
THE RED STRING

We've all seen non-Jewish celebrities (notably Madonna, Ashton Kutcher and Demi Moore, and Anthony Kiedis of the Red Hot Chili Peppers) wearing a red string around their wrist, and referring to it as based on their interest in the Kabbalah, the central approach to Jewish mysticism. This is not a new phenomenon. While growing up on the West Side of Chicago, I observed that some Jews tied a small red-colored string near the bed of a baby, in hopes that no ill-harm should befall the child. Some even said that it was to ward off the evil eye. According to Wikipedia, one of the late great Hungarian scholars, the Debreczyner Rav, mentioned the red string as a practice he saw in his father's home, but his extensive search could not find a written source for the practice. Though it is now associated with Kabbalah, there is no mention in any of the Kabbalistic literature of the red string, let alone its talismanic powers.

Indeed, the earliest sighting of a mention of a red string in Jewish writings is in the Tosefta, a supplement to the Mishnah published concurrently in 220 CE. Chapter 6:1 of the Tosefta begins, "What are matters which constitute 'the way of the Amorite' (דרכי האמורי)?" and goes on to list a number of these, including "he who ties a pad onto his thigh or a red thread (הויט אדום) on his finger." What the Tosefta was trying to do was list unJewish customs, and the red thread was one of them. Later in Chapter 7:11 the Tosefta records the following colloquy regarding the red thread: "Rabban Gamaliel says it is not one of the 'ways of the Amorites'. Reb Elazar ben Reb Sadoq says, "Lo, this is one of the 'ways of the Amorites'." Rabbi Gamaliel was Reb Elazar ben Reb Sadoq's teacher, so we see that the red thread was certainly in vogue in Jewish circles (and a subject of debate) as far back as 100 CE, far before Kabbalistic texts appeared.

Though the Zohar, the central book of Jewish mysticism, first appeared in Spain in the 13th century, its publisher (and perhaps its real author), Moses de Leon, attributed it to Rabbi Simon bar Yochai, a 1st century Rabbi. As I said before, there are no Zohar references to a red string. One reference to the color red, "The fiery red which is the proper color of the second day [of creation] is an attribute of Elohim," may be the origin of the idea that the color red embodies God's power to ward off evil.

Today the complete mystical tradition couples the red string with the powers of the tomb of Rachel. Rachel's Tomb is 4 miles south of Jerusalem and about a mile north of Bethlehem (though, according to 1 Samuel 10:2 it was 10 miles north of Jerusalem). It has been a place of pilgrimage for Jews, especially Jewish women unable to give birth. Jewish tradition teaches that Rachel weeps for her children, and that when the Jews were taken into exile, she wept as they passed by her grave on the way to Babylonia (see Jeremiah 31:15). Because of Rachel's connection to childbirth and the desire that no harm come to the child, the most potent red string is one cut from a longer red string which had been wound around the stone marker over Rachel's grave seven times, while various Hebrew prayers are recited (including Psalm 33, *Ana B'Koach*—page 314 of the Art Scroll siddur, and *Asher Yatzar*—page 14 of the Art Scroll siddur). The string is then cut into bracelet size lengths and is to be worn on the left hand.

Note the combination of the use of the number seven, the color red, and the left hand in this ritual, all connoting, according to the Kabbalists, "a symbolic request for spiritual and physical protection and blessings." Want to buy a red string? Just go to <http://www.judaism.com/redstring/>

PURIM: RECONCILING WITH THE DIASPORA

There have been many scholarly attempts to link the Book of Esther to historical events. First there is the traditional identification of King Ahasuerus with the Persian emperor Xerxes I (486-465 BCE). This of course makes the verse (Esther 2:6), exclaiming that Mordecai arrived in the Babylonian expulsion of the Jews from Israel, ludicrous, because that event occurred in 597 BCE, which would make Mordecai at least 111 years old when the storied events occurred. The Roman-Jewish historian Josephus¹ (94 CE) therefore retrojected the story to the reign of Cyrus the Great (559-530 BCE). The German historian Gunkel² thought it was set in Darius II's time (423-404 BCE); Hoschander³ identified Ahasuerus with Artaxerxes II (404-358 BCE); and Willrich⁴ identified Ahasuerus with the second century BCE Roman king Ptolemy II, disguised as a Persian king for political expediency. Still others set the story in Antiochus IV's reign. The dating that I opt for is that of Harvard Professor Jon Levenson⁵, based on internal philological argument: sometime in the 440-340 BCE period. With all this controversy, one really has to read the Book of Esther not as a historical chronicle but rather as a popular fable.

The major difference between it and other post-Babylonian exile works is that it is the only work of that period that does not contain a longing for a redemptive return to the land of Israel. While in Babylon (522-485 BCE) Zechariah prophesizes a return to Jerusalem (Zechariah 2: 6-13), Daniel, a servant of Darius, turns to Jerusalem in prayer (Daniel 6:11) and asks for its restoration (Daniel 9:16-19), and Nehemiah, a minister of the Persian emperor, nonetheless asks Artaxerxes (Nehemiah 2:5) to be sent back to Judah. In the apocryphal work 1 Esdras Darius turns to his personal bodyguard Zerubbabel and says (1 Esdras 4:42), "Ask whatever you please, beyond what is written here, and we will give it to you," to which Zerubbabel responds with a plea for the rebuilding of Jerusalem. There are no comparable passages in the Book of Esther. Though Esther could ask for "up to half the kingdom," she merely seeks security for the Jewish people in Persia. The popularity of the Book of Esther, I believe, stems not only from its "feel good" story but from the message that it embodies: Jews can as well "keep the faith," get along (albeit with some troubles), and even get ahead in the Diaspora. It is for this reason that a modern Zionist Jewish scholar, Shalom Ben-Chorin, wanted to remove Esther from the canon, calling it "the festival of the soul which the *galut* [Diaspora] breathed into us."⁶

Though God's name does not appear in the Book of Esther, there is an implicit reference in verse 4:14, where Mordecai tells Esther that if she doesn't plead for the Jews "relief and deliverance arise to the Jews from another place," invoking the Hebrew word מָקוֹם ("makom," place), which is a euphemism for God (e.g., it's used in the Hebrew condolence that appears on this Bulletin's Family News page). The book underscores that, though the holiday is called Purim, from the Hebrew word פּוֹר ("pur," lottery), it is not by chance that Esther has been put into the position to save the Jews. God's hand ultimately is behind all that happens to the Jews, though this may not be that apparent. The lesson to be learned is that one cannot just sit back and wait for God to act. (Indeed, to their great disappointment and the dire consequences thereof, the Jewish people had relied on Isaiah's call that all they had to do was wait, because (Isaiah 45:1-8) Cyrus was the messiah.) One must be a realist and take the opportunities that avail themselves and use them as best one can.

¹ Josephus Antiquities XI 6, p. 11. ² Hermann Gunkel 1916 Esther Tubingen: J.C.B. Mohr. ³ Jacob Hoschander 1923 The Book of Esther in the Light of History Philadelphia: Dropsie College. ⁴ Hugo Willrich 1900 Judaica pp. 1-28. ⁵ Jon D. Levenson 1976 The Scroll of Esther in Ecumenical Perspective Journal of Ecumenical Studies 13:3 p.440-52. ⁶ Shalom Ben-Chorin 1938 Kritik des Estherbuches: Eine Theologisches Streitschrift Jerusalem: Salingré.

THE FIVE MEGILLOT

The word *Tanach* תנ"ך, which is our word for what is referred to in English as the “Jewish Bible” or the “Old Testament,” is really an acronym of three Hebrew words, *Torah* תורה, *Neviim* נביאים (Prophets), and *Ketuvim* כתובים (Writings). We are all familiar with the *Torah*, as a portion of it is read every Shabbat in the synagogue. We are somewhat familiar with *Neviim*, because a section of prophetic reading is read as the *Haftorah* at the end of the *Torah* reading on Shabbat. The book from the *Ketuvim* most familiar to us is Psalms, as chapters from Psalms make up most of the prayer service. The books from the *Ketuvim* least familiar to us, because they are not included in any worship service, are Daniel, Ezra, Nehemiah, and Chronicles. Intermediate in familiarity are the five books from the *Ketuvim* known as the Five Megillot.

We all associate the word *megillah* with the Book of Esther, read in the synagogue on Purim. Partly this is because the tractate of the Talmud entitled Megillah deals primarily with the reading of the Book of Esther on Purim. Partly also it's because through the years the Book of Esther has been dubbed “The Megillah.” Actually, the word *megillah* means “scroll,” and so refers to any text written on a scroll. The Talmud, for example, refers to a special volume written for a child to learn Hebrew or a section of the Torah such as the *shma* as a *megillah*. And, since the rule is that the Book of Esther is to be read aloud on Purim from a parchment scroll (though an unusual one, one designed so that, when it is read, it looks more like a letter than a scroll), the word *megillah* became associated with that scroll.

There are, however, four other occasions in which books from the *Ketuvim* are read aloud in their entirety in the synagogue. The rules for the reading of these books are less stringent. They need not be read from a scroll; a printed text will do. And so these other books don't get the word *megillah* associated with them...except that in collections of the *Tanach* they are grouped together with Esther and are given the subheading Five Megillot. The Five Megillot, in the order they appear in the *Ketuvim*, are *Shir Hashirim*, Ruth, *Eicha*, *Kohelet*, and Esther.

The most illustrious of these other four is *Eicha* איכה (Lamentations), read on Tisha b'Av. Its reading on that day is most appropriate, as it laments the destruction of the Temple. The Book of Ruth is read on Shavuot, and the aptness of that pairing is that the action of the story takes place during the Shavuot season. *Shir Hashirim* (Song of Songs) is read on Pesach. My take on that pairing is that Pesach marks the beginning of Spring, and in Spring “a young man's fancy lightly turns to thoughts of love” (at least so says Tennyson). My take on the pairing of *Kohelet* קהלת (Ecclesiastes) with Succot is that was the only holiday left as a partner. (Of course there are lots of Rabbinic exegeses that justify the pairings, though all I've read are ex post justifications for the pairing decision.)

As we approach Shavuot and read the Book of Ruth, let me point out a few highlights of the story. Stay awake for the punch line to the story, as it indicates that King David was a descendant of Ruth. (Though the Talmud attributes the authorship to the prophet Samuel, who is also credited with the book bearing his name, as well as the Book of Judges, modern scholars tend to assign the authorship to the time of David or to a post-exilic date.) The Midrash gives a moral gloss to the story, saying that the path taken by Ruth from being a heathen Moabite to becoming a righteous Jew was one of privation and suffering, teaching us that the road to righteousness is paved with hardship, but must be endured. The most interesting feature of the Book of Ruth to me is the picture of what village life was like in the time of the Judges. So aside from being a “feel-good” story, the Book of Ruth is a genealogical testament, a moral lesson, and a record of life in 976 BCE.

THE JEWISH LEGEND LITERATURE

There is a body of Hebrew literature referred to as the **Midrash**. In order to understand what the Midrash is, one needs some background on its origins. So let's begin.

The **Talmud** is a combination of two works, the **Mishnah**, a set of religious laws compiled, organized, and put into written form in Hebrew by Rabbi Judah in Israel in about 165 CE, and the **Gemara**, a set of commentaries on the Mishnah, developed by rabbis in the next three centuries and finally compiled, organized, and put into written form in about 475 CE. Actually, there are two sets of commentaries on the Mishnah, one developed by rabbis who lived in Palestine (and therefore also in Hebrew) and one developed by rabbis who lived in Babylonia (and therefore in Aramaic, the language of the Babylonians). The set developed in Palestine, when combined with the Mishnah, is called the **Jerusalem Talmud**; the set developed in Babylonia, when combined with the Mishnah, is called the **Babylonian Talmud**. Once these were published, succeeding generations of rabbis declared the Babylonian Talmud more authoritative, and so when the Talmud is referred to with no preceding adjective it is understood to be a reference to the Babylonian Talmud. The Babylonian Talmud consists of 63 volumes, sometimes referred to as "tractates." The Jerusalem Talmud consists of 39 volumes, as there is no record of the discussions in Palestine of the remaining 24 subdivisions of the Mishnah.

Though most of the commentaries of the Gemara are legalistic, interspersed in these commentaries are legends and parables. The legalistic part of the Gemara is called **Halacha** (הלכה), a Hebrew word meaning "law." The nonlegalistic part of the Gemara is called **Aggadah** (אגדה), an Aramaic word meaning "tale." As these parts are intermixed, and as there was an interest among lay Jews to learn only the Aggadic part of the Talmud, a late fifteenth century rabbi, Yaakov ibn Chaviv, took it upon himself to create a volume to suit this need. The result, an extraction of the aggadic part of the Talmud, done without the aid of a word processor, was published in 1516 in Salonika, Greece as a one volume work entitled **Ein Yaakov** ("the eye of Jacob").

Aside from the aggadic material in the Talmud, there are other legends, parables, and tales recorded by the rabbis of Talmudic times in contemporaneous commentaries on the Torah. Foremost among these commentaries were those produced by Rabbi Ishmael's school in Yavneh: **Mekhilta of Rabbi Ishmael** and **Sifre debe Rav** on Exodus, **Sifre Bamidbar** on Numbers, and **Midrash Tannaim** on Deuteronomy, as well as those produced by Rabbi Akiva's school in Usha: **Mekhilta of Rabbi Shimon ben Yochai** on Exodus, **Sifra** (aka **Torat Kohanim**) on Leviticus, **Sifre Zuta** on Numbers, and **Sifre Devarim** on Deuteronomy. In addition there was the **Tosefta**, written by Rabbi Nehemiah, whose format resembles that of the Mishnah. Any bit of material from these various commentaries, especially from the Tosefta, is referred to in the Talmud as a **baraitah** (ברייתא), an Aramaic word meaning "external, foreign, not belonging to." Subsequently other books of legends appeared, the most significant being a series of works collectively called **Midrash Rabba**.

Some, but not all of these works, have been translated into English. **Ein Yaakov: The Ethical and Inspirational Teachings of the Talmud**, an 824 page English translation by Avraham Yaakov Finkel, was published in 1999 by Jason Aronson, Inc. This far surpasses a series embarked on by this publishing company a few years earlier entitled

As the Rabbis Taught: Studies in the Aggados of the Talmud, but in the end consisting of two volumes by David Landesman, one just based on the tractate **Megillah** and the other subtitled *A Tisha b'Av Reader*). *The Legends of the Jews*, published in 1909 by the Jewish Publication Society, was the monumental achievement of Louis Ginzberg of the Jewish Theological Seminary, who collected and synthesized all these into a seven volume work (first written in German and then translated into English by Henrietta Szold, better known for her later work as the founder of the Jewish women's organization, Hadassah). Rabbi Judah Nadich of the Park Avenue Synagogue of New York embarked on developing a parallel series, entitled *The Legends of the Rabbis*. Unfortunately, only two volumes have appeared, Volume 1 in 1983 entitled *Jewish Legends of the Second Commonwealth* and Volume 2 in 1994 entitled *The First Generation after the Destruction of the Temple and Jerusalem*. The famous Hebrew poet Chaim Nahman Bialik, in collaboration with Yehoshua Hana Ravnitzky, compiled and published (in Hebrew) the book *Sefer Ha-Aggadah* in 1915. This book was translated into English and published in 1992 by Schocken with the title *Book of Legends*.

You may have noticed the word **Midrash** in the titles of some of these works. Those works, and more, are the set of literature that I want to delve into more deeply, to explain both their origin and use in Jewish religious thought. Given this background, we're ready to cover this branch of Jewish texts in detail in the next bulletin.

RITUAL COMMITTEE CORNER

As the newly elected Vice-President for Ritual, I thought it would be appropriate to devote a regular corner of the Bulletin to issues which have come to the attention of the Ritual Committee and their resolution as it relates to the ritual practice at Lake Shore Drive Synagogue.

One of the issues discussed at the last Ritual Committee meeting was the manner in which we handle fish and meat as items in our Kiddushim. It is traditional to not eat fish and meat simultaneously. The basis for this is the **Shulchan Aruch Yoreh Deah** 116:2 which explicitly says that "one must be careful not to eat meat and fish at the same time" (צריך לזהר שלא לאכול בשר ודג ביחד) and gives as the reason for this law "because it leads to leprosy" (מפני שקשה לצרעת). The Shulchan Aruch goes on to say that "one should rinse one's hands between eating meat and fish and eat a piece of something soaked between the eating of these items in order to cleanse one's mouth" (ירחוץ ידיו בין בשר לדג ויאכל פת שרוי בנתים כדי לרחוץ פיו). Presumably this is based on a health concern, because the item that precedes this one says begins by saying that there was a law prohibiting drinking liquid from an opened container, because it may be that a snake may have gotten into it, drunk from it, and left behind some venom, but that today we don't find snakes among us and so that law is repealed.

The non-mixing of fish and meat is then not a matter of Kashrut; its basis is a rabbinic concern for one's health. Whether or not its basis holds today, this non-mixing is nonetheless a Jewish tradition, practiced to one degree or another by observant Jews. (Some do not even put fish and meat on the table at the same time, and use separate silverware and plates for fish and meat.) Given this tradition, the Ritual Committee has decided to eliminate from Kiddush menus any combination of fish and meat (e.g., tuna salad and a meat entrée). Gefilte fish and herring will still be served, and separate small plates will be available for these fish items, to make it easier for one to achieve a separation between these items and the meat items in the Kiddush.

THE JEWISH LEGEND LITERATURE - PART II

Last month I gave some background and references to the body of Hebrew literature referred to as the **Midrash**. It's now time to delve into its content and the role Midrash plays in our religion.

Fundamental to all in our religion is the biblical text. Indeed, each of our religious laws has an antecedent in a biblical text, sometimes called a "Proof Text," i.e., a text from which, using certain rules of Talmudic reasoning, the law can be deduced. (For those interested in a summary of these rules, see page 48 of the Art Scroll Siddur.) But the biblical text is to be viewed as more than a set of laws and proof texts for laws. There are four levels at which the biblical text can be studied. The first level is that of understanding the text itself; this level is called *peshat* (פשט, simple meaning). The next level is that of viewing the text less straightforwardly, more as providing clues to deeper interpretations; this level is called *remez* (רמז, hint). Beyond this level is one in which one goes beyond the text with, for example, an allegorical interpretation; this level is called *derash* (דרש, interpretation). The ultimate level is the mystical level, in which one finds secret meanings to the text; this level is called *sod* (סוד, secret). This multi-level set of interpretations is sometimes referred to as *Pardes* (פרדס), an acronym of the names of the four levels.

Let's make this more concrete with an example. The Torah begins with the word *bereshit* (בראשית). Rashi is explicit about the *peshat* interpretation (ואם באת לפרש בפשוטו כך פרשהו, בראשית בריאת שמים וארץ), translating this word as "in the beginning of," so that the full sentence is really a phrase which should end in a comma, namely, "*In the beginning of God's creation of the heaven and the earth,*". The Gaon of Vilna provides a *remez* interpretation, namely that the word בראשית is an acronym of the phrase בן ראשון אחרי שלשים יום תפדה, "a first born son should be redeemed after thirty days," i.e., is a secret referent to the *pidyon haben*. Here is a *derash* about בראשית. Proverbs 8:22 refers to the Torah as "the beginning of his way" (ראשית דרכו); Jeremiah 2:3 refers to Israel as "first fruits" (ראשית תבואתו). And so בראשית could be parsed as ב ראשית, interpreting the letter ב as the number 2, so that בראשית refers to the two ראשית, cited later in the Tanach, namely the Torah and Israel. Finally, here's a *sod* level analysis of בראשית. Ethics of the Fathers 5.1 says that the world was created with ten Divine utterances. But if you count up the number of times in the Creation story the phrase "And God said" appears you will only come up with a count of nine. The tenth utterance (see Megillah 21b) is the first sentence of the Torah, beginning with the word בראשית. And the Talmud even gives a proof text, Psalms 33:6, "By the word of the Lord the heavens were made, and all the host of them [the earth] by the breath of His mouth." Since the creation of heaven and earth is only mentioned in the first sentence, this, too counts as an utterance of God.

The Midrash concentrates mostly on the *derash* level and somewhat on the *remez* level. The *sod* level is the domain of the **Kabbalah**. Not all Midrash is as exegetical as the above example might indicate. Some of the Midrash pertains to law, and so is called *halachic* Midrash. Some of the Midrash is designed to clarify the story text of the Torah. But there are lots of material in the Midrash that are merely anecdotes and folktales (sometimes called **Aggadah**) which have little if any connection to the Torah itself.

The midrashic texts are largely the fragmentary remains of sermons preached in synagogues during the Talmudic period. As such they may include rhetorical devices and often exaggerated material whose intent was to hold the attention of a live audience. Being fragmentary, they often seem to be notes of innovative and interesting

interpretations. The Rabbis were less interested in historical truth than in the moral lessons which could be drawn from the Torah. The Rabbis viewed the Bible as a document that tells not only of its own historical time but relates also directly to the present. For this reason, much of the Midrashic Aggadah is subjective interpretation, creative rather than analytical in its approach to biblical historiography and philology.

Where details seem missing from the biblical text, the Aggadah fills them in. Genesis 21:21 mentions that Hagar, Ishmael's mother, took a wife for him, but does not mention her name; the Aggadah names names, telling us that Ishmael had two wives named Fatima and Aisha. In adding such specifics the Rabbis might even stretch the obvious intention of the biblical text and the canons of historical probability in order to stress some message or moral. The statement that Isaac was thirty-seven years old when he was taken by Abraham to be sacrificed on Mt. Moriah is hardly obvious from the Genesis text; the addition of this detail in the Aggadah both serves to attribute merit to Isaac (since he was old enough to resist this supreme trial) and to tie the news of this terrifying incident chronologically as well as causally to the death of his mother Sarah.

No wonder the Midrash achieved the folk-popularity that it did amongst the Jewish people. If you are interested in more extensive study of this material, please let me know. Given sufficient interest I'll organize a short course on this subject during the coming year.

לשנה טובה תכתבו ותכתמו

IT'S ABOUT TIME!

Many Jewish ritual observances are preformed at specific times during the day. Indeed, the very first *Mishnah* of the first tractate of the Talmud begins by asking, "From what time are we allowed to say the *Shema* prayer?" Unfortunately, the timing of ritual observances turns out to be quite complex, as it depends not only on the times of sunrise and sunset but also on how much time elapses between sunrise and sunset.

First let's define "sunrise." This is the subject of rabbinic debate, the main protagonists being the so-called **Magen Avraham**, Rabbi Avraham Gombiner, a Polish rabbi who in 1673 completed his commentary on the *Shulchan Aruch* (the Jewish Code of Law), which he titled *Magen Avraham*, and the **Gaon of Vilna**, Rabbi Eliyah ben Shlomo Zalman, who died in 1797. The **Magen Avraham** defines "sunrise" as *alot hashachar*, the time when the rays of the sun first become evident and the sky begins to lighten. The **Gaon of Vilna** defines "sunrise" as *netz hachamah*, the time when the first sliver of the sun itself becomes visible in the sky, a time at which one can recognize a familiar acquaintance. Rather than relying on the subjectivity of one's eyesight and the vagaries of the weather to determine this time, the rabbis decided that the time of *netz hachamah* is when the sun is at an 11 degree inclination from the horizon. This latter determination is what our meteorologists report as sunrise.

Now let's define "sunset." The **Magen Avraham** defines "sunset" as *tzeit hakochavim*, the time when three stars of medium brightness become visible in the sky. The **Gaon of Vilna** defines "sunset" as *shkiat hachamah*, referred to colloquially as *shkiah*, the time that the disk of the sun completely disappears beneath the horizon, again coincident with what meteorologists report as sunset. To each of these rabbis a "day" is defined as the span of time from "sunrise" to "sunset," according to their definitions. And an "hour" is defined as one twelfth of a "day."

Let's work an example, taken from the October 27, 2007 issue of *Likutei Peshatim*, the weekly handout from the Hebrew Theological College. Here's what their **Halachic Corner** said:

	<u>Krias Shma</u>	<u>Tefila</u>	<u>Sunrise</u>	<u>Sunset</u>
According to the Gaon of Vilna	9:55	10:48	7:17	5:53
According to the Magen Avraham	9:19	10:24		

Since the Saturday sunrise and sunset are 7:17 AM and 5:53 PM, respectively, there are therefore 636 minutes between sunrise and sunset. Dividing 636 by 12 yields 53, and so to the **Gaon of Vilna** each "hour" on that day is 53 minutes long. Not reported, though, are the "sunrise" and "sunset" times according to the **Magen Avraham**; they were 6:04 AM and 7:04 PM, respectively, so to him the "day" was 780 minutes long and each "hour" on that day was 65 minutes long.

What are the implications of these counts? Since the morning *Shema* prayer must be said within three hours of "sunrise," the last time for saying this prayer (denoted by the heading Krias Shma) is, according to the **Gaon of Vilna** 7:17 AM plus 159 minutes, or 9:56 AM, and, according to the **Magen Avraham**, 6:04 AM plus 195 minutes, or 9:19 AM. Since the morning *shacharit* prayer must be completed one hour after the time for completion of the *Shema*, the last time for completing *shacharit* (denoted by the heading Tefila) is, according to the **Gaon of Vilna**, 9:55 AM plus 53 minutes, or 10:48 AM, and, according to the **Magen Avraham**, 9:19 AM plus 65 minutes, or 10:24 AM.

RITUAL COMMITTEE CORNER

The discussion of “time” on the previous page has ritual implications for the proper time for the *mincha* and *maariv* prayers as well. Midday (*chatzot*) is defined as 6 “hours” after “sunrise,” and so it depends on whose metric one uses for determining the “day.” In our example above midday is 12:35 PM according to the *Gaon of Vilna* and 12:34 PM according to the *Magen Avraham*. *Mincha* may be recited ½ “hour” after midday, though preferably 9½ “hours” after “sunrise” and at the latest 1¼ “hours” before *shkiah*, the meteorological sunset. So for the *Gaon of Vilna* the time span for *mincha* in our example is from 3:40 PM to 4:46 PM, and it is from 4:21 PM to 4:31 PM for the *Magen Avraham*. There are many views as to what is the proper start time for the *maariv* service. The earliest is when the sun’s disk is 5.95° below the horizon, which some have interpreted as being about 13.5 minutes after sunset. Some communities wait until it is 7.08° below, some wait for the appearance of “three medium stars,” i.e., when the sun’s disk is 7.5° below the horizon, and the most stringent wait until one sees “three small stars,” i.e., when the sun’s disk is 8.75° below the horizon, which some have interpreted as 72 minutes after sunset.

Of more criticality are the times associated with *Shabbat*. The custom is to light candles for *Shabbat* 18 minutes before *shkiah*, in this case 5:35 PM. Though it is meritorious to usher in the *Shabbat* as early as one can, technically one should not begin the Friday night prayer until 1¼ “hours” before *shkiah*. (The reader should note that it is the custom of the Lake Shore Drive Synagogue, though, to begin the Friday night prayer no later than 6:00 PM.) It takes approximately 44 minutes from sunset for the sun’s disk to be 7.5° below the horizon. So the rule-of-thumb is that *Shabbat* is over one hour and two minutes past candle lighting time. So, estimating about 20 minutes for the *mincha* service, 20 minutes for *seudat shelishit* (a brief repast between *mincha* and *maariv* on *Shabbat*), and 20 minutes for the *maariv* service, we normally schedule our *Shabbat* evening services to begin at about the time of Friday night candle lighting. (On October 27 we announced *mincha* to begin at 5:30 PM. We realize that this is later than the latest “official” time for *mincha*, but have created this schedule for a smoother flow of the *Shabbat* evening services.)

THE FUSS ABOUT SHMITTAH

The September/October cRc Kashrut Bulletin carried the following announcement: “As of Rosh Hashanah 2007 / 5768 and the beginning of the *Shmittah* year, all produce from Israel must bear a reliable kosher certification.” The November/December cRc Kashrut Bulletin opened with this, from kosher.com: “Due to the difficult halachos of Shmita, Rabbi Binyamin Gruber [a kashrut supervisor in Monsey, NY] is withholding his *heshshar* on all produce imported from Israel (AleI Katif) during the year of *shmitta*. These products are continuing to be certified by Chug Chasam Sofer (Benei Brak), KAJ, Rabbi Efrati (Jerusalem), Mehadrin Jerusalem, Bedatz Beltz (Israel), Shaaris Yisrel, Batatz London, and Rabbi Kaminetzky at AleI Katif.” Kosher.com continues with the following: “People need to check with their Rabbis to be informed as to what *hashgachas* are acceptable and CAREFULLY check *hashgachas* on the packaging of Israel produce before purchasing.” What’s this all about?

Leviticus 25:3-5 says, “When you come into the land which I give you, then shall the land keep a Sabbath unto the Lord. Six years you shall sow your field, and six years you shall prune your vineyard, and gather in the produce thereof. But in the seventh year shall be a Sabbath of solemn rest for the land, a Sabbath unto the Lord. You should neither sow your field nor prune your vineyard. That which grows of itself of your harvest you shall not reap, and the grapes of your undresses vine you shall not gather, it shall be a year of solemn rest for the land.” Moreover, 2 Chronicles 36:21 indicates that the Babylonian exile was to continue “until the land had been paid her Sabbaths,” i.e., was in recompense for the fact that the Israelites did not observe the law of the Sabbatical year.

The agricultural laws relating to the Sabbatical year were of no consequence to Diaspora Jews, as they applied only to the land of Israel, and, as long as the Jews in the land of Israel were not agrarian and the fruits and vegetables were produced by Arab farmers on Arab-owned farmland, the laws of *shmittah*, i.e., of the Sabbatical year, were of little interest to the general Jewish population. With the advent of Zionism, with its goal of developing the land for the Jewish people, settlers in Palestine began to be concerned about the impact of the laws of *shmittah* on their farm production. The First Aliyah began in 1882 (5642), and by 1888 the religious Zionists began to be concerned about the impact of the upcoming *shmittah* year (5649) on their lives and livelihood. A letter entitled “The Voice of the Farmer,” describing the problem that religious Jewish farmers were facing, was published, and Rabbi Shmuel Moholiver of the *Chovevei Tzion* (Lovers of Zion) religious movement brought it to Warsaw for consideration by two prominent rabbis, Rabbi Israel Yehoshua Trunek and Rabbi Shmuel Klafish, who issued the following ruling: (1) the land should be transferred in a fictitious sale to a Gentile (termed in Hebrew a *heter mechira*, permission of sale), (2) Gentiles should perform the actual work on the land, and (3) very poor farmers could perform the actual work on the land under special circumstances. This permission to work the land was limited, unclear, and not accepted by all the rabbis, and the settlers were left with a difficult dilemma, to decide what to do in practice. Most of the settlements accepted this ruling and acted accordingly, but some communities did not do any work at all on their land during the year of *shmittah*. The *Chovevei Tzion* movement in Europe threatened to stop all the support for the farmers if they did not return to work on the land, and they therefore returned to their fields.

One of those who issued a similar ruling, Rabbi Isaac Elhanan Spektor of Kovno, wrote “it must be explicitly stated that this *heter* (permission) is only for the year 5649 but not for future *shemitot*...Then further mediation will be necessary...and may the Lord help His people so that they should not need any *heter*...” So in 2000 Rabbi Shalom Yosef Elyashiv (you might remember him from my January-February 2006 Bulletin—he was the

nonagenarian rabbi who banned the Indian wigs) campaigned to revoke this permission. At that time he was overruled by Rabbi Eliahu Bakshi-Doron, the then Chief Rabbi of Israel, but he relentlessly continued his campaign and succeeded this year in getting the upper hand over the two chief rabbis of Israel, Rabbi Yona Metzger and Rabbi Shaul Amar. Though the Chief Rabbinate officially recognized *heter mechira* as a legitimate solution for farmers unwilling or unable to leave their land fallow, and even set up a special body to implement *heter mechira*, they nonetheless succumbed to the pressure of the ultra-Orthodox rabbis by announcing that they would allow each municipal rabbi to determine for himself whether the produce grown under the *heter mechira* could be considered kosher. (What a pusillanimous example of a rabbinic “you’re both right” dictum!)

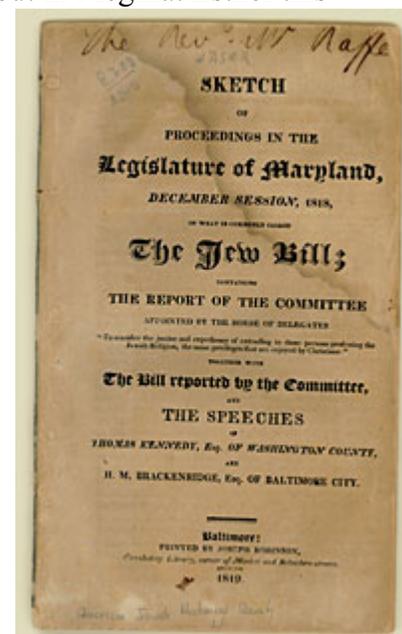
The chief rabbis of 12 Israeli cities, including Jerusalem, Herzliya, Ashdod, and Netanya, decided to deem the *heter mechira* unacceptable, forcing all hotels and restaurants in those cities to forgo their certificate of *kashrut* if they bought Israeli produce or wine from those who abided by the *heter mechira*. Consequently in September Eyal Yisraeli, a fruit and vegetable wholesaler from Yanuv, a moshav near Herzliya, filed suit with the High Court of Justice asking it to rule on whether the Rabbinate could deny *kashrut* certificates to those institutions who purchased from *heter*-observing farmers. On October 24 the Court ruled that that it was illegal for the Chief Rabbinate to allow the Chief Rabbi of Herzliya to deny kosher certificates to restaurants, hotels and other food-serving venues that sell vegetables that were grown in Jewish-owned soil inside the borders of the Land of Israel during the *shmittah* year. Instead, they ruled, the Chief Rabbi of Herzliya must either provide kosher certificates himself or allow more lenient rabbis to do so. And so Tzohar, an organization headed up by more moderate Orthodox rabbis, entered into *kashrut*-certification, announcing that they would provide certification to those institutions which were denied certification by rabbis who declared the *heter mechira* invalid. Eight days after the High Court's ruling, the Chief Rabbinate obeyed the decision and authorized five rabbis to grant *kashrut* certificates to businesses which practice *heter mechira* in areas where local rabbis refused to do so. The Tzohar organization said in response, "We are satisfied with the Rabbinate's decision. We will continue to operate the alternate *kashrut* apparatus until we are convinced that every business that wants a certificate based on *heter mechira* receives it. We did not establish an alternative rabbinate; we will be happy if the Rabbinate fulfills its mandate and make our apparatus unnecessary." So far I have seen no activity from these five rabbis, and as of this date cRc has not ruled on whether a Tzohar certification is a “reliable” kosher certification.

THE JEW BILL

A passing reference by Ruth Bader Ginsberg to the Maryland “Jew Bill” in the first of the PBS series, The Jewish Americans, led me to track down this ignominious bit of American history. The story bears repeating because it has a few (perhaps tenuous) parallels with the Purim story, which we will read about in Megillat Esther this month.

When established in 1634, the Maryland state charter “adopted religious freedom as the basis of the State,” but this was restricted to Christians. There was a statutory death penalty on the books for those who denied the Trinity. Though this was never carried out, nevertheless there is a record of a Jewish physician from Portugal, Jacob Lambrozo, who came to Maryland in 1656, who was committed to prison for blasphemy in 1658 (though in 1663 he was vested with “all the privileges of a native or naturalized subject”).

In 1776, with the establishment of a new state constitution, Maryland required “a declaration of belief in the Christian religion” as a necessary qualification for public office. In 1797 a group led by two Jews, Solomon Etting and Bernard Gratz, presented a petition to the Maryland General Assembly stating “that they are a set of people called Jews, and thereby deprived of many of the valuable rights of citizenship, and pray to be placed upon the same footing with other good citizens.” (By contrast, Haman said to Ahasuerus, “there is a certain people ...let it be written that they be destroyed” Esther 8:8-9.)



Since this request involved a constitutional question, it was put aside and not brought up until 1802, where it was voted down 17-38. It came up again in 1804, when it was defeated 24-39. And so the matter rested until the struggle to pass such a bill, dubbed “The Jew Bill,” was conducted in the Maryland General Assembly continuously from 1816 to 1826, never coming to a vote. Finally in 1822 the bill passed both houses of the General Assembly... but the Maryland constitution required that any amendment had to be reconfirmed in the next session. Unfortunately, though the Bill was confirmed by the Maryland Senate in 1823, it was defeated in their House of Delegates. Finally, on February 26, 1825 the Bill was reaffirmed by the Senate and passed by the House by a vote of 26-25. “Every citizen of the State professing the Jewish religion” who is appointed to any State office can “make and subscribe a declaration of his belief in a future state of rewards and punishments,” instead of the declaration of belief in the Trinity that had been required by the state.

The orations in the General Assembly on behalf of the Bill were so stirring that some were published in a collection called “The American Orator,” a textbook for schoolchildren. A full collection was published in Philadelphia in 1826 with the title “Speeches on the Jew Bill in the House of Delegates in Maryland.” (Just as in Esther 10:2, “...and the full account of the greatness of Mordecai, how the king advanced him, are they not written in the book of the chronicles of the kings of Media and Persia?”)

THE MEANING OF "SHAVUOT"

The Holiday of Shavuot, usually translated as the "festival of weeks," is mentioned four times in the Torah. The first citation is in Exodus 34:22, "You shall make the 'Festival of Weeks (הַגְּ שִׁבְעָת)' with the first offering of the wheat harvest." It is next found in Leviticus 23: 15-21, where it is mentioned not by name but only as the celebration at the 50th day after the bringing to the Temple of the Omer offering of ground barley on the second day of Passover. The third is in Numbers 28: 26-31, where the holiday is referred to as *yom habikurim*, the day of the first fruits, as well as בַּשְּׁבִעֲתֵיכֶם, usually translated as "on your Festival of Weeks." And the fourth is in Deuteronomy 16: 9-12, where it is referred to as הַגְּ שִׁבְעָת, again translated "the Festival of Weeks," the festival that marks the end of the counting of seven weeks from Passover. Nowhere is there an explicit connection made between this festival and the great experiential event of the gathering of the Israelites at Sinai after the exodus from Egypt.

That the festival of Shavuot coincided in time with the revelation at Sinai is evident from the fact that it takes place in the same month, the third month (see Exodus 19:1). But its first explicit tie-in to events in Israel's past can be found in the Pseudepigraphic¹ Book of Jubilees. Jubilees dates back to the second century BCE, and is an account of matters revealed to Moses during the forty days that he spent on Mount Sinai. Most striking is the introduction therein of the "feast of Shavuot." There it marks the anniversary of the covenant God made with Noah that there should never again be a flood upon the earth. Jubilees 6:17-18 says, "Therefore it is ordained and written in the heavenly tablets that they should observe the feast of Shavuot in this month, once per year, in order to renew the covenant in all respects, year by year. And all of this feast was celebrated in heaven from the day of creation until the days of Noah, twenty-six jubilees and five weeks of years. And Noah and his children kept it for seven jubilees and one week of years until the day of the death of Noah." It is then recounted that Abraham alone kept it, and that the covenant in which God changed his name from Abram to Abraham occurred on this date (Jubilees 15:1) "In the fifth year of the fourth week of that jubilee in the third month, in the middle of the month, Abram made a feast of the firstfruits of the harvest of grain." Finally, "Isaac and Jacob and his sons kept it until your days, but in your days the children of Israel forgot it until you renewed it for them on this mountain." (Jubilees 6:19)

Jubilees goes on to say that the feast is both the feast of Shavuot and the feast of the first fruits. "This feast is twofold and of two natures." (Jubilees 6:22). But it does not tie Shavuot in with the weeks of counting of the omer. Rather, the great Judaic scholar Solomon Zeitlin interprets the word Shavuot by its other meaning, "oaths." Just as Noah and Abraham celebrated this feast due to covenants and oaths sworn to them by God, so too, according to both Zeitlin and Jubilees, the Jewish people celebrated Shavuot because of the renewal at Sinai of God's oath to them. The tie-in of the translation of Shavuot to "weeks," those weeks of counting of the omer, was according to Zeitlin a later translation. And the other name given to Shavuot, "the time of the giving of the Torah" (זמן מתן תורתנו) was a vestige of the memory of the Jews having renewed the covenant with God made by Noah and Abraham on that day.

¹ For those for whom this is a new word, let me explain. In addition to the authorized the Hebrew Bible or *Tanach*, aka the Old Testament, there are two levels of concurrent unauthorized texts, the Apocrypha, 14 contemporaneous books which were not included in the *Tanach* but were included as part of the original (1611) King James version of the Old Testament, and the Pseudepigrapha, other contemporaneous books which weren't even included in the Apocrypha.

FASTING

The Hebrew months of Tammuz and Av, which roughly coincide with July and August, encompass three weeks of mourning, beginning and ending with two fast days, the 17th of Tammuz (*Shivah Asar b'Tammuz*), which occurs on July 20, and the 9th of Av (*Tisha b'Av*), which occurs on August 10 this year. These two fasts are among the four *commemorative fasts* referred to in Zechariah 8:19 (520 BCE), “the fast of the fourth month, and the fast of the fifth, and the fast of the seventh, and the fast of the tenth.” The count of these months is based on Nissan (not Tishrei) being the first month, and the respective fasts referred to are (1) the fast of the 9th of Tammuz (where a breach was made in walls of Jerusalem and the Babylonians entered – see II Kings 25:3 and Jeremiah 52:6), now observed on the 17th of Tammuz (marking the destruction of the Antonia citadel by the Romans), (2) the 9th of Av (destruction of the first temple, 586 BCE), (3) the 3rd of Tishrei (*Tsom Gedaliah*, marking the murder of Gedaliah -- see II Kings 25:25 and Jeremiah 41:1), and (4) the 10th of Tevet (when the Babylonians began the siege of Jerusalem – see II Kings 25:1 and Jeremiah 52:4).

Clearly commemorative fasting is not what one first-and-foremost thinks of when asked about fasting in the Jewish religion. Obviously *Yom Kippur* is number one, and probably *Taanit Esther*, associated with Purim, is number two. Neither of these is commemorative. *Yom Kippur* is an *expiatory fast*, a fast performed by an individual in association with prayers to expiate sins. This fast is not explicitly commanded in the Torah; all that is said about *Yom Kippur* is that you should “punish your souls,” an injunction determined by the Rabbis to include, among other actions, fasting. And *Taanit Esther* is a *concomitant fast*, a fast performed by the community to recollect that the Jews of Shushan fasted along with Esther, as described in Esther 4:16 by the words וְצוּמוֹ עִלַּי (“and fast for me”). Psalms 35:13 describes concomitant fasts quite eloquently, “But as for me, when they were sick my clothing was sackcloth, I afflicted my soul with fasting.”

But this is not all there is to fasting in the Jewish tradition. Fasting is of sufficient significance in our religion that the Talmud devotes an entire tractate, **Taanit**, to various laws pertaining to fasting. And fasting was so central to our religion that a first century CE text, **Megillat Taanit**, was published in Aramaic, the common language of the day (and amplified with a Hebrew commentary in the 7th century CE), focusing on a list of memorable days in Jewish history, mostly events which happened between the second century BCE and the first century CE, when fasting was not permitted.

There are all sorts of personal fasts recorded in the Tanach. One is *fasting after a death*, e.g., the seven day fast by the inhabitants of Jabesh-gilead after the burial of the bones of Saul and his three sons and afterwards by the people of Israel (I Samuel 31:13 and II Samuel 1:12). A more common mode of fasting is *individual fasting as an auxiliary to prayer*, as exemplified by King David fasting as he prayed when Bathsheba's child was dying (II Samuel 12:16) and as Nehemiah fasted and prayed after hearing of the wall of Jerusalem broken down (Nehemiah 1:4).

There are also other community fasts recorded in the Tanach. One mode is *preparatory fasting*, as when the Israelites fasted before engaging in battle against the tribe of Benjamin (Judges 20:26), and when Jezebel proclaimed a fast before trying to kill Naboth for not giving his vineyard to Ahab (I Kings 21:9). Community *expiatory fasting* has explicit reference in the Tanach. Samuel declared a fast (I Samuel 7:6), as did Jeremiah (Jeremiah 36:6, 9) called for a fast because the Israelites sinned. Sometimes the fast was triggered by a natural

calamity thought to be brought on by the sins of the people (e.g., the fast referred to in Joel 2:12 after a plague of locusts hit Israel), or before a calamity (e.g., the fast called by Jehoshaphat before the attack by the Moabites, Ammonites, and children of Ammon -- see II Chronicles 20:4 or the fast declared by the people of Ninevah after Jonah told them that Ninevah would be overthrown in 40 days – see Jonah 3:5). A forty day drought is considered such a calamity that it could lead to community expiatory fasting, as was the case a few years ago in Israel when the Rabbis called for the *shofar* to be blown and for the community to ready itself for such a fast.

Some of us first-born males recognize the fast of the first-born on the day before Pesach, to commemorate that the first born Israelites were spared from the tenth plague, the slaying of the first born Egyptians. This is the most lenient of fasts, as it can be broken by participation in the celebration of the completion of a tractate of the Talmud.

One unusual individual expiatory fast is that of Behab (ב"ה"ב). The ב in Behab has the numeric value of 2, and so stands for the second day of the week, Monday, and the ה has the numeric value of 5, and so stands for the fifth day of the week, Thursday. To quote the Art Scroll Siddur (page 820), “it is an ancient custom going back to Temple times that some people would fast on three days – Monday, Thursday, and Monday – after Pesach and Succos to atone for the possibility that they may have become excessively frivolous and sinned during the long festival of eating and drinking. During Shavuos, which is only a one-day festival, there was little chance of such an occurrence, so no fasts were adopted after Shavuos. Since it is not proper to fast during the festive months of Nissan and Tishrei, the fasts were deferred until Iyar and Cheshvan.” [Huh? I’m just quoting the Art Scroll Siddur. We all know that there are two public fasts scheduled for Tishrei and the first born fast scheduled for Nissan. AM]

With all this fasting you can now see why there was a need for a book like **Megillat Taanit**, designed to tell the Jewish people when to desist from fasting.

ACROSTICS

As has been pointed out by Rabbi Eckstein at our Rosh Hashanah and Yom Kippur services, a number of the community prayers in these services are in sets of 24 stanzas, with the beginning letters of each verse corresponding in alphabetical order to the letters of the Hebrew alphabet. The first such is to be found on page 225 of the Birnbaum *machzor*, as part of the Rosh Hashanah *shacharit* service, and, as it is the first, is the one most often used by Rabbi Eckstein as his example text. It was written by Rabbi Elazar ha-Kallir, one of the most prolific authors of special High Holiday prayers in poetic form, called *piyyutim*. The most famous of these alphabetic acrostics are the two confessional (*viddui*, ודוי) litanies recounting our sins repeated throughout the Yom Kippur service, the “short form *vidui*” *ashamnu* (אשמנו) and the “long form *vidui*” *ahl chet* (אל חטא). The *ashamnu* first appeared in the ninth century *siddur* of Amram Gaon of Babylonia; the *ahl chet* first appeared in an abridged form in Maimonides’s *Mishneh Torah*, written in the twelfth century. But, as we know from our daily prayers, this form is definitely not medieval. The *ashrei* (Psalm 145, though missing a נ) and Psalm 34, found in the daily *shacharit* service, are alphabetic acrostics, as is the *eshet chayil* (אשת חיל, Proverbs 31), recited at the Friday night dinner table.

As with the *ashamnu*, this form isn’t only used at the beginning of verses. Look, for example, at the string in bold face in the paragraph on page 86 of the Art Scroll Siddur, in the weekday morning service, which runs word for word from א to ת. Another form is the backward alphabetic acrostic. The most familiar is the *tikanta shabbat* (תכנת שבת) of the Shabbat *musaf amida*, on page 466 of the Art Scroll Siddur, which runs word for word from ת to א. A third form is the “skipped alphabetic” acrostic, as on page 355 of the Birnbaum *machzor*, where the *piyyut* uses every other Hebrew letter. Presumably the alphabetic acrostic form was used not merely as a *tour de force* but as an *aide memoire*, a mnemonic aid for memorization of the work.

This, though, is not the only type of acrostic present in our liturgy. Some of the acrostics are what are now called “Easter eggs” in the computer software world, i.e., they are hidden in the liturgy and have to be teased out. The most famous of these is in the Friday night *lecha dodi* (לכה דודי) prayer, where the first letters of the stanzas spell out the author’s name, Shlomo Halevi (שלמה הלוי). The aforementioned Rabbi Elazar ha-Kallir planted three “Easter eggs” in the opening *piyyutim* of the repetition of the *musaf amida* on Yom Kippur. The first appears in the *piyyut shoshan emek* (שושן עמק) on page 765 of the Birnbaum *machzor*; the first letters of the sentences spell out *Shabbat shabbaton* (שבת שבתון), a reference to the appellation for Yom Kippur in Leviticus 23:32. The second appears in the *piyyut yom miyomim huchas* (יום מימים הוהם) on page 767 of the Birnbaum *machzor*; the first letters of the sentences spell out *yom kippurim* (יום כפורים). The third appears in the *piyyut tsefe bvas t’musah* (צפה בבת תמותה) on page 771 of the Birnbaum *machzor*; the first letters of the sentences spell out *tsom heosor* (צום העסור), fast of the tenth day, with a slight misspelling, where the ס should be a ש). His final *piyyut*, beginning at the bottom of page 771, has three opening stanzas containing these acrostics spelled out (this time צום העשור is spelled correctly).

If you are going to bring this Bulletin to *shul* on the High Holidays to check all this out, let me point out as a bonus that some anonymous author got his *piyyut* inserted into page 769 of the *machzor*, right after the second of Elazar ha-Kallir’s *piyyutim*, and that it is a fragment of an alphabetic acrostic, with א through י and ר, ש, and ת jumbled at the end. Birnbaum does a nice job of pointing out their structure in the footnotes to his *machzor*, so cast your eye below the line and add to your appreciation of the High Holiday service.

ELECTIONS IN ISRAEL-OLD STYLE

As the US elections close and the Israel elections approach in early 2009, I thought it would be interesting to look back at how it was that Israel selected its leaders in the days of the Temple. Before the first exile to Babylon, questions of ritual law were settled by the priests, while those of civil and criminal law were settled by the elders. (see, for example, Deuteronomy 19:17, 21:2, 25:2, and 25:7). During the exile neither the priests nor the elders could function in these capacities, and a new cadre of leaders, the scribes, arose as interpreters of the Law, teachers, and leaders. In general, prior to Ezra's times the priests did not have to concern themselves with distinctions between the written Law and their oral interpretations. Officially, the priests were the law. The scribes, on the other hand, had to transmit their version of the law orally, and so developed a methodology for lending to it the authority of Moses. The priests ultimately became the core group of the Sadducees, while the scribes originated the doctrine which became associated with the Pharisees. So we see the origin of a "two party" system originated during the Babylonian exile.

When Ezra the Scribe returned to Palestine in 457 BCE, he continued in his position of leadership, in competition with the priests. But this competition was not merely a competition in the religious realm; it had an economic basis as well. The priests had been a long-established caste that had accrued wealth from the patrician or landed class; the scribes came from a group with limited resources, the urban plebeian craftsmen. Each of their interpretations of the Law matched their class connections. The patricians, siding with the priests, rejected these plebeian scribal legal pronouncements and joined the Sadducees. So not only did the two parties differ on religious doctrinal grounds, but also in economic makeup.

Following Ezra in the chain of leaders were the Men of the Great Assembly (אנשי כנסת הגדולה) (450-300 BCE). Louis Finkelstein (1972 Pharisaism in the Making New York: Ktav Publishing House) takes the view that the Great Assembly was a body that met irregularly and unofficially, was the forerunner of the Pharisaic party-- which included all the followers of Ezra, and constituted a court to judge errant members of the Pharisaic sect. The significance of this body was that it accelerated the process, begun by Ezra, of limiting, then abolishing, the religious authority of the priests. Consequently this Assembly evolved into essentially a "one party" governing body, with the Sadducees playing an ever increasing outsider role.

When the Great Assembly was first instituted, it selected a head, called the "Av," or "father." This lasted for about a century, the first three leaders being Simon the Just (313-273 BCE), Antigonus of Socho (273-231 BCE), and Yosef ben Yochanan (231-211 BCE). Ultimately, as the Pharisees gained the ascendancy, members of the rural patrician class joined in the movement, thereby causing internal class conflict within the Pharisees, notably exemplified by the contrasting legal pronouncements of two leading Pharisaic scholars, Hillel and Shammai. Hillel sided with the urban plebeians and Shammai with the rural patricians in their pronouncements of law.

This schism was so great that from 211 BCE to the time of Rabbi Judah the leaders of the Assembly were paired, one representing the plebeian and one representing the patrician class. These pairs, called "zugot", were given the titles of "Nasi" (President) and "Av Bet Din" (Head of the Legal Body). (Occasionally a third member was part of the governance, and he was called "Chacham" (Wise Man).) This pairing is in some ways akin with what we have today, when the President/Vice President are paired and usually the Vice President is selected to represent some faction of the party not closely affiliated with the President.

It's instructive to look at a list of those who led the Great Assembly. Following is the list of these "zugot," along with a designation of their class (the patricians are denoted by an *) and approximate dates of their term of office.

Nasi/Av Bet Din

*Yosee ben Yoezer/Yosee ben Yochanan	211-151 BCE
*Yehoshua ben Perachya/Nittai of Arbel	151-73
Simon ben Shetach/*Judah ben Tabbai	73-65
Shemayah/*Avtalyon	65-46
Hillel/*Shammai	32 BCE-9 CE
Rabban Gamaliel I/*Akabiah ben Mehalalel	9-50
*Simeon ben Gamaliel I/Yohanan ben Zakkai	50-67
*Gamaliel II/Yohanan ben Zakkai	68-74
*Gamaliel II/Yehoshua ben Hananya/*Eliezar ben Hyrkanos: <i>Chacham</i>	74-82
*Gamaliel II/Yehoshua ben Hananya	82-84
*Gamaliel II and *Elazar ben Azariah (both called <i>Nasi</i>)	84-107
*Elazar ben Azariah	107-118
Simeon ben Gamaliel II/Yehoshua ben Hananya	118-120
Simeon ben Gamaliel II/Akiba	120-148
Simeon ben Gamaliel II/*Nathan/Meir: <i>Chacham</i>	148-165
Rabbi Yehudah HaNasi	165-189

Only once (in 84-107 CE) was the leadership composed of two patricians (both called Nasi) and for only one stretch of time (118-148 CE) was the leadership composed of two plebeians. As you can see, even back in the days of the Great Assembly both the rich (patricians) and poor (plebeians) were represented in its leadership.

REMNANTS OF THE "LOST TRIBES OF ISRAEL" IN INDIA

The events of last month in Mumbai brings to mind the various natives of India who consider themselves part of the people of Israel and who, through various means, have reconnected themselves with the Jewish people. First and foremost are the **Bene Israel**. The Bene Israel believe their ancestors were oil pressers in Galilee (seven men and an unknown number of women) who in the year 175 BCE escaped persecution during the reign of Antiochus Epiphanes (prior to the events that led to the festival of Chanukkah), and that they are descended from survivors of a shipwreck. In the 18th Century they were "discovered" by traders from Baghdad as being engaged in Jewish religious practice. It is estimated that there were 6,000 Bene Israel in the 1830s, 10,000 at the turn of the century, and in 1948—their peak in India—they numbered 20,000. In 1964 the Israeli Rabbinate declared that the Bene Israel are "full Jews in every respect." Since that time, their population in India has decreased through emigration (mostly to Israel) to under 5,000. The Bene Israel have claimed a lineage to the Cohanim, and in 2002 this was confirmed by a DNA test.

Also noteworthy are the **Bnai Menashe**. The oral history of Bnei Menashe that was passed down for 2,700 years describes their escape from slavery in Assyria to Media/Persia, from there to Afghanistan, then to Tibet, and finally to Kaifeng, reaching the Chinese city around 240 BCE. The group was expelled in 100 CE and at that point different groups went in various directions. Some went down the Mekong River into Vietnam, the Philippines, Siam, Thailand, and Malaysia, while some of them moved to Burma and west to India. In 1894, Christian missionaries arrived in the Manipur area of North East India, intent on converting the local population, known as the Kukis. Having been brought up with an oral history of their link to their ancestor "Manmaseh" and other stories, they recognized some of the Bible stories taught to them by the missionaries as akin to their own, in particular, the story that paralleled their own folk song: "We must keep the Passover festival, Because we crossed the Red Sea on the dry land, At night we crossed with a fire, And by day with a cloud, Enemies pursued us with chariots, And the sea swallowed them up, And used them as food for the fish, And when we were thirsty, We received water from the rock." In 1971 some Kukis who were dissatisfied with Christianity started researching the origins of their religion and realized that they were not descended from Christians, but from Jews. They discovered that their tradition of being the "children of Manmaseh" actually referred to the tribe of Menashe. Rabbi Eliyahu Avichail of Jerusalem, founder of Amishav, an organization dealing with the dispersed of Israel, took their case to rabbinic authorities, who determined that their status was that of "*safek* Jews," ones whose Jewish status is not known for sure, and so they required conversions to be considered Jewish. Over a period of years the group grew, and today there are 300 converted Bnai Menashe living in Israel and about 5,000 practicing as Jews in North East India and across the border in Myanmar.

BIRCHAT HACHAMA- BLESSING OVER THE SUN

On Wednesday morning, April 8 (the 14th of Nissan) Jews throughout the world are going to participate in an unusual ritual. No, it's not the annual *erev* Pesach morning *siyyum* to absolve the first born males of their mandatory fast day (more about this in the Ritual Committee Corner). No, it's not the annual *biyur chametz* (burning of the *chametz*) ritual on the morning before the seder (more about this, too, in the Ritual Committee Corner). According to our tradition once every 28 years the sun and all the heavenly luminaries are in the position they were in at the moment of the creation of the earth.

You might ask, "If the calculation of Birchat Hachama is based on Nissan being the first month of the Hebrew year, why do we celebrate Rosh Hashanah in Tishrei? After all, right after blowing the shofar on Rosh Hashanah we recite 'Today is the birthday of the world!'" The Talmud explains this away by differentiating between counting from God's conceiving of the Creation (Tishrei) or His actual act of Creation (Nissan).

The last occurrence of this event was on April 8, 1981, which was the 8th day of Nissan. This year April 8 coincides with the 14th of Nissan, *erev* Pesach. This may be of special significance. On page 52 of his book, Sichot-Mair Einei Hachamim Mhadura Tenina, published in 1925, the Kadosh Elyon (the 'Ostrovster Admor') noted that this will be only the third time in Jewish history when Birchat Hachama falls on the 14th of Nissan, the other two being prior to being redeemed from Egypt and the year before the miracle of Purim. (There are lots of visionaries out on the web who are making much of this observation, predicting another momentous happening in Jewish history in the forthcoming year.)

What's the origin of this tradition? In Berachot 59b we find, "Our rabbis taught: 'He who sees the sun at its turning point...recites the blessing of 'the maker of works of creation'. And when does this happen? Abaye answers: every 28 years, when the cycle renews and the 'season of Nissan' (i.e., vernal equinox) falls in Shabbtai (i.e., Saturn), on the evening of Tuesday going into Wednesday."

תנו רבנן: הרואה חמה בתקופתה...אומר ברוך 'עושה בראשית'. ואימת הוי? - אמר אביי: כל עשרים ושמונה שנים, והדר מחזור ונפלה תקופת ניסן בשבתאי, באורתא דתלת נגהי ארבע.

Our Sages had a tradition that the sun was created at the vernal equinox position (when day and night have equal length), at the beginning of the night of the fourth day, in year one of our counting. The basis for the 28 year cycle was an assumption made by Shmuel (see Eruvin 56a), in the third century CE, that the year is 365.25 days long. Let's take the starting point as Tuesday at 6:00 pm. Now, since a year lasts 52 weeks plus a remainder of 1.25 days, it takes 28 years for the Sun to return to the spring equinox on Tuesday at 6:00 pm.

The catch is that the time taken by the sun to complete one circuit of the celestial sphere from its position at one spring equinox to the next is 365 days, 5 hours, 48 minutes, and 45 seconds = 365.24219 days. This level of precision was known to the rabbis even back in the time of the Talmud. A computation made by Rav Adda bar Ahava, a student of Shmuel, indicated that the duration of a year is 365 days, 5 hours, 55 minutes, and 25.4 seconds = 365.24682 days. Pretty close! Abraham ibn Ezra (12th century CE) justified Shmuel's imprecision, and thus the basis for the computation of the date of Birchat Hachama, on the desire to avoid the necessity of manipulating fractions. Even then there was mathphobia!

The special service for Birchat Hachama consists of quotations about the sun [Genesis 1:14-19, Jeremiah 31:34-39, Psalms 136:1-9], verses from the Tenach which spell out the Tetragrammaton [Psalms 84:12, Psalms 72:5, Psalms 75:2, Malachi 3:20], a reading of Psalms 97:1-6, some of Berachot 59b, parts of Psalms 148 and 90, the actual blessing recited on natural phenomena (ברוך אתה ה' אלוקינו מלך העולם עשה מעשה בראשית, "Blessed are You, Lord, our God, King of the Universe who makes the works of Creation") Psalms 121, 19, and 8, the verses Habbakuk 3:11 and Isaiah 60:1, the hymn *El Adon al kol hama'asim* (normally part of the Shabbat prayer services), *Aleinu*, the mourner's *kaddish*. Sometimes it is concluded with a passage from Makkoth 23b and a *kaddish d'rabanan*.

The service is held at sunrise. I happened to be living in Jerusalem in 1981 and so had the good fortune of being at the *kotel* at 6 AM on April 8, and, in union with thousands, watched the sun rise and participated in this ceremony. This year won't be as breathtaking, but I intend to be on my balcony watching the sun rise over Lake Michigan and once again make this blessing. If you want to learn more about this ceremony, I recommend the book published by Art Scroll in 1981, Rabbi J. David Bleich's [Bircas Hachammah, Blessing of the Sun: Renewal of the Creation: a Halachic Analysis and Anthology](#).

RITUAL COMMITTEE CORNER

As you can see from the above, April 8 is going to be a busy ritual-filled day. Here is the calendar of events, taken from <http://www.chabad.org/calendar/zmanim.asp?AID=143790&hdate=1/14&c=120&save=1>

Alot Hashachar (dawn) | Firstborn fast begins 4:55 am

Earliest Tallit and Tefillin 5:25 am

Netz Hachamah (sunrise) | Earliest time for Birkat Hachamah (Sun Blessing) 6:21 am

Latest time for *Shema* 9:36 am

Zman Tefillah | Latest time for *shacharit* 10:41 am

Finish eating *chametz* before 10:41 am

Sell and burn *chametz* before 11:46 am

Chatzot (midday) | Latest time for Birkat Hachamah. 12:52 pm

Minchah Gedolah | Earliest time for *minchah* 1:24 pm

Minchah Ketanah | "Preferred" time for *minchah* 4:40 pm

Plag Haminchah | "Preferred" latest time for *minchah*, earliest time to usher in the holiday 6:01 pm

Candle lighting 7:03 pm

Shkiah (sunset) 7:23 pm

Tzeit Hakochovim (nightfall) 7:58 pm

Chatzot (midnight) 12:52 am

The fast of the firstborn is mentioned in the Talmud, in [Soferim](#) 21:3, which says that firstborns fast "in commemoration of the miracle that they were saved from the Plague of the Firstborn." The Chatam Sofer ([Pesachim](#) 108a) suggests that there was more to this fast than this. He posits that the firstborn Israelites fasted in trepidation in advance of the Plague of the Firstborn; despite a divine guarantee of safety, they felt a need to fast in repentance to achieve greater divine protection. Thus the fast of the firstborn is in commemoration of the fast of the firstborn Israelites in Egypt. There are three circumstances in which the fast may be broken: (1) If the act of fasting will affect one's ability or inclination to heartily partake of his Passover Seder meal (and specifically the matzah), (2) at any festive meal celebrating a circumcision or a redemption of the firstborn (*pidyon haben*), and (3) at a *seudat mitzvah* for a *siyum* celebrating the completion of study of a tractate of Talmud. This latter custom is commonly observed, where rabbis publicly complete their study of a tractate of Talmud on the morning before Pesach in order to create a *seudat mitzvah*.

On the evening of April 7 you will have performed the *mitvah* of *bedikat chametz*, the search for *chametz*. Though you have declared then that all *chametz* in my possession is "nullified and ownerless, like the dust of the earth," you still have the candle, feather, wooden spoon, ten (or more) pieces of bread used in this ceremony in a paper bag, waiting to be burnt. As you can see from the calendar, the burning, *biur chametz*, is to be done by 11:46 am.

I wish you all a *zisen* Pesach.

RACHEL'S TOMB

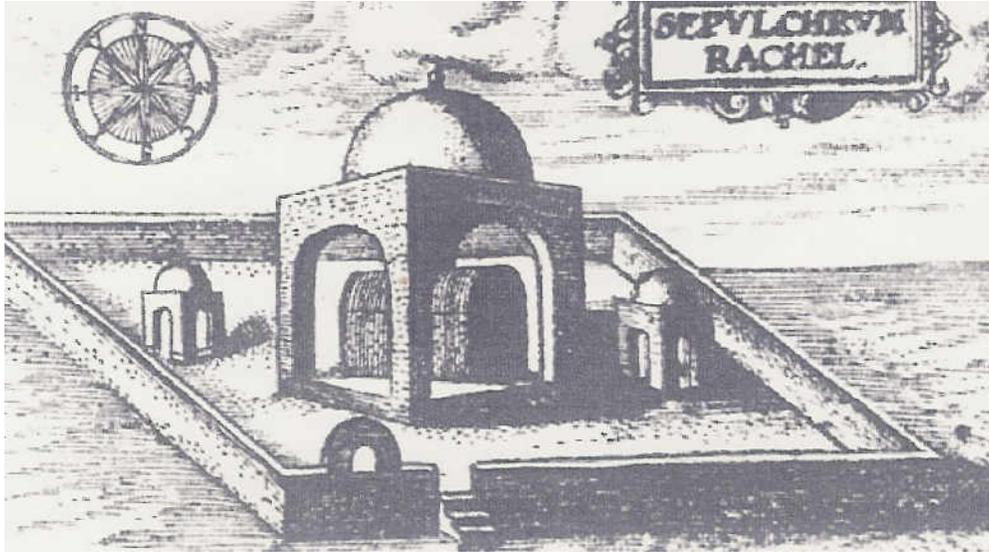
When Paul Bosakowski, Harry Finkel, George Siegel, and I visited the men's section of Rachel's tomb in Bethlehem in 2007 we were thrilled to see this *parochet* on the tomb, because of the inscription on the lower left, which I have enlarged here:



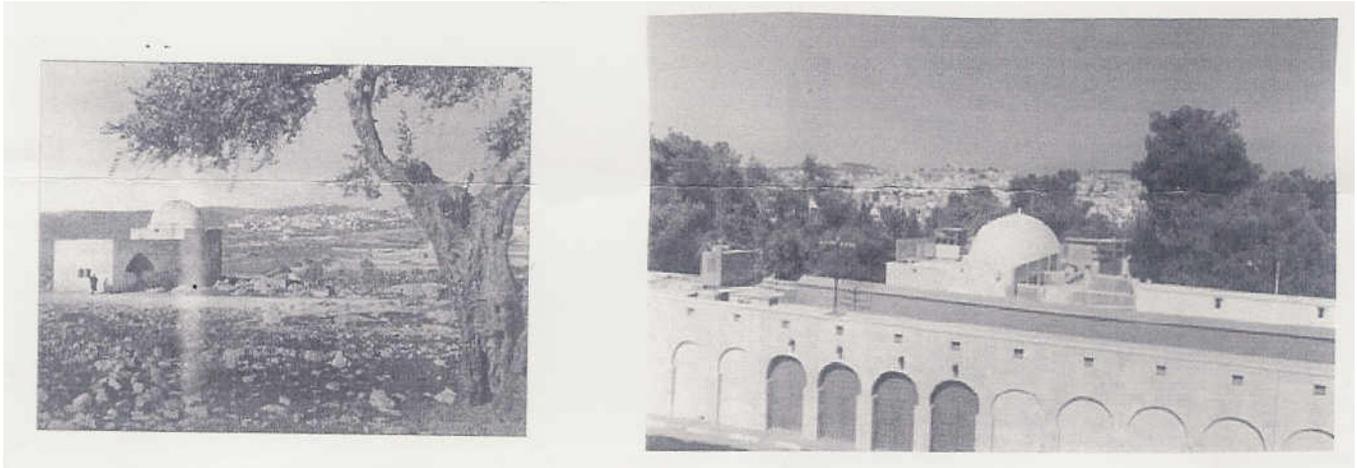
This *parochet* was donated by our own Jerry Kanter in memory of his mother, Jennie Kanter, and his wife, Rochelle Kanter, whom we all knew and loved. Rachel's tomb has been taken over by the rabbinic authorities who administer the Western Wall, and has been segregated into a men's section and a women's section, and so women were not allowed in to see this *parochet*, but we managed to get our accompanying distaffs a sneak peek. As is the custom at Rachel's tomb, a donated *parochet* can only be used as a tomb cover for one year, and so we considered ourselves fortunate regarding the timing of our visit.

The history of Rachel's tomb begins with Genesis 35: 19-20, where it says that Jacob erected a pillar in Rachel's honor. The tradition is that over the tomb Jacob placed twelve stones in a pyramid. Historians, though, conjecture that the pyramid structure was one designed by a Greco-Roman architect in the first century CE. The earliest written description of this pyramid is "The Work on Geography," dated 1128-37 CE, cited in John Wilkinson's fascinating book, Jerusalem Pilgrimage 1099-1185. The Muslim geographer Muhammad al Idrisi described the tomb in 1154 CE as "covered by twelve stones, and above it is a dome vaulted over with stone," obviously a Crusader-designed structure. By the time Rabbi Benjamin of Tudela got to Rachel's tomb (1166-73 CE) he reported seeing only eleven stones, and described the tomb as "covered by a cupola, which rests upon four pillars."

Here is a twelfth century drawing of what it looked like then:



In 1615 Mohammed Pasha, the Ottoman-appointed administrator of Jerusalem, walled up the arches, making the structure resemble a Muslim funerary shrine. The earthquake of January 1, 1837 damaged the structure, so in 1841 Moses Montefiore paid for a reconstruction, repairing the cupola and adding a vestibule which included a *mihrab* in the southern wall for Moslems to use to pray. Here is a copy of the first photo of Rachel's tomb, taken in 1866, as well what it looks like today surrounded by the security wall.



THE KOREN SIDDUR- THE NEWEST ORTHODOX SIDDUR

When Mesorah Publications, Ltd. produced the ArtScroll Siddur in 1984 three features (aside from a novel translation) were added to the otherwise traditional prayer book: laws, instructions, and commentary. The commentary had two goals: “to explain difficult passages and to involve the reader in the emotional, spiritual and inspirational experience of prayer.” In 1987 the (Orthodox) Rabbinical Council of America adopted this siddur (with one amendment – the inclusion of the Prayers for the Welfare of the Government and of the State of Israel) to replace the Traditional Prayer Book for Sabbaths and Festivals (the 1941 “de Sola Pool” siddur) because “a new generation of American-born Orthodox Jews has different needs in a Siddur...a more literal translation as well as words of commentary and inspirational direction.”

This literalness of translation is what makes the ArtScroll Siddur awkward to use. Rabbi David de Sola Pool said in his Preface, “...literalness of translation results in an English style disturbing to the devotion of the worshiper.” Rabbi Robert Gordis, author of the (Conservative) Rabbinical Assembly of America Sabbath and Festival Prayer Book (the “Silverman siddur”) said, “Hebrew and English differ radically in spirit and structure and a literal translation is often a distortion of the meaning.” Even when adopting the ArtScroll Siddur the RCA conceded about the de Sola Pool translation that “its accurate ... poetic translation conformed to Halakhah.” And the ArtScroll editors admitted about its translation that “we generally preferred fidelity to the text over inaccurate simplicity.” In other words, the ArtScroll translation is designed more to allow the reader to practice translating from the Hebrew and seeing the correspondence between each Hebrew word and an English translation than to allow the reader to follow the service in English in a meaningful unstilted way.

The ArtScroll folks acknowledge their reason for literalness. The original ArtScroll Siddur had an Overview by Rabbi Nosson Scherman, the author of its translation and commentaries, in which he said, “If one prays in a language other than Hebrew, he does not fulfill his obligation unless he understands whatever he says, but if he prays in Hebrew, he fulfills his obligation even if he does not understand.” “Their (the Men of the Great Assembly) composition of the *tefillah* is tantamount to an act of creation, which is why it is so important not to deviate from their language and formulation.” No wonder Scherman wanted the translation to be as close to Hebrew as possible! (This Overview was replaced by the RCA in their edition, used in our shul, with a more palatable essay written by Rabbi Saul Berman.)

By contrast the newly published Koren Siddur (so-called because it is published by Koren Publishers Jerusalem) uses a new translation by British Chief Rabbi Sir Jonathan Sacks that is, in the words of a recent reviewer “meaningful, uplifting, aesthetically pleasing and relevant for contemporary life.”

In addition to this new translation, the Koren Siddur comes with insightful commentaries on the prayers (by contrast with the legalistic minutia of observance and Midrashic commentaries which riddle the ArtScroll Siddur and are of little relevance to the modern age). As a bonus, there is a 32 page introductory essay by Rabbi Sacks, *Understanding Jewish Prayer*, which is worth both reading and studying. I am also pleased to see included in this siddur special services for Yom Hazikaron, Yom HaAtzma'ut, and Yom Yerushalayim, as well as prayer services for many life cycle events. To find out more about this Siddur, go to <http://www.korensiddur.com/> and you will find among other information a YouTube video in which Rabbi Sacks explains why he embarked on this project.

HIGH HOLIDAY CUSTOMS

Back in 2003 I devoted two pre-High Holiday columns to Rosh Hashanah symbolic foods, aside from the well-known apple dipped in honey custom, in which I described eight other symbolic foods eaten by some on Rosh Hashanah, each with its own special blessing. I also mentioned the custom of eating an exotic fruit on Rosh Hashanah, so that one can make the additional blessing, made whenever one eats something not eaten within the year, the *shehecheyanu*. The full text of the *shehecheyanu* "who has given us life, sustained us, and brought us to this time," reveals the rationale for this custom. We look for more excuses than just the closing blessing of the *Kiddush* to thank God for bringing us to the celebration of another year, and one such is the eating of a new fruit.

Along with this is another custom, the wearing of a new item of clothing on Rosh Hashanah. The appropriate blessing whenever one dons a new item of clothing is the *shehecheyanu*, and so here is another excuse to say the *shehecheyanu* blessing one more time on Rosh Hashanah.

We all know the appropriate greeting on Rosh Hashanah. It isn't "Happy New Year" or "Gut Yontiff;" it is *לְשָׁנָה טוֹבָה תִּכְתְּבוּ* implying "May you be inscribed well in the Book of Life." For Yom Kippur this greeting is altered to *גָּמַר חֲתִימָה טוֹבָה* implying "A complete good sealing in the Book of Life." Both of these greetings are derived from the *u-netane tokaf* (ונתנה תוקף) prayer of the Rosh Hashanah and Yom Kippur *musaf* services.

We also know of the public repeal of vows to God, both past and future, embodied in the Kol Nidre service on the eve of Yom Kippur (described more fully in my pre-High Holiday column of 2005). What many of us don't know is that there is a private annulment of vows ceremony that is to be held on the morning before Rosh Hashanah. A detailed description of this ceremony is given on pages 874-7 of the Koren Siddur.

Some of you have experienced (or at least seen pictures of) the *kapparot* ceremony on the day before Yom Kippur. This atonement ceremony was first mentioned as a custom in the ninth century. In essence, a rooster (for men) or chicken (for women), or a kerchief full of money, is waved over the head of the atoner and the sins of the atoner are transferred to the fowl or packet of money. If a fowl is used then it is killed; if money is used then it is given to charity. Even though according to Jewish law sins cannot be transferred, this ceremony has become quite popular for its psychological effect of putting people at ease before Yom Kippur.

You may have noticed a number of congregants, otherwise well-dressed, wearing canvas tennis sneakers on Yom Kippur. This tradition is derived from the injunction in Leviticus 16:19 "and you should afflict your souls." Since the word "soul" appears five times in the Yom Kippur Torah reading, the Talmudic rabbis inferred that there are five activities which are "afflicting" to the soul: eating, drinking, washing or anointing the body, wearing leather shoes, and marital relations. We can find the derivation of the one about the wearing of leather shoes in Yoma 77a. It is based on Jeremiah 2:25, "Withhold thy foot from being unshod and thy throat from thirst." The Rabbis inferred from this that donning leather shoes disrupts affliction in the same way that drinking liquids brings relief from thirst. (Any connection of the non-use of leather and animal rights is a modern day rationalization, not something emanating from the Talmudic times in which this ban was promulgated.)

לְשָׁנָה טוֹבָה תִּכְתְּבוּ וְתִחַתְמוּ

LO TITGODEDU

Deuteronomy 14:1 opens with the following commandment: לֹא תתגדדו, “You shall not cut yourselves,” presumably an admonition not to do as the Emorites did, namely inflicting a wound on themselves out of grief stemming from the loss of a relative. The Talmud (*Yevamot* 13b) speculated on why the Torah used the construction לֹא תתגדדו (“*lo titgodedu*”) instead of the more straightforward construction לֹא תגדדו (“*lo tagodedu*”). The root word of תתגדדו is אגד, meaning “to bind, and so the Rabbis interpreted the extra ת to connote an additional meaning, saying that the phrase לֹא תתגדדו should be interpreted to mean לֹא תעשה אגדות אגדות, “you shall not form separate sects.” The implication of this interpretation is that it is forbidden to fragment Judaism by the adoption of various and different rituals and customs. This interpretation was put to use by the rabbis, for example, to bar the eating of chicken and milk that was customary in the Galilee (see *Hullin* 116a, *Shabbat* 130a). As Rashi later explained this interpretation, it was meant to forestall the appearance of two separate law codes, each with its own adherents among the Jewish people.

This interpretation was immediately called into question by the rabbis of the Talmud. As an example they cite that the book of Esther is read on the eleventh, the twelfth, the thirteenth, the fourteenth, or the fifteenth of Adar, depending on whether the readers live in a village, a town, or a town that had been walled in the days of Joshua, and according to the day of the week on which the feast of Purim occurs. Isn't this proof enough that Jewish law allows adoption of different rituals and customs? The rabbis ultimately conclude that each of these customs has a rationale, and each applies to a discrete group of Jews because of their specific circumstances, and so is allowed. What is not allowed is a division among Jews based on an argument.

Another type of issue that arose in the Talmud appears in *Pesachim* 50a. There the Mishnah says, “Where it is the custom to do work on the eve of Passover until midday one may do work; where it is the custom not to do work, one may not do work. He who goes from a place where they work to a place where they do not work, or from a place where they do not work to a place where they do work, we lay upon him the restrictions of the place whence he departed and the restrictions of the place whither he has gone. And a man must not act differently from local custom on account of the quarrels which would ensue.”

The main application of this law of the past centuries has been with respect to the differences between ritual customs of the Ashkenazi and Sefardi Jews, especially as they live together in the same community. In the 16th century the Maharsdam (Rav Shmuel ben Moshe di Modena) issued a responsum which allowed such coexistence within a community, arguing that each group constitutes its own “city.” The upshot of this responsum is that as long as people are following their own custom, but not openly teaching it and encouraging others to follow them, then there is no violation of *lo titgodedu*. Thus when a Sefardi prays in an Ashkenazi synagogue, for example, as long as he is engaged in private prayer he may use the Sefardi *siddur*, but if he is engaged in public prayer, as a *chazzan*, then he must use the Ashkenazi *siddur*.

This law has been applied as well to intra-synagogue practice. For example, Rabbi Kook ruled that it is forbidden for a *shul* to design its new building in a way that differs in any outstanding way from the way in which its current building was designed, specifically with respect to the placement of the *bimah* and lectern within the *shul*. While it is true that the rabbi of the congregation is the *morah d'asrah*, the legal authority, and that there is a principle in Judaism that favors the majority, both these principles have to be weighed against the principle of *lo titgodedu* in order for changes to be made within a congregation.