

Thesis Summary:

**TEFILLIN: FROM ANCIENT NEAR EASTERN ORIGINS  
TO MODERN USAGE**

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- This thesis consists of three chapters, an introduction, conclusion, bibliography and appendices.
- The contribution of this thesis is two-fold. First, by tracing the history, development and use of *tefillin*, it has been shown that *tefillin* were rarely ever used ubiquitously. Second, through the use of prayer books and platforms it has been shown that even in its early stages the Reform Movement had members who used *tefillin*, as there are members who do so today (though most do not). Therefore, the Reform Movement's use of *tefillin* is consistent with Jewish practice from prior time periods.
- The goal of this thesis was to study *tefillin* use in the Reform context; keeping in mind that to fully understand modern practice, historical practice must be studied as well.
- The three main chapters cover:
  - The Origins of *tefillin*.
  - *Tefillin* in the Middle Ages.
  - *Tefillin* in Reform Judaism.
- The major primary sources used during research were: Bible, Mishnah, Talmud, Mishneh Torah, Shulhan Arukh. Other sources included: Bible and Talmud commentaries, response literature, archeology, Septuagint, Philo, Josephus, Pseudepigrapha and others. Secondary materials used were: articles, encyclopedias, CD-ROM's, the internet and others.

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**Thesis Submitted in Partial Fulfillment of  
Requirements for Ordination**

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## Introduction

In the Talmud, Berahot 6a, *tefillin* are portrayed as such an important ritual item that even God wears them:

R. Abin son of R. Ada in the name of R. Isaac says: How do you know that the Holy One, blessed be God, puts on *tefillin*? For it is said: "God has sworn by God's right hand, and by the arm of God's strength." (Isa. 62:8) "By God's right hand:" this is the Torah; for it is said: "At God's right hand was a fiery law unto them." (Deut. 33:2) "And by the arm of God's strength:" this is the *tefillin* as it is said: "God will give strength unto God's people." (Ps. 29:11) And how do we know that the *tefillin* are a strength to Israel? For it is written: "And all the peoples of the earth shall see that the name of God is called upon you, and they shall be afraid of you." (Deut. 28:10) It has been taught that R. Eliezer the Great says that this refers to the *tefillin* of the head.

The Talmud then proceeds to tell us what are in the compartments of God's *tefillin*. All four of the *parshiot* in God's *tefillin* are verses that praise Israel. God's *tefillin* represent a reflection of the *tefillin* that Jews are to wear: physically (the box has four compartments), in location (God wears them on the forehead and arm as well) and in purpose (symbols of praise for what one has done for the other).



It is strange then, that when Rabbi Richard Levy proposed in 1998 that Reform Jews may consider responding to God by "wearing the *tallit* or *tefillin* for prayer,"<sup>1</sup> he was harshly criticized. Had Judaism changed so much that a ritual that was once so highly valued could now be repudiated? The answer to this question is not a simple one; to properly answer it requires research into every aspect of *tefillin*. We will look at its origins, development and changes throughout the generations of Judaism in order to show that ambivalence towards *tefillin* is nothing new; it dates back to the very beginning of the tradition itself.

This research will begin with an investigation into the genesis of *tefillin*. Various *tefillin*-like traditions existed in the millennium prior to the destruction of the Second Temple in Jerusalem. It was around this time that *tefillin* begin to take the shape we recognize today. Various sources will be consulted, both Jewish and non-Jewish. As a part of the Ancient Near Eastern landscape, Israelite culture did not develop *tefillin* in a vacuum. Similar traditions existed among Israel's neighbors. Jewish documents, like the Torah, Mishnah and Talmud, also help us understand the development of *tefillin*, but they also arouse questions. Through the help of other sources, such as Philo, the Septuagint, and the New Testament we will better understand how the *tefillin*, as we know them, came to into being. However, the role that *tefillin* played at the end of this period was still ambiguous.

While it took many centuries to arrive at *tefillin* in the form mentioned above, the rules governing their creation and use were under constant change. By looking at the medieval material produced throughout the Jewish world, we will see that a perfect

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<sup>1</sup> Richard Levy, "Ten Principles for Reform Judaism," in *Reform Judaism Magazine* (Winter 1998: <http://uahe.org/rjmag/1198tp.html>).

understanding of what *tefillin* were and how and why they should be used was still not achieved. In addition, the commentaries on both the Bible and Talmud, along with the codificatory literature painted a unique picture of *tefillin* in the Middle Ages. Movements such as Tosafism, Kabbalism and Hasidism had a great impact on *tefillin*.

In the Modern Age, *tefillin* have been symbolic of the changes that gripped Judaism, both in Europe and in the United States. The journey of Reform Judaism itself follows the same path as *tefillin*. By studying the theological changes of the Reformers as they have been reflected by their prayer books and platforms we can follow the changes in attitudes toward *tefillin* in the Reform community.

Ultimately, we will see that in each age, there was a struggle to understand *tefillin* and their role in the lives of Jews. *Tefillin*, it will be shown, were never universally used by all Jews. As each generation struggled with the issue, different results occurred. At some points, *tefillin* were used widely and were symbolic of the Judaism of its day. Likewise, as it has been with Reform Jews, *tefillin*, at various points in history, have not been widely used; yet they are still symbolic of the Judaism of today.

## Chapter 1 – Origins of Tefillin

In order to understand any modern or current use of *tefillin* one must look at the long history of *tefillin*'s use and origins. There is a pre-history of *tefillin* as well; one that extends beyond any time period when *tefillin* was known as such, and to cultures beyond ancient Israel.<sup>2</sup> Therefore, an investigation of arm and head ornaments and markings in the Ancient Near East (ANE) must also be taken into account. These ornaments existed all across the geography of the ANE, in societies from Egypt to Persia. These practices of the surrounding and older societies may have influenced the Bible beyond the four segments which are traditionally associated with *tefillin*.<sup>3</sup> Biblical and extra-biblical sources must be explored fully as well as texts from throughout the Rabbinic Period.

A variety of ANE practices appear to be related to the later practice of laying *tefillin*. Like *tefillin*, some were physical items worn on either the head or the hand/arm.<sup>4</sup> In some cases, both were present. We have examples of these preserved in art from the time period. See Appendix A for examples. In the areas of ancient Palestine as well as Syria there was a common practice of wearing a headpiece such as a headband or turban. A marker could be added to this garment as a way to identify or distinguish individuals.<sup>5</sup> There are Hittite and Akkadian examples of headdresses being used as a sign of a treaty or oath which has some resemblance to the way in which *tefillin* are used; as a sign of the

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<sup>2</sup> Samuel S. Cohon, *Essays in Jewish Theology*, (Cincinnati: HUC, 1987), 335-340. Cohon refers to several examples of tattooing and other practices as possible precursors to *tefillin*.

<sup>3</sup> Ruth Satinover Fagen, "Phylacteries," n.p., *ABD on CD-ROM*. Version 2.0c. 1995, 1996. Evidence of other ANE cultures' influence on the Bible vis-à-vis a type of "sign" on either their head or arm include the story of the mark on Cain's forehead (Gen 4:15).

<sup>4</sup> Jeffrey H. Tigay, "T'fillin and M'zuzot," in *Etz Hayim: Torah and Commentary* (ed. D.L. Lieber and J Harlow; Philadelphia: Jewish Publication Society, 2001), 1464.

<sup>5</sup> Jeffrey H. Tigay, *Deuteronomy Commentary* (The JPS Torah Commentary Project; Philadelphia: Jewish Publication Society, 1996), 79.

treaty or covenant that the Israelites made with their god.<sup>6</sup> Others may not have been objects or garments at all, rather they were an appliqué of blood, dye or a tattoo. The Samaritans, while having no *tefillin* in physical form, carry on until today a practice involving blood on the arms and forehead.

As we move from the non-Israelite cultures in the ANE to the Israelite and those with closer proximity to them, we come closer to understanding the development of *tefillin*. The Torah offers us some of the most interesting material on this matter. The four *parshiot*, or excerpts (Ex 13:9, Ex 13:16, Deut 6:8, Deut 11:18) have particular importance because they provide the *locus classicus* for all later discussions of these commandments in Jewish Law. While an entire work could be written here on the dating of the biblical material, we will simply state that these two biblical books, Exodus and Deuteronomy, represent the earliest Israelite texts available that address the use of *tefillin* (though they are not identified as such).<sup>7 8</sup> We will look at these four passages in the order in which they appear in the Torah knowing full well that this may not be the order in which they were authored.

1) The Lord spoke further to Moses, saying, 2) "Consecrate to Me every first-born; man and beast, the first issue of every womb among the Israelites in Mine." 3) And Moses said to the people, "Remember this day, on which you went free from Egypt, the house of bondage, how the Lord freed you from it with a mighty hand: no leavened bread shall be eaten. 4) You go free on this day,

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<sup>6</sup> David Rothstein, "From Bible to Murabba'at" (Ph.D. diss., The University of California, Los Angeles, 1992), 91-92.

<sup>7</sup> See Moshe Greenberg, "Exodus, Book of," n.p., *EncJud* on CD-ROM. Version 1.0, 1997. Greenberg covers the scholarly arguments and dating hypotheses as well as the composition strands within the book. Because of the multiple authorship by the J, E and P authors an exact dating is not attained.

<sup>8</sup> See Moshe Weinfeld, "Deuteronomy," n.p., *EncJud* on CD-ROM. Version 1.0, 1997. "The date of composition of Deuteronomy was established by the pioneering work of de Wette in 1805. Trying to trace the historical circumstances underlying the book of Deuteronomy, de Wette found a correspondence between the reforms of Hezekiah and Josiah and the legislation of Deuteronomy." Again, while no date can be accurately given for authorship, it is clear that it occurred in this period. In addition, its "discovery" in 622 BCE gives at least some dating for the book's use.

in the month of Abib. 5) So, when the Lord has brought you into the land of the Canaanites, the Hittites, the Amorites, the Hivites, and the Jebusites, which he swore to your fathers to give to you, a land flowing with milk and honey, you shall observe in this month the following practice. 6) Seven days shall you eat unleavened bread, and on the seventh day there shall be a festival of the Lord. 7) Throughout the seven days unleavened bread shall be eaten, no leavened bread shall be found with you, and no leaven shall be found in your territory. 8) And you shall explain to your son on that day, 'It is because of what the Lord did for me when I went free from Egypt.' 9) And this shall serve you as a sign on your hand and as a reminder on your forehead—in order that the Teaching of the Lord may be in your mouth—that with a mighty hand the Lord freed you from Egypt. 10) You shall keep this institution at its set time from year to year." (Ex 13:1-10 JPS Tanakh)

While specifically Ex 13:9 is one of the *parshiot* on which the *tefillin* tradition is based, the entire pericope bears significance.<sup>9</sup> The connection of the commandments regarding the first born and a marking between one's eyes and even one's hand is made by other Semitic peoples. The work of Samuel Ives Curtiss documented examples in Iraq and Syria where sacrifices were made and then the blood of the sacrifice was placed on either the forehead or nose of someone being consecrated. In other instances, the blood was put on the finger and then on the forehead. This process was known as *fedou* or "redemption,"<sup>10</sup> perhaps a direct correlation to the Hebrew *pedhe*- also meaning redemption. We may suppose, therefore, that in its earliest forms, *tefillin* were no different from these rituals elsewhere in the ANE. Furthermore, employing the name "redemption" for this ritual ties together the three themes of Ex. 13:1-10: sacrificing of the first born, commemorating the redemption from Egypt and having a symbol thereof on your arm and head. It appears to be no coincidence that the subsequent verses, Ex

<sup>9</sup> Beyond the significance here, the same pericope will have another bearing on *tefillin* vis-à-vis the Samaritan practice below.

<sup>10</sup> Cohon, *Essays in Jewish Theology*, 336-7.

13:11-16, contain all three of these themes as well. This pericope is the second of the four *parshiot*. Again, sacrifice of the firstlings is a reminder of the redemption from Egypt commemorated physically in verse 16:

"And so it shall be as a sign upon your hand and as a symbol on your forehead that with a mighty hand the Lord freed us from Egypt."

Some comparison of the first and second *parshiot* is required here. While the language of the two verses is different in several regards, there is only one significant semantic difference. Verse nine calls the marker that rests between the eyes a *zikaron*- a reminder or memorial- whereas Verse 16 has *totafot*; a word whose meaning is hard to define<sup>11</sup>. This variance will lead to a variety of interpretations as to what *tefillin* are, and even, if they are real or merely figurative.

"The divergence of interpretations since Second Temple times may go back to the different meanings in the biblical texts themselves. It seems that Ex 13:9 and 13:16 used 'sign,' 'memorial,' and 'headband' metaphorically, whereas Deut 6:8 and 11:18 may have intended them literally. Consider that in Ex 13:9 and 13:16 the grammatical subject of 'shall be a sign on your hand and a memorial/headband on your forehead' cannot be the biblical passages themselves, for they are not mentioned. As metaphors these terms indicate that something is to be kept close at hand and remembered well...What then must be remembered well? In the former case: the Lord's mighty deeds. In the latter case: this day

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<sup>11</sup> See Jeffrey H. Tigay "On the Meaning of T(W)TPT," JBL 101 (1982): 321-331.

and these rites—so that God's teaching will be remembered well."<sup>12</sup>

While the two *parshiot* from Exodus may leave us unclear as to an actual or metaphoric understanding, the two *parshiot* from Deuteronomy are much clearer. The presence of one simple word in both Deut 6:8 and 11:18, - *'shartam*, meaning "you shall bind them [to yourself]," makes it quite clear that these are physical objects to be worn on the body.<sup>13</sup> However, what that reminder consists of is unclear. The *tefillin* may be the reminder, but the text is not specific. The Exodus texts themselves could be the reminder. If that is the case, there is a question to be asked here: If the Exodus texts are to be a reminder of the Exodus from Egypt, of what are the Deuteronomy references a reminder? Once again, we must look at the larger pericope in which they are contained. The entire pericope from Deut 6:1-11 to 11:26 must be investigated. Initial investigation would lead us to believe the laws or teaching referred to throughout the pericope (6:1-2, 6:6, 11:13, 11:18 and others) refer to loving God and that *tefillin* and *mezuzah* are physical applications of this love.<sup>14</sup> However, this can be seen another way depending on what one believes Deut 6:6 is referring to when it says: "Take to heart these instructions with which I charge you this day." The classic commentators believe that this verse is speaking of the commandments that are about to follow: teaching one's children, *tefillin*, *mezuzah* and *tzitzit*.<sup>15</sup>

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<sup>12</sup> Tigay, "T'fillin and M'zuzot," 1465-6.

<sup>13</sup> Nahum M. Sarna, *Exodus Commentary* (The JPS Torah Commentary Project; Philadelphia: Jewish Publication Society, 1991), 270-271.

<sup>14</sup> Marc Brettler, "Sh'ma," in *The Sh'ma and its Blessings* (ed. Lawrence A. Hoffman; vol. 1 of *My People's Prayer Book*, ed. Lawrence A. Hoffman; Vermont: Jewish Lights, 1997), 87-8.

<sup>15</sup> Rashi, Ramban, *ad loc*.

There is another reading, a contextual one. The verses contained here could be seen as a pericope in and of themselves. However, one cannot exclude the material immediately preceding them in Deuteronomy, chapter 5. Here, too, is a law which was charged "on this day." (Deut 5:1) In addition, this chapter, like chapter 6, begins with *shema yisrael*, "Hear, O Israel." What is most significant is the content of chapter 5: the Decalogue. One cannot deny the importance of their immediate proximity to chapter 6. Therefore, "these instructions with which I charge you this day," (Deut 6:6) may be referring specifically to the Decalogue.<sup>16</sup> This connection was not unknown in biblical times or the Rabbinic Period as will be seen below when we investigate the Samaritans and the contents of *tefillin* from the Rabbinic Period.

While the Samaritans and the Israelites share origins, their opinions of what to do with the four *parshiot* are divergent. The Samaritans do not have *tefillin*.<sup>17</sup> In fact, there is no object or ornament that the Samaritans use in relation to the four *parshiot*.

The Samaritans also did not accept the precept of *t'fillin*. This suggests that before the Jewish-Samaritan schism the literal interpretation of the verses was not universally accepted.<sup>18</sup>

The Samaritans, do however, preserve a *tefillin*-like practice. This practice, involving blood, holds firm to two of the three themes of the Exodus *parshiot*: commemorating the redemption from Egypt and markings on the head. As part of the annual Passover ritual, lambs are slaughtered and blood is sprinkled on the opening of the tent just as in the original Passover. There is an additional use for the blood from this sacrifice:

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<sup>16</sup> Tigay, *Deuteronomy Commentary*, ad loc.

<sup>17</sup> Men. 42b. Jews are not allowed to purchase *tefillin* from Samaritans. The logic employed is that only one who wears *tefillin* is able to make them properly and the Samaritans do not wear them.

<sup>18</sup> Tigay, "T'fillin and M'zuzot," 1465.



...not only are all the tents promptly marked with the blood as a covenant token, but every child of the covenant receives also a blood-mark, on his forehead, between his eyes, in evidence of his relation to God in the covenant of blood friendship.<sup>19</sup>

This ritual draws a clear line between the remembrance of the Exodus and marking the forehead. The Samaritans had an understanding of the Deuteronomy *parshiot* as well. Like the Exodus *parshiot*, the Samaritans do not employ an *added* physical dimension like *tefillin*. The Samaritans interpreted *uk'shartam al yadecha* to be *al yadeicha*, hands, and the ten fingers of the two hands were thus the physical signs of the Decalogue. This reinforces the assumption that the Deuteronomy *parshiot* refer to the Decalogue that immediately precede them.<sup>20</sup>

The Septuagint offers yet another understanding of the four *parshiot*. Unlike the biblical material and the Samaritan tradition, there seems to be no doubt that the symbols are physical. In all four instances the translations use the word *asaleuton*. The use of the translation *asaleuton*, meaning "fixed" or "not moving" for *totafot* supports this understanding. This may reflect a tradition of amulet use in Egypt. If this is the case, thinking of *asaleuton* as an amulet is problematic because *tefillin* appear to be much more than an amulet. The rabbis in the Talmud do give *tefillin* amulet powers such as healing and the power to prolong life,<sup>21</sup> but this is not the primary function of *tefillin* as evidenced by their many references to the primary role of *tefillin*: reminder of Egypt and the Exodus. The significance of the Septuagint's use of the word *asaleuton* is that it is a physical object. By applying the word *asaleuton* to all four *parshiot*, the translators of

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<sup>19</sup> Cohon, *Essays in Jewish Theology*, 337.

<sup>20</sup> Rothstein, "From Bible to Murabba'at," 18-20.

<sup>21</sup> Ber. 23a-b, Men. 35b.

the Septuagint eliminate the ambiguity of the Exodus verses in favor of the clarity of the Deuteronomy verses. The translators may have arrived at this understanding through exegesis, rather than relying on praxis.

[The Septuagint's] translators may have sensed that the contents of the Exodus and Deuteronomy passages speak of YHWH having performed redemptive acts before (the eyes of) all Israel and that the rationale for placing "these words" and/or the rituals of the Passover/Massot – depending on the referent of these verses – was, likewise, that they be visible, i.e., placed upon their hands/arms and before their eyes.<sup>22</sup>

This translation may have laid the foundation for a later tradition of a fixed object known as *tefillin*.

*The Letter of Aristeas* may reflect the Septuagint's understanding of *totafot* as physical items. The letter, which purports to be written at the time of the Septuagint is likely to be from a later period and is most probably not written by the claimed author. It is apparent that the author of the letter is a Jew.<sup>23</sup>

Scholars universally agree that this work was written by a Jew rather than by an Egyptian courtier named Aristeas. The viewpoint, interests, and sympathies expressed by the author are clearly those of a Jew.<sup>24</sup>

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<sup>22</sup> Rothstein, "From Bible to Murabba'at," 6-7.

<sup>23</sup> R. James H. Shutt, "Aristeas, Letter of," n.p., *ABD on CD-ROM*. Version 2.0c. 1995, 1996.

<sup>24</sup> G.W.E. Nickelsburg, "Epistle of Aristeas," in *Jewish Writings of the Second Temple Period* (ed. Michael E. Stone; Philadelphia: Fortress, 1984) 77.

In the letter, the author gives an accounting of the Septuagint's origin. What is important for us is that the author specifically mentions binding the words of Deuteronomy onto one's hand. He does not, however, mention the head *tefila*.

It is indeed likely that the Hellenistic, Jewish practice described by (pseudo-)Aristeas reflects the exegetical tradition of the ancient [Septuagint] translators.<sup>25</sup>

This is significant because (pseudo-) Aristeas is the first text that actually delineates a *tefillin* practice, though it is not called *tefillin* and we have no details surrounding the practice. In addition, if the author knew of a *tefillin* tradition that varied from the Septuagint, this would have been an excellent opportunity to refute the Septuagint translators.

Philo of Alexandria offered what was, perhaps, a step back in the process of solidifying *totafof* as a physical item. Though Philo clearly post-dates both the Septuagint and the *Letter of Aristeas*, there is ambiguity in Philo's reference to *totafof*.<sup>26</sup> Philo both contradicts the Septuagint by saying that the *totafof* are "shaking before the eyes," i.e. moving or metaphoric, as opposed to the Septuagint's *asaleuton* and he affirms that they are a physical object: "the law bids us fasten and hang the rules of justice for a sign." Furthermore, Philo augments Aristeas in that he attests to the practice of wearing a head *totafof*. Philo describes them as "moveable" in nature. Their mobility, by literally dangling between the eyes, ensures that they will be seen by the wearer- thus being the *zikaron* proscribed in the Bible. Some scholars, such as I. Heineman and F.H. Colson believed that Philo interpreted the entire matter as allegory and that Philo intended the

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<sup>25</sup> Rothstein, "From Bible to Murabba'at," 11.

<sup>26</sup> Philo of Alexandria, *Spec. IV*:137-139 (Colson).

allegory to act as the reminder, i.e. these commandments should be so apparent to us it is as if they are hanging right between our eyes.<sup>27</sup> Philo's ambiguity between reality and allegory may come from his understanding of the Deuteronomy verses as the basis of the law, whereas he makes no specific mention of the Exodus verses which he may have assigned the role of allegory.

Josephus, living slightly later in Judea, also attests to "writing on the head and arm so that men can see on every side the loving care with which God surrounds them."<sup>28</sup> This seems to coincide with Philo's understanding that they should be both worn and seen by the wearer.

The next piece of evidence of *tefillin* is not textual; it is archeological. The Qumran *tefillin* acquired by Yigael Yadin in 1968 provide a wealth of information about *tefillin* from the end of the Second Temple Period. Firstly, all four parshiot were included in the *tefillin* suggesting that the focus of the Exodus texts was more than metaphoric. Secondly, it provides the earliest evidence of exactly what the *tefillin* looked like and how they were made. These *tefillin* however, did not provide complete clarity as to form since different shapes and techniques of manufacture were represented clearly in other early *tefillin*.<sup>29</sup> Thirdly, the Decalogue was included in this set of *tefillin*. This harkens back to the early practice of the Samaritans and to the concurrent Temple practice that the daily service in the Temple had a reading of the Decalogue along with the Shema.<sup>30</sup> It appears, in some circles, it may have been difficult to separate the Deuteronomy *parshiot* from their context.

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<sup>27</sup> Rothstein, "From Bible to Murabba'at," 15.

<sup>28</sup> Josephus, *Ant.* IV 8:13 (Thackeray, LCL).

<sup>29</sup> See Appendix B for pictures of Qumran and Murabba'at *tefillin*.

<sup>30</sup> Tamid 5:1

The New Testament Gospel of Matthew adds a new wrinkle to the debate over exactly when *tefillin* attained their final form. "[The Pharisees] do all their deeds to be seen by others; for they make their phylacteries broad and their fringes long." (23:5) The choice of the word "phylacteries" in the Greek is clearly a misrepresentation of what *tefillin* were at this late stage.<sup>31</sup> Phylacteries are plain amulets and *tefillin*, now in their near final form, were hardly seen as such. Most scholars argue that the term is used in a derogatory fashion in a consistent manner with the verse itself. If the verse was meant to disparage Jews, than certainly disparaging their ritual items would not be too far-fetched. Tigay makes an argument for just the opposite; the use of phylacteries was indeed intentional, but not for the accepted scholarly reasons.<sup>32</sup> Tigay makes three points: later Christian writers, such as Justin Martyr<sup>33</sup> and Jerome,<sup>34</sup> accurately describe *tefillin* and their function while still using the term phylactery, implying that they fully understood *tefillin* and they thought "phylacteries" was an appropriate, not disparaging name. Tigay's second point is that Matthew is not accusing the Pharisees of flaunting amulets, but that they are flaunting their *tefillin* as symbols of their learning and pious nature. He cites Rabbinic and Gaonic examples of the rabbis warning not to be "haughty" with one's *tefillin*. Lastly, Tigay refutes some scholars who dispute that the *tefillin* could be made wide because of their cubic shape. In light of the discoveries of rectangular Qumran and Muraba'at *tefillin*, there is no doubt that rectangular *tefillin* could be made wide. Scholars may debate the nature of the text, but what we can see from the Matthew text is that even after the destruction of the Second Temple, the final form of *tefillin* had yet to

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<sup>31</sup> Fagen, "Phylacteries," n.p. Rabinowitz, "Tefillin," EncJud 899.

<sup>32</sup> Jeffrey H. Tigay, "On the Term Phylacteries (Matt 23:5)," HTR 72 (1979): 46-49.

<sup>33</sup> Jeffrey H. Tigay, "On the Term Phylacteries (Matt 23:5)," 46. Justin Martyr died around the year 165 CE.

<sup>34</sup> *Ibid.*, Jerome lived ca. 347-420 CE.

be solidified. "Making broad" simply leads us to believe that size and or shape were still negotiable. What Tigay does not take into account in his essay is the fact that the *Testament of Job*,<sup>35</sup> from the same time period as Matthew's gospel,<sup>36</sup> also uses the word "phylactery" and uses it in reference to amulets, not *tefillin*.

"10) Now then, my children, since you have these objects you will not have to face the enemy at all, but neither will you have worries of him in your mind, since it is a phylactery of the Father. 11) Rise then, gird yourselves with them before I die in order that you may be able to see those who are coming for my soul, in order that you may marvel over the creatures of God." (T. Job 47:10-11)<sup>37</sup>

While a Christian author cannot be claimed with full surety, the testament has some undeniably Christian themes. Unlike the biblical Job, the testament's Job is content to suffer. This Job is also in conflict with Satan, a Christian motif. Lastly, the *Testament of Job* says that Job will have a share in what is to be a pending resurrection. These Christian themes, coupled with the fact that the testament was written in the same period of the *Gospel of Matthew*, weaken Tigay's argument that use of "phylactery" is synonymous with *tefillin*.

The earliest mentions of the word *tefillin* in a written text come in Targum Onkelos. In his translations of all four *parshiot* Onkelos uses the word *tefillin*. The use of this word in place of *totafot* creates another ambiguous term. This ambiguity exists due

<sup>35</sup> J.J. Collins, "The Testament of Job," in *Jewish Writings of the Second Temple Period* (ed. Michael E. Stone; Philadelphia: Fortress, 1984) 353-54. The Testament of Job is dated to as late as 150 CE and as early as 100 BCE. However, it is unlikely for it to be early due to its clear Christian themes.

<sup>36</sup> John P. Meier, "Matthew, Gospel of," n.p., *ABD on CD-ROM*. Version 2.0c. 1995, 1996.

<sup>37</sup> James H. Charlesworth, ed., *The Old Testament Pseudepigrapha* (Garden City, New York: Doubleday, 1983), 865. "In view of its therapeutic and evil-averting effects, this phylactery appears to stem from the sphere of magic. No hint is given that this phylactery corresponds to the usual arm and head cases for miniature Scripture portions."

to the various interpretations of the word *tefillin*. There have been many attempts to understand the etymology of the word; some have led to inaccurate conclusions based on incorrect assumptions about the use of *tefillin*. A review of some of these attempts:

The *Aruch* derives [the root of the word *tefillin*] from *tafal*, "attach." Elijah Levita rejected this derivation in favor of the root *polal*, i.e., a symbol employed in prayer. Levy, while accepting Levita's etymology, relates the word to *palah*, "be separated, distinct." *Tefillin* would thus denote the symbols which distinguish the Jew from other people. Levita's explanation ignores the fact that the *tefillin* were not originally confined to times of prayer, but were worn all day long. Like their biblical equivalent, *totafot*, *tefillin* signify sacred symbols attached to the arms and forehead.<sup>38</sup>

Onkelos provides not only the first reference to *tefillin*, but by doing so he added the link between this word and the practice we know to have been in existence since, at least, the previous century.

By the time of the codification of the Mishnah, *tefillin* - or its singular - *tefilah* (referring to either the head or arm) becomes the only term to describe the practice. With the limited amount of mishnaic material devoted to *tefillin* it is difficult to paint an accurate picture of *tefillin* in the early third century CE.<sup>39</sup> However, a systematic look at these references does lead us to certain conclusions. In fact, all of the references fit into four clear categories.

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<sup>38</sup> Cohon, *Essays in Jewish Theology*, 341.

<sup>39</sup> A concordance search reveals a total of fifteen citations (though Er. 10:2 is a continuation of Er. 10:1 and Men. 4:1 is a continuation on Men. 3:7) in the entirety of the *Mishnah*. This includes 2 variant spellings for *tefillin* (*maleh* and *chaser*) as well as two for *tefilah*.

The first category leads us to believe that the Rabbis of the period clearly did not view *tefillin* as a phylactery. The Rabbis have a clear definition of amulets and of *tefillin*. There are three *mishnayot* in which both are mentioned, but in each, the one has nothing to do with the other.<sup>40</sup> In all three instances, the word *kameot* is used for amulets. Furthermore, by viewing *tefillin* as a holy object, the Rabbis separate them from amulets which are seen as magical objects. *Tefillin*'s status is elevated to the point that even the tool on which they are made is impervious to uncleanness as stated in Kelim 16:7. The *tefillin* are also cited as an example with other holy objects that are needed for the fulfillment of commandments: the *sukkah* and the *lulav*.<sup>41</sup> *Tefillin* are also delineated as holy and different than *kameot* in that they are of the same status as other holy parchments:

[Jews] must not buy Scrolls, or *tefillin*, or *mezuzahs* from non-Jews for more than their worth out of regard for the public good. (Git. 4:6)

By the early third century CE, there appears to be no confusion over what the word *tefillin* is referring to, nor does there seem to be any conflation of *tefillin* and amulets.

A second category that can be derived from the Mishnah is that of *tefillin* construction. From these examples we can reconstruct, to some extent, what *tefillin* looked like in the Mishnaic Period. Three materials are needed to make *tefillin*: leather, parchment and ink.<sup>42</sup> The *Mishnah* shows that the *tefillin* from Qumran bear similarity to

<sup>40</sup> In Mik. 10:2, they both amulets and *tefillin* are presented in a list of leather items and the practice of how to immerse them in the ritual bath – *mikveh*. In Sabb. 8:3, both amulets and *tefillin* are present in a list of leather items one is prohibited for making or working with on Shabbat. In Sabb. 6:2 both are included separately in a list of items that are not worn on Shabbat.

<sup>41</sup> Shev. 3:8, Ned. 2:2.

<sup>42</sup> Sabb. 8:3. This *mishnah* also tells us that the shortest passage in the *tefillin* is the "Shma Yisrael," showing that at least Deut. 6:4-9 (the first *parashah*) was included at the time.



the mishnaic *tefillin*. In both periods, and even until today, the straps are separate from the scroll compartments (and thus can be removed or replaced)<sup>43</sup> and the arm and head *tefila* were not connected to each other.<sup>44</sup> Perhaps what is most interesting is the fact that the *Mishnah* seems to have an agenda vis-à-vis the number of *parshiot*.

If one teaches that in the *tefillin* there should be five partitions,  
thus adding to the Scribes, he is culpable. (San. 11:3)

The judges of the court are to treat this individual more harshly than if he broke one of the precepts of the Torah. He was, in fact, to be put to death.<sup>45</sup> In light of the discoveries at Qumran and the material presented above, this fifth *parashah* could be none other than the Decalogue. The Rabbis reinforce this position by mentioning that there are four *parshiot* elsewhere.<sup>46</sup> If there was a definitive practice, there would be no need to mention the number of *parshiot*. While these *mishnayot* shed some light on what *tefillin* looked like circa third century CE, they by no means provide a clear picture.

A third category - when to wear *tefillin* - helps us to understand the picture *tefillin* practices present in the *Mishnah*

A man may not go out [on Shabbat] with...*tefillin*...but if he did  
go out with them, he is not liable to bring a sin offering. (Sabb.  
6:2)

Similarly, Eruvin 10:1-2 contains a debate concerning what to do if one finds *tefillin* laying in a field or road on Shabbat. In certain instances, the individual is permitted to move them, in others not. Regardless, that *tefillin* are not normally worn on Shabbat is

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<sup>43</sup> Yad. 3:3.

<sup>44</sup> Men. 4:1.

<sup>45</sup> San. 11:5.

<sup>46</sup> Men. 3:7, San. 11:4.

clear. Shabbat is not the only time that *tefillin* were not worn. They were not worn on *chol hamoed* – the intermediate days of a festival – though R. Judah permitted the *parshiot* to be written (but only for use after the *chag* and only for personal use).<sup>47</sup> Unfortunately, the *Mishnah* does not provide information regarding on which days one does wear *tefillin* and at precisely what time. We can infer that this was a regular weekday practice.

The final category of *mishnayot* is perhaps the most interesting. The information provided in the following two *mishnayot* hints, or perhaps more than hints, at the fact the *tefillin* had not become the fixed practice the Rabbis wanted.

If one says that “Not wearing phylacteries is not a transgression of the Law,” then he is exempt [from capital punishment]. (San. 11:3)

In this *mishnah* the Rabbis are laying down the ground rules of accepting the two types of laws: Torah and Oral Torah. If one disagrees that the Torah actually mandates *tefillin* use, he is exempt from using them. There may have been Jews, even as late as the Mishnah, who still viewed the four *parshiot* as metaphorical commandments and physical *tefillin* as only a rabbinic invention. One could read this as a hypothetical case, “if one says...” being a formula for debate. However, our second *mishnah* gives another case in which *tefillin* use is denied.

“I did not wear *tefillin* today,” and another said to him, “I adjure you if you speak the truth,” and he responded, “Amen!” (Shev. 3:11)

If the Rabbis use *tefillin* deniers in multiple cases than surely possible that they existed outside of their hypothetical debates.

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<sup>47</sup> Moed Qat. 3:4.

Overall, then, the material about *tefillin* in the Mishnah gives us a rough picture of *tefillin* use around the turn of the third century CE. *Tefillin* were viewed by the Rabbis as distinct from amulets, *tefillin* were holy objects. We also have an idea of what *tefillin* looked like to in this period: arm and head compartments with detachable straps, made of leather, which contain parchments inscribed in ink. There does seem to have been one debate over form and focusing on the number of parshiot contained within the compartment. *Tefillin* were a weekday practice, though how one was to use them was never discussed. Lastly, we can surmise from two *mishnayot* that not everyone in this period was wearing *tefillin* as the Rabbis had hoped.

The *Babylonian Talmud* provides a more comprehensive picture of *tefillin* than the *Mishnah*. The number of references to *tefillin* is exponentially greater in the *Talmud*, providing more information in all four of the areas mentioned above. Through a close examination of these references we can see that *tefillin*, while not clearly an everyday practice for every Jew, were well known by the mid-sixth century CE.

As with the Mishnah, there is certainly a strain in the Talmud that firmly believes in the holiness of *tefillin*. They are so holy, in fact, that the Rabbis view them as akin to the special head plate of the priest.<sup>48</sup> However, they do not see it as a replacement for the head plate. According to Zevachim 19b, the priests in the Temple wore them as an addition to their priestly garments. *Tefillin* are so holy in fact that they are in company with some of the holiest traditions of Judaism:

“The Jews had light and gladness and joy and honor.” Rav Judah said: “‘Light’ means Torah, and so it says, ‘For the commandment is the lamp and the Torah is light.’ ‘Gladness’ means a feast day;

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<sup>48</sup> Shab. 12a, Yom. 8a, Yom. 69a.

and so it says, 'You shall be glad in your feast.' 'Joy' means circumcision; and so it says, 'I rejoice at Your word.' 'Honor' means *tefillin*, and so it says, 'All the peoples of the earth shall see that the name of the Lord is called upon you and they shall be afraid of you.'" (Meg. 16b)

The hierarchy of holy objects extends even further; placing *tefillin* just below Torah and ahead of all others.<sup>49</sup> Even within a set of *tefillin* there is a hierarchy of holiness: the head *tefilah* is holier than the arm<sup>50</sup> and the straps are not as holy as the boxes.<sup>51</sup> So holy are *tefillin* that objects that are associated with them become holy: their cover<sup>52</sup> and bag.<sup>53</sup>

*Tefillin* are to be treated in a manner commensurate with an object this holy. One can only begin wearing *tefillin* if they are mature enough to show aptitude in use and *tefillin* law, but more importantly if they can show *tefillin* proper respect.<sup>54</sup> Where one wears *tefillin* is also a sign of respect. They could not be worn in the inner chamber of a bath house,<sup>55</sup> in a Roman's home,<sup>56</sup> in the lavatory,<sup>57</sup> nor could they be worn during a meal<sup>58</sup> or when one

<sup>49</sup> *Tefillin* are holier than *mezzuzot*. (Men. 32a) *Tefillin* require a higher quality skin than anything other than Torah. (Shab. 79b, Men. 32a) When *tefillin* can no longer be used they must be put in a *genizah*. (Meg. 26b)

<sup>50</sup> Men. 34b.

<sup>51</sup> Suk. 26a.

<sup>52</sup> Once the covering is used for *tefillin* it cannot be used for anything else. (San. 48a, Ber. 23b)

<sup>53</sup> BavMet. 105b. No money can be placed in the bag. (San. 48b)

<sup>54</sup> Arak. 2b, Suk. 42a.

<sup>55</sup> Though the outer area is acceptable. (Shab. 10a)

<sup>56</sup> Shab. 127b.

<sup>57</sup> Shab. 62a, Ber. 23a-b, Ber. 25a. In Ber 23a a lengthy discussion takes place about what one should do with the *tefillin* when there is need of a lavatory. An early practice was to leave them outside. Later, they were to be brought into the lavatory in either a pocket or their bag (worst case scenario was to hold them in the free hand). Two reasons are given for the change in practice. First, mice were apt to chew at them when left outside. Second, a story is given about a student who left his *tefillin* outside a public lavatory whereupon they were stolen by a prostitute. Later, she came to his *beit midrash* and claimed he had left

flatulates.<sup>59</sup> In fact, one's body must be kept in a state of cleanness in order to wear *tefillin*.<sup>60</sup> One cannot carry a load on one's head if it is heavy enough to damage the *tefillin*, nor may one carry manure on one's head because of the *tefillin*.<sup>61</sup> Even when *tefillin* are not in use they are to receive proper treatment. They must be stored in their bag and not hung up by the straps.<sup>62</sup> Once in their bag, you cannot use them as a pillow,<sup>63</sup> though you are allowed to keep them in bed with you.<sup>64</sup>

Who was able to wear *tefillin* was also a matter of interest in the Talmud. Only Jews were to wear *tefillin*:

Our Rabbis taught: Beloved are Israel, for the Holy One, blessed be He, surrounded them with precepts: *tefillin* on their heads, *tefillin* on their arms, *tzitzit* on their garments and *mezuzot* on their doorposts. (Men. 43b)

The most pious of Jews would not walk more than four cubits without their *tefillin* on: R. Yochanan,<sup>65</sup> Yochanan b. Zakkai,<sup>66</sup> R. Zeira<sup>67</sup> and Rabbi.<sup>68</sup>

Women were exempt from wearing *tefillin* due to its status as a time-bound

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them with her as security for payment for services. He was so embarrassed that he killed himself by throwing himself off the roof of the *belt midrash*. At that point the *halacha* was changed.

<sup>58</sup> Ber. 23b.

<sup>59</sup> Shab. 49a.

<sup>60</sup> Shab. 130a.

<sup>61</sup> BabMez. 105b.

<sup>62</sup> Ber. 24a.

<sup>63</sup> Tam. 27a, Ber. 23b (or under one's feet).

<sup>64</sup> However, they cannot be in bed with you if your wife is in menses or if you are having sexual relations. If you are having relations and you must keep them in bed out of fear of their being stolen they must be double-covered. (Ber. 25b)

<sup>65</sup> Yom. 86a.

<sup>66</sup> Suk. 28a.

<sup>67</sup> Meg. 28a.

<sup>68</sup> Ket. 104a. Rabbi was so pious that even as he was dying and stricken with dysentery, he would go through the laborious process of removing and re-laying his *tefillin* with each trip to the lavatory.

commandment.<sup>69</sup> Lepers and those who had been placed in *herem* – excommunication – were likewise forbidden.<sup>70</sup> Those who wore them would be prevented from sinning<sup>71</sup> and those who did not wear them were considered to be sinners.<sup>72</sup>

Whether the average Jew considered *tefillin* to be a holy object is impossible to know. What we do know is that the Rabbis of the Talmud certainly believed that they were and they made quite an effort to convince others as well. How one wears and treats *tefillin*, as well as who wears them and where, were important issues to the Rabbis.

Our second category, that of *tefillin* construction, reflects the high regard the Rabbis had for *tefillin*. With clarity as to their holiness, the Rabbis were diligent in their effort to standardize *tefillin*; ensuring that all pairs be properly made and uniform. The numerous references to *tefillin* construction provide every detail of the *tefillin*, inside and out.

To begin with, we will address the inner contents of the *tefillin* – the scroll. The scroll was to be made out of the highest grade of parchment, *klaf*, on which the Torah was to be written.<sup>73</sup> This was higher than the standard for *mezuzah*, which could be written on a lower quality skin called *duksustos*. The difference between the two being that *klaf* was the layer of skin closest to the flesh, whereas *duksustos* is the layer of skin closest to the hair (thus more

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<sup>69</sup> Rabbis Meir and Akiva in Shabbat 62a (among others) disagreed to the time-bound nature of *tefillin* and thus the status of women's use was also debated. This material will be discussed more fully below.

<sup>70</sup> Moed Qat. 15a.

<sup>71</sup> Men. 43b.

<sup>72</sup> RH 17a.

<sup>73</sup> Shab. 79b, Men. 32a.

likely to have imperfections and colorations. In a dire situation, *tefillin* could be made on *duksustos*, though it was not the usual practice. These skins could only be from kosher animals.<sup>74</sup>

Then when R. Joseph recited, "For the sacred work none but the skin of a clean animal was considered fit," for what practical law [did he say this]? In regard to *tefillin*. Of *tefillin* it is explicitly stated, that "the law of the Lord be in your mouth." Meaning that which is permitted in the mouth? Rather in respect to their hide.  
(Shab. 28b)

Not all kosher animals were permitted. Kosher fowl was excluded because no conclusion could be reached as to whether or not the holes in the skin (from the feathers) made it invalid. There was also no conclusion as to bird skin qualifications because in the Temple service the skin was never separated from the flesh.<sup>75</sup> Without a clear position, the Rabbis rule not to use bird skins. The skins of kosher fish are also considered. Again, no conclusion could be reached – not because of the texture of the skin, but because of the smell. The Rabbis were concerned that the smell might never go away. They left the decision for a later date and a higher authority:

May *tefillin* be written on the skin of a clean fish? If Elijah will come and declare, he replied. "What does if Elijah will come and declare" mean? ... If Elijah comes and tells us whether its foul smell ever evaporates or not. (Shab. 108a)

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<sup>74</sup> Shab. 28b, Shab. 108a, Mak. 11a.

<sup>75</sup> Shab. 108a.

It is not clear if the Rabbis were truly waiting for Elijah's *halachic* assistance or if this is a guess at how long it will take for the smell to go away – until the end of days! The head *tefila* requires four separate scrolls (or one scroll with long space between each *parashah* – though this is not the preferred method) while the hand *tefilah* requires only one.<sup>76</sup> The scrolls are to be written with ink on either lined or unlined skins, unlike a *mezuzah* skin which must be lined.<sup>77</sup> A reed is to be used as the writing implement.<sup>78</sup> The scribe must write in the Assyrian Hebrew font only.<sup>79</sup> Once the scrolls are completed, if they are not directly inserted into their containers, or if the scribe must stop in the middle of writing for any reason, he may not turn over the scroll to protect it, he must cover it with a linen cloth.<sup>80</sup> The scribe can write these scrolls from memory, something he is forbidden from doing with a *sefer* Torah.<sup>81</sup> The scribes who made *tefillin* scrolls (as well as those who make the entirety of *tefillin*) were supposed to be special individuals, both in skill and morals. First, they needed to be Jews.<sup>82</sup> Secondly, they needed to make the *tefillin* out of a desire to do holy work, helping others to fulfill *mitzvot*, and not out of love for money.<sup>83</sup>

The construction of the boxes was also closely regulated. They were to be rectangular in shape<sup>84</sup> – like the sample from Qumran, or cubic – like we have today. The arm *tefilah* was to have one compartment for its one scroll.<sup>85</sup> The shape of the head *tefilah*, however, harkens back to our earlier discussions on the number of *parshiot*. It is

<sup>76</sup> Men. 34a.

<sup>77</sup> Meg. 18b.

<sup>78</sup> Taan. 20b.

<sup>79</sup> Meg. 8b.

<sup>80</sup> Er. 98a.

<sup>81</sup> Meg. 18b, Men. 32b.

<sup>82</sup> Git. 45b, Men. 42a, 42b.

<sup>83</sup> Pes. 50b.

<sup>84</sup> Shab. 28b.

<sup>85</sup> Men. 34b.



apparent that the Rabbis were still trying to solidify their stance that there are four, not five *parshiot*.

In the case of *tefillin* too, if one made four compartments and then a fifth was placed at their side [it is made invalid]. Whilst if one made five compartments it is defective from the very outset. (San. 89a)

Two ways were attempted to circumvent the Rabbis' stance of four *parshiot*: add your own fifth *parashah* to an existing pair, or buy ones already made with five. In either case, as in the Mishnah (San. 11:3), the Rabbis rule that both are invalid and the punishment for doing so is death.<sup>86</sup> Even though the head *tefilah* had four separate compartments, the entirety of the box was to be made out of one piece of leather.<sup>87</sup> This was done by stretching the leather over a rigid form and sewing each unit closed. See Appendix C for a diagram. The thread was to be made out of the sinews of kosher animals that meet the same qualifications as the scroll and the leather for the box itself.<sup>88</sup> The four compartments must all be perfect, if one is imperfect, than all of them are invalidated. The *parshiot* are ordered from right (the wearer's right when he is wearing them) to left: Ex. 8:1-10, Ex. 13:11-16, Deut. 6:4-9 and Deut. 11:13-21.<sup>89</sup> Both boxes are to be painted black.

The straps are to be made of the same quality leather as the boxes and they are to be painted black on the outside, though any color can be used in the inside of the strap –

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<sup>86</sup> *Supra*, note 43.

<sup>87</sup> Men. 34b.

<sup>88</sup> Men. 34a, Shab. 28b, Shab. 108a.

<sup>89</sup> Men. 34b.

except red.<sup>90</sup> The straps were to be tied onto the boxes by passing them through a small aperture in the boxes; they were not to be sewn or permanently fastened in any way to the boxes.<sup>91</sup> If one buys *tefillin*, or any of their components, they must be properly inspected.<sup>92</sup>

Whether or not the Rabbis were trying to force a particular style of making *tefillin* on the public at large, or if they were so familiar with the details of *tefillin* because of their ubiquitous nature, these rules are too detailed to have been a theoretical exercise. The Rabbis' concern over proper construction is quite evident, as is their desire for uniformity and high standard for those who make the *tefillin*. Likewise, their belief in the holiness of *tefillin* as discussed above is shown through the painstaking details and high-quality materials that go into making *tefillin*.

The Mishnah had little to say about when *tefillin* were to be worn outside of during the day and not on Shabbat. The material in the Talmud is much more ambiguous. The Rabbis, apart from their general agreement over their importance and construction, seem to disagree at nearly every turn as to when *tefillin* should and should not be worn. There seem to be two general camps: time-bound and not time bound. That is, there is a fixed time to wear *tefillin* – the details of which can and will be debated – and those who think that there is no fixed time and that they should be worn all the time.

The first case we will examine is that of the non-time-bound group. This group has some prestigious members and spans the generations of rabbis. Rabban Gamaliel, R. Akiva, R. Eleazar [b. Azarya?], R. Meir, R. Hisda, Rabbah b. Huna and R. Ashi were all

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<sup>90</sup> Men. 35a. The reason that red is excepted as a color is that one would not want others to think that he had not only had intercourse with his wife during menses, but that his *tefillin* were either on his head or in the bed and not properly covered. See note 62.

<sup>91</sup> Shab. 28b, Ber. 7a.

<sup>92</sup> Men. 35a.

members of this group. This group not only supports wearing them all seven days of the week, which would still allow *tefillin* to be time-bound, but at night as well – making it completely non-time-bound.

R. Meir holds that night is a time for *tefillin*, and the Sabbath too is a time for *tefillin*; thus it is a precept not limited by time. (Shab.

62a)

We will begin with the issue of which day(s) they should be worn. There is no violation of the Shabbat laws if you wear *tefillin*, because they are not carried, they are worn.<sup>93</sup> R. Eleazar, in a discussion about *pikuach nefesh*, proposes the following line of logic.<sup>94</sup> If circumcision is allowed on Shabbat (about which there seems to be general agreement), and that is an elective surgery, than surely saving a life is permitted. If that is true and circumcision is a “sign” as well as Shabbat is a sign, then there can be no objection to wearing *tefillin* which are also a “sign.” The reason Eleazar needs to make this connection is that his opponents in this matter say that *tefillin* are not needed on Shabbat because the Sabbath itself is a “sign.”

In Eruvin 95b, R. Gamaliel rules that one may wear two pairs of *tefillin* out of one's home if it is on fire. This is interpreted to mean that he accepts Shabbat as a time to wear *tefillin* because if it were the opposite, a man would only be able to take one pair out at a time. The reason: you are allowed one extra pair in an emergency. This means that R. Gamaliel allowed one on Shabbat and one extra during a fire.

Later in the same passage (96a), it is said of R. Akiva: “Who is it that was heard to hold that Shabbat is a time for wearing *tefillin*? R. Akiva.” Akiva's logic is that his

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<sup>93</sup> Shab. 61a.

<sup>94</sup> Shab. 132a.

opponents on this matter are confused because they are misunderstanding Ex. 8:10 – “You shall keep this ordinance ‘*m'yamim l'yamim* (from days to days).” Akiva believes that this ordinance is referring to Passover only, while the others focus on the word *yamim* and its inclusion in the *tefillin* pericope. The others take that to mean weekdays only. R. Akiva objects and supports full-time *tefillin* use.

R. Akiva's argument is the same for wearing *tefillin* at night. He was not alone in his view.

R. Hisda and Rabbah b. Huna used to say the evening prayer while still wearing [*tefillin*]. (Men. 36a)

Clearly, the evening prayers are to be said when it is dark outside. R. Ashi believed that they were to be worn at night as well. Since, however, this was not the prevailing opinion he needed to lie to wear his *tefillin* at night.

Ravina related: I was once sitting before R. Ashi when darkness had already fallen and he put on his *tefillin*. So I said to him, “Is it my Master's purpose to guard them (in which case it would be allowed to wear them at night)?” “Yes,” he replied. I saw, however, that his purpose was not to guard them. He was in the opinion that that was the law. One should not so rule [as R. Ashi does]. (Er. 36b)

So it was, the rule was not according those who believed that *tefillin* were to be worn on Shabbat or at night. In all of the cases listed above, the other rabbis and the editor seem to use a technique to circumvent what is often clear logic. In R. Meir's case, they use this technique to say, in essence, that R. Meir *would* have believed that *tefillin*

were not time bound if he didn't believe that wearing *tefillin* broke the rules for carrying on Shabbat anyway. They make the connection because he once ruled that one may not carry a key out on the Shabbat.<sup>95</sup> However, R. Meir's statement about wearing *tefillin* on Shabbat could not have been clearer. Similar treatment is given to the others and we have seen in a case where there is to be no technique to apply (like R. Ashi's case), we are simply told not to do as he has done. The strongest case for the time-bound camp comes in the refutation of R. Eleazar's theory about circumcision and *tefillin* both being signs and that therefore both should be done on Shabbat.<sup>96</sup> His opponents agree that both *tefillin* and *milah* are signs, but that only one of them bears the stipulation that they be carried out on the eighth day – *milah*. Therefore, *milah* and *tefillin* are not truly alike. What is unclear is why the general opinion is so fixated on there being only one "sign" on Shabbat. What seems most logical is that the Rabbis are afraid of people breaking the prohibition against carrying on Shabbat.

Taking into account that the prevailing opinion is that *tefillin* are worn on weekdays and at night, other laws about when to wear *tefillin* arise. One is to wear them all day long.<sup>97</sup> The reason they are to be worn all day is that the wearer needs them to be a reminder of the *mitzvot* contained therein. So much so are they to be a reminder, in fact, that they are to be touched every so often.<sup>98</sup> *Tefillin* can be put on as soon as you wake up in the morning, even if it isn't light out, and worn until darkness (or as soon as you get home after dark so you don't lose them in the dark).<sup>99</sup> You should wait to say the blessing until there is enough light to see four cubits, or distinguish between two

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<sup>95</sup> Er. 62b.

<sup>96</sup> Shab. 132a.

<sup>97</sup> Shab. 10a.

<sup>98</sup> Shab. 12a, Yom. 8a, Men. 36b.

<sup>99</sup> Men. 36a.

fellows.<sup>100</sup> *Tefillin* are not to be worn to sleep,<sup>101</sup> but you are allowed to nap in them.<sup>102</sup>

One is exempt from wearing *tefillin* if he is involved in certain *mitzvot*: scribing,<sup>103</sup> attending a wedding<sup>104</sup> or digging a grave.<sup>105</sup>

The final situation in which one should not wear *tefillin* is during various stages of the mourning process. One is exempt from *tefillin* during *avelut* – the period between death and burial.<sup>106</sup> One is also exempt from *tefillin* during the period of mourning.<sup>107</sup> However, there were those who ruled that one could wear them again after either the second or third day,<sup>108</sup> with one provision: the mourner must take off and put on the *tefillin* each time a new comforter comes to visit in order that s/he knows you are aware of the laws.

Even though the debate over *tefillin's* status, as time-bound or not seems to have raged on through the entire Talmudic Period, it is clear that the time-bound camp won. Having established that precept, the other laws regarding when to wear *tefillin* seem to follow a straightforward logic.

In our discussion of the Mishnah above, our fourth category was whether or not laying *tefillin* was a widely accepted practice. However, there was limited material on this subject in the Mishnah and therefore hard to draw conclusions. In the Talmud, there is considerably more material, though it is still difficult to say with certainty that use was

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<sup>100</sup> *Ibid.*, Ber. 9b.

<sup>101</sup> Shab. 49a.

<sup>102</sup> Suk. 26a.

<sup>103</sup> Suk. 25b.

<sup>104</sup> *Ibid.*

<sup>105</sup> Ber. 14b.

<sup>106</sup> Ber. 18a, Moed Qat. 23b.

<sup>107</sup> Suk. 35a, Moed Qat. 15a, Ber. 11a, Ber. 16b.

<sup>108</sup> Moed Qat. 21a.

wide-spread. What is certain, as we will see below, is that *tefillin* were not only represented in the Talmud as widely used, but long-standing as well.

One could take the Talmud at its word that *tefillin* and its many practices were long-standing. However, common logic says that if a practice is both long-standing and widely observed then there would be little need to attest to that fact. Just the opposite is revealed in the Talmud. There is a far-reaching lineage is attributed to *tefillin*. The straps of *tefillin* are said to be a reward for Abraham's great honesty in not taking a shoe strap from the King of Sodom (Gen. 14:23).<sup>109</sup> Many of the *tefillin*'s laws can be traced all the way to Moses.<sup>110</sup> The real intention for God showing Moses his back on Mount Sinai (Ex. 23:23) was to reveal to Moses how to properly tie one's head *tefilah*!<sup>111</sup> The Israelites merited entrance to the Holy Land because they adhered to the practice of *tefillin* in the desert.<sup>112</sup> Once there, the priests wore them in the Temple.<sup>113</sup> Rabbi Yehuda b. Batira's personal *tefillin* were handed down from the generation of Ezekiel.<sup>114</sup> The best lineage cannot hold a candle to the ultimate endorsement of *tefillin* – even God wears them.<sup>115</sup>

Beyond lineage, the Rabbis make other convincing rule to ensure that *tefillin* became ubiquitous. It is a sin not to have *tefillin*.<sup>116</sup> If someone finds *tefillin* in the street, they should sell them immediately; the owner will be able to get a new pair because they

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<sup>109</sup> Sot. 17a.

<sup>110</sup> Shab. 28b, Shab. 62a, Ber. 7a, Er. 97a, Men. 35a. All of these attest to the fact that not only was this a tradition that dates back to Moses, but that God either showed or told Moses about the construction of them as well.

<sup>111</sup> Er. 97a.

<sup>112</sup> Kid. 37a.

<sup>113</sup> Zev. 19b.

<sup>114</sup> San. 92b.

<sup>115</sup> Ber. 6a.

<sup>116</sup> RH. 17a.

are so readily available.<sup>117</sup> Those who dream about *tefillin* will have greatness in store in the future.<sup>118</sup> For those Jews who were worried that their supplications could not be heard by God in the wake of the Temple's destruction the Rabbis had this comforting notion:

If one consults nature and washes his hands and puts on *tefillin* and recites the *Shema* and says the *tefilah*, Scripture accounts for him as if he has built an altar and offered a sacrifice upon it. (Ber. 15a)

These statements certainly portray *tefillin* as widely used and long established, but the Talmud also offers evidence to the contrary. Unlike *milah*, the Jews were not willing to practice *tefillin* in the face of persecution.<sup>119</sup> Those who go about in the street without *tefillin* are banned from heaven.<sup>120</sup> If one finds money lying in the street, they should use the opportunity to buy *tefillin*,<sup>121</sup> presuming that there are those who do not have them already. The *am ha'aretz* do not wear *tefillin* at all.<sup>122</sup> Jews are encouraged not to pass by the synagogue if they are not wearing *tefillin*.<sup>123</sup> This points not only to the fact that Rabbis were aware of the fact that people weren't wearing them, but also perhaps that they didn't want others to follow these individuals. With all of these references, there can be no doubt that there are those who resisted the Rabbis attempts to make *tefillin* an everyday practice upheld by all.

To the four categories that we have examined we must add a fifth. Regardless of how many people were using *tefillin*, there were definitely some people who used them

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<sup>117</sup> BM. 29b.

<sup>118</sup> Ber. 57a.

<sup>119</sup> Shab. 130a.

<sup>120</sup> Pes. 113b.

<sup>121</sup> Er. 46b.

<sup>122</sup> Ber. 47b, Sot. 22a.

<sup>123</sup> Ber. 8b, Ber. 60b.



diligently. For these people, there were regulations on how one should use the *tefillin*. The process of laying tefillin begins with the arm *tefilah*;<sup>124</sup> the left one for right handed people and the right for left handed people.<sup>125</sup> The box is placed on the bicep, so that it will be across from the heart.<sup>126</sup> One then ties the *tefillin* on with a knot, a loop will not suffice.<sup>127</sup> One must be silent until the knot is finished, at which point the blessing is recited.<sup>128</sup> There are those who say that if you remain in silence from this point until you are completely done putting on the *tefillin* then this is the only blessing that need be said. There are those who require a second blessing after the head *tefilah* regardless, and there are those who require a second blessing only if one is interrupted.<sup>129</sup> The head *tefila* is then put on at the hairline.<sup>130</sup> The second blessing may then be recited. The tongs of the head *tefila* should hang over the shoulders and down the front of the torso with the black side showing.<sup>131</sup> When one removes the *tefillin*, they are removed in the opposite order that they were applied. There is a Palestinian tradition to recite a blessing after removing the *tefillin*.

"Blessed are You, Master of the world, who has sanctified us with  
His commandments and commanded us to observe Your statutes."  
(Ber. 44b)

These are the procedures under normal, ideal circumstances.

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<sup>124</sup> Men. 36a.

<sup>125</sup> Men. 37a.

<sup>126</sup> *Ibid.*, Ber. 13b, Arakh. 19b, Er. 95b.

<sup>127</sup> Er. 97a.

<sup>128</sup> Suk. 46a, Men. 35b, Men. 43a, Ber. 60b. "Blessed are You, Master of the world, who has sanctified us with His commandments and commanded us to wrap ourselves in *tefillin*."

<sup>129</sup> Men. 36a, Ber. 60b, Men. 42b. "Blessed are You, Master of the world, who has sanctified us with His commandments and commanded us concerning *tefillin*."

<sup>130</sup> Kid. 36a, BB. 60b.

<sup>131</sup> Men 35b.

There are provisions for what to do if the ideal cannot occur. If you have two arm *tefil'ot* and no head *tefila* you may use one for the head. If the opposite is true, you can only use a head *tefila* for the arm if it has never been used on a head.<sup>132</sup> If a strap breaks, different ones must be put on (new or old), but the broken strap cannot be sewn or tied together.<sup>133</sup> Here, like all other aspects of *tefillin*, the Rabbis have tightly legislated how one uses *tefillin*.

The material in the Talmud greatly added to that of the Mishnah. In all for categories, and even with our fifth, our understanding of *tefillin* has been expanded. We cannot give definitive statements about exact practice or of what percentage of Jews followed the rabbinic teachings on *tefillin*. What we can be sure of is the fact that *tefillin* were important to the Rabbis; they were likely diligently used in their inner circle as well as by others in the community. We also know that the Rabbis were concerned with exercising tight control over every aspect of *tefillin*. Perhaps what is most useful to our study of *tefillin* is that by the end of the Talmudic Period we have a very clear picture of the Rabbis' ideal construction, use, and purpose for *tefillin*. More important is that this ideal is the bedrock upon which all subsequent material on *tefillin* rests.

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<sup>132</sup> Men. 34b. This insures that the status of the head *tefila* will not be lowered – you cannot lower something's holiness, but you can raise its holiness.

<sup>133</sup> Men. 35b.

## Chapter 2 – Tefillin in the Middle Ages

As we move forward through time from the Rabbinic Period through the late Middle Ages we will find that some measure of ambiguity still existed regarding *tefillin*. To be sure, once the Talmud was codified, distributed and studied, the practice of laying *tefillin* was known throughout the Jewish community. Great questions remain, however, as to whether or not that prompted the majority of Jewish communities to actually use them. In addition, there were still unresolved technical issues relating to the *tefillin* themselves. In fact, these issues may have been a leading factor in the status of *tefillin* in these different communities.

Any study of the post-Rabbinic Period should begin with the Geonim. The Geonim occupied an important place in the codification of the Talmud and, as its early teachers, how it was interpreted. In their time, approximately the eighth to thirteenth centuries, the community in Babylonia was not only a major center of Jewish life, it was the seat of authority for Jews who lived outside of Babylonia. By looking at the literature that they compiled we can learn more about *tefillin*.

According to Sherira Gaon, the Jews of Babylonia laid *tefillin*. However, he hedges in his statement by saying that "particularly the scholars" observed the practice.<sup>134</sup> The main way in which we learn about *tefillin* practice in this period, then, comes not from the Geonim speaking of their own community directly, rather, we learn from their responses to *halakhik* questions from around the Jewish world. It appears from their writings that the Talmud's material on this subject was not clear to world Jewry.

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<sup>134</sup> Cohon, *Essays in Jewish Theology*, 350.

By looking at these works one can see that some Geonim did not try to expand on the Talmudic understanding of *tefillin*. Instead, they made every effort to clarify what the Talmud had to say about *tefillin*. When one considers that these statements were in response to the questions of others, it is clear that the Talmud's system's of *tefillin* use was not clearly understood. The Geonim made frequent attempts to clarify the laws regarding most aspects of *tefillin*: construction, use and prohibitions. It is also interesting to note that there were many questions<sup>135</sup> relating to the *midrash* in Berachot 6a.<sup>136</sup> According to the *midrash* Jews and God were to mirror each other by wearing *tefillin*. It is possible that the questions were inspired by the fact that Jews were uneasy with the fact that they were not holding up their end of the mirror image.

There are many Geonic texts that deal with the construction of *tefillin*. There seems to be concern over exactly how to make the *tefillin*. The process of how to stretch the leather and prepare the boxes is described at length.<sup>137</sup> The exact shape of the boxes is also reiterated.<sup>138</sup> The message that this shape and other construction qualities date back to Moses is prevalent, especially in regards to the knots and the *shin* that is to appear on the head *tefillah*.<sup>139</sup> Rules about the manufacture and repair of *tefillin* straps are also present in Geonic literature.<sup>140</sup> The Geonim make a new distinction that the *tefillin* that

<sup>135</sup> Teshuvot HaGeonim Musafia (Lyck, 1864) 515, Teshuvot HaGeonim HaHadaashot (Jerusalem: Machon Ofek, 1995) 555, 558 among others.

<sup>136</sup> See introduction. Many of the Geonic texts try to reinforce the message that *tefillin* are so important that even God wears them. The premise involved is that our *tefillin* are a sign of God's love for us and the reciprocation of that love is reflected in God wearing *tefillin* as a sign of our love for God.

<sup>137</sup> Sefer Halachot K'tzobot: Shimush Tefillin V'asiyatan (Jerusalem: Marzalit, 1942) 1. See Appendix C for a diagram. The Leather becomes so workable by soaking it water until it becomes malleable.

<sup>138</sup> *Ibid*, 12.

<sup>139</sup> Tshuvot HaGeonim Musafia, 515, Tshuvot HaGeonim HaHadaashot, 555, 558, 561.

<sup>140</sup> Sefer Halachot K'tzobot: Shimush Tefillin V'asiyatan, 8. Tshuvot HaGeonim HaHadaashot, 555.

their students were differed from their own. The students' *tefillin* were to be small, no taller than a finger's width.<sup>141</sup>

The Geonim made many references to how one should use *tefillin* as well. Their comments were limited to a few specific areas. One area questioned quite often was that of the blessing over *tefillin*: how many blessings and when they were recited. The conclusion reached was that there are two (though the second one may not be necessary) and they should be said after you put them on, but before you tie the knots.<sup>142</sup> The *tefillin* are to be worn all day and if you remove them you must say a blessing when you replace them.<sup>143</sup> There is also evidence that not everyone thought *tefillin* were worn all day; the blessing should be said during the *shacharit* prayers no later than prior to the *Shma*.<sup>144</sup>

The Geonim also made great effort to reinforce the prohibitions involved with *tefillin* that are stated in the Talmud. One cannot wear one's *tefillin* in a cemetery,<sup>145</sup> in the lavatory,<sup>146</sup> during mourning,<sup>147</sup> in bed, on Shabbat and *Yom Tov*.<sup>148</sup> Also, women were prohibited from wearing *tefillin*.<sup>149</sup> One was also prohibited from keeping *tefillin* in one's bed without reason.<sup>150</sup>

We can sum up the Geonic responses to questions about *tefillin* by stating that the rules established in the Talmud were not clear to many Jews or *tefillin* had yet to become a common practice by those writing to the Geonim. Therefore, the Geonim reinforced

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<sup>141</sup> Tshuvot HaGeonim Musafia, 3.

<sup>142</sup> Sheiltot D'rav Ahia Gaon (Venice: 1546), parashat Bo, Sefer Halachot K'tzobot: Shimush Tefillin V'asiyatan, 13, 16. Seder Rav Amram (Bnei Brak: Haparnes, 1994), Birkot Hashachar, n.p. and Tshuvot HaGeonim HaHadashot, 597.

<sup>143</sup> Sheiltot D'rav Ahia Gaon, parashat Bo, Seder Rav Amram: Birkot Hashachar, n.p..

<sup>144</sup> *Ibid.*

<sup>145</sup> Sheiltot D'rav Ahia Gaon, parashat Chayei Sarah.

<sup>146</sup> *Ibid.*, parshat Bo.

<sup>147</sup> *Ibid.*

<sup>148</sup> Seder Rav Amram: Birkot Hashachar, n.p..

<sup>149</sup> Sheiltot D'rav Ahia Gaon, parashat Bo.

<sup>150</sup> *Ibid.*

the Talmud's statutes by clarifying them for the masses. We can see from this however, that even in the period after the Talmud, *tefillin* were still not established well enough to be widely understood.

After the Geonic Period we find that the centers of Jewish learning go beyond the community in Babylonia. As these centers opened up across Europe and Africa, different communities treated *tefillin* in different ways. By looking at different works from these different communities and by looking at different types of work, we can hope to achieve an accurate assessment of *tefillin* use and its importance in the Middle Ages.

We next move from Babylonia to Western Europe of the 11<sup>th</sup> century. There is no scholar from this period who has received more acclaim than has Rashi, Rabbi Solomon b. Isaac.<sup>151</sup> Though Rashi was from Troyes he was educated at the great academies of the Rhineland; in Mainz and Worms. After receiving his education he returned to France and established his own academy. It was here that Rashi's massive collection of works would be written. He wrote commentaries on the Torah, other biblical books and the Talmud, as well as publishing *halakhik* works on a variety of subjects. He also wrote responsa, though this was not at the heart of his scholarship. His most notable works are his Bible commentary and his commentary to the Talmud.

Rashi's main goal, it appears, was to make these texts more accessible:

The main distinguishing character of Rashi's commentary is a compromise between the literal and the midrashic interpretations; to the latter, which was the principle method of exposition in French biblical exegesis, he added the former. At least three-

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<sup>151</sup> Aaron Rothkoff, *et al.*, "Rashi," n.p., *EncJud* on CD-ROM. Version 1.0, 1997.

quarters of Rashi's comments are based on rabbinic sources. The

few that are original are mainly philological explanations.<sup>152</sup>

This is helpful, as we will soon see these traits in his work on *tefillin*. Rashi uses both of these methods; philology to explain the origin of *tefillin* and midrash to explain its legal importance. There are two trends that can be discerned from his comments on *tefillin*: people have lost touch with the practice of *tefillin* and the importance that people have placed on *tefillin* has waned.

We begin with Rashi's comments on the Bible. Rashi comments on all four of the *parshiot*. The comments on the first *parashah*, Ex. 13:9 reflect both of Rashi's methods. He begins by explaining the simplest meaning of the word *ot*, sign. Here he explains that the text is referring to the Exodus and that the symbol of the Exodus is created by writing "these paragraphs" (referring to the first two *parshiot*) on the arm and forehead. He then uses midrash to explain the *tefillin* tradition, paraphrasing Menahot 36b.

*al yadcha* – on the left hand; that is why the word is written

*yadecha* (in the second *parashah*; Ex. 13:16) in its full form in the

second paragraph so that we should explain it as meaning weak –

*yad kaheh*.<sup>153</sup>

Rashi both tells his readers what the verse is referring to, *tefillin*, and how to use them.

When we look at Rashi's comments on Ex 13:16, we see once again that he tries to

understand the philology and offers a midrashic interpretation. In his attempt to

understand the meaning of *totafof* he offers the following explanation: *tot* comes from the

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<sup>152</sup> *Ibid.*

<sup>153</sup> The Talmud and Rashi use the fact that the word *yadecha* is written in the *maleh* form as permission to split the word into two. The division yields *yad* (hand) and *kaheh* (weak).

language Kaspi<sup>154</sup> meaning two, as does *fot*, in the Afriki<sup>155</sup> language. When these two components are put together they form the word *totafot*, equaling a total of four, the same number of *parshiot* and compartments in the head *tefillin*. This is an explanation taken directly from Sanhedrin 4b. Furthermore he states that Menachem b. Seruk has an interpretation that *totafot* is also a compound of two words meaning "speaking." Hence, when you see your *tefillin*, you will want to speak about the miracle of the Exodus and that will make the *totafot/tefillin* a *zikaron* (v. 9). Once again, Rashi has used both of his styles to explain what the meaning of the text is and to show that wearing one's *tefillin* is a reminder of the Exodus and thus a fulfillment of the commandment in the verse.

Commenting on Deut. 6:8, Rashi reiterates what was mentioned above in reference to *totafot*. However, his comments on the terms *ukshartam* and *bein einecha* differ from his comments above. Even though the two phrases in the text refer to two different actions – one on the hand, the other on the head – Rashi insists on delineating the two. He says specifically:

[Ukshartam] are the *tefillin* that are placed on the hand...[bein einecha] are the *tefillin* that are placed on the head.

It is odd that Rashi feels compelled to explain to the reader that there are two separate components to the *tefillin*, even though the text is clear. Perhaps this is a reminder that both must be worn to complete the commandment, or perhaps a reference to people not wearing one of the two.

The comments made by Rashi on Deut. 11:18 likewise hint at a laxity in *tefillin* practice. Here he reminds the reader that even though they are in exile they are still

<sup>154</sup> According to Rashi a language of the North (perhaps from around the Caspian Sea).

<sup>155</sup> According to Rashi a language of the South (presumably an African language).



responsible for the *mitzvot* of *tefillin* and *mezuzah*. His assertion that these *mitzvot*, and others, are applicable outside the land of Israel is gleaned directly from the Sifre:

Therefore you shall place these words upon your heart – this refers to the study of Torah – and you shall bind them for a sign upon your hand – these are the *tefillin*. Thus I have here only *tefillin* and study of Torah. Whence do we learn that the same applies also to the other commandments of the Torah? From an analogy between these two passages. *Tefillin* are not by nature like Torah study, nor is study of Torah by nature like *tefillin*. The sole similarity between them is that they are both commandments incumbent upon the person and not dependant upon the Land, and must be performed both in the Land and outside of it. Hence all commandments incumbent upon the person and not dependant upon the Land, must be performed both in the Land and outside of it. Those dependent upon the Land must be performed only there, except for *orlah* and *kilayim*.<sup>156</sup>

It is possible that Rashi was confronting at least a few individuals, or even more, that viewed *tefillin* as a commandment only incumbent upon those living in Israel.

That Rashi was confronting a community out of touch with *tefillin* also comes across in his commentary on the Talmud. Rashi's comments on *tefillin*, mainly in Menahot,<sup>157</sup> focus on the details of construction and the significance of the different *tefillin* components. One specific area of focus is that of the knots. Like the Talmud text

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<sup>156</sup> Reuven Hammer, *Sifre – A Tannaitic Commentary to Deuteronomy, piska 44* (New Haven, Connecticut: Yale University Press, 1986), 97.

<sup>157</sup> Men. 34a-b, 35a-b.

itself, Rashi places significance on the different letters that appear on the outside of the *tefillin* that make upon God's name: *Shaddai*. The *shin* that is imprinted on the head *tefillin* as well as the *dalet* and the *yod* that are made by the knots are not only theologically significant, but they are also a link to the long history of the tradition mentioned in chapter one; these knots were said to have been shown by God to Moses on Sinai.

Perhaps the most significant comment, however, is on something the Rabbis appeared to have resolved in their day; the order of the *parshiot* in the head *tefillin*.<sup>158</sup> Rashi orders them according to the Rabbis.<sup>159</sup> While this was not controversial in his day, two generations later this would spark a debate that continues to this day which will be discussed below.

Abraham Ibn Ezra, a Spanish commentator in the generation after Rashi, also had a unique style in commenting on the Bible. Ibn Ezra's focus was on the grammar of the text and language. He often confined his comments to this realm and rarely strayed into matters of law. In this regard, he maintained the rulings of the Rabbis. His critical eye, however, led to a veiled interpretation that Moses could not have authored the Torah, at least not in its entirety and that there appear to be two Isaiahs – a precursor to modern Bible criticism.<sup>160</sup> Through the course of his life Ibn Ezra would visit nearly every major Jewish community in North Africa and Europe, in both the Sephardic and Ashkenazic realm. He was surely an eyewitness to the levels of adherence to *tefillin* in these communities, though he never speaks directly about them. We can glean some

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<sup>158</sup> See note 89, chapter 1.

<sup>159</sup> See Appendix D for a diagram.

<sup>160</sup> Simha Assaf, *et al.*, "Ibn Ezra, Abraham," n.p., *EncJud* on CD-ROM. Version 1.0, 1997.

information about them from his commentaries to the Torah, which were written while he was living in Italy.

Ibn Ezra's comments on Ex. 13:9 are revealing at first glance. "There are those who disagree with our Holy Fathers." He relays that there are those who deny that *tefillin* are physical objects; rather he explains that some believe that observing the commandment of *totafot* is the act of fulfilling the mitzvah of remembering the Exodus – by speaking about it and teaching it to our children. Their evidence, he tells us, comes from several verses in the Book of Proverbs.<sup>161</sup> He discredits this argument claiming that the Proverbs, in its entirety, is a parable and therefore is not valid as a basis for the discernment of law. The Torah is, of course, valid, and therefore these verses cannot be understood as anything other than *tefillin*. The Torah, he says, can only be interpreted through parable when there is no other logical understanding possible.<sup>162</sup> By making these statements, Ibn Ezra has both refuted the notion that *tefillin* are not physical objects, but he has also reinforced the rabbinic dictum to wear the *tefillin* on the left arm.

Ibn Ezra's treatment of Ex. 13:16 is much briefer than his explanation of Ex. 13:9. In this section he reminds us that the two *mitzvot*, presumably, *tefillin* and *mezuzah*, are the way in which we remind ourselves of the Exodus and that "writing these *parshiot*" is the true way to remember. Here he seems to mean the *parshiot* contained within both the

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<sup>161</sup> Prov. 1:9, which speaks of discipline and instruction as being "garlands *around* your throat." Prov. 3:3, where it says that "fidelity and steadfastness should be *bound* around your throat." Apparently, the argument for those who oppose the Rabbis' view is that these verses are interpreted as other than physical, as should be the verses that are used to support *tefillin*.

<sup>162</sup> Ibn Ezra cited Deut. 10:16 as an example of a non-literal understanding of Torah. "Circumcise, therefore, the thickening around your hearts." He quotes Isaiah 48:13 in which it states that God's "own [left] hand created the earth and spread out the sky." As well as referring to Yael slaying Sisera with her left hand (Jud. 5:26), as cases when one can use interpretation to derive law, because these verses help establish that the left hand is the proper one for *tefillin*.

*tefillin* and the *mezuzah*. The second part of his commentary on this verse is a reiteration of the same philological material contained in Rashi.

There is no original material contained in Ibn Ezra's comments on Deut. 6:8, rather there is a restatement of his earlier material in Exodus, and a comment to view those references. What is significant is the fact he again refers to the "deniers" of physical *tefillin*. For the final *parashah*, Ibn Ezra simply refers the reader to his previous comments.

The fact that Ibn Ezra speaks openly about "deniers" of *tefillin* leads us to a conclusion that differs from the issue of laxity towards *tefillin*. Like in antiquity, it seems that in Ibn Ezra's time there were those who believed in an alternative practice altogether. It is unclear whether this opinion was widespread or the ideology of a limited number of people. For our study it is interesting to note that there was still *tefillin* counter culture five centuries after the Talmud.

When Ibn Ezra left Italy, he made his way north to France where he befriended none other than the grandson of Rashi, Rabbenu Tam.<sup>163</sup> Rabbenu Tam, the preeminent Askenazi scholar of his day, was an authority on law and custom and could at once be considered lenient and harsh in his interpretations.<sup>164</sup> Rabbenu Tam was a second generation Tosafist and was the school's most famous and widely accepted proponent. As part of the Tosafistic school, Rabbenu Tam's goal in teaching and writing about Talmud was to point out inconsistencies in the text itself and in commentaries to it,

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<sup>163</sup> Assaf, "Ibn Ezra, Abraham," n.p.

<sup>164</sup> Israel M. Ta-Shma, *et al*, "Tam, Jacob Ben Meir," n.p. *EncJud* on CD-ROM

primarily that of his grandfather.<sup>165</sup> In doing so, he and the Tosafists created a new and unique way of thinking and teaching.

In general, the Tosafot's comments on the *tefillin* material produce no great innovations, nor do they provide much information that was not previously available. It would seem however, that the same trends existed in Tam's day as they did in Rashi's. Their comments are very similar in form in that they reiterate the mechanics of *tefillin* and offer, yet again, reasons for *tefillin*'s sanctity.<sup>166</sup> Tam's own brother Samuel b. Meir could possibly have been a target of these efforts.

Of all the commentators on the Bible only the 12<sup>th</sup>-century commentator Samuel b. Meir takes this command as a figurative one. In his commentary to Exodus 13:9 he says: "according to the essence of its literal meaning it means 'it shall ever be as a memorial as though it were written upon thy hand.'"<sup>167</sup>

He thus cites the very verses that Ibn Ezra refuted as poor evidence on the part of the "deniers" of *tefillin*.<sup>168</sup>

Significant in Rabbenu Tam's work vis-à-vis *tefillin* was the fact that he rejected Rashi's (and the Talmud's) understanding of the order of the *parshiot* contained within the head *tefilah*. He viewed both sides of the Talmud's debate over the order of the *parshiot* as equally valid [because, he claimed, there was confusion as to whether or not it was from the wearer's perspective]. As is common under Tosafistic logic, Tam sought out a comparison that might shed some light on the issue. He found an analogy to the

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<sup>165</sup> Israel M. Ta-Shma, *et al*, "Tosafot," n.p. *EncJud* on CD-ROM

<sup>166</sup> Tosafot to Men. 34-37.

<sup>167</sup> Rabinowitz, "Tefillin," 898.

<sup>168</sup> *Supra*, notes 161, 162.

*menorah* that once stood in the Temple in Jerusalem.<sup>169</sup> The *menorah*, like the head *tefilah*, could be viewed from beginning on either of two different sides. Just as the *menorah* could be lit from both sides, Rebbenu Tam suggested that the head *tefilah* exhibited the same property. From one side would begin the two Exodus *parshiot* and from the other would begin the Deuteronomy *parshiot* with the later portion from both being in the center.<sup>170</sup> In essence, the change instituted by Rebbenu Tam was minimal; switching only the two Deuteronomy *parshiot* from Rashi's order. Tefillin of this type would come to bear his name, Rebbenu Tam *tefillin*; and that of the traditional order are called Rashi *tefillin*. This difference of opinion was never resolved and it may have led to an undesired result.

A contributing factor to the neglect of *tefillin* was the difference of interpretation on the part of Rashi and R. Tam regarding the arrangement of the four texts in the [*tefillin*]...Rather than pronounce a benediction in circumstances of such uncertainty, some preferred not to wear *tefillin* at all.<sup>171</sup>

Surely, Rebbenu Tam's intent was not to lessen the role of *tefillin* in his community, but this was apparently a result. In fact, he specifically laments the disregard for *tefillin* in France in his day.<sup>172</sup> As we shall soon see below, the Jews of thirteenth century France still were not devout practitioners of *tefillin*.<sup>173</sup> The controversy over the two types of *tefillin* exists until today; however most people use Rashi *tefillin*. There are those who, to

<sup>169</sup> *Ibid.*, 34b.

<sup>170</sup> See Appendix D.

<sup>171</sup> Cohon, *Essays in Jewish Theology*, 350-351.

<sup>172</sup> Tosafot on Shab. 49a.

<sup>173</sup> Cohon, *Essays in Jewish Theology*, 351.

ensure that they are observing the ritual properly, wear both sets for different parts of the prayer service.

From the Askenazi community we now move to the Sephardic realm. Rabbi Moses b. Maimon, Rambam, in his magnum opus *Mishneh Torah* provides much information on *tefillin*. As the first completely *sepharadi* to be examined here, he gives insight into views held in the communities in which he lived; primarily Cordova and Cairo. While a code is certainly different than Bible or Talmud commentaries, the *Mishneh Torah* gives additional information not found elsewhere. Many of the laws mentioned within the *Mishneh Torah*, while new in their day, made their way into later codes and into regular practice. The various commentaries mentioned above, as is the nature of commentaries, commented on *tefillin* only where it appeared – scattered throughout the primary text. Conversely, the sheer amount of material in the *Mishneh Torah* is more likely due to the *kol bo* nature of codes. Therefore, no polemical position on *tefillin* is being argued here. There is one clear pro-*tefillin* position offered by Rambam:

The holiness associated with *tefillin* is very great. As long as a person is wearing *tefillin* on his head and arm, he will be humble and God-fearing and will not be drawn to frivolous behavior or empty speech. He will not turn his thoughts to evil matters, but rather will direct his heart to words of justice and truth. (MT *Hilkhot Tefillin* 4:25)

It is with this in mind that Rambam gives such thorough treatment to the extant material on *tefillin*. What is to follow, however, is where the *Mishneh Torah* diverges from the preceding material.

If a scribe makes any mistake while writing the scroll of the *tefillin*, he must put it into the *genizah*. Unlike with a Torah scroll, if a word is forgotten, the scribe cannot go back and squeeze a word into the text between the lines.<sup>174</sup> If, after a scribe has written a scroll, he claims that he wrote it in an unkosher manner, then he is believed, the scroll is invalid and he must forfeit the money he received for it. If, he says that he did not write God's name with the proper intent (after the scroll has been sold), then it is still kosher, but he loses his wage anyway.<sup>175</sup> If one can properly treat the skin of a bird it may be used for the scroll.<sup>176</sup>

*Halakhot* 2:3-7 and 2:8-9 provide two interesting sections in that Rambam gives every bit of minutiae regarding each letter of the scroll. In 2:3-7 he warns a scribe to be especially careful to write exactly as the *parshiot* appear in the Torah and not to change from *ketiv maleh* to *ketiv chaser*, or vice-versa. He then proceeds to give every word of the four *parshiot* that contains either a *maleh* or *chaser* form. In 2:8-9, Rambam indicates every word over which a crown exists, so that the scribe will be sure not to miss any of them.

The boxes for the arm and the head *tefillin* must be perfectly square in their bases and a perfect cube is preferable.<sup>177</sup> This is more stringent than the Talmud, which allows rectangles (which is consistent Qumran *tefillin*). A very detailed description and several

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<sup>174</sup> *Hilkhot Tefillin*, 1:16.

<sup>175</sup> *Ibid.*, 1:18.

<sup>176</sup> *Ibid.*, 1:20.

<sup>177</sup> *Ibid.*, 3:1a, 3:30.



diagrams follow showing the process of how the leather is stretched into proper shape for both the head and arm *tefillot*.<sup>178</sup> He then follows once again with a description and drawings of how the *parshiot* should appear in both boxes. The head *tefilah* is in accord with Rashi's ordering of the passages.<sup>179</sup> Whereas prior sources say that the bundled *parshiot* can be bound with any kosher animal's hair, Rambam suggests a calf's hair as a reminder of the golden calf.<sup>180</sup> The straps of the head *tefillin* are to extend to the navel,<sup>181</sup> while the Talmud tells us that they should extend to the fingers. The straps' underside should match the color of the underside of the box.<sup>182</sup>

The fourth section of *Hilkhot Tefillin* consists of the laws regarding the wearing of the *tefillin*. Those who wear the arm *tefilah* on the palm of the hand are like the Sadduces.<sup>183</sup> Halakhah 4:8 tells us how one should put his *tefillin* into the storage pouch. They should be placed so that the head *tefilah* will be on top and, thus, cannot be confused with the hand *tefilah*.<sup>184</sup> Then, in what appears to be recognition of the debate in the Talmud over time of day that *tefillin* are to be worn, Rambam has the following to say:

It is permitted for a person to put on *tefillin* before sunset to continue wearing them after nightfall. They may even remain upon him the entire night. This law, however, is not to be taught in public. Instead, everyone should be taught not to wear *tefillin* at night and to remove them before sunset. (*Hilkhot Tefillin* 4:11)

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<sup>178</sup> *Ibid.*, 3:2-4.

<sup>179</sup> *Ibid.*, 3:5.

<sup>180</sup> *Ibid.*, 3:8.

<sup>181</sup> *Ibid.*, 3:12.

<sup>182</sup> *Ibid.*, 3:14.

<sup>183</sup> *Ibid.*, 4:3.

<sup>184</sup> *Ibid.*, 4:8.

Rambam appears to be arguing that the conclusion drawn by the Talmud is incorrect, but that since the Rabbis ruled it so, the *halakha* should continue to be upheld. There are several *halakhot* that apparently concerned Rambam due to his medical knowledge. A person with a bowel disorder is exempt from wearing *tefillin* because of the frequent trips to the lavatory and because of frequent flatulation.<sup>185</sup> If one must take their *tefillin* into the lavatory it should stay wrapped up in their garment, as opposed to be kept in the hand as the Talmud states.<sup>186</sup> It seems as though Rambam wanted to keep *tefillin* away from as much exposure to dirt as possible.

Lastly, there are several references to the fact that *tefillin*, while ideally are worn all day long, are now acceptable to be worn only during prayer.

A person should try to wear *tefillin* throughout the entire day, for this is the *mitzvah* associated with them...Although it is a *mitzvah* to wear *tefillin* throughout the entire day, it is most important during prayer. (Hilkhos Tefillin 4:25-26)

This is apparently reflecting the actual practice; people are no longer wearing *tefillin* all day long. However, it does appear that the practice of *tefillin* is being carried out to some extent. As is the nature of this code, personal opinion is difficult to ascertain, except where explicitly stated. Therefore, no real conclusions about *tefillin* practice in Rambam's community can be drawn.

In the generation to follow Rambam, Nachmonides, Ramban, added to the growing material on *tefillin*. Early in his life, Ramban was primarily known for his work as a halakhist and teacher in his own *yeshiva* in Spain. His skills as a halakhist were

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<sup>185</sup> This is in contrast to the ideal as portrayed by Rabbi. See chapter 1, note 68.

<sup>186</sup> See chapter 1, note 57.

highly regarded both within Spain and in the European communities. He was also a philosopher, physician and early kabbalist. Subsequent to his appearance in the disputation in Barcelona, he was forced to flee Spain. He made his way to Acre in the Land of Israel, where he remained for the rest of his life. It was during his time in Israel that he completed his commentary on the Torah, source for his writings on *tefillin*. In his commentary, he combined his legal experience, with *kabbalah* and philosophy to give a well rounded commentary that went beyond the simple meaning of the text. His was familiar with, and often quoted, Rashi and Ibn Ezra – sometimes solely to refute their opinions.<sup>187</sup>

Ramban suggests a rereading of Ex. 13:9. Ramban suggests that it is more understandable if the middle clause, “that the Law of the Eternal may be in thy mouth,” is moved to the end of the verse. That leaves that material about *tefillin* next to “for with a strong hand...” Ramban explains that the reason that this is a better reading is that now *tefillin* remind us what God did for us with a mighty arm, and that this memory will inspire us to have the words in our mouths. That is to say, by rearranging the verse the *tefillin* become the reminder they are supposed to be and the effect is that we will behave properly because of this reminder. His treatment of the verse does not appear to go beyond providing a simple understanding of the purpose of *tefillin*.

In contrast, Ramban's comments on Exodus 13:16 are lengthy and contain a variety of material. He begins with a philological interpretation. He offers a new interpretation for *totafot*, something that is dropped (before the eyes), based on biblical citations.<sup>188</sup> However, Ramban defers to the philological interpretations of the Rabbis of

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<sup>187</sup> Joseph Kaplan, *et al*, “Nahmanides,” n.p., *EncJud* on CD-ROM. Version 1.0, 1997.

<sup>188</sup> Ezek. 21:2, Job, 29:22 and Amos 9:13 in which variants *itph* means to drop or drip.

the Talmud because "they spoke the language." He adds another comment on *totafof*, saying that the word is in the plural form to remind us of the compartments in the head *tefilah*. He relays that this is a tradition handed down from Moses.

He then has a long paragraph on the purpose of the *tefillin*. It is interesting to note that unlike his predecessors he recognized that the *tefillin* are on both the head and arm (across from the heart) because they are both the centers for thought. Previously, commentators were only concerned with the connection to the heart and that the head *tefilah* was to be a physical reminder "before the eyes." Ramban may have based this on his medical knowledge or on his beliefs as a philosopher. He appears to be concerned that the intellect be properly surrounded; the *tefillin* strap surrounding the skull protects the intellect.

For Ramban, the four *parshiot* are each uniquely significant, not because of their reference to *tefillin*, but because each one has a theologically important message:

This is why we inscribe these sections for frontlets, for they contain the commandments of unity of God, the memorial of all commandments, the doctrine of retribution – which states the consequence of disobeying the commandments is punishment and that blessings come in the wake of obedience – and the whole foundation of the faith.

Three of these four statements are very clear: *Shema* (Deut. 6:4-9) refers to monotheism, *v'haya ki yiviacha* (Ex. 13 :11-16) refers to Sinai – the basis for all the commandments and *vhaya im shamo*a (Deut. 11:13-21) refers to reward and punishment

that comes with the commandments. Ramban's fourth statement, "the whole foundation of the faith," is less precise, though one modern scholar explains:

This may refer to the principle of the Unity of God which is indeed the root of faith, as Ramban describes it in Deuteronomy 6:4.

However, in view of the fact that this principle has already been explicitly mentioned here by Ramban, the reference must be to some other doctrine. It is reasonable to assume that Ramban is here alluding to a point he has explained in many places – "a true principle, clearly indicated in the Torah...that in the entire scope of the Torah there are only miracles, and no nature or custom." The theme appears also in his introduction to the Commentary on the Book of Job. In his "Sermon on the Perfection of Torah," as well as at the end of this *Seder*, he states clearly that "a person has no part in the Torah of Moses our teacher" unless he believes in this principle.<sup>189</sup>

The connection between this interpretation and Exodus 13:1-10 is that these verses and the *tefillin* themselves are to remind all Jews, and the wearer, of the miracles that God performed on behalf of the Jews in the Exodus.

Ramban then returns to his halakhist position, explaining the differences in wearing the arm and head *tefillin*. He reminds the reader of the order of the *parshiot* (according to Rashi's order) and the difference between the scrolls of the two different boxes. He again places emphasis on the brain in connection to the head *tefilah*. The head

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<sup>189</sup> Charles B. Chavel, *Exodus* (Vol. 2 in *Ramban – Commentary on the Torah*; C.B. Chavel; New York: Shilo Publication House, 1976), 169, note 410.

*tefilah* not only rests between the eyes as a reminder, but the strap also encircles the mind, with the knot "directly over the base of the brain which guards the memory." He concludes the paragraph with a summation of the laws regarding exact positioning of the head *tefilah*.

From this point, Ramban picks up with what appears to be a second part of his "foundation of faith" theory. "I shall now declare to you a general principle in the reason of many commandments." Ramban proceeds to weave together a beautiful tapestry of logic, philosophy, *midrash* and biblical citations. He begins by providing a proof that all of God's miracles lead to three conclusions that no one can deny: God's providence, God as sole creator, and God as ruler of the world. Because people are accustomed to forgetting these three principles, God gave reminders: the commandments of remembering the Passover, teaching our children, *tefillin*, *mezuzah*, *sukkah* and others. Also, we are to say the *emet v'yatziv* paragraph after the recitation of the entire *Shema* in order to remind ourselves of the truth that the Exodus happened. By doing all of these things the heretics – those who deny the existence of God – are refuted, and we remind ourselves of God's mercy so that we will know that if err, we will be forgiven. The *mitzvot* are the way in which we show our thanks to God for this mercy. Prayer is how we say our thanks to God and the synagogue is the place in which we thank God. All of these practices and institutions are established that we may prove to ourselves, and other peoples, that miracles, both hidden and known, exist.

Ramban refers the reader to his comments on the second *parashah* at Deuteronomy 6:7-9. He adds no new material at this point. However, his interpretation of the fourth *parashah*, does have new material. Ramban does agree with the *midrash*

that Rashi cites,<sup>190</sup> and affirms his conclusion that the goal is for each person to observe all of the *mitzvot* not bound to the land. Ramban's view conflicts with Rashi's over his interpretation of why those laws are to be observed. Rashi says that we should keep all of these commandments so that when the current exile ends, the people will still be familiar with all commandments upon their return to the Israel. This logic, in actuality, leads to the conclusion that we are not truly bound to do the *mitzvot* outside of the land; they are simply a mnemonic device. Ramban contends that the *midrash* implies that everyone is bound to all *mitzvot* except for the ones we cannot actually do, in this case because they pertain specifically to a land we do not live in at present. The difference stems from how one reads Deut. 11:17. Rashi reads it as "that your days may be increased on the land." This implies that we do these *mitzvot* so that when we return, we will remain a long time. Ramban reads the verse a little more creatively, saying that we do the *mitzvot* so "our days may be increased" that we may return to live "upon the land."

Ramban adds a new layer to the evolution of *tefillin*. He adds a significant theological importance to *tefillin*. To Ramban, *tefillin* are not merely a symbol of the Exodus; they are a symbol for the entire Jewish world view. This world view encapsulates all of the pillars of Judaism: monotheism, *mitzvot* and God's unending mercy. We shall see shortly that Ramban's Spanish community was very lax in their *tefillin* observance but in his smaller community in the land of Israel,<sup>191</sup> he no doubt had more influence. Clearly, with so much meaning embodied by *tefillin*, Ramban was a proponent of strict adherence to them.

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<sup>190</sup> *Supra*, page 42. Sifre to Deuteronomy, piska 44.

<sup>191</sup> Kaplan, *et al*, "Nahmanides," n.p., *EncJud* on CD-ROM.

A thirteenth century contemporary of Ramban, Rabbi Moses b. Jacob of Coucy, had an historic influence on the observance of *tefillin*. A French tosafist, Moses of Coucy, was influenced greatly by his teacher Judah Sir Leon. Leon believed that Jews were close to "reckoning with the redemption," a process that he claimed was beginning in 1236.<sup>192</sup> Moses of Coucy, in accord with attempting to bring about redemption, saw his mission clearly: get Jews to observe as many commandments as possible – at the very least they should observe the basic ones. He employed two methods; one literary and the other homiletical. His book, *Sefer Mitzvot Hagadol* (SeMaG), delineated the positive and negative commandments. It relied heavily on Rambam and cited many examples from both Talmuds. The book was so important that it became a legal standard across the Jewish world and remained so for two centuries until the Shulhan Arukh arose in its place.<sup>193</sup> The second method, that of sermonizing, gained him the title Moses Ha-Darshan – Moses the Preacher.

Moses of Coucy is the first Example among French Jews of an itinerant preacher, wandering from town to town and from country to country to rouse the masses to draw near to God by the active observance of his precepts.<sup>194</sup>

He began this process of wandering and preaching in Spain in 1236, the same year his teacher believed the "reckoning" would begin.

He traveled extensively in Spain, as well as in France. In Paris, he was involved in the disputation that took place in 1240; his performance marked the beginning of his

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<sup>192</sup> Israel M. Ta-Shma, "Moses Ben Jacob of Coucy," n.p., *EncJud* on CD-ROM. Version 1.0, 1997.

<sup>193</sup> *Ibid.*

<sup>194</sup> *Ibid.*



nickname mentioned above. His works mention that he traveled to other countries, but they are not listed by name.

He was particularly challenged by the assimilatory trend among the Jews in Spain and France, and by the anti-Jewish measures of Pope Gregory. He traveled in those countries, campaigning for a revived interest in Judaism and particularly for the observance of *tefillin*, *mezuzah*, and *tzitzit*, as well as circumcision and the Sabbath.<sup>195</sup>

Apparently, his great efforts paid off. According to his own writings, "thousands and ten thousands" of Jews took upon themselves the basic *mitzvot* he had been preaching about: *tefillin*, *tzitzit*, *mezuzah* and circumcision.<sup>196</sup> It seems his success with *tefillin* was based on a compromise he offered. Knowing that it would be a hard sell to convince those who were not practicing *tefillin* at all to wear them all day, he allowed them to be worn only during prayer. He supported his position by saying that in their day and age, it was too difficult to remain pure of body all day long; a desire for purity while wearing *tefillin* has multiple sources in the Talmud. Therefore, he suggested that people need only wear them in the morning, during prayer, before they had soiled themselves during the work day.<sup>197</sup>

Moses of Coucy may have had a significant impact upon the future of *tefillin*. By his efforts, it seems, Western European Jewry saw a revival of a tradition that was fading away. We cannot be sure, however, how long-lasting or how many people were truly

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<sup>195</sup> Cohon, *Essays in Jewish Theology*, 351.

<sup>196</sup> *Ibid*, 352 and Ta-Shma "Moses Ben Jacob of Coucy," n.p.

<sup>197</sup> Cohon, *Essays in Jewish Theology*, 352.

influenced by his efforts. What is eminently clear is the fact that the commandment of *tefillin* was not universally well observed as late as the thirteenth century.

As stated above, Moses of Coucy's SeMaG was the primary source of legal ruling for 200 years. Likewise, the Tur was an important source of *halakha* during this period. Even more impressive is the fact that Josphe Caro's Shulhan Arukh has been the authoritative code since its publication in 1565. Caro's code produced much less controversy than Rambam's for two reasons. First, Caro supported all of his *halakhot* with the sources they were based upon, though not in the Shulhan Arukh itself. By first publishing the Beit Yosef, his legal magnum opus, with all of the sources from nearly all prior legal works and the argumentation for the cases he discussed Caro's conclusions were thoroughly supported.<sup>198</sup> The second factor in Caro's success was that he had a system of deriving the law that relied, for the most part, on the legal rulings of others. His system of pillars<sup>199</sup> made it clear to all that he was not making laws out of whole cloth (something Rambam was accused of), rather he based his decisions on the revered minds of previous generations. Two other factors distinguish the Shulhan Arukh from the *Mishneh Torah*: the centuries of legal works that came into being between the two codes and what is almost surely a different world in the wake of the expulsion from Spain.

Because of these factors, the Shulhan Arukh contains nearly every statement that the Rambam made about *tefillin* while making several additions as well. As was done in

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<sup>198</sup> Louis I. Rabinowitz, "Shulhan Arukh," n.p., *EncJud* on CD-ROM. Version 1.0, 1997.

<sup>199</sup> Menachem Elon, *Jewish Law* (4 vols.; Philadelphia: Jewish Publication Society, 1994), 1317-18. The top level of pillars consisted of Alfasi, Rambam and Asheri. They made up a "beit din," or court of decision. Their opinions would be weighed with majority rule. If one of these three did not comment on a particular area of law, a second tier of pillars was consulted. This second, lower, "beit din" consisted of Ramban, Rashba, the Ran, the Mordekhai and Moses of Coucy. If there was no conclusion after consulting this second level of scholars, a third would be employed consisting of other scholars who had commented on this particular area of law.

our examination of the *Mishneh Torah*, we will only discuss where Caro introduces information about *tefillin* that we have not seen to this point.

Caro does not introduce us to much new information about the construction of *tefillin*. Whereas in the past it was said that a scroll with gold letters or gold dusting on the letters was not valid, now it is permissible if one can remove the gold without damaging the scroll. However, if the name of God was ever touched by gold then it is not valid.<sup>200</sup> A scribe must use his dominant hand to write the scroll.<sup>201</sup> The *klaff* for the scroll may be processed by a non-Jew, as long as he is supervised by a Jew.<sup>202</sup> The previous sources do not allow the use of fish skins for the scroll because of smell; the Shulhan Arukh provides a different rationale. Even though the fish may be kosher, fish skins are considered dirty,<sup>203</sup> presumably because they cannot go through the same processing and bleaching as other animal skins. There should be a four-headed *shin* on the left side of the head *tefilah* and a three headed *shin* on the right side of the head *tefilah*.<sup>204</sup> The four scrolls should be equal in weight<sup>205</sup> and they should be placed into the head *tefilah* in an upright position.<sup>206</sup> If there is only one scroll in the head *tefilah*, there does not need to be even a space between the four *parshiot* as long as there is at least a thread between them.<sup>207</sup> The straps can be made of parchment and they can be any color (on the underside) except red because one might think you have bleeding scabs.<sup>208</sup>

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<sup>200</sup> OH 32:3.

<sup>201</sup> OH 32:5.

<sup>202</sup> OH 32:9.

<sup>203</sup> OH 32:12.

<sup>204</sup> OH 32:42.

<sup>205</sup> OH 32:14.

<sup>206</sup> OH 32:45.

<sup>207</sup> OH 32:47.

<sup>208</sup> OH 33:3. As explained in chapter 1, pages 26-27, Men. 35a does not allow the color red for the underside of the straps because it gives the appearance of having had improper sexual relations, i.e., with a menstruant. Caro also forbids the color red, but for a different reason.

The majority of material in the Shulhan Arukh, that we have not seen in prior sources, deals with how one uses *tefillin*. The *tefillin* should be put on after the *tallit* because the *tefillin* are holier.<sup>209</sup> If one keeps the *tefillin* bag inside the *tallit* bag, the *tefillin* should be on top so that you do not grasp the less holy item first. However, these rules apply to the *tallit katan*. With the *tallit gadol*, one should put it on once one arrives at the synagogue (you should already have the *katan* and the *tefillin* on).<sup>210</sup> Caro tells us that the Rosh would put them on while saying the morning blessing "*oter yisrael b'tifarah*."<sup>211</sup> When one reaches into the *tefillin* bag, if one finds the head *tefilah* first, one must put it on first.<sup>212</sup> One should be sure to pronounce the word "*l'haniach*" properly during the blessing; hinting that some were apparently not saying it properly.<sup>213</sup> The blessing was not invalidated if one spoke or was interrupted, as long as the interruption had to do with the wearing of *tefillin*.<sup>214</sup> If *tefillin* need to be readjusted, then one must say the blessing again.<sup>215</sup> If one were cold, you may wear a thin cap between the *tefillin* and the head.<sup>216</sup> If you have an injury on you arm you are still obligated to wear the *tefillin* as long as you can find a spot on the upper arm that is not injured.<sup>217</sup> When the strap of the arm *tefilah* is wound around the arm, it should coil six or seven times.<sup>218</sup> During the *v'ahavta*, one should touch the *tefillin*<sup>219</sup> and the wise kiss them any

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<sup>209</sup> OH 25:1.

<sup>210</sup> OH 25:2.

<sup>211</sup> OH 25:3.

<sup>212</sup> OH 25:6.

<sup>213</sup> OH 25:7.

<sup>214</sup> OH 25:10.

<sup>215</sup> OH 25:12.

<sup>216</sup> OH 27:5.

<sup>217</sup> OH 27:7.

<sup>218</sup> OH 27:8.

<sup>219</sup> OH 28:1.

time they put them on or remove them.<sup>220</sup> If one wears both Rashi and Rabeinu Tam *tefillin*, they should be worn at the same time,<sup>221</sup> if not, one should wear Rashi's first, then Tam's (though Tam's gets no blessing).<sup>222</sup> One should not keep Rabeinu Tam *tefillin* in the same bag as Rashi *tefillin* because they are not considered holy.<sup>223</sup> Caro adopts Moses of Coucy's compromise, saying that due to the difficulty of maintaining purity, one need only wear their *tefillin* from the *Shma* to the end of the *Amidah*.<sup>224</sup> *Tefillin* should be inspected 2 times in a seven year span.<sup>225</sup> Doctors may handle urine while they are wearing their *tefillin*.<sup>226</sup>

There are relatively few references to prohibitions for *tefillin* that we have not seen already. If one uses stolen *tefillin* he does not say a blessing over them.<sup>227</sup> A student should not have his head *tefilah* exposed in front of his teacher.<sup>228</sup> *Tefillin* are not worn on the intermediate days of a festival.<sup>229</sup> If a man cannot keep his mind off of women and sex he should not wear his *tefillin*.<sup>230</sup> A mourner is prohibited from wearing *tefillin* on the first day of mourning only.<sup>231</sup> A groom and his groomsmen should not wear *tefillin* due to a tendency among these men to be drunk.<sup>232</sup>

In Caro's community in Safed, *tefillin* were an important tradition. As we saw in OH 32:42 with the adding of a second *shin* to the head *tefilah* there have likely been kabbalistic adaptations to *tefillin*. After the completion of the Shulhan Arukh other

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<sup>220</sup> OH 28:3.

<sup>221</sup> OH 34:1.

<sup>222</sup> OH 34:2.

<sup>223</sup> OH 34:4.

<sup>224</sup> OH 37:2.

<sup>225</sup> OH 39:10.

<sup>226</sup> OH 44:3.

<sup>227</sup> OH 1:12.

<sup>228</sup> OH 27:11.

<sup>229</sup> OH 31:2.

<sup>230</sup> OH 38:4.

<sup>231</sup> OH 38:5.

<sup>232</sup> OH 38:7.

kabbalistic additions were made to *tefillin*. For parity with the head *tefilah*, which has a *shin* on top, a *dalet* shaped knot and a *yod* shape at the end of the straps, the kabbalists added the same three letters to the hand *tefilah*. As we saw in the *Mishneh Torah* the end of the hand strap was wound around the middle finger of the hand three times. The kabbalists called for the hand to be wrapped in such a manner as to have *ShaDaY* represented.<sup>233</sup> As much as Caro and other kabbalists may have observed *tefillin*, it is impossible to know how well it was observed outside of their community in Safed. Caro's, and other kabbalists', affinity for *tefillin* may have been in reaction to documents central to *kabbalah*. Centuries before Caro, these texts had already expressed the kabbalistic importance of *tefillin*:

When a man wears *tefillin* and *tzitzit*, he enters a realm where the Holy One himself surrounds him with the mystery of the highest faith. (Zohar 1:140b)

A man wearing *tefillin* is enveloped by the supernal mind and the divine presence does not depart from him. (Tikunei Zohar 69)

When a man wakes up in the morning and binds himself with *tefillin*, four angels greet him as he leaves his door. (Zohar Chadash 41b)

Judging from these texts and the changes that *kabbalah* effected on *tefillin* (by introducing a new way to tie knots and the extra *shin* on the head *tefilah*), it is probable that in areas where *kabbalah* was wide-spread *tefillin* were used.

While the Shulhan Arukh became the standard code for the entire Jewish world, it didn't do so until it gained popularity in both the Sephardic and Ashkenazic communities.

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<sup>233</sup> Rabinowitz, "Tefillin," *EncJud* 901.

While Caro made a great effort at trying to include all legal authorities in the Shulhan Arukh, he neglected many scholars of Eastern Europe and their customs. This could have been a major stumbling block for the code if it were not for Moses Isserles. Instead of condemning the Shulhan Arukh, Isserles wrote a commentary to the code called the Mappah, or table cloth. Like Caro, Isserles relied on other scholars and their works.<sup>234</sup> Once the Mappah had been added to the Shulhan Arukh it became as widely accepted in the Ashkenazic world as in the Sephardic world.

Isserles adds Eastern European *tefillin* practices to the mixture, proving a broader picture of *tefillin* in the sixteenth century. Where he disagrees with Caro, Isserles simply points out the difference in custom between the two. We have several examples. In Ashkenaz, the two *tefillin* blessings were recited no matter what the situation.<sup>235</sup> If one were interrupted between the two blessings, then both are recited over the head *tefilah*.<sup>236</sup> Unlike the Sepharadim who remove their *tefillin* after the *u'va l'tzion* prayer, the Ashkenazim wait until the *kaddish yatom* has been recited.<sup>237</sup> Even if there is only one *tefilah*, both blessings are recited.<sup>238</sup> While it was preferred that students not show their head *tefilah* while in the presence of their teacher, Caro tells us that during the *Amidah* it is permitted.<sup>239</sup> When writing a scroll for *tefillin*, the lines should be scored into the skin.<sup>240</sup> If the *parshiot* for the arm are written on separate scrolls they should be glued

<sup>234</sup> Rabinowitz, "Shulhan Arukh," n.p. Or Zarua, the Aguddah, the Sha'arei Dura, the Issur ve'Hetter. Isserles also relied on the responsa of Ashkenazi scholars: Israel Bruna, the Maharal, R. Meir of Padua and Benjamin Ze'ev among others.

<sup>235</sup> OH 25:5.

<sup>236</sup> OH 25:9.

<sup>237</sup> OH 25:13.

<sup>238</sup> OH 26:2.

<sup>239</sup> OH 27:11.

<sup>240</sup> OH 32:6.

together to form one.<sup>241</sup> Boys younger than thirteen years and one day were not permitted to wear *tefillin*<sup>242</sup> if they knew how or not, as stated in the Talmud.<sup>243</sup> It should be protested if a woman, even in an attempt to be stringent about the law, wears *tefillin*.<sup>244</sup> If one must use the lavatory while wear his *tefillin* he should sit regardless of what he is secreting.<sup>245</sup>

Isserles' comments on *tefillin* show no radical differences from earlier sources. We can see however, that there were specific Ashkenazi traditions about *tefillin*. Again, it is impossible to tell how well established these customs were, or even how well established *tefillin* were in general in Eastern Europe in the sixteenth century.

Not long after Isserles' time, Europe witnessed the rise of Hasidism. The relationship between Safed *kabbalah* and Hasidism was strongest in the realm of prayer. This relationship is apparent in that the Hasidim adopted *nusach Ari*, the Lurianic prayer book and the *kavanot* of the kabbalists.<sup>246</sup> With its strong affinity for *kabbalah*, Hasidism too expressed their mystical views on *tefillin*:

It is told in the name of the blessed Baal Shem Tov that the *mitzvah* of *tefillin* is so holy it can bring a man to a yearning that will make him depart this world. He must therefore bind them with straps, holding the body and soul together.<sup>247</sup>

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<sup>241</sup> OH 32:47.

<sup>242</sup> OH 37:3.

<sup>243</sup> Arac. 2b, Suk. 42a.

<sup>244</sup> OH 38:8.

<sup>245</sup> OH 44:9.

<sup>246</sup> E. Ettinger, "The Modern Period," in A History of the Jewish People (ed. H.H. Ben-Sasson, trans. G. Weidenfeld and Nicolson Ltd.; Cambridge: Harvard University Press; 1976) 770-1.

<sup>247</sup> Sefer Baal Shem Tov, V'etchanan 83.



God desires that we wear *tefillin*. Therefore, when we wear them, we are enveloped by His desire.<sup>248</sup>

The boxes of *tefillin* represent wisdom, and the straps, the fear of God. You can only bind yourself to wisdom through the fear of God.<sup>249</sup>

Like the kabbalists before them, the Hasidim not only saw the *tefillin* as a *mitzvah*, but they attached mystical value to them as well. With the centrality of prayer in Hasidism, coupled with the mystical value of *tefillin*, it is probable that many Hasidim wore them during prayer.

As we have surveyed the literature of the post-Rabbinic Period we have seen the continuation of old trends and the development of some new ones. Like the different eras in our previous chapter, for most of the eras in this one we have seen the trend towards varied *tefillin* use. It appears that in some communities, at certain times, *tefillin* were used frequently and by large segments of the community in question. The opposite trend also continued; there were times and places, it seems, where *tefillin* were hardly used at all. We cannot say that there was any uniformity over the entirety of this period. The commentaries and the codes attempted to heighten *tefillin* use, both by informing the public at large on the details of *tefillin* and by providing argumentation on behalf of *tefillin*. These arguments ranged from subtle philosophies, like those of Ramban to vociferous homilies like those of Moses of Coucy. It is possible that all of these had some effect, at least on the mystical movements of *kabbalah* and Hasidism. Regularly as these movements may have used *tefillin*, they did not represent the entirety of Judaism at

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<sup>248</sup> L'kutey Maharan (Israel: Breslov Research Institute, 1990), 34:4.

<sup>249</sup> L'kutey Maharan Tanina (Israel: Breslov Research Institute, 1990), 77.

any time. Therefore, we end this chapter as we did the last; knowing more about *tefillin*, but still unsure of how they were used by the masses.

### Chapter 3 – Tefillin in Reform Judaism

While Eastern Europe was enveloped by the clashes between the Hasidim and the Mitnagdim, Western Europe was involved in its own struggles. Primarily in Germany in the late eighteenth and early nineteenth century, a movement that desired to reform the traditional Jewish way of life was beginning. This Reform Judaism focused much of its effort on the realms of liturgy and ritual reform. *Tefillin*, being both a part of the liturgical service and a ritual, were greatly affected by these reforms. This movement spread throughout Western Europe and eventually to America, where its influence on *tefillin* would be greatest.

It is often assumed that the early Reformers simply rejected *tefillin* outright. Frequently it is stated that *tefillin* simply did not mesh well with the ideals of early Reform Judaism; that actions were more important than rituals and ceremonies:

The movement came of age in an era characterized by a generally negative attitude toward traditional ritual practice, an age when liberal religious discourse was dominated by the great themes of reason, science, and aesthetics. During this period, enlightened believers were taught that the moral teachings of Judaism were infinitely more important than its ritual practices...Reform thinkers understandably dismissed much of traditional ceremonial law and custom as 'totemism,' 'fetishism,' and 'talismans.'<sup>250</sup>

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<sup>250</sup> Mark Washofsky, *Jewish Living* (New York: UAHC, 2001), 7.

Cohon tells us that traditions like *tefillin* "melt away like snow in a hot sun" during the Enlightenment.<sup>251</sup> The evidence, however, reveals a different story. By looking at the prayer books produced by the Reformers in Europe we will see that Reform Judaism treated *tefillin* no differently than communities in other time periods. Some would wear them, some would not.

If, as a strong case has been made in the previous chapters, *tefillin* was never a ritual that was universally observed, than the Reformers were actually traditionalists. Throughout the early German Reform Period, *tefillin* blessings continued to appear in some versions of the *Gebetbuch*, or prayer book. In Abraham Geiger's prayer book the *tefillin* blessings do not appear as part of the blessings in the morning service, however, they do appear in the list of blessings at the rear of the *siddur*.<sup>252</sup> It would appear that even someone entitled the "founding father of the Reform movement"<sup>253</sup> still practiced, or approved of the practice of *tefillin*. Geiger's own words set the tone for the prayer book:

As we draw from the past, we nourish the future; as we prepare ourselves for higher goals, we yet rejoice in our heritage and heighten its value for the present. I do not underestimate the difficult task which such procedure demands of us.<sup>254</sup>

His prayer book was not considered to be on the conservative end of the Reform spectrum, rather it was a middle ground. He adopted some material from the more liberal Hamburg prayer book, mostly in the German.

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<sup>251</sup> Cohon, *Essays in Jewish Theology*, 354.

<sup>252</sup> Abraham Geiger, *Seder T'fillah Dvar Yom B'yomo* (Breslau: Berlag bon Julius Sainauer, 1854).

<sup>253</sup> Michael A. Meyer, *Response to Modernity* (New York: Oxford University Press, 1988), 89.

<sup>254</sup> Abraham Geiger (*Nachgelassene Schriften*, vol. 1, 203) as quoted in W. Gunther Plaut, *The Rise of Reform Judaism* (New York: World Union for Progressive Judaism, 1963) 156-7.

There were those, such as Joseph Aub's *Seder T'fillot L'kol Hashana*, that were markedly more conservative while still being a Reform siddur.<sup>255</sup> This siddur was published more than a decade later, pointing to an ongoing *tefillin* tradition. Unlike Geiger's prayer book, Aub's features *tefillin* prominently on page two, just prior to the beginning of service, preceded by only the *Yigdal* hymn and the blessing of the washing of hands.<sup>256</sup> *Tefillin* were included even later, in 1880, in the *Israelitisches Gebetbuch* of Breslau.<sup>257</sup>

Prayer books alone do not give us the only evidence that the early Reformers did not simply jettison *tefillin* from their practice. The *Synagogenordnungen*, or Synagogue Order, was a listing of the policies and prohibitions for the place of worship.<sup>258</sup> Many Reform congregations established such lists of rules. Two in particular deal with *tefillin*. Included in a *Synagogenordnungen* list of prohibitions from Birkenfeld, 1843, is the following:

Being in the House of God with a bare arm is prohibited [once the *tefillin* have been removed]. Everyone is required to put on phylacteries as decorously as possible, and to dress himself decently again afterwards.<sup>259</sup>

Likewise, the *Synagogenordnungen* of Beuthen, 1906, had an ordinance stating that:

The putting on of the *tefillin* may take place in the entrance hall only.<sup>260</sup>

<sup>255</sup> *Ibid*, 186.

<sup>256</sup> Joseph Aub, *Seder Tefilot Kol Hashana* (3 vols.; Berlin: Drud und Berlag von S. Bernstein, 1866).

<sup>257</sup> Manuel Joel, *Israelitisches Gebetbuch* (Breslau: Jacobsohn & Co., 1880).

<sup>258</sup> Jakob J. Petuchowski, *Prayerbook Reform in Europe* (New York: World Union for Progressive Judaism, 1968) 105.

<sup>259</sup> *Ibid*, 116.

<sup>260</sup> *Ibid*, 122.

Clearly, *tefillin* remained a practice in at least a few communities within Reform Judaism. They are present, both in the prayer books and in the synagogue ordinances spanning a great number of years. This refutes Cohon's notion mentioned earlier that *tefillin* were mere totems that were discarded.

In spite of the evidence that *tefillin* were used by Reform Jews, there is also evidence that they were not. The first factor that one must consider is the fact that most of the prayer books composed during this period did not contain a prayer service for the weekday. In fact, of the 83 Reform prayer books composed during the nineteenth century, only a fraction – about one third – contain prayers for the weekday.<sup>261</sup> Of this group, a smaller number include an actual *shacharit* service. Many of them have a few of the morning blessings like *Mah Tov* and the *Shema*, but little else. Others have only a single "morning blessing."<sup>262</sup> Weekday worship was not central to the Reformers.

This information might lead us to believe that Reform Jews, for the most part, were not laying *tefillin*. However, there may be another possibility: Reform Jews were wearing *tefillin*, just not at the synagogue. As we have seen, many synagogues were not having services during the week, so it is possible that they were both praying and laying *tefillin* at home:

The negligence of the daily services in the Reform Movement Dr.

Phillipson holds was due to environmental conditions. "Church-

going among the Christian population is confined largely to the

weekly day set apart as a religious day; what more natural than that

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<sup>261</sup> *Ibid.* Petuchowski's first chapter is a chronological bibliography of European Reform prayer books.

<sup>262</sup> Levi Herzfeld, *Tefillat Jisrael* (Brunswick, Germany: Berlage von Johann Heinrich Meher, 1855), 1.

the Jews in this environment should stress the Sabbath and holiday service to the neglect of the daily service?"<sup>263</sup>

That the blessings for *tefillin* are present in the special blessings section of Geiger's prayer book and not as part of a *shacharit* service leads us toward this conclusion. In addition, as *tefillin* became less acceptable in the Reform synagogue, there may have been those who wore them at home before attending any weekday service:

Not a few kept the dietary laws strictly and said their traditional daily prayers at home wearing *tallit* and *tefillin* but – in some instances because of their wives and children – preferred to attend services at the temple.<sup>264</sup>

It is clear that some Reform Jews, either at home or in the synagogue, observed *tefillin*. Like their ancestors before them, *tefillin* seemed to be for the German Reformers a matter of personal piety, not a community-wide ritual. Surely, in this early stage of Reform Judaism there was a spectrum of belief and practice that led to divergent views on many topics, *tefillin* being just one such topic.

Reform Judaism did not remain a phenomenon of the European continent. As Jews moved from Europe to America, so did Reform Judaism.

Although the classical Reform ideology in America was almost fully developed in Europe and merely transplanted to the United States, it found an intellectual climate in America which was far more hospitable than Germany, the land of its origin.<sup>265</sup>

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<sup>263</sup> Abraham Z. Idelsohn, *Jewish Liturgy* (New York: Dover Publications, 1995), 272.

<sup>264</sup> Meyer, *Response to Modernity*, 115.

<sup>265</sup> *Ibid*, 226.

Likewise, *tefillin* followed Jews and Reform Jews across the seas to the United States.

As above, we have prayer books and other evidence that uphold the millennia old status quo: some Jews used *tefillin* and others did not.

Like all things Reform in early America – ideology, theology and practice – they came from Germany. The tradition of Reform Judaism was borne onto American shores by German Reform rabbis, using German Reform prayer books that adhered to German Reform theology. Over time however, there would grow a distinctly American brand of Reform Judaism. Part of this growth process is the development of prayer books. As we look at the American Reform prayer books, we will see the various trends regarding *tefillin*. Other works such as platforms and books about Reform practice will also aid our research on *tefillin*.

In one regard, America was no different than Germany for Reform Jews: diversity of ideas. Hence, the diverse nature of prayer books in the early period of American Reform. For the most conservative-leaning Reform Jews a prayer book by Reform Jews was not observant enough. Therefore, they relied on more conservative prayer books.

Relatively traditional synagogues chose the conservative prayer

book edited by Benjamin Szold and revised by Marcus Jastrow.<sup>266</sup>

Szold and Jastrow's prayer book<sup>267</sup> not only included more Hebrew than most Reform prayer books, but it also included many traditions that had been eliminated by Reformers both in America and in Germany.<sup>268</sup> Additionally, the *Abodath Israel* siddur included the blessings for *tefillin* and they were featured at the beginning of the morning service. It is

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<sup>266</sup> Meyer, *Response to Modernity*, 251.

<sup>267</sup> Benjamin Szold and Marcus Jastrow, *Abodath Israel* (Baltimore: Berlag von Musham und Siemers, 1871).

<sup>268</sup> Themes that had been edited out of most Reform prayer books such as references to the individual messiah and to the sacrificial cult were still included in the Szold and Jastrow prayer book.



likely that *tefillin* were used at congregations in which *Abodath Israel* was employed.

The authors were not so far afield from the Reformers as not to be recognized; they were both early supporters of the organizations that would become the Reform Movement – its governing body and its seminary.

David Einhorn's prayer book, *Olat Tamid*, which had first been published in German in Baltimore, was at the complete opposite end of the spectrum from Szold and Jastrow's conservative prayer book. Einhorn, who had been one of the most ardent Reformers in Germany before coming to the United States,<sup>269</sup> continued his reforms in his prayer book.

"His Reform ideology had crystallized abroad and would not change substantially in America."<sup>270</sup>

Einhorn was loathe to retain any traditions simply because they were tradition. Rituals and rites needed to be fully relevant in their day to remain a part of the liturgy or synagogue service. Einhorn set out to create a prayer book that would eliminate these irrelevant rituals while providing inspiring liturgy that stimulated both the mind and the spirit. It is not surprising that Einhorn did not include *tefillin* in his prayer book and they were likely not used in his synagogues in the United States: Har Sinai (Baltimore) and Kneseth Israel (Philadelphia) and Emanu-El (New York). His prayer book was not as successful as he had hoped in his lifetime. In fact, *Olat Tamid* was never widely used. However, the language used therein and the theology behind it would have a great influence on the future *Union Prayer Book* to be discussed below.

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<sup>269</sup> David Phillipson, *The Reform Movement in Judaism* (New York: Macmillan, 1931). Phillipson makes frequent reference to Einhorn as a proponent of radical reform in Germany throughout the book.

<sup>270</sup> Meyer, *Response to Modernity*, 245.

While *Abodath Israel* and *Olat Tamid* were used in many Reform congregations, the most widely used was that of Isaac Mayer Wise; *Minhag America*. Unlike Einhorn, Wise was not a radical reformer. He certainly desired to see Reform blossom in the United States, but not if it meant a total break with the rest of the Jews in the country. Wise was a charismatic consensus builder who envisioned a Jewish America that differed from the Germany he had left behind. In Germany, the Jewish community was fractured over the many divisions caused by reforming tradition and worship. To avoid such a schism in the United States, Wise advocated for an American Judaism that would include all Jews. His prayer book reflected this vision. Quite different from *Olat Tamid*, *Minhag America* had two complete services, one fully in Hebrew and the other fully in English. Wise hoped that this prayer book would be used by all Jews. His middle road approach paid off, making *Minhag America* very popular. Even though he was trying to appease all constituencies in America, *Minhag America* was still a Reform prayer book.

It was similar to *Olat Tamid* on most points of ideology. Wise's prayerbook too eliminated references to a messianic return to Zion and restoration of the sacrificial cult; it too abbreviated the service, though less radically.<sup>271</sup>

*Minhag America* was adopted in many Southern and Midwestern congregations where there was greater support for Wise's "American Judaism." Einhorn's prayer book was mostly adopted in the large cities of the Northeast.

The blessings for *tefillin* were included in *Minhag America*, but in an interesting manner. First, as in Geiger's prayer book, the blessings appeared at the rear of the book in the list of additional blessings. This allowed *tefillin* to be an option for each

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<sup>271</sup> Meyer, *Response to Modernity*, 254.

congregation that used the book. If it were in the middle of the regular liturgy it may have discomfited the more liberal leaning congregation, though it left open the possibility of using *tefillin* both in the synagogue or at home for the more observant. The second feature was the fact that the blessings for *tefillin* did not appear in the English side of the prayer book. This tactic allowed the more traditional Jews, who were likely to be praying in Hebrew to have the blessings and use them, while the more liberal, who were likely praying in English may not have even known that they were included in the prayer book. By employing this approach, Wise achieved his goal: Jews of all kinds used his prayer book regardless level of observance.

Another goal of Wise's was that of creating a broad and lasting American Movement of Jews, but this would not come to fruition. There was opposition to this movement from both Orthodox and radical Reform Jews. The Union of American Hebrew Congregations, founded in July 1873, only briefly represented non-Reform Jews. Along with the Hebrew Union College (1875) and eventually the Central Conference of American Rabbis (1889), the apparatus for a national Reform Movement fell into place.

Once the movement was under way, the death knell for the UAHC as an American Jewish, rather than Reform, movement came in 1885. The Pittsburgh Platform formally laid out the tenets of Reform Judaism in the United States. It was not radical in its ideas for the Reform Jews, but having them as a formal document marked the final blow to non-Reformers' participation in the Union.<sup>272</sup> While it had always been clear that Reformers made up a great percentage of the membership of the organization, the Pittsburgh Platform spoke for all its members, not just the Reform congregations. The non-Reform congregations could not be members of an organization that spoke of the

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<sup>272</sup> *Ibid*, 269-270.

God-idea and not of God. Likewise, there were other matters that were problematic. In the realm of *halakha* there was now a stated opposition to the authority of Jewish law: "We reject all such [laws] as are not adapted to the views and habits of modern civilization."<sup>273</sup>

The so-called "radical Reformers," who saw their religion as a revolutionary new phenomenon in Judaism, broke sharply with the rabbinic-halakhic heritage.<sup>274</sup>

Therefore, areas such as dietary laws, purity and dress would no longer be governed by traditional law.<sup>275</sup> In addition, a return to the priestly cult and a return to Palestine were also rejected,<sup>276</sup> as was the notion of resurrection.<sup>277</sup> Traditional leaning Jews could not bear to be avowed members of such a movement. HUC assured the congregations, however, that the Pittsburgh Platform was not being taught at the college and that it would remain a seminary for all American rabbis. The final withdrawal from all things Reform came in the wake of the *treffe* affair banquet after the HUC ordination ceremony in Cincinnati in 1883.<sup>278</sup>

With a purely Reform Movement established, the wheels were set in motion for a purely Reform prayer book for America. There were four main factors<sup>279</sup> that led to the

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<sup>273</sup> "Declaration of Principles – 1885 Pittsburgh Conference," n.p. [cited 14 January, 2004]. Online: <http://ccarnet.org/platforms/pittsburgh.html>, point #3.

<sup>274</sup> Washofsky, *Jewish Living*, xix.

<sup>275</sup> *Ibid*, point #4.

<sup>276</sup> *Ibid*, point #5.

<sup>277</sup> *Ibid*, point #7.

<sup>278</sup> Meyer, *Response to Modernity*, 263.

<sup>279</sup> Herbert Bronstein, "Platforms and Prayer Books: From Exclusivity to Inclusivity in Reform Judaism," in *Platforms and Prayer Books* (ed. D.E. Kaplan; Lanham, Maryland: Rowman & Littlefield, 2002), 25-39. Bronstein puts forth an argument that these four factors also led to the *UPB Newly Revised Edition*, the *Gates of Prayer* and the forthcoming *Mishkan Tefillah*. While the article makes sound arguments, there is a technical matter upon which it is mistaken. Bronstein claims that just as the *UPB* was due in part to the Pittsburgh Platform that preceded it by nearly a decade, so too was *GOP* influenced by the Centenary

establishment of this first Reform Movement prayer book, the *Union Prayer Book*.<sup>280</sup>

First, the new liturgy was a reflection of the new situation Reform Judaism found itself, both as a movement and as part of the larger American scene.<sup>281</sup> Second, the prayer book was the extension of the "manifesto" of the Pittsburgh Platform. This is no different from Einhorn's prayer book reflecting his own views nor Wise's reflecting his views in *Minhag America*. Third, a new prayer book was to aid in combating diminishing synagogue attendance. Lastly, by the members of the Reform Movement using the same prayer book, it was hoped that there would be unity among the burgeoning movement. This is something that Wise had been advocating for nearly half a century and did so again in 1890.

It is argued by Bronstein,<sup>282</sup> Meyer<sup>283</sup> and others that this new prayer book, the *UPB*, was closely related to *Olat Tamid*. Hoffman argues that the *UPB* reflects both antecedents: *Olat Tamid* and *Minhag America*.<sup>284</sup> The confusion, Hoffman contends, stems from two main misconceptions. First, major Reformers such as Kaufman Kohler and Emil Hirsch claimed that the 1892 edition was a departure from Einhorn's *Olat Tamid*. Hoffman shows that this is not the case, showing many examples of I.S. Moses, the editor, using direct quotes or slight variations on Einhorn's book. The second misconception was that the *UPB* was more particularistic than *Olat Tamid*. At first

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Perspective. At issue is the fact that the Centenary Perspective was adopted in 1976; the *GOP* was already in publication for over a year and had been in the works for about a decade.

<sup>280</sup> I.S. Moses, *The Union Prayer Book* (New York: CCAR, 1892).

<sup>281</sup> The two major Reform prayer books mentioned above were not only pre-UAHC, they were also pre-Civil War and thus no longer reflected the Jewish nor American reality.

<sup>282</sup> Bronstein, "Platforms and Prayer Books: From Exclusivity to Inclusivity in Reform Judaism," 27.

<sup>283</sup> Meyer, *Response to Modernity*, 279.

<sup>284</sup> Lawrence A. Hoffman, "The Language of Survival in American Reform Judaism," *CCARJ* 3 (1977): 87-106.

glance, that may appear true. However, Hoffman leads us to the conclusion that *Olat Tamid*, and Einhorn himself, was never as universalistic as had been thought.

Regardless, some major features do emulate that of *Olat Tamid*,<sup>285</sup> it opens in the English direction, it consists mainly of English and it had eliminated or emended many parts of the traditional liturgy. For obvious reasons, the blessings for *tefillin* (and other rituals) were no longer included. There was no longer a need to appeal to the wide spectrum of American Jews nor was *tefillin* viewed as an uplifting tradition in this period. Once the *UPB* was widely accepted, *tefillin* would be virtually extinct in American Reform Judaism for generations. It is difficult to tell, however, if the prayer book was reflecting the practice or if practice would come to reflect the prayer book.

The *UPB* remained the official prayer book of the Reform Movement and its member congregations for nearly a century, until the Gates of Prayer replaced it in 1975. There are still some congregations that use *UPB* today. During the 80-year span of the *UPB* as the main prayer book, there were many reprintings and some minor revisions. The CCAR released a major revision of the *UPB* in 1940. The need for an updated version can be seen through the four-fold lens provided by Bronstein.

Firstly, the Reform Movement in the twentieth century was very different from the movement of the nineteenth. The period between the earliest Reformers in America and the Great Depression was one of great change:

Yaakov Ariel describes the "strange world" of the classical Reform Jews in the period between 1870 and 1930. Ariel argues that the Reform movement had been described in inaccurate ways using stereotypical images taken directly from the biased Eastern

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<sup>285</sup> Especially the revised edition of 1895.

European immigrant view of the "German Jews." This stereotype image has been reinforced by those scholars who had looked at the official statements such as the 1885 Pittsburgh Platform to the exclusion of the broader social and cultural trends that were clearly evident throughout the laity. Ariel argues that there was an "astonishing gap" between the declared ideals of the Reform movement and the attitudes expressed by most of the rank and file.

This Gap slowly began to narrow.<sup>286</sup>

There were several reasons for the changes. The movement that was once a collection of German immigrants now had a completely different demographic make-up. The German immigrants were now well established members of American society at a distance from the German philosophy and language that had been the previous generations' hallmark. In addition, the Jews of German origin were no longer the majority of the American Jewish landscape. The great influx of Jews from Eastern Europe greatly changed the configuration of all American Jewry, not just Reform. The Reform Movement was influenced by this influx because Eastern Europeans brought different ideologies and old traditions into a Reform Movement that had done away with them. Many of the major Rabbis of the generation were of Eastern European descent. The Reform Movement also needed to adjust to a new America as well. Since the first *UPB* in 1892, America had witnessed the atrocities of a world war and the deprivation of the Great Depression. A prayer book that was based on the ethical behavior of man and equality of all men did not hold up against this grim reality.

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<sup>286</sup> Dana E. Kaplan, "The Reform Theological Enterprise at Work," in *Platforms and Prayer Books* (ed. D.E. Kaplan; Lanham, Maryland: Rowman & Littlefield, 2002), 5.

Bronstein's second point, that a new prayer book is an extension of a preceding platform and theological change also holds true here. In reaction to all of the factors mentioned above, theology began to change among Reform Jews. A major proponent for a new prayer book was Samuel Cohon (himself of Eastern descent), a professor at HUC in Cincinnati.<sup>287</sup> He not only felt that the prayer book no longer reflected who Reform Jews were, but he also thought there needed to be a change in direction for Reform Jews in the future. He envisioned a Reform Judaism that would return to some traditions long forgotten in the Reform milieu. He also believed there was now a greater need for Hebrew and that Zionism should have a place in the new Reform Judaism.

With all of this in mind, Cohon became the architect for the second major platform in Reform Judaism – the Columbus Platform of 1937. In the decade prior, Cohon and others consistently advocated for change:

In the mid-thirties the majority of Reform rabbis shared all or most of Cohon's views. They too felt that Reform Judaism had changed significantly since the Pittsburgh Platform carved its principles in stone some fifty years earlier. And some of them wanted a new general statement.<sup>288</sup>

This new platform diverged radically in some areas from that of its predecessor. In the section entitled "Judaism and Its Foundations" the platform refers not only to the Torah, but to the oral Torah as well. Additionally, the platform states that only "some" of these laws are no longer binding.<sup>289</sup> The Columbus Platform acknowledged Zionism, but evr

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<sup>287</sup> Bronstein, "Platforms and Prayer Books: From Exclusivity to Inclusivity in Reform Judaism," 32.

<sup>288</sup> Meyer, *Response to Modernity*, 318.

<sup>289</sup> "The Guiding Principles of Reform Judaism – Columbus 1937," n.p. [cited 14 January, 2004]. Online: <http://www.ccarnet.org/platforms/columbus.html>, point #4.



further spoke of "the obligation of all Jewry to aid in [Palestine's] upbuilding as a Jewish homeland."<sup>290</sup> The most radical shift was in the area entitled "Religious Practice."

Judaism as a way of life requires in addition to its moral and spiritual demands, the preservation of the Sabbath, festivals and Holy Days, the retention and development of such customs, symbols and ceremonies as possess inspirational value, the cultivation of distinctive forms of religious art and music and the use of Hebrew, together with the vernacular, in our worship and instruction.<sup>291</sup>

This was a strong point of contention with the "classical" Reformers and they nearly prevented the platform from passing.<sup>292</sup> It did pass, and many of its components would make its way into the revised *UPB*.

The third factor contributing to the desire for a new prayer book was that of synagogue attendance. Unlike 1885, Reform Judaism had much competition for worshipers. Orthodoxy had new appeal. Many Eastern Europeans could more easily relate to a modern orthodoxy than they could Reform Judaism. Formerly the choices were between Reform and Orthodox, now there was also Conservative Judaism to contend with. The options were not limited to these three. There were now Humanist Jews (within and without the movement) and Zionists who were also competing for the time and effort of Jews. A new prayer book that could encompass enough of the various

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<sup>290</sup> *Ibid*, point #5.

<sup>291</sup> *Ibid*, point #9.

<sup>292</sup> Meyer, *Response to Modernity*, 319. A motion to block any platform from being voted upon deadlocked at 81 votes. The president of the CCAR, Felix Levy, cast the deciding vote in favor of a platform. When the platform itself reached the floor only eight votes were recorded in the negative. It appears, that for unity's sake the others voted in favor of the platform.

interests might put "more Jews in the pews." The fourth factor, the prayer book as unifier, would be fulfilled if it could get all of these Jews to pray together under one roof.

The Newly Revised *UPB* of 1940 did incorporate many of these aspects of the new Reform Judaism thus fulfilling Cohon's and his comrades' desire for a new liturgy that dealt with this issues of their age. With the sharp turn toward more ritual observance, we might think that this would be an opportunity for *tefillin* to return to the Reform arena. It was not. *Tefillin* were not included in the 1940 edition. However, this change did set into motion the process of bringing more tradition into Reform Judaism. This would bring to fruition the agenda put forth in the Columbus Platform.

The next generation would be equally as dissonant with the Reform Judaism of the 1940 *UPB* and the Columbus Platform as were its drafters with the *UPB* and the Pittsburgh Platform. This generation saw an even "stranger" world that Ariel spoke of earlier. After all, between the 1940 revision of *UPB* and the 1975 introduction of *GOP*, the world saw some of the greatest upheavals and triumphs in all of human history. As before, a new Reform liturgy would have to evolve to keep up with the pace of Reform Jews.

Once again, applying Bronstein's criteria will assist us in following the development of the prayer book of Reform Judaism. During this period, both America and Reform Jews within America had undergone great change. The demographics of the Reform community were different than ever before. Gone were the immigrants, be they early from Germany or late from Eastern Europe. The major immigrations had ceased, leaving Reform Jews almost completely American born for the first time. Along with this came the fact that Jews of all kinds were fully at home in America with very few

restrictions on their abilities; whether academic, professional or personal. The Reform Jew was completely comfortable in the American landscape because he or she was completely American. Gone was the dichotomy of a Jewish life in the synagogue and a secular life elsewhere. Most Jews were professional and highly educated with a keen eye on world events. Global Jewish issues were also of paramount concern.

The enormity of the Holocaust on the one hand, and, on the other, the establishment of the State of Israel brought a reawakening of faith and commitment and, for Reform Jewry, mandated a complete revision of its liturgy.<sup>293</sup>

For the first time, the majority of Jews lived outside the city center forcing synagogues to adapt as well. In sum, the Reform Jew of this period was a unique individual, unlike that which the Reform Movement had never seen before. Therefore, adaptation was essential.

The other shift in reality was in the national and world community. The Holocaust was significant for Jews, but World War II was significant for most of the global population and no less so in America. America would fight two other wars in Southeast Asia during this period as well. The later, Vietnam, caused an unprecedented social upheaval in the United States. With this upheaval came the exploration and experimentation that would be symbolic of the entire era. Lastly, the advances in technology in the aftermath of World War II would outpace all advances in history up to this point. Surely in an era when men traveled into space and into every depth on Earth, new conceptions of God and nature were formed. A new Reform prayer book would have to contend with all of these factors.

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<sup>293</sup> A. Stanley Dreyfus, "The Gates Liturgies: Reform Judaism Reforms Its Worship," in *The Changing Face of Jewish and Christian Worship in North America* (eds. P.F. Bradshaw and L.A. Hoffman; Notre Dame, Indiana: Notre Dame University Press, 1991), 146.

Whereas the previous two prayer books had a platform upon which to be based, the GOP was guided by no such document. That is not to say that there were not changes in the movement's ideology during this period. One could even say that the process of change for GOP had actually begun with the Columbus Platform. The changes towards Zionism, individuality and experimentation were clearly visible in the new prayer book.<sup>294</sup> Likewise, other trends toward a Jewish renewal were visibly being adopted in the Reform Movement.

The Central Conference of American Rabbis produced a major series on personal practices... These written efforts, along with the *havurah* movement,<sup>295</sup> Jewish camping for teenagers and adults, [and] spirituality all led to a different emphasis.<sup>296</sup>

Jews were experimenting, not only in the *havurot* or in the freer atmosphere of summer camps, but in the synagogue as well. Rabbis, to varying degrees, were experimenting with the services they conducted. Some were attracted to more traditional liturgy and rituals, so they were included. Others desired more Hebrew or different music, some more traditional, some completely new.<sup>297</sup> When the *GOP* was finally created, it was in no small part due to these innovations that had taken place over the preceding decades.

Like the previous two prayer books, *GOP* was responding to social factors as well as the fact that synagogue attendance and membership had been declining. Initially, this was not the case. In the wake of World War II through most of the 1960's, Reform

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<sup>294</sup> Bronstein, "Platforms and Prayer Books: From Exclusivity to Inclusivity in Reform Judaism," 36-37.

<sup>295</sup> These *havurot*, mostly small groups that gathered together to study and perform rituals also contributed to the larger Jewish world. Books such as the *Jewish Catalogue* series put forgotten rituals back into the hands of Jews who were willing to experiment.

<sup>296</sup> Walter Jacob, "Renewing Reform Judaism; From Pittsburgh to Pittsburgh," in *Platforms and Prayer Books* (ed. D.E. Kaplan; Lanham, Maryland: Rowman & Littlefield, 2002), 86.

<sup>297</sup> Bronstein, "Platforms and Prayer Books: From Exclusivity to Inclusivity in Reform Judaism," 34.

congregations were experiencing a steady boom in membership. However, in the waning days of the Vietnam War, just the opposite was true.

By the end of the sixties, stagnation was settling in. Only a handful of new congregations joined each year; membership lists in existing congregations either remained static or slightly declined; a few temples had no choice but to merge in order to remain viable. Religious schools shrank in size as the "baby boom" generation passed on to college. Temple youth groups likewise suffered from the demographic decline.<sup>298</sup>

A new liturgy was one hope for reversing this trend.

Lastly, on the issue of unifying the movement, *GOP* made great effort. The variety of services and service options as well as selected readings on multiple themes could appeal to almost any Reform Jew, no matter what their leanings were. Services that had not existed before in the *UPB* or the revised version, like *Yom Haatzmaut*, *Yom Hashoah* and home rituals such as *havdalah*, were included.

Rather than an integral prayerbook, it was a compendium of multiple liturgies done by many hands.<sup>299</sup>

After a short time, the *GOP* became widely accepted and is still in use today. It appears to have fulfilled the high expectations with which it was created.

For our study, it is significant that the blessings for *tefillin* have made a return to the Reform prayer book in America. Not since *Minhag America's* publication had this occurred; more than a hundred years earlier. This was in accord with the Reform

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<sup>298</sup> Meyer, *Response to Modernity*, 369.

<sup>299</sup> *Ibid.*, 374.

Movement's gradual return toward traditionalism. What is even more interesting is that the kabbalistic *kavanot* that precede the *tefillin* blessings are also included. The blessings are not included in a list of blessings, buried in a rear section; rather they appear at the beginning of the morning service.<sup>300</sup>

Earlier generations of Reform Jews dispensed with the *mitzvah* of *tefillin*. The 1975 decision to restore the meditation and subsequent blessings for *tefillin* bespeaks the American Reform's openness to ritual that *GOP* heralded. But, *GOP* stops short of other liberal *Siddurim* that include this meditation, in that it does not translate the first line Hebrew line, which asserts that by wearing *tefillin*, "I hereby intend to fulfill the commandment of my Creator." Instead, it says simply, "In the Torah, it is written." *GOP* thus adopts a tactic used by liberal prayerbook composers for two centuries.<sup>301</sup>

The fact that these blessings and *kavanot* were included did not mean that Reform Jews, in any significant number, were using *tefillin*.

However few the number of Reform *tefillin* wearers are, there is a significant factor that keeps that number low. As in previous generations of Reform, *tefillin* use may be affected less by the fact that the prayers for them are in the book than the fact that most Reform Jews do not pray the weekday morning service. A small percentage of Reform congregations have a *minyan* at which one would have the opportunity to avail

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<sup>300</sup> Chaim Stern, *Gates of Prayer* (New York: CCAR, 1975), 48-49.

<sup>301</sup> David Ellenson, "Putting on Tefillin," in *Birkhot Hashachar* (ed. Lawrence A. Hoffman; vol. 5 of *My People's Prayer Book*, ed. Lawrence A. Hoffman; Vermont: Jewish Lights, 2001), 75.

themselves of *tefillin*. In communities where daily prayer does take place, there are those individuals who use *tefillin*.<sup>302</sup>

It would seem that there is a sizeable enough group of *tefillin* wearers to support a continued publication of the *tefillin* blessings in CCAR prayer books. In the updated version of GOP, a gender sensitive version of the 1975 publication published in 1994 the *tefillin* blessings still appear.<sup>303</sup> However, in the home prayer book published by the CCAR in the same year, they do not appear, though the blessings for *tallit* do appear.<sup>304</sup>

Other Reform works also mention *tefillin*:

In Reform congregations the *Bar / Bat Mitzvah* ceremony is generally conducted for both boys and girls as soon as possible after their thirteenth birthday. Those who observe the tradition of *tefillin* begin at age thirteen also.<sup>305</sup>

Mark Washofsky's *Jewish Living* treats *tefillin* at length. Not only does Washofsky address the historical role of *tefillin* in Reform Judaism, he gives a detailed list of instructions for Reform *tefillin* wearers to follow.<sup>306</sup> Being the most recent Reform source to deal with the topic and its most lengthy; Washofsky clearly believes that there are *tefillin* wearers among the Reform community. It even appears that he believes the practice may grow in the community as it becomes more ritually observant.<sup>307</sup> Like all

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<sup>302</sup> The daily services at HUC-JIR's campuses have students and faculty who wear *tefillin*. *Tefillin* use is not limited to the Jewish professional. At UAHC camps, *Kallot* and conventions lay members can be seen wearing *tefillin*. While no empirical data exists on the congregational use of *tefillin*, if the laity is using *tefillin* in the above-mentioned venues, then certainly if their congregation affords them an opportunity to wear *tefillin*, they are likely doing so.

<sup>303</sup> Chaim Stern, *Gates of Prayer for Shabbat and Weekdays: a gender sensitive prayerbook* (New York: CCAR, 1994), 10.

<sup>304</sup> Chaim Stern, *On the Doorposts of Your House* (New York: CCAR, 1994).

<sup>305</sup> Simeon J. Maslin, *Gates of Mitzvah* (New York: CCAR, 1979), 73

<sup>306</sup> Washofsky, *Jewish Living*, 7-13.

<sup>307</sup> *Ibid*, 8-9.

past trends towards observance in the Reform movement, there are those who oppose such a return to rituals of a bygone era:

The suggestion [in the early drafts of the Statement of Principles for Reform Judaism] that Reform Jews might consider eating kosher food, taking ritual baths in a *mikveh*, and even wearing *tefillin* was shocking to some. There were those who considered such proposals as a personal attack on their entire approach to religious life.<sup>308</sup>

Richard Levy's original proposal for this Statement of Principles was roundly attacked and was forced to undergo several revisions before being accepted in 1999 in Pittsburgh. The version that was adopted expunged all references to the above mentioned practices, including *tefillin*.

We are committed to the ongoing study of the whole array of מצוות (*mitzvot*) and to the fulfillment of those that address us as individuals and as a community. Some of these מצוות (*mitzvot*), sacred obligations, have long been observed by Reform Jews; others, both ancient and modern, demand renewed attention as the result of the unique context of our own times.<sup>309</sup>

While it is clear that Levy's original proposal struck a sour note with many Reform Jews, he did not create his draft for himself alone. Levy was responding to the growing number of Reform Jews who had taken on these practices. Once the new Reform prayer book is published in 2005, people may look back upon Levy's original draft and the ratified

<sup>308</sup> Kaplan, "The Reform Theological Enterprise at Work," 7.

<sup>309</sup> "A Statement of Principles for Reform Judaism – Adopted at the 1999 Pittsburgh Convention," n.p. [cited 14 January, 2004]. Online: <http://www.ccarnet.org/platforms/principles.html>.



version as we have at other platforms and shifts in theology that led to new prayer books and set the tone for entire generations.

As two centuries of Reform Judaism come to a close we can see that it has had many shifts in its positions on tradition. At first, it was quite close to traditional Judaism, only advocating for slight changes. Over time, however, the movement would move farther and farther afield from traditional Judaism in the areas of ritual and worship. In our day the pendulum appears to have begun swinging back in the opposite direction. *Tefillin* have been emblematic of this process. In the beginning of Reform, it too was still present. Once on the American landscape it began to fade, disappearing almost completely for nearly a century. Now, at the doorstep of a new era of Reform Judaism, *tefillin* are yet again a part of the fabric of the community and they may yet occupy a larger patch of that fabric.

The on-again, off-again nature of *tefillin* in the Reform Movement is not unique to Reform Judaism. It is just the continuation of a tradition that has been in existence for nearly three millennia. As was true in previous generations throughout the world, *tefillin* are worn by those Reform Jews who chose to wear them, not because it is a practice accepted by all.

## Conclusion

Our investigation of *tefillin* rightfully began with its early origins within the culture of the Ancient Near East. The surrounding cultures exhibited practices that were similar to *tefillin*. Israel's neighbors were known to wear amulets, both on the arm and head, special headbands or turbans and even treaty texts displayed prominently. It is logical, therefore, that the texts that make up the four *parshiot* (Ex. 13:9, Ex. 13:16, Deut. 6:8 and Deut 11:18) were interpreted to have a physical application. It appears, however, the commandments present in the Exodus texts were perceived as metaphoric by some. The fact that the Exodus language is ambiguous lends credence to this theory. It is clear that the Exodus texts were intended to be a reminder, physical or not, of the Egyptian Exodus. In contrast to this, the Deuteronomy texts were clearly referring to a physically implemented precept by using the word *uk'shartam*. Another contrast to the Exodus texts is that the Deuteronomy texts are not referring to the Exodus, rather they are referring to the Ten Commandments – a fact that was significant in later stages of *tefillin* development.

Other Ancient Near Eastern cultures had physical practices, beyond amulets and headbands that appear to be related to *tefillin*. In Iraq, Syria and amongst the Samaritans, there were tribal practices that marked covenants and symbolized redemption by using the blood of sacrificed animals to mark the forehead. This seems to bring together the redemption theme of the Exodus *parshiot* with the physical qualities of the Deuteronomy *parshiot*.

In the Hellenized Ancient Near East, the issue of physical versus metaphoric seems to have been cleared up, for the most part. The Septuagint translates all

occurrences of the words for *tefillin* in all four *parshiot* as *asaleuton*, meaning a fixed object. The terms that were applied in the Deuteronomy *parshiot* as physical objects were similarly applied to the Exodus *parshiot*. The Letter of Aristeas, likewise, refers to physical objects as well, and for the first time describes the ritual of the hand *tefillah* (though it was not referred to as such). Philo provides a mixed message on the matter. He refers to the practice in both metaphorical and physical terms. Philo also describes the head *tefillah*. In contradiction with the term *asaleuton* used in the Septuagint, Philo uses the term “shaking” or “moveable” to describe the item; leading to a metaphoric interpretation.

In the waning days of the Second Temple the sects of Qumran were using *tefillin*. We have archeological evidence of these *tefillin* and they are very telling. These *tefillin* provide, not only an example of a physical item, but they show us what *tefillin* looked like in this period. These *tefillin* are very close to the *tefillin* that are used today. However, there are differences. One significant difference is the fact that inside some of the Qumran *tefillin* the Ten Commandments were found along with the four *parshiot*. This was a practice strongly opposed by the Rabbis. Further confusion about what *tefillin* are supposed to be is caused by Matthew’s use of the word phylacteries – amulets – to describe *tefillin*. While it has been proven that the Rabbis made a clear distinction between the two, others apparently did not distinguish between them. It is around this time that the word *tefillin* itself is introduced by Onkelos. The etymology of this word likely tells us another goal of wearing *tefillin*; to separate out those who are Jews from those who are not.

The Rabbis in the Mishnah and the Talmud give us the most information we have about *tefillin* in its early stages. There are many details about *tefillin* that are discussed at length in these works. Main areas of focus for the Rabbis were: defining *tefillin*'s status (as a holy object, as opposed to an amulet), describing *tefillin*'s construction (a very precise process), when they should be worn (ultimately a weekday practice) and how one is to use *tefillin* properly.

By the end of the Talmudic Period some serious questions about *tefillin* still remained. From its earliest days, there was a lack of clarity; are *tefillin* a physical item or not? In the end, it seems that they were considered a physical object. This fact, however, does not clear up the larger issue. We do not know if people were actually using this physical object outside of the community of the Rabbis themselves. Exodus and Deuteronomy appear to contrast with one another on this issue. Philo seemed to be confused. Even the Rabbis related stories of those who either denied that *tefillin* are actually a commandment or simply did not wear them. Even though the Talmud would have its readers believe that *tefillin* were universally worn, it seems that this was not the case.

In the Middle Ages it was still unclear how many Jews were actually using *tefillin*. As in the previous period, the information about *tefillin* continued to grow, but not with the end result that all Jews wore *tefillin*. For the Geonim it was important to clarify the rules about *tefillin* as laid out in the Talmud. It appears that Jews still needed clarification about production, use and prohibitions for *tefillin*. Using their position of authority in Babylonia the Geonim, no doubt, aided in a wider use of *tefillin* around the world, but to what extent we do not know.

In Europe, the cause of *tefillin* was taken up by Rashi. Like the Geonim, Rashi seemed to concern himself with explaining the basics about *tefillin*. There are two parts to the *tefillin*: head and hand. He reminded the reader that there were four *parshiot* in the compartments and the order in which they were to appear. This ordering would eventually spark a posthumous controversy between his opinion and that of his grandson. Rashi also outlined the purpose of wearing *tefillin*: he explained that they are reminders of the Exodus. Reviewing what Rashi wrote, it seems that even if Jews wanted to use *tefillin*, there were some who lacked the basic knowledge to do so.

Two others, Ibn Ezra and Rabbenu Tam, also dealt with individuals that did not observe *tefillin* to the extent they would have liked. In Ibn Ezra's case, he confronted a person or group that denied that *tefillin*, as we know it, were even the way to fulfill the commandments of Exodus and Deuteronomy, presenting an argument that teaching children about the Exodus fulfills the commandments associated with *tefillin*. Ibn Ezra, using his skills as a commentator on the Bible, refuted this hypothesis. Rabbenu Tam specifically lamented the fact that in France *tefillin* were not being worn by the masses. His own brother viewed the commandments about *tefillin* as a metaphor. Further, Tam may have caused greater laxity toward *tefillin* by injecting doubt as to how one should create *tefillin*. Rabbenu Tam offered a different view on how the *parshiot* should be arranged within the *tefilah*. This ignited a hot dispute that may have caused people to back away from the tradition rather than perform a mitzvah improperly.

Rambam did not create innovations with *tefillin* as much as he revolutionized the way in which Jews gathered information about them. For the first time, Jews who may have been confused about any matter regarding *tefillin* could easily look up the required

information themselves. This may have aided an increase in *tefillin* use, though there is no concrete evidence to support this. In fact, the issue causing a laxity in *tefillin* use may not have been a lack of clarity about the laws pertaining to *tefillin*. The problem may have been the fact that the reasoning for using *tefillin* was no longer clear. Ramban set out to remedy this problem. In his commentary, Ramban laid out the theological importance of wearing *tefillin*. For Ramban, *tefillin* were not merely symbols of the Exodus; they were symbols of the entire Jewish faith. He explained that they represented God's unity, God's commandments, God's system of reward and punishment and the "foundation of faith in God." Jews needed to be reminded about this foundation and *tefillin* were the object that could do that. In addition, Ramban believed that fulfilling this *mitzvah* could lead to a return to the land of Israel.

Moses of Coucy made a career of trying to convince Jews of the importance of wearing *tefillin*. He traveled throughout France and Spain trying to convince the multitude of Jews who were not wearing *tefillin* that it was one of the basic commandments like Shabbat and circumcision. In order to get more Jews to use *tefillin*, he even reduced the requirements; Jews would only have to wear them during prayer. Moses of Coucy believed that this was an integral part of bringing about the Messiah.

Jospeh Caro, who partially relied on Moses of Coucy to create his code, also allowed the new laxity of wearing *tefillin* only during prayer. The authority of the Shulhan Arukh means that this has become the accepted practice. Unlike Rambam's code, Caro's was influenced by kabbalah. The kabbalists believed that *tefillin* were significant; so much so that they instituted changes in how *tefillin* were worn to reflect

their ideology. The later Hasidim would expand upon this view of *tefillin*, who also had mystical views of *tefillin* and likely were ardent users of *tefillin*.

Unlike the early periods of Jewish history, in the Middle Ages there was less doubt over what *tefillin* were. However, there seems to be even more evidence than in the earlier period that there were Jews, in whatever numbers, who did not observe the practice of *tefillin*. The needs of the Geonim and Rashi to give the most basic details about *tefillin* tell us that at least some Jews were uninformed about them. Even more damning is the fact that Ibn Ezra speaks of *tefillin* "deniers" while Rabbenu Tam and Moses of Coucy lament the fact that Jews are not wearing them. In the later stages of the Middle Ages, some groups did take on a more fervent attitude toward wearing *tefillin*, especially in the mystical movements of Kabbalism and Hasidism.

The Modern Period presented *tefillin* with their greatest challenge, surviving modernity. There has been an assumption that *tefillin* have had no place in Reform Judaism since its earliest days. We have proven otherwise. By looking at the prayer books of the early Reformers in Germany we saw that *tefillin* were still part of the Reform realm of possibilities for nearly a century. The German synagogue policies reinforced this notion. Reform Jews were using *tefillin*. As it became less common for Reform Jews to wear *tefillin* in the synagogue, they apparently wore them at home. The number of early Reform Jews who wore *tefillin* was likely a small number. The fact that they existed at all, however, is significant. This is especially so when one considers that the average Reform Jew, then as now, had little opportunity to wear them in a community that rarely prayed during the week.

In America, too, Reform Judaism did not simply reject *tefillin*. Two of the three popular early Reform prayer books contained the blessings for *tefillin*. None other than Isaac Meyer Wise, credited as the founder of the American Reform Movement, included the blessings in his prayer book, *Minhag America*. However, as time passed, daily prayer, *tefillin* and ritual garb disappeared from the Reform landscape. By the time the *Union Prayer Book* was released in 1892, it is likely that there were very few Reform Jews, if any, that were using *tefillin*.

As time passed, the theology of the Reform Movement changed. The demographics of the movement shifted as well. These factors, coupled with world and American events, necessitated a revision of the *UPB* to reflect the new reality of American Reform Judaism. The Reform Judaism of the twentieth century would continually see a return towards traditionalism. Zionism, Hebrew and old rituals returned to Reform Judaism as we have seen through platforms and prayer books. The ritual of *Tefillin*, early on, was not revived, but by the 1960's and 1970's it had made a resurgence. This resurgence was reflected by *Gates of Prayer*; the first American Reform prayer book to include the *tefillin* blessings in more than a century. Since *GOP*'s issue in 1975, *tefillin* have become more common in Reform services. This can be seen in Reform settings that once again have daily prayer. *Tefillin* have reached a new status in American Reform Judaism. Once derided as a mere totem, it has become a symbol of the new Reform Judaism of today and the future.

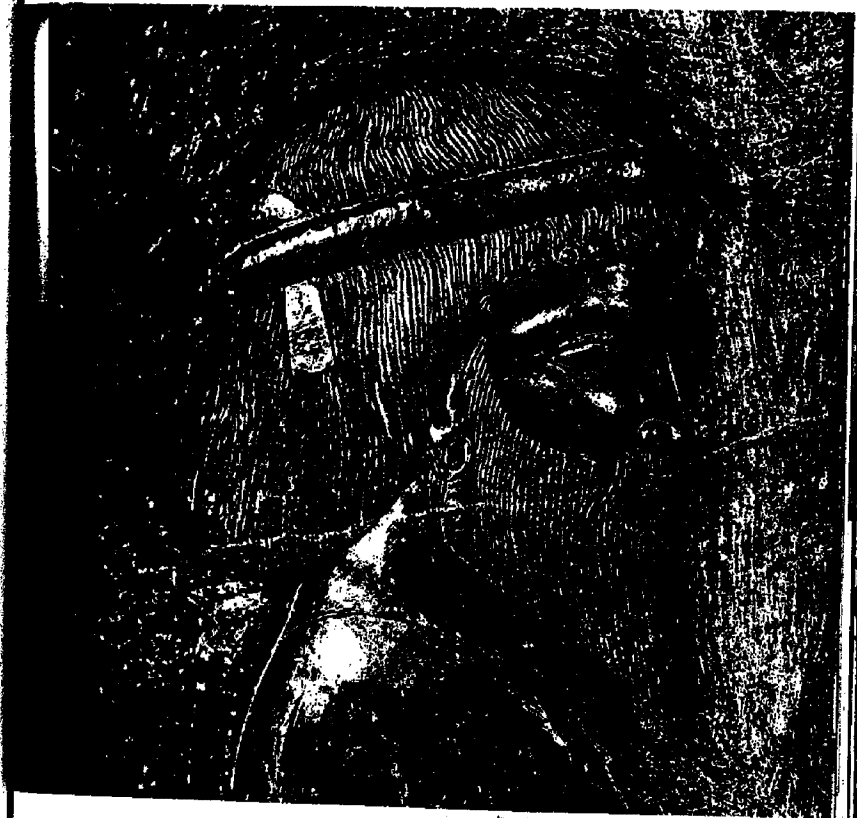
In conclusion, we can say that *tefillin*, throughout Judaism's long history, were never a ubiquitous ritual. From their earliest days many aspects of *tefillin* have been disputed: their importance, their commandedness and the practices affiliated with them.



All of these factors may have contributed to *tefillin*'s on-again/off-again role within the Jewish community. In its two hundred year history, Reform Judaism has reflected this pattern: a normative practice in its early years, dormant in its middle years and revived in current times. No one knows what the future holds for *tefillin* in the Reform movement, but one thing is sure, there will always be some who wear *tefillin* and some who do not. It has always been the case, it always will be.

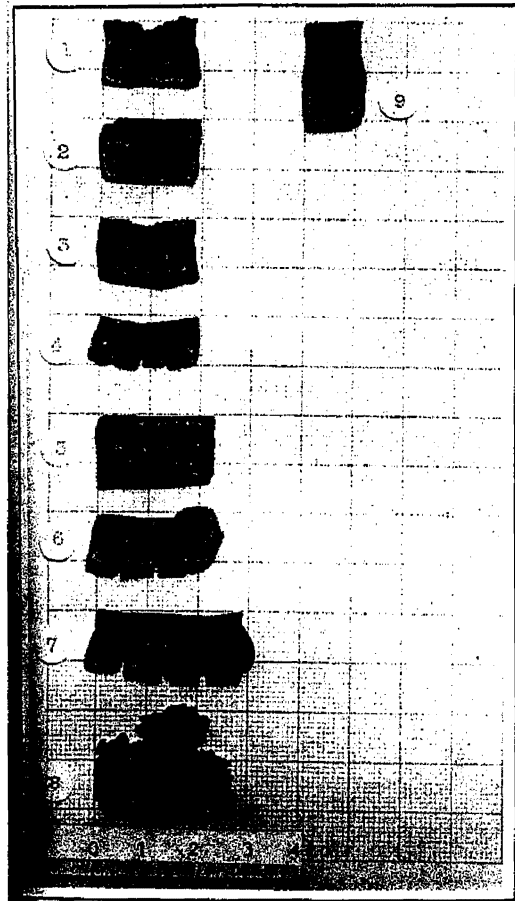


Arm amulet from Khorsbad, Assyria.



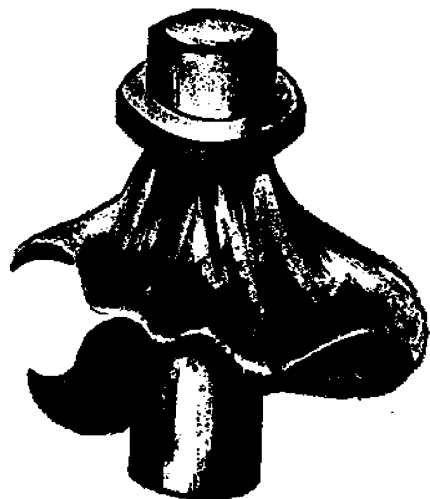
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Head amulet from Persepolis, Persia. Roman Ghirshman, *The Arts of Ancient Iran* (New York: Golden, 1964).



Tigay, "On the Term Phylacteries (Matt 23:5), 53.

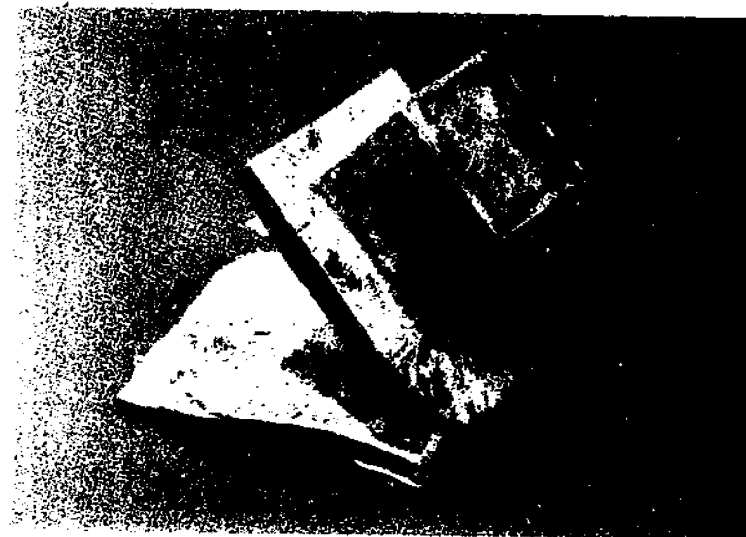
# HOW TEFILLIN ARE MADE



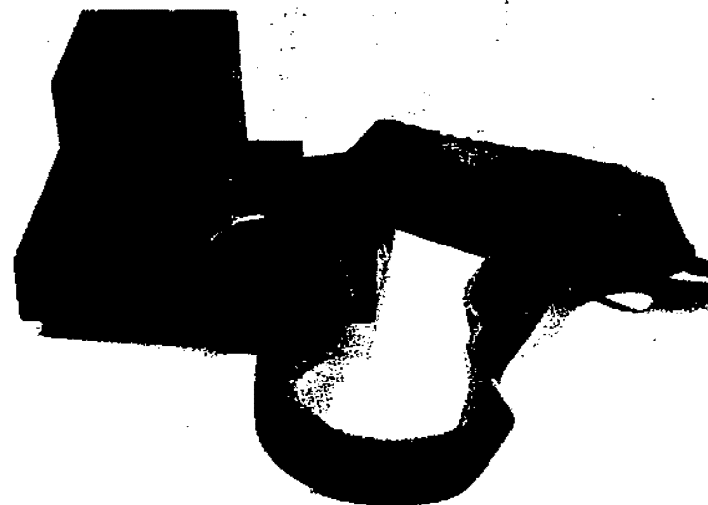
1. The finest Tefillin are made from a single piece of leather. Here we see the first step in the process of making the hand Tefillin. A single piece of leather is pressed over a wooden form.



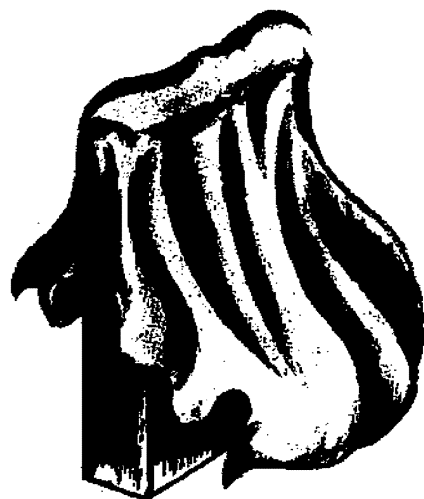
2. Another view of the Tefillin leather after initial forming.



3. The *Bayit* has now been formed and squared. It must be trimmed, smoothed, blackened and sown.



4. A completed *Bayit* of the hand Tefillin. Note the *Yud* shaped knot in the strap.



5. The head Tefillin require a much more complex process. Again, we begin by stretching the leather over a wooden form.



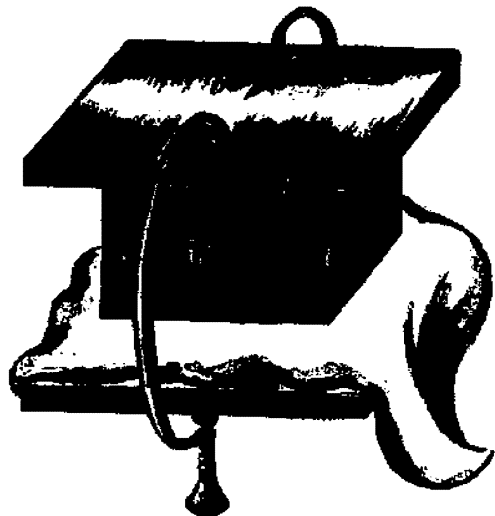
6. The four sections are then formed by stretching the leather over four separate wooden forms.



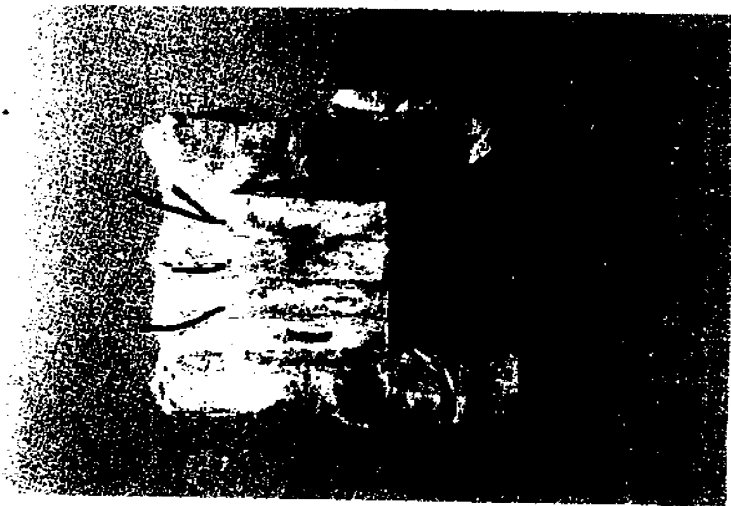
7. Bottom view of head Tefillin in initial stage. Note that even the four walls of the inner chambers are made of the same piece of leather.



8. The separate sections are then pressed into a squared form.



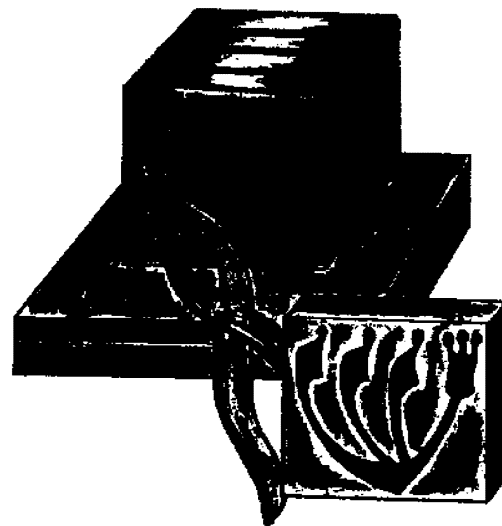
9. The entire *Bayit* is then placed in a press to give it its final cubic form.



10. The *Bayit* pressed into its final form.



11. Another view of the *Bayit*. Note the four compartments for the four parchments. The *Bayit* must now be trimmed.



12. Pincers are used to draw out the *Shin* on the *Bayit*. The engraved mold illustrated on the lower right is then pressed onto the rough *Shin* to give it a perfect shape. On the right side, this is a usual three headed *Shin*, but on the left, it has four heads. This is the only place where a four-headed *Shin* is ever used.

## Appendix D

	(Near right ear)		(Near left ear)	
<b>Rashi Tefillin</b>	Exodus 13:1-10 "Kadesh"	Exodus 13:11-16 "V'haya ki"	Deuteronomy 6:4-9 "Shema"	Deuteronomy 11:13-21 "V'haya im"
<b>Rabbenu Tam Tefillin</b>	Exodus 13:1-10 "Kadesh"	Exodus 13:11-16 "V'haya ki"	Deuteronomy 11:13-21 "V'haya im"	Deuteronomy 6:4-9 "Shema"



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