, p. 197 states flatly, "Fasting on the anniversary of the death of a father or teacher was customary in Talmudic times." This is then illustrated by the same Talmudic references we have cited.

[3]L. Ginzberg, Girzé Schechter, pp. 236-7.

[4]Ibid., p. 237.

[5]M. Friedmann, Seder Eliyahu Raba V' Seder Eliahu Zuta, (reprinted together), p. 22.

[6]Ginzberg, op. cit., p. 236.

[7]N. N. Koronel, Hamshah Kontrasim, pp. 4b, 5.

[8]Abuhav. Menorath ha Me-or (ed. Horesh), p. 50.

[9]See Friedmann, pp. 23-4 ff. and Ginzberg, p. 237.

[10]Freehof, "Ceremonial Creativity," J.Q.R., Vol. 75, p. 213.

[11]Or Zarua, "Motzaé Shabbat," Vol. 2, #50, p. 22b.

[12]D. Pool, The Kaddish, p. 102.

[13]Pesiqta Rabbati (ed. Friedmann), p. 95b.

[14]W. Braude, Pesiqta Rabbati, pp. 20-26.

[15]Ibid., p. 26.

[16]Midrash Tanhuma (ed. Warsaw), Part 2, p. 122.

Chapter Three

I. Intercession and Tzedakah

[1]Sepher Hasidim, (ed. Margaliot), p. 171.

[2]Ibid., p. 375.

II. Fasting

[3]M. Lamm, The Jewish Way in Death and Mourning. (New York: 1969), p. 201.

[4]The author of this statement chose his reference to David carefully. It comes from II Sam. 1:11-12. "Then David took hold of his clothes and rent them (K'riah) and likewise all the men that were with him. And they mourned and wept and fasted until evening." However, had our author chosen the story of Bath Sheba's baby this pious custom would never have been established. We may remember that when the baby died David said, "But now he is dead, why should I fast?" (II Sam. 12:23) Incidentally, it is the latter verse that

R. Harold Kushner sees in the dedication of his new book When Bad Things Happen to Good People. Jewish tradition has favored the attitude of the former verse with the latter cited as a warning to accept God's decision as final.

[5]For a somewhat later reference (14th c.) see Isserles' gloss to Y.D. 376:4 and Y.D. 402:12 in which he cites the Kol Bo. However, here too we are bothered by the equivocal terminology: B'yom Sh'met Abh o-em. Isserles does not use the term "Jahrzeit," though it seems clear that he is referring to the anniversary of death.

III. Kaddish

[6]D. Pool, op. cit., p. 8.

[7]Freehof, op. cit., p. 213.

[8]Mahzor Vitry, (ed. Hurwitz), pp. 112-113.

[9]Or Zaru'a (Zhitomer), op. cit., p. 22b.

[10]S. Freehof, ibid., p. 213.

[11]Kol Bo (Tel Aviv: 1964), p. 88.

[12]Sefer Maharil, "Hilk'ot T'fila" (end).

[13]Isserles to Y.D. 376:4.

IV. Hazkarath Neshamoth

[14]Freehof, "Hazkarath Neshamoth," HUCA, Vol. XXXVI, pp. 179-189.

[15]Ibid., p. 181.

[16]Mordecai to Yoma (#727).

[17]Sefer Maharil, end of Hoshana Raba, p. 54.

[18]Mahzor Vitry (Festival section), p. 173.

[19]This is borne out by a responsum of Maharil #99.

[20]Tanhuma (ed. Warsaw). Jerusalem facsimile, Part 2, p. 122.

[21]This is an error, it should be the Siphré to Deuteronomy 21. The pious commentator, Etz Yoseph, to the ed. Warsaw writes, "at the moment I haven't found this in the Torat Kohanim, only in the Siphré, Seder Shophetim." This is, of course, the Piska (#210) we discussed earlier.

[22]Or Zaru'a, op. cit., 22b.

[23]Salfeld, Martyrologium des Nurnberger Memorbuches, pp. 85-86.

V. Lights

[24]Or Zaru'a, op. cit., Part 2, p. 8.

[25]Massaot (ed. Adler), p. 43.

[26]Tractenberg, Jewish Superstition and Magic, p. 180.

[27]She'elot u Teshubhot ha Maharshal #46 (Jerusalem: 1969).

[28]Aaron Berechia of Modena, Ma'abhar Yabbok, (Amsterdam), p. 936.

[29]J. Schwartz, Hadrath Kodesh, p. 18.

Chapter Four

[1]Freehof, "Ceremonial Creativity," op. cit., p. 214.

[2]Moses Mintz, Responsa #80, ed. Lemberg: 1851. Note: the pagination is incorrect. The work "Jahrzeit" is to be found on the page marked ל, but should be לד, right column, line 7.

[3]See Eisenstein, in J.E., Vol. 7, p. 64 and Walter Jacob in American Reform Responsa, p. 393.

[4]Eduyoth 2:10, Rosh ha Shana 17a.

[5]Lewysohn, Mekoré ha Minhagim, p. 138, #98. Also Naqid U'Mitzaveh, (ed. Amsterdam), p. 62.

[6]Sperling, Ta'amé ha Minhagim, p. 303.

[7]Klein, Guide to Jewish Religious Practice, p. 294.

[8]Jacob, op. cit., p. 394.

[9]Lamm, op. cit., p. 201.

Chapter Five

[1]M. Güdemann, Geschichte des Eziehungswesens und der

Cultur der Abendländischen Juden, V. 3, p. 132.

[2]Gutmann, "Christian Influences on Jewish Customs," Spirituality and Prayer: Jewish and Christian Understandings. p.128

[3]Gaster, op. cit., p. 185.

[4]S. Salfeld, "Memor-Book," Jewish Encyclopedia, Vol. VIII, p. 457.

[5]Rabbi's Manual (1928) pp. 202-203 and (1961), p.

[6]A. Cornides, "All Souls' Day," New Catholic Encyclopedia, I, p. 319.

[7]Ibid.

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