

# Touro Institute מכון טורו

*In conjunction with the*



## **Living Jewishly: Jewish Rituals and Observances**

**Instructor:** Eliezer Segal



**Eliezer Segal** holds a Ph.D in Talmud from the Hebrew University of Jerusalem and serves as Professor of Religious Studies at the University of Calgary. He has published over one dozen books, has over 300 published articles, and over 50 scholarly articles published. He is committed to bringing the fruits of academic research to wider audiences through his popular newspaper columns in the Calgary Jewish newspapers.

### **Textbooks:**

- H. Donin, *To Be a Jew: A Guide to Jewish Observance in Contemporary Life*
- D. Sperber, *Why Jews Do What They Do*

### **Course Description:**

This seminar will explore the role of ritual and observance in Judaism, as the means through which sanctity is imprinted onto day-to-day existence.

In addition to outlining the principal rituals that govern the respective cycles of the day, week, month, year and lifetime, the course will pay attention to the methodologies that may be utilized in describing the observances in historical and cross-cultural contexts.

The observances and rituals will be approached as dynamic entities that evolve over time through ongoing reinterpretations of traditions, borrowings from surrounding cultures, and adaptation to changing circumstances.

Among the topics to be dealt with are the following:

- The words, actions and ritual objects of daily worship.
- The Sabbath, the weekly day of rest and reflection.
- The pilgrimage festivals: Passover, Shavuot and Sukkoth.
- The Days of Awe: Rosh Hashanah, Yom Kippur and the penitential season.
- Historical commemorations and fast days.
- The synagogue, the centre of communal worship.
- Birth rituals: Circumcision, Redemption of the first-born, etc.
- Marriage and family life.
- Death and Mourning rites.
- *Kashrut*, the dietary rules.

### **Core Competencies:**

The course's principal pedagogic objectives will be those of an upper-year seminar. As such, it will place a strong emphasis on the analysis of texts, and the critical assessment of scholarly literature. Students will further their skills in the various aspects of scholarly research, including the collecting of information; independent evaluation from a variety of methodological perspectives; and orderly presentation of their conclusions in written and oral form.

### **Course Requirements:**

There will be a final examination in this course.

### **Some Recommended Works:**

- Abrahams, Israel, *Jewish Life in the Middle Ages*.
- Zborowski, Mark and Herzog, Elizabeth, *Life is with people: the Jewish little-town of Eastern Europe*.
- Bloch, Abraham P, *The Biblical and historical background of Jewish customs and ceremonies*
- Chernoff, Robert, *Aspects of Judaism*
- Chill, Abraham, *The Minhagim: the customs and ceremonies of Judaism, their origins and rationale*
- Gutmann, Joseph, *The Jewish life cycle*
- Gutmann, Joseph, ed., *Beauty in holiness: studies in Jewish customs and ceremonial art*
- Klein, Isaac, *A guide to Jewish religious practice*
- Sperling, Abraham Isaac, *Reasons for Jewish customs and traditions (Taamei HaMinhagim)*
- Zborowski, Mark and Herzog, Elizabeth, *Life is with people: the Jewish little-town of Eastern Europe*.

- Zimmels, Hirsch Jakob, *Ashkenazim and Sephardim: their relations, differences, and problems as reflected in the rabbinical responsa*

## **Jewish Rituals and Observances**

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## Some Basic Concepts

### ***Mitzvot {Commandments} // Torah // 613 commandments of the Torah***

Babylonian Talmud Makkot 23b-24a:

R. Simlai when preaching said: Six hundred and thirteen precepts were communicated to Moses, three hundred and sixty-five negative precepts, corresponding to the number of solar days [in the year], and two hundred and forty-eight positive precepts, corresponding to the number of the members of man's body.

Said R. Hamnuna: What is the biblical source for this? It is: "Moses commanded us torah, an inheritance of the congregation of Jacob," (Deuteronomy 33:4). "Torah" being, in numerology, equal to six hundred and eleven, "I am" and "Thou shalt have no [other Gods]" (Exodus 20:2-3) [not being reckoned, because] we heard from the mouth of the Might [Divine].

### ***Distinction between De'Oraita {from the Torah} // D'Rabbaban {Rabbinic}***

#### **Some Anomalies:**

- "Divrei Kabbalah" {from sections of the Bible other than the Torah}
- "Rabbinic Mitzvot"

Authority of Sages through generations to create and interpret law:

*Babylonian Talmud Shabbat 23a:*

What benediction is uttered [Over the Hanukkah lights]?

--This: "Who sanctified us by His commandments and commanded us to kindle the light of Hanukkah.

And where did He command us? -R. Awia said: [It follows] from, "thou shalt not turn aside [from the sentence Which they shall shew thee]" (Deuteronomy 17:11).

R. Nehemiah quoted: "Ask thy father, and he will shew thee; Thine elders, and they will tell thee" (Ibid. 32:7).

***Halakhah* {= the legal component of the oral tradition} // *Aggadah* {the non-legal, homiletical component of the oral tradition}.**

### ***Oral Tradition // Rabbinic Literature***

**Static vs. Dynamic perceptions of the Oral tradition: // "Halakhah to Moses from Sinai":**

*Tanhuma Ki Tissa* 34 (ed. Buber, 17):

"And the Lord said unto Moses: Write thou these words" (Exodus 34:27).

This is what Scripture said: "Though I write for him never so many things of my Law, they are accounted as a stranger's" (Hosea 8:12)§

When the Holy One came to give the Torah, he dictate it to Moses in order: The Bible, the Mishnah, the Aggadah and the Talmud. For it says "God spoke all these words" (Exodus 20:1)§

Said R' Judah bar Shalom: When the Holy One said to Moses "Write thou," Moses wanted the Mishnah to be written down. However, because the Holy One foresaw that the nations of the world would one day translate the Torah and read it in Greek, and that they would declare "we are Israel!"

So far the scales are evenly balanced.

The Holy One said to the nations: You claim that you are my children? I do not know. However, I those who are in possession of my mystery are my children. And what is that? It is the Mishnah that was given orally, and everything is left up to you to expound.

Said R' Judah bar Shalom: The Holy One said to Moses: What is it that you want? That the Mishnah should be in written form? Then what would be the difference between Israel and the nations.

For it is said: "Though I write for him never so many things of my Law"-- If so, then: "they are accounted as a stranger's."

Instead, let them have the Scripture in written form and the Mishnah in oral form.

"Write thou these words"-- referring to Scripture.

"For after the tenor of these words I have made a covenant with thee and with Israel" referring to oral Mishnah.

Compare with:

Babylonian Talmud Menahot 29b:

Rab Judah said in the name of Rab:

When Moses ascended on high he found the Holy One, blessed be He, engaged in affixing coronets to the letters.

Said Moses, "Lord of the Universe, Who stays Thy hand?"

He answered, "There will arise a man, at the end of many generations, Akiba b. Joseph by name, who will expound upon each tittle heaps and heaps of laws".

"Lord of the Universe", said Moses; "permit me to see him".

He replied, "Turn thee round". Moses went and sat down behind eight rows [and listened to the discourses upon the law].

Not being able to follow their arguments he was ill at ease, but when they came to a certain subject and the disciples said to the master "Whence do you know it?" and the latter replied "It is a law given unto Moses at Sinai" he was comforted.

***Midrash {= the component of Rabbinic literature that is connected to the Bible} as:***

- A method of study,
- a literary genre, and
- a way of organizing material

***Legislative Enactments:***

**G'zerot {=precautionary prohibitions}**

**Takkanot {positive enactments}**

Communal enactments --> Local Custom

***Custom in Jewish tradition {non-mandatory practices}:***

relationships to Halakah: filling gaps, evolving into halakhah, regulated by halakhah.

***Jewish Legal Literature***

**[Torah // Bible](#)**

<http://www.ucalgary.ca/%7Eelsegal/TalmudMap/MG.html>

**Tannaitic:**

***Targum "Onkelos" to the Torah:***

**Title**

A "Targum" is a translation, but the term is usually used specifically to designate Aramaic translations of the Bible. According to an ancient Jewish tradition, the public reading of the Bible in the synagogue must be accompanied by a translation into Aramaic, which was the spoken language of most Jews in Israel and Babylonia during the Talmudic era. The normal practice was that after each verse was read from the written scroll, an official known as the "Turgeman" or "Meturgeman" would then recite orally an Aramaic rendering of the previous verse.

As the use of Aramaic declined, the practice of reciting the Targum in the synagogue fell into disuse in most Jewish communities.

## Author

The name "Onkelos" was attached to the present work in early medieval times on account of a mistaken identification with a translation by "Onkelos the Proselyte" that is mentioned in the Talmud. It is clear that the Talmudic reference is really to the *Greek* translation of the Torah by Aquila, portions of which are cited in the Palestinian Talmud and in Christian sources.

The current Aramaic translation has no known author, and was evidently the standard version that was in use in Babylonian synagogues during the Talmudic era. Several quotations of the Targum in the Babylonian Talmud agree with our "Targum Onkelos"; most of them are brought in the name of the third-century Babylonian scholar Rav Joseph, indicating perhaps that he took an active part in its compilation.

## Dates

The Aramaic dialect of Targum Onkelos seems to be that of second-century Israel, though many scholars believe that it underwent subsequent development in Babylonia during the Talmudic era.

## Place

Israel and Babylonia

## Description

Targum Onkelos is for the most part a literal, word-for-word translation of the Hebrew. There are however a number of conditions when it departs from the plain sense of the Biblical text. These include:

- Poetic passages

For Biblical sections such as the testaments of Jacob (end of Genesis) and Moses (end of Deuteronomy), Targum Onkelos renders these with expansive homiletical interpretations, analogous to the style of the [Palestinian Targums](http://www.ucalgary.ca/%7Eelsegal/TalmudMap/MGYonatan.html#PalTarg) (<http://www.ucalgary.ca/%7Eelsegal/TalmudMap/MGYonatan.html#PalTarg>).

- Passages that present theological difficulties.

Targum Onkelos was uncomfortable with Hebrew expressions that suggest direct interaction between God and his creatures. In some cases it gets around these difficulties through circumlocutions. Thus instead of speaking **to** God, Moses usually speaks **before** God.

Similarly, Onkelos introduces the "word" (**memra**) of God as an intermediary between God and the world, an approach which seems to echo the use of the "logos" in the writings of the Alexandrian Jewish philosopher Philo.

- In order to conform to the accepted interpretations of the Jewish oral tradition.
- Halakhic Midrash
- [Mishnah](http://www.ucalgary.ca/%7Eelsegal/TalmudMap/Mishnah.html) (http://www.ucalgary.ca/%7Eelsegal/TalmudMap/Mishnah.html)

## Mishnah

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Sample Text in Translation

**Sample Text: *Megillah 24a***

### ***Mishnah***

**Megillah 4:5-6**

The one who concludes with the reading from the Prophets may also lead the responsive reading of the "*Shema*."

He also passes before the ark [to lead the congregational prayers],  
and he lifts his hands [to recite the Priestly Benediction].

And if he was a minor, then his father or his teacher passes in his stead.

A minor may read from the Torah and recite the Aramaic translation.

However he may not lead the responsive reading of the *Shema*, and he may not pass before the ark, and he may not lift his hands.

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## The Mishnah

### ***Terminology***

The Hebrew root "*ShNH*" means "to repeat," and refers to memorization by repetition. "Mishnah" therefore has the sense of "that which is memorized by rote," as distinct from the Rabbinic designation for the Bible: "*Miqra*," that which is read and recited from a *written* text.

Thus, *Mishnah* can refer in a general way to the full tradition of the Oral Torah, as formulated by the Rabbis in the first centuries of the Common Era. These traditions could not be written down, but had to be transmitted and learned by word of mouth. This

restriction was observed quite scrupulously throughout the eras of the Mishnah and Talmud.

In some contexts "*Mishnah*" is contrasted with "*Midrash*." The latter term denotes Rabbinic teachings that are attached to the text of the Bible, whereas the former term refers to teachings that are organized or formulated independently of Scripture.

In its most narrow sense, as it is employed here, "*the Mishnah*" refers to a specific work of Rabbinic literature that embodies the features outlined above.

The Jewish sages whose statements are quoted in the Mishnah are known as *Tanna'im* (singular: "*Tanna*"), derived from the Aramaic root related to the Hebrew "*ShNH*". The era in which the Mishnah was developed is therefore referred to as the "Tanna'itic" era. The term "*Tanna*" was originally applied to the functionary in the later Talmudic academies whose job it was to memorize and recite the oral traditions of the Tanna'itic era, serving as a sort of "living book." By extension it came to be applied to the actual Rabbis whose opinions make up the Mishnah and its contemporary works.

With a very few exception (e.g., quotations from Aramaic legal documents), the Mishnah is composed entirely in Hebrew, in a dialect that appears to reflect the spoken vernacular of Judea.

The Mishnah was composed entirely in the Land of Israel, and all the sages quoted there, even if they resided originally in other places (Babylonia, Rome, etc.), were active in the Holy Land.

On the Talmud page, the passages from the Mishnah (for which the Talmud serves as a commentary) are introduced with the abbreviation **מתני** "*MTNY*," short for the Aramaic "*Matnitin*," "our mishnah." It is customary for the Babylonian Talmud to refer to "*our* Mishnah" (or: *We* learned), to distinguish it from other, "external," mishnahs, referred to in Aramaic as "*baraita*." At the beginnings of chapters or tractates no introductory formula is required, since all chapters in the Talmud must begin with a Mishnah citation.

## **Dates**

- **Composition**

Although there are traditions in the Mishnah that claim to go back to the fifth century B.C.E. (the "Great Assembly"; cf. Nehemiah 8-10), as well as a few additions from as late as the mid-third century, the main body of the Mishnah consists of teachings attributed to authorities from about the middle of the first century, through to the second decade of the third century C.E.

This time period witnessed some major historical turning-points for the Jewish nation, such as the destruction of the Second Jerusalem Temple in 70, and the

catastrophic failure of the revolt against Rome under the leadership of Simeon bar Kokhba (or: bar Kuziba) in 135. Because the Mishnah is a technical work of religious law, these momentous historical events find almost no explicit mention in the Mishnah, even though the very composition of the Mishnah is often viewed as a response to those very events.

It has become customary in scholarly and historical literature to divide the era of the Mishnah into "generations" that are identified by the towns in which the main centres of Rabbinic leadership were situated.

Following this convention, scholars refer to the following generations:

- **Yavneh [=Jamnia, Jabneh]**

The centre of Jewish communal leadership and Torah scholarship moved to this Judean coastal town following the destruction of the Temple in 70 C.E.

The Rabbis of Yavneh (the term "Rabbi" to denote a religious teacher was probably not in use before this time) were faced with the responsibility of reconstructing Judaism and adapting it to the new situation, in which its major centre of religious life was no longer in existence. It is likely that the drive to preserve the oral traditions of previous generations was initiated at Yavneh as a central part of this mission.

"Yavneh" is usually used to designate at least two full generations, extending from 70 to 135 C.E.

The first Yavneh generation was dominated by such figures as Rabban Johanan ben Zakkai (the academy's founder), Rabbi Eliezer ben Hyrcanos and Rabbi Joshua ben Hanania. The later Yavneh period (sometimes called "the generation of Betar" with reference to the military centre of the Bar-Kokhba insurrection) was known for the appearance of the two influential schools of Rabbis Akiva and Ishmael, each of which formulated a distinctive approach to the interpretation of the Torah.

- **Usha**

The tragic aftermath of the Bar-Kokhba uprising saw the complete destruction of Jerusalem by the Romans, and the devastation of the region of Judea, the southern portion of the Land of Israel that had hitherto been the main centre of Jewish religious leadership. This situation led to widespread migration to the northern region, the Galilee, and the seat of rabbinic judicial authority resided for a while in the Galilean village of Usha, home of Rabbi Meir.

By far the greatest proportion of Mishnah's contents derive from this generation. Almost all the "Ushan" Rabbis mentioned in the Mishnah were

students of Rabbi Akiva. These include Rabbis Meir, Judah [bar Ilai], Simeon ben Yohai, Yose [ben Halafta], Rabbi Eleazar [ben Shamua] and the Patriarch (*Nasi*) Rabban Simeon ben Gamaliel.

- **Bet Sha'arayim/Sepphoris: The Generation of the Redaction**

- **Redaction:**

All ancient sources are in agreement that the Mishnah was compiled by Rabbi Judah the "Prince," before his death around 217 C.E. It should be emphasized that--contrary to a view that appears in many histories and introductions, and which is based on the writings of medieval Spanish Jewish authorities--this redaction did **not** involve writing down the traditions, but merely the determining and organizing of a fixed text that was subsequently disseminated by memory. It is clear from the internal evidence of the Talmud that the teachings of the Rabbis continued to be studied orally throughout the Talmudic era, and this continued to be the practice in the Babylonian academies well into the middle ages.

The Mishnah's redactor, who had studied with most of the important teachers of the previous ("Usha") generation, assembled early redactions that had been shaped in various different academies, combining them into a new and integrated work. The Mishnah contains almost no material that is contemporary with its redactor.

### ***Author***

Rabbi Judah ben Simeon bore the Hebrew title of "*Nasi*," signifying the position of Patriarch, the official political representative of the Jewish people.

From an internal Jewish perspective, the *Nasi* presided over Judaism's supreme judiciary and legislative body, the *Sanhedrin*. The title had become a hereditary one, almost without interruption, since the days of the revered Hillel the Elder in the first century B.C.E.

In Talmudic texts, Rabbi Judah is usually referred to simply as "Rabbi" or, by virtue of his legendary piety: "*Rabbenu Ha-Qadosh*" ("our holy master").



## ***Place***

After migrating from Judea, Rabbi Judah the Prince resided in Beit Sha'arayim, and later in Sepphoris, both in the Galilee. Presumably the project of redacting the Mishnah was conducted in both locations.

## ***Description***

With a few significant exceptions (e.g., the tractate "*Avot*" [= "Fathers"]), the Mishnah deals only with the *legal* component of the Jewish Oral Tradition, known in Hebrew as "*halakhah*."

The Mishnah is distinguished by its topical organization, dividing the traditions of Jewish religious law into six main areas, designated as "*sedarim*" (singular: "*seder*"; English: "Orders"), which are in turn divided into separate topical treatises, or tractates (in Hebrew: "*Masekhet*." While the topical classification is the dominant one, there are numerous digressions, several of which reflect the alternative criteria of organization employed in previous stages of redaction. The six orders of the Mishnah are:

### **1. *Zera'im* ("Seeds"): 11 tractates**

Deals mostly with portions of crops and foodstuffs that must be set aside for the Priests and poor, etc., as well as other land-related regulations (sabbatical years, mixed sowing, etc.).

The opening tractate, *Berakhot*, is concerned with blessing and prayers.

### **2. *Mo'ed* ("Festivals"): 12 tractates**

The weekly Sabbath and the cycle of annual festivals.

### **3. *Nashim* ("Women"): 7 tractates**

Concerning marriage, divorce, etc., including laws of oaths.

### **4. *Neziqin* ("Torts"): 10 tractates**

Covers the full range of civil and criminal laws, including the structure of the judiciary itself. This order also includes two tractates (*Avot* and *Eduyyot*) that trace the history of Rabbinic authority.

### **5. *Qodashim* ("Sacred Things"): 11 tractates**

About the Temple and sacrificial worship.

## 6. *Tohorot* ("Purity"): 12 tractates

About the rules of purity.

The order of tractates within an order is usually determined by the number of chapters (in descending order). *Zera'im* does not fit this pattern.

Each tractate is divided into chapters, which are in turn composed of numbered units, each of which is termed a *mishnah* or *halakhah*. The normal manner of citation would thus be: *Tractate Name* chapter number: mishnah number (e.g., *Zevahim* 4:2. The Mishnah citations in the Babylonian Talmud are not numbered.

The Mishnah was clearly not designed to encompass the whole of the Oral Torah tradition. The same Rabbis who contributed to it also figured prominently in the Tannai'itic Midrashic collections.

The Mishnah form lent itself most effectively to traditions that were not derived from Scripture or, more commonly, to the unfolding of legal principles whose Biblical roots had been so elaborated that they could be discussed adequately without having to return to their exegetical origins.

In formulating its laws the Mishnah employs a number of different literary structures:

- Some rulings are cited anonymously, implying that they are not contested.
- Some rulings are subject to disputes between named Rabbis. In general, the Mishnah is very laconic about describing only the contents of these disputes (e.g.: "Rabbi X says: it is permitted, and Rabbi Y says: it is forbidden"), without usually explaining their underlying reasons.
- Often the Mishnah juxtaposes anonymous views with those of identified Rabbis. If an anonymous opinion is placed after a named one, it is introduced by the formula: "And the Sages say..."

The traditional explanation of the above situation is that the anonymous views were intended to represent the views of the majority, and hence are being presented as legally normative.


Although most of the Mishnah is made up of legal rulings and disputes, there are several other literary types included in it, including midrashic segments (i.e., Biblical passages accompanied by their Rabbinic interpretations), anecdotal precedents, extensive narrative descriptions of rituals and procedures (especially of Temple ceremonies), and more.

- 
- Tosefta

## Amoraic

- Talmuds--Jerusalem and Babylonia

## Medieval-Modern

- Commentaries: Explanatory and Critical
  - Codes
  - Responsa
  - Compendia of Customs; prayer books
  -  [Guide to Hebrew Transliteration and Rabbinic Texts](http://www.ucalgary.ca/%7Eelsegal/Guide-Rabbinic-Translit.pdf)  
(<http://www.ucalgary.ca/%7Eelsegal/Guide-Rabbinic-Translit.pdf> )
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## Discussion topics

from: Rappaport, Roy A. *Ritual and Religion in the Making of Humanity*

### Topics for discussion from Chapter 2: "The ritual form."

- p. 23 "The concept of religion is irreducibly vague."
- p. 24 "the Holy and its elements are generated in and integrated by ritual."  
Ritual defined:  
= "the performance of more or less invariant sequences of formal acts and utterances not entirely encoded by the performers."  
"...this definition encompasses much more than religious behavior."  
"not all behavior plausibly called "religious" fits comfortably within its terms."
- p. 25 e.g.: moral acts, devotional acts.  
"as all ritual is not religious, not all religious acts are ritual."
- p. 26. "...ritual is not entirely symbolic."  
"definition obviously does not stipulate what ritual is 'about' or what it is 'for.' It is neither substantive nor functional.  
The definition "tacitly stipulates enduring relations among these features.."  
"ritual' designates... a form or structure."  
"ritual is a unique structure although none of its elements , performance, invariance, formality and so on , belongs to it alone."  
Performance of ritual "entails the establishment of convention, the sealing of social contract, the construction of the integrated conventional orders we shall call Logoi..., the investment of whatever it
- p. 27

encodes with morality, the construction of time and eternity; the representation of a paradigm of creation, the generation of the concept of the sacred and the sanctification of conventional order, the generation of theories of the occult, the evocation of numinous experience, the awareness of the divine, the grasp of the holy, and the construction of orders of meaning transcending the semantic."

p. 29 "The formalization of acts and utterances, themselves meaningful, and the organization of those formalized acts and utterances into more or less invariant sequences, imposes ritual form on the substance of those acts and utterances."

p. 30 "...form and substance...are...as inseparable in practice and as conceptually distinguishable as, let us say, sentence forms...are from the particular statements..."

"To view ritual as no more than an alternative symbolic medium for expressing or accomplishing what might just as well—or perhaps better—be expressed or accomplished in other ways is, obviously, to ignore that which is distinctive of ritual itself."

"...certain meanings and effects can best, or even only, be expressed or achieved in ritual."

p. 31 "The ritual form, to say the least, adds something to the substance of ritual, something that the symbolically encoded substance by itself cannot express."

"...ritual is without equivalents or even...satisfactory alternatives."

p. 32 encoding by other than performers

"...the performers follow ...orders established or taken to have been established by others."

Problem of attempts to create entirely new rituals.

Usually fail; "likely to be largely composed of elements taken from older rituals."

p. 33 "Authors of change in religious ritual sometimes claim...that they are not inventing liturgy, but merely reforming it."

"...individuals introducing new rituals disclaim responsibility for authorship altogether."

"Behavior in ritual tends to be punctilious and repetitive."

"...nor does formality necessarily entail decorous behavior."

## Shabbat Candles:

### *To See or Not to See*

First Publication: November 2 1995, p. 8.



## Bibliography:

- Israel. Ta-Shma, *Ner Shel Kavod, Tarbiz* 45 (1976), 128-37.

The lighting of the Shabbat candles on Friday evenings can be one of the most moving spiritual experiences of Jewish life, and it is not surprising that it continues to enjoy widespread popularity even among those who have few other connections to traditional Jewish observance.

The original function of Shabbat candles, as enjoined by Talmudic law, was a more practical one. They were intended to enhance the enjoyment of the day by improving visibility. The sages realized that the domestic peace (*shalom bayit*) appropriate to the holy day would be diminished if members of the household were constantly stumbling over one another in the darkness.

Given this prosaic rationale, some of the familiar features of the candle-lighting ceremony are not immediately understandable. In particular, what is the significance of the *number* of candles that are kindled? I have never seen anyone light fewer than two candles, and many customs have increased the numbers--to seven, or the number of one's children, etc. Some even insist on permanently adding candles to make up for occasions when they neglected to light.

The practice of lighting two Shabbat candles is first recorded in the twelfth century, among Ashkenazic Jews, and it was not adopted by their Sephardic coreligionists until quite recently.

A popular symbolic explanation for the practice links it to variations in the wording of the Sabbath commandment that is included in the Decalogue: In Exodus we are told to "*Remember* the Sabbath day," while in Deuteronomy it says to "*Observe*" it.

Rabbinic discussions focus on more technical aspects of the practice. Several of them remark that the introduction of the second candle was intended to emphasize its special ritual dimension, to make it clear that the candles are not merely intended to provide physical illumination.

Several authorities go so far as to compare the second candle with the Hanukkah "*shamash*," whose role is to make sure that members of the household do not actually derive any benefit from the obligatory candles, which have been devoted to a sacred purpose. Towards this end, a custom existed of making the extra candle out of tallows that were legally unfit for Shabbat use.

This last point is very surprising, since the halakhic functions of Shabbat and Hanukkah candles are really quite opposite, with the former being explicitly designated for use and enjoyment, as outlined above. Nevertheless, the unanimous testimony of medieval Ashkenazic sources demonstrates that, in the popular perception, Shabbat candles were to be set aside in a holiness that precluded the deriving of benefit from them.

It is probable that the origins of this novel perception have their roots in the geographical realities of central European Jewry.

As we Calgarians will readily appreciate, Summer days in northern climes can be very long. Our medieval ancestors usually adapted themselves to this situation, as most of us do, by following the halakhic option of adding to the Shabbat and ushering it in several hours before sunset.

This led to a situation in which candles were often kindled in the middle of the afternoon, when they did not provide any visible illumination. If their purpose was not a practical one--so people reasoned--then it must be a sacred and spiritual one. Eventually this attitude was translated into an actual prohibition against benefiting their light.

Medieval Rabbinic literature deals with several issues that arose from this ritualizing of the Shabbat candles. For example, it became common to light them inside the house (or in the synagogue) and then eat dinner outside in the courtyard, or for the candles to burn out long before dark. In either of these instances, the presence of the candles served no practical purpose.

Jews living in southern latitudes continued for much longer to hold on to the original understanding of the candles as an enhancement to the Sabbath's enjoyment and domestic harmony.

At any rate, the spiritualization of the Shabbat lights has by now become an inseparable part of the day's atmosphere, imbuing Jewish households with a unique glow of peace and sanctity.

### ***Kashrut: Jewish Dietary Laws***

Kashrut is the body of Jewish law dealing with what foods we can and cannot eat and how those foods must be prepared and eaten. "Kashrut" comes from the Hebrew root Kaf-Shin-Resh, meaning fit, proper or correct. It is the same root as the more commonly known word "kosher," which describes food that meets these standards. The word "kosher" can also be used, and often is used, to describe ritual objects that are made in accordance with Jewish law and are fit for ritual use.

There is no such thing as "kosher-style" food. Kosher is not a style of cooking. Chinese food can be kosher if it is prepared in accordance with Jewish law, and there are many fine kosher Chinese restaurants in Philadelphia and New York. When a restaurant calls itself "kosher-style," it usually means that the restaurant serves these traditional Jewish foods, and it almost invariably means that the food is not actually kosher.

Food that is not kosher is commonly referred to as *treyf* (lit. torn, from the commandment not to eat animals that have been torn by other animals).

## **Why Do We Observe the Laws of Kashrut?**

Many modern Jews think that the laws of kashrut are simply primitive health regulations that have become obsolete with modern methods of food preparation. There is no question that some of the dietary laws have some beneficial health effects. For example, the laws regarding kosher slaughter are so sanitary that kosher butchers and slaughterhouses have been exempted from many USDA regulations.

However, health is not the only reason for Jewish dietary laws. Many of the laws of kashrut have no known connection with health. To the best of our modern scientific knowledge, there is no reason why camel or rabbit meat (both *treyf*) is any less healthy than cow or goat meat. In addition, some of the health benefits to be derived from kashrut were not made obsolete by the refrigerator. For example, there is some evidence that eating meat and dairy together interferes with digestion, and no modern food preparation technique reproduces the health benefit of the kosher law of eating them separately.

The short answer to why we observe these laws is: because the Torah says so. The Torah does not specify any reason for these laws, and for a Torah-observant, traditional Jew, there is no need for any other reason. Some have suggested that the laws of kashrut fall into the category of "*chukkim*," laws for which there is no reason. We show our obedience to G-d by following these laws even though we do not know the reason. Others, however, have tried to ascertain G-d's reason for imposing these laws.

In his book "*To Be a Jew*" (an excellent resource on traditional Judaism), Rabbi Hayim Halevy Donin suggests that the dietary laws are designed as a call to holiness. The ability to distinguish between right and wrong, good and evil, pure and defiled, the sacred and the profane, is very important in Judaism. Imposing rules on what you can and cannot eat ingrains that kind of self control. In addition, it elevates the simple act of eating into a religious ritual. The Jewish dinner table is often compared to the temple altar in rabbinic literature.

## **How Difficult is it to Keep Kosher?**

People who do not keep kosher often tell me how difficult it is. Actually, keeping kosher is not particularly difficult in and of itself; what makes it difficult to keep kosher is the fact that the rest of the world does not do so.

As we shall see below, the basic underlying rules are fairly simple. If you buy your meat at a kosher butcher and buy only kosher certified products at the market, the only thing you need to think about is the separation of meat and dairy.

Keeping kosher only becomes difficult when you try to eat in a non-kosher restaurant, or at the home of a person who does not keep kosher. In those situations, your lack of knowledge about your host's ingredients and the food preparation techniques make it very difficult to keep kosher. Some commentators have pointed out, however, that this may

well have been part of what G-d had in mind: to make it more difficult for us to socialize with those who do not share our religion.

## **General Rules**

Although the details of kashrut are extensive, the laws all derive from a few fairly simple, straightforward rules:

1. Certain animals may not be eaten at all. This restriction includes the flesh, organs, eggs and milk of the forbidden animals.
2. Of the animals that may be eaten, the birds and mammals must be killed in accordance with Jewish law.
3. All blood must be drained from the meat or broiled out of it before it is eaten.
4. Certain parts of permitted animals may not be eaten.
5. Meat (the flesh of birds and mammals) cannot be eaten with dairy. Fish, eggs, fruits, vegetables and grains can be eaten with either meat or dairy. (According to some views, fish may not be eaten with meat).
6. Utensils that have come into contact with meat may not be used with dairy, and vice versa. Utensils that have come into contact with non-kosher food may not be used with kosher food. This applies only where the contact occurred while the food was hot.
7. Grape products made by non-Jews may not be eaten.

## **The Details**

### **Animals that may not be eaten**

Of the "beasts of the earth" (which basically refers to land mammals with the exception of swarming rodents), you may eat any animal that has cloven hooves and chews its cud. Lev. 11:3; Deut. 14:6. Any land mammal that does not have both of these qualities is forbidden. The Torah specifies that the camel, the rock badger, the hare and the pig are not kosher because each lacks one of these two qualifications. Sheep, cattle, goats and deer are kosher.

Of the things that are in the waters, you may eat anything that has fins and scales. Lev. 11:9; Deut. 14:9. Thus, shellfish such as lobsters, oysters, shrimp, clams and crabs are all forbidden. Fish like tuna, carp, salmon and herring are all permitted.

For birds, the criteria is less clear. The Torah lists forbidden birds (Lev. 11:13-19; Deut. 14:11-18), but does not specify why these particular birds are forbidden. All of the birds on the list are birds of prey or scavengers, thus the rabbis inferred that this was the basis for the distinction. Other birds are permitted, such as chicken, geese, ducks and turkeys.

Of the "winged swarming things" (winged insects), a few are specifically permitted (Lev. 11:22), but the Sages are no longer certain which ones they are, so all have been forbidden.



Rodents, reptiles, amphibians, and insects (except as mentioned above) are all forbidden. Lev. 11:29-30, 42-43.

Some authorities require a post-mortem examination of the lungs of cattle, to determine whether the lungs are free from adhesions. If the lungs are free from such adhesions, the animal is deemed "glatt" (that is, "smooth"). In certain circumstances, an animal can be kosher without being glatt; however, the stringency of keeping "glatt kosher" has become increasingly common in recent years.

As mentioned above, any product derived from these forbidden animals, such as their milk, eggs, fat, or organs, also cannot be eaten. Rennet, an enzyme used to harden cheese, is often obtained from non-kosher animals, thus kosher hard cheese can be difficult to find.

### **Kosher slaughtering**

The mammals and birds that may be eaten must be slaughtered in accordance with Jewish law. (Deut. 12:21). We may not eat animals that died of natural causes (Deut. 14:21) or that were killed by other animals. In addition, the animal must have no disease or flaws in the organs at the time of slaughter. These restrictions do not apply to fish; only to the flocks and herds (Num. 11:22).

Ritual slaughter is known as shechitah, and the person who performs the slaughter is called a shochet, both from the Hebrew root Shin-Chet-Tav, meaning to destroy or kill. The method of slaughter is a quick, deep stroke across the throat with a perfectly sharp blade with no nicks or unevenness. This method is painless, causes unconsciousness within two seconds, and is widely recognized as the most humane method of slaughter possible.

Another advantage of shechitah is that ensures rapid, complete draining of the blood, which is also necessary to render the meat kosher.

The shochet is not simply a butcher; he must be a pious man, well-trained in Jewish law, particularly as it relates to kashrut. In smaller, more remote communities, the rabbi and the shochet were often the same person.

### **Draining of Blood**

The Torah prohibits consumption of blood. Lev. 7:26-27; Lev. 17:10-14. This is the only dietary law that has a reason specified in Torah: we do not eat blood because the life of the animal is contained in the blood. This applies only to the blood of birds and mammals, not to fish blood. Thus, it is necessary to remove all blood from the flesh of kosher animals.

The first step in this process occurs at the time of slaughter. As discussed above, shechitah allows for rapid draining of most of the blood.

The remaining blood must be removed, either by broiling or soaking and salting. Liver may only be kashered by the broiling method, because it has so much blood in it and such complex blood vessels. This final process must be completed within 72 hours after slaughter, and before the meat is frozen or ground. Most butchers and all frozen food vendors take care of the soaking and salting for you, but you should always check this when you are buying someplace you are unfamiliar with.

An egg that contains a blood spot may not be eaten. This isn't very common, but I find them once in a while. It is a good idea to break an egg into a container and check it before you put it into a heated pan, because if you put a blood-stained egg into a heated pan, the pan becomes non-kosher.

### **Forbidden Fats and Nerves**

The sciatic nerve and its adjoining blood vessels may not be eaten. The process of removing this nerve is time consuming and not cost-effective, so most American slaughterers simply sell the hind quarters to non-kosher butchers.

A certain kind of fat, known as chelev, which surrounds the vital organs and the liver, may not be eaten. Kosher butchers remove this. Modern scientists have found biochemical differences between this type of fat and the permissible fat around the muscles and under the skin.

### **Separation of Meat and Dairy**

On three separate occasions, the Torah tells us not to "boil a kid in its mother's milk." (Ex. 23:19; Ex. 34:26; Deut. 14:21). The Torah explains that this passage prohibits eating meat and dairy together. The rabbis extended this prohibition to include not eating milk and poultry together. In addition, the Talmud prohibits cooking meat and fish together or serving them on the same plates, because it is considered to be unhealthy. It is, however, permissible to eat fish and dairy together, and it is quite common. It is also permissible to eat dairy and eggs together.

This separation includes not only the foods themselves, but the utensils, pots and pans with which they are cooked, the plates and flatware from which they are eaten, the dishwashers or dishpans in which they are cleaned, and the towels on which they are dried. A kosher household will have at least two sets of pots, pans and dishes: one for meat and one for dairy.

One must wait a significant amount of time between eating meat and dairy. Opinions differ, and vary from three to six hours. This is because fatty residues and meat particles tend to cling to the mouth. From dairy to meat, however, one need only rinse one's mouth and eat a neutral solid like bread, unless the dairy product in question is also of a type that tends to stick in the mouth.

The Yiddish words fleishig (meat), milchig (dairy) and pareve (neutral) are commonly used to describe food or utensils that fall into one of those categories.

Note that even the smallest quantity of dairy (or meat) in something renders it entirely dairy (or meat) for purposes of kashrut. For example, most margarines are dairy for kosher purposes, because they contain a small quantity of whey or other dairy products to give it a dairy-like taste. Animal fat is considered meat for purposes of kashrut. You should read the ingredients very carefully, even if the product is kosher-certified.

## **Utensils**

Utensils (pots, pans, plates, flatware, etc., etc.) must also be kosher. A utensil picks up the kosher "status" (meat, dairy, pareve, or treyf) of the food that is cooked in it or eaten off of it, and transmits that status back to the next food that is cooked in it or eaten off of it. Thus, if you cook chicken soup in a saucepan, the pan becomes meat. If you thereafter use the same saucepan to heat up some warm milk, the fleishig status of the pan is transmitted to the milk, and the milchig status of the milk is transmitted to the pan, making both the pan and the milk a forbidden mixture.

Kosher status can be transmitted from the food to the utensil or from the utensil to the food only in the presence of heat, thus if you are eating cold food in a non-kosher establishment, the condition of the plates is not an issue. Likewise, you could use the same knife to slice cold cuts and cheese, as long as you clean it in between, but this is not really a recommended procedure, because it increases the likelihood of mistakes.

Stove tops and sinks routinely become non-kosher utensils, because they routinely come in contact with both meat and dairy in the presence of heat. It is necessary, therefore, to use dishpans when cleaning dishes (don't soak them directly in the sink) and to use separate spoon rests and trivets when putting things down on the stove top.

Dishwashers are a kashrut problem. If you are going to use a dishwasher in a kosher home, you either need to have separate dish racks or you need to run the dishwasher in between meat and dairy loads.

You should use separate towels and pot holders for meat and dairy. Routine laundering kashers such items, so you can simply launder them between using them for meat and dairy.

Certain kinds of utensils can be "kashered" if you make a mistake and use it with both meat and dairy.

## **Grape Products**

The restrictions on grape products derive from the laws against using products of idolatry. Wine was commonly used in the rituals of all ancient religions, and wine was routinely sanctified for pagan purposes while it was being processed. For this reason, use

of wines and other grape products made by non-Jews was prohibited. (Whole grapes are not a problem, nor are whole grapes in fruit cocktail).

For the most part, this rule only affects wine and grape juice. This becomes a concern with many fruit drinks or fruit-flavored drinks, which are often sweetened with grape juice. You may also notice that it is virtually impossible to find kosher baking powder, because baking powder is made with cream of tartar, a by-product of wine making.

## All Cows Go to Heaven

- First Publication:

- *Jewish Free Press* June 6 2002, p. 10.

- Bibliography:

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Of all the awkward theological questions that can be provoked by real-life crises, few are as poignant as the need to determine the afterlife destiny of a beloved family pet. Sometimes the most convenient solution to the predicament is a facile assurance that Fido is now enjoying a blissful existence in Doggy Paradise.

Jewish tradition has not been very clear on this question.

The few ancient rabbinic texts that raise the issue take the position that animals have no expectation of eternal life. This premise forms the basis of a midrashic homily on Ecclesiastes 3:18-19: "For that which befalleth the sons of men befalleth beasts; even one thing befalleth them: as the one dieth, so dieth the other." From the biblical comparison, the midrash deduced that "just as beasts are fated for death and do not merit life in the world to come, so too the wicked are fated for death and will not merit life in the world to come."

A very different position was taken by Sa'adia Ga'on, the tenth-century scholar whose *Book of Doctrines and Beliefs* was one of the pioneering works of systematic Jewish theology.

Sa'adia deals with the fundamental question of why the Torah commands us to sacrifice innocent animals as an act of worship. After explaining that God has ordained matters in such a way that the time of an animal's slaughter is metaphysically equivalent to the natural life-span of a human, Sa'adia ponders whether death by the slaughterer's knife really causes the beast more suffering than a natural demise. To this he replies that if that were the case, then the all-knowing and perfectly just God would certainly reward the beast for the suffering that was inflicted upon it.

This view was discussed by Maimonides in his *Guide of the Perplexed*, though he did not attribute it to Sa'adia. Instead, he ascribed it to the *Mu'tazila*, one of the important theological schools of Islam, a school that did in fact exert a powerful influence upon Sa'adia Ga'on.

Initially, Maimonides characterized the *Mu'tazila* position as "disgraceful," and poked fun at the notion of dead fleas, lice or mice enjoying their rewards in the next world. Later on, he conceded that the *Mu'tazila* were motivated by a legitimate concern, that no injustice or wrongdoing be ascribed to the Almighty.

Nevertheless, the prospect of Doggy Paradise was not a valid option for Maimonides. His concept of the afterlife was a profoundly intellectual one, in which eternal life was the exclusive privilege of those who were capable of contemplating eternal truths. He accepted Aristotle's thesis that humans, by virtue of their intelligent minds, were subject to individual divine providence. Dumb animals, on the other hand, benefit only from a general providence that guides the survival of entire species.

A very different perspective on the issue was introduced by the Kabbalah, and especially by the rise of the Hassidic movement in eastern Europe.

One of the most bitter struggles waged by the Hassidim against the Jewish establishment had to do with the mechanics and administration of ritual slaughter. Not only did they appoint their own *shohetim*, but they also insisted on the use of specially sharpened knives.

On one level, the Hassidic position was motivated by their suspicion that the communal authorities, who had come to rely on the taxes paid to the slaughterers as an important source of revenue, would not be stringent enough about disqualifying meat that was halakhically unfit.

There was, however, an additional dimension to the controversy, one that derived from their distinctive beliefs about the destiny of the soul.

Like many adherents of the Kabbalah, the Hassidim believed in the doctrine of *gilgul*, the transmigration of souls. According to this belief, those persons who are not quite ready to be admitted to Paradise are sent back into the world until they succeed in repairing their spiritual state. The souls of sinners have to rise through the stages of inanimate objects, plants and animals before being allowed to resume their human status. Kosher animals,

such as cattle and sheep, are the penultimate stage in the scale of spiritual ascent, such that the slightest flaw in the slaughter can prevent the soul from achieving its final restoration.

By building on this theological premise, Hassidic ideology was able to offer a compelling new reason to be exceedingly scrupulous about the procedures for slaughtering. That poor cow whose neck is stretched out under the knife might well house the soul of a repentant sinner, whose last chance for eternal serenity depends on the performance of the slaughter according to the strictest standards of Jewish religious law!

This idea was promoted with especial vigour by students of Rabbi Israel Ba'al Shem Tov, such as the Maggid Rabbi Dov Ber of Mezritch. For this reason, manuals for the use of professional slaughterers would include calls to repentance and special prayers, in which the slaughterers expressed the hope that they were spiritually worthy of the awesome metaphysical responsibility that they bore.

Hassidic folklore told bloodcurdling tales about the dreadful punishments that awaited negligent slaughterers in the next world, such as the one who was doomed to spend the afterlife standing on a rooftop, slashing his own throat until he dropped to the earth, and then rising again and repeating the bloody pattern for all eternity.

It would clearly be preferable to live your life properly the first time around, and find yourself a place in Gan Eden.

When you do arrive there (after 120 years), you should be prepared to set aside a few moments from your eternity for walking the dog.

## **Guarded (*Shemurah*) Matzah:**

### ***Supplementary Sources***

Materials related to: D. Sperber, *Why Jews Do What They Do: The History of Jewish Customs throughout the Cycle of the Jewish Year*, Ktav: 1999.

### ***Pesahim 40a***

Our Rabbis taught: One may not wash<sup>[1]</sup> barley on Passover; and if one did wash and they split, they are forbidden;<sup>[2]</sup> if they did not split, they are permitted. R. Jose said: He can soak them in vinegar, and the vinegar binds them.<sup>[3]</sup>

Samuel said: The halachah is not as R. Jose. R. Hisda said in Mar 'Ukba's name: It does not mean literally split, but [if they reach] such [a condition] that if placed on the mouth of a [wine] cask they will split of themselves.<sup>[4]</sup>

But Samuel said: It means literally split.

Samuel acted in the vicinity of the home of Bar Hashu [on the view that] 'split' is meant literally.<sup>[5]</sup>

Rabbah said: A conscientious man should not wash [grain].

Why particularly a conscientious man: even any other man[6] too, for surely it was taught: One may not wash barley on Passover?

He says thus: He should not wash even wheat, which is hard.[7]

Said R. Nahman to him: He who will heed Abba[8] will eat mouldy bread.[9] For Surely the household of R. Huna washed [it], and the household of Raba b. Abin washed [it].

### **Rabbi Abraham Ha-Yarhi, *Sefer ha-Manhig***

*"And Mor Ukba said: It does not mean literally split, but such that if placed on the mouth of a cask they will split themselves. But Samuel said: It means literally split. Samuel acted thus in a case, and they were split literally."*

Seeing that in this matter the Halakhah has not been decided explicitly, we follow the more stringent ruling of Mor Ukba, because in doubtful cases regarding Torah laws we follow the more stringent opinion.

Some authorities claim that the Halakhah follows Samuel, because Mor Ukba was his disciple and the Halakhah is never decided like a student in place of the teacher. And decisions in actual cases carry greater weight. Rabbi Al-Fasi.

*"And Rava declared: A conscientious man should not wash [corn]":* i.e., one who is in control of his desires, and his desires do not control him, and he is meticulous in observing the commandments.

*"The household of R. Huna washed [it], and the household of Raba b. Abin washed [it]":* And now they have sent out a ruling from the academy that we are not experts at washing...

### **Menahot 53a**

R. Perida enquired of R. Ammi, Whence is it derived that all meal-offerings, seeing that they were **kneaded** in lukewarm water,[10] must be specially watched lest they become leavened?[11] Shall we infer it from the Passover concerning which it is written, "And ye shall watch the unleavened bread"! [12] -- He replied. In that very passage [13] It is written, it shall be unleavened,[14] that is, keep it so. But have you not utilized this verse to indicate indispensability? -- If for that alone Scripture would have used the expression 'It is to be unleavened'; why 'It shall be'? You may thus infer two things.

### **Responsa *Sha'arai Teshuvah*:**

And regarding what you have asked, about **purchasing flour from the market** in times of scarcity, that we do not assume that it is forbidden, and one may thereby perform one's obligation. However, one should not do this in the first instance, because it states "And ye shall watch the unleavened bread" we require matzah that is guarded for the sake of matzah; i.e., guarding from beginning to end.

### ***Sefer Ha-Orah* [=Pardes 41]**

#### **Procedure for Milling:**

Prior to Passover, when the wheat for the matzot is **ground**, it is customary to send a Jew to sit behind the mill and guard, as it states (Exodus 12:17): "And you shall observe the ... Unleavened Bread" in connection with guarding for the sake of the commandment. The Jew does not have to stand there until it is ground; rather, what requires guarding is everything that he requires for the three matzot that are mandatory on the first night. However, the remainder does not require guarding. Even if a non-Jew is doing the milling and no Jew is observing him or standing over him, it is permitted.

### **Rabbi Abraham Gumbiner, *Magen Avraham O. H.* 453:4**

"*From the time of grinding*" because at this time they bring the wheat into proximity with water (Asheri). This implies that where they use a donkey-driven mill or a windmill there is no need for guarding. Nevertheless, it is common there as well to rinse the wheat

### **Rabbi Jacob Moelin *Sefer Maharil*--Baking Matzot**

With respect to *matzot*--the pious and the masters of good deeds of old, who used to harvest it and guard it from the moment of the harvesting for the sake of Passover. However, we are not so diligent, and it is our custom to guard them for the sake of the precept from the time of the grinding and onwards. And thus is it recorded in *Orhot Hayim* in the name of Asheri. Because at that time they bring them into contact with water, when they grind in a mill. And thus did the She'iltot write.

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[1] The verb connotes to moisten the grain before grinding.

[2] Because then they turn leaven very quickly.

[3] Prevents fermentation.

[4] Then they are forbidden.

[5] And since those about which he was consulted were not actually split. he ruled that they were permitted.

[6] Lit., 'the whole world'.

[7] And consequently is slower to ferment than barley. Others who are not so conscientious may moisten wheat, for only barley is forbidden in the Baraitha.

[8] Lit., 'father'- a title of respect.

[9] I.e., unclean bread, since the wheat was not washed.



[10] *Infra* 55a.

[11] They must be continually kneaded till the time of baking (Rashi).

[12] Ex. XII, 17; so according to Rabbinic interpretation. E.VV.: And ye shall observe the feast of unleavened bread.

[13] In connection with the meal-offering itself.

[14] I.e., guard it against its becoming leavened; v. *Pes.* 48b.

## **Legumes (*Kitniyyot*) on Passover:**

### ***Supplementary Sources***

Based on: I. Ta-Shma, *Early Franco-German Ritual and Custom*, Jerusalem: Magnes Press, 1992 [Hebrew].

### **Shulhan 'Arukh Orach Hayyim 453:1:**

The following ingredients may be used in fulfilling the obligation to eat matzah: Wheat, barley, spelt, oats, and rye. But not rice or other types of legumes. Nor are they capable of leavening, so it is permissible to use them in cooking.

Gloss by R' Moses Isserles: And there are some who prohibit them. And the custom in Ashkenaz is to be stringent, and one should not change this...

### ***Rabbi Isaac of Corbeil, Sefer Mitzvot Qatan 222:***

And concerning legumes like peas, beans, rice, lentils and the like, our rabbis are accustomed to prohibit eating on Passover altogether, and this seems correct. I believe that I have heard that one should only cook beans on Passover in water that is boiling from the moment they are placed in the pot. However, prominent authorities are permissive about this.

My teacher R' Jehiel was in the habit of eating the light bean called *pois* on Passover, and he used to claim this in the name of prominent authorities.

As proof for his position he noted that even with respect to rice, which Rabbi Johanan ben Nuri treated as a form of grain with respect to leavening, the Talmud declared that nobody takes Rabbi Johanan's position into account.

Nevertheless, it is very difficult to permit something that has been universally treated as forbidden since the days of the early sages. Presumably they did not forbid it on account of actual leavening, since they would not have erred on a matter that would be obvious to any schoolchild who has studied some Halakhah; since it stated explicitly in *Pesahim* that only the five designated species are subject to leavening.

For this reason it seems preferable to uphold the custom and forbid all kinds of legumes on Passover, not out of concern for actual leavening (for it would be a gross error to say that), but as a precautionary prohibition; i.e., since both legumes and grains are cooked foods... there is a danger of confusing the two... And even though the Talmud permits rice, that applied only in their days when everyone was knowledgeable in the laws of what is prohibited and what is permitted. However now, in recent generations, it is obvious that we should make the precautionary prohibition.

### ***Talmud Pesahim 35a:***

**Mishnah:** The following ingredients may be used in fulfilling the obligation to eat matzah: Wheat, barley, spelt, oats, and rye...

**Talmud:** Only these, but not rice or millet.

Whence do we know this -- Said R' Simeon b. Lakish, and thus the School of R' Ishmael taught, and thus the school of R' Eliezer b. Jacob taught, Scripture says, "Thou shalt eat no leavened bread with it, seven days shalt thou eat unleavened bread therewith" (Deuteronomy 16, 3): With commodities which come to the state of leaven, a person can discharge one's obligation with unleavened bread made thereof. Accordingly these are excluded, since they do not come to the state of leaven, but rather to the state of decay. Our Mishnah does not agree with R' Johanan ben Nuri, who maintains: Rice is a species of grain, and *kareth* [divinely inflicted death penalty] is incurred for [eating it in] its leavened state.

For it was taught: R' Johanan ben Nuri prohibits rice and millet, because it is close to becoming leaven.

The scholars asked: Does "because it is near to becoming leaven" mean that it quickly becomes leaven, or perhaps that it is near to leaven, but is not completely leaven? Come and hear: For it was taught, R' Johanan ben Nuri said: Rice is a species of grain and *kareth* is incurred for [eating it in] its leavened state, and a person fulfills the obligation with it on Passover. And thus R' Johanan ben Nuri used to say, Karmith [cow-wheat] is subject to *hallah*.

### ***R' Samuel of Falaise (cited in Or Zarua' 2:59c):***

...And similarly with respect to legumes, it is customary to act stringently, to avoid eating them unless they were cooked in boiling water.

I subsequently heard that my teacher R' Judah [of Paris] would eat them himself, and afterwards many tended to act leniently. God forbid, that no mishap resulted from their actions!

And in the *She'iltot* of Rav Ahai I found written at the end of the Laws of Passover: "All types of legumes may be cooked whether on Passover or on other festivals." And furthermore, R' Moses Maimonides wrote in his book (*Hilkhos Hametz Umatzah* 5:1) that even if they are soaked in water all day, they will not rise, since they are not susceptible to leavening, only to decay.

Even though I found these arguments persuasive, and our ancestral custom is based on an error, and it does not fall into the category of practices that are permitted [but are prohibited by others; where one should act stringently], they should not be treated leniently out of consideration for those who prohibit them.

### ***Rabbenu Manoah (citing R' Asher bar Saul of Lunel, Sefer Ha-Minhagot):***

It is written in *Sefer Ha-Minhagot*: It is the widespread custom not to eat pulse on Passover because they are subject to leavening, and for this reason they are referred to as *himtzi*. It seems unreasonable to suggest that this custom would be based on any prohibition whatsoever, since no legume in the world is capable of leavening. Rather, it is because there is no real need to eat legumes on the festival, seeing that it is written "And you shall rejoice in your feast" (Deuteronomy 16:14), and there is no joy in bean dishes.

Undoubtedly, if a person wanted to eat pulse on Passover, or something similar made from other types of legumes, then it would be permitted, and there is not the slightest suspicion of prohibition; notwithstanding the prevailing custom, since we state in the Jerusalem Talmud... "Anything that is permitted, though one erroneously prohibits it, can be permitted through consultation [with a sage]."

### ***Halakhot Qezubot:***

Any cooking of dough or grain of the five types is forbidden on account of leavening on Passover. However, on other festivals it is permitted to prepare all kinds of dough and all kinds of grain, with the exception of for *tisna* (barley-groats); i.e., one should not pound it with a large mortar, though it is permitted with a small mortar. All types of legumes are allowed on Passover and on festivals

## **Those Magnificent Men and Their Matzah Machines\***

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- Bibliography:
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What an efficient piece of work is a box of matzahs! With its compact brick-like shape, it can be easily transported and stacked on supermarket shelves; and it provides a convenient means for kosher travelers to maintain a minimum diet while venturing into ritually challenged frontiers.

Not so those expensive hand-baked matzahs that we purchase for the *seder*. With their unwieldy shapes, they have to be individually wrapped and packaged as if they were delicate crystal; and even so, special blessings are still advised in order to insure that they arrive intact, and not as a jumble of disconnected crumbs.

Of course, through most of our history Jews did not have any choice in the matter, and all matzahs were of the hand-made variety, usually baked at home or in a communal oven. It was therefore quite a momentous turn of events when the Industrial Revolution came along and redefined a practice that had remained virtually unchanged since Moses' times.

The turning point came in 1857 in Austria, where the first mechanical Matzah device was put to work. The machine was designed to knead the dough, squeeze it through a set of metal rollers, perforate it and deliver the pieces promptly to be baked in the oven.

At that stage the notion of a square matzah had not yet occurred to anyone, and this gave rise to some serious halakhic problems. For the roundness of the matzahs was achieved with a sort of cookie-cutter. In the quest for efficiency, the left-over corners were then regathered and combined with the new dough. This raised fears lest, by allowing the dough to circulate too long between kneading and baking, it might actually start to leaven. In order to avoid such a dreadful eventuality, our beloved square matzah came into being. Continual improvements in the speed of the matzah-machines increased its acceptability among many Jews.

Not all Jewish leaders were pleased with the new developments, and several prominent rabbis were quick to voice their opposition to the newfangled matzah machines.

The struggle against innovation was spearheaded by the celebrated Rabbi Solomon Kluger of Brody, who immediately issued a directive forbidding the use of mechanically prepared matzah on Passover.

Rabbi Kluger's objections were based on a number of considerations. Primary among them was the old fear that, even after the switch to square matzahs, bits of old dough

could still adhere to the gears and cogs of the mechanism longer than the time-period permitted by the halakhah. Complex machinery was, after all, difficult to keep clean.

With the advent of milling-machines, which were usually steam-powered, additional fears were incited when moisture that was seen to condense in the machines due to the heat that they generated, creating lumps in the flour. That problem would later be eased somewhat by the introduction of electronic devices.

Furthermore, Rabbi Kluger noted that the time-honoured parameters established by the ancient rabbis, including the strict eighteen-minute limit for preparation of the dough, had all presupposed a manual process. Since we possess no equivalent traditions about how to deal with an automated bakery, it would be prudent to avoid the new methods.

And even if we could be convinced that the process can be engineered so as to overcome all our fears of inadvertent leavening, there remained some thorny problems that related to the religious status of matzah on Passover. After all, the matzah that is consumed at the *seder* is intended to fulfil a religious precept, and must be fashioned with the appropriate intention. We can hardly speak of a machine having any kind of intention.

Marshaling together his objections and those of similarly minded scholars, Rabbi Kluger published his prohibition in 1859 in a widely distributed pamphlet bearing the title "*Moda'ah le-veit yisra'el*," "a Declaration to the House of Israel." Within the year, a refutation was issued by one of the influential halakhic authorities of the day, Rabbi Joseph Saul Nathanson of Lemberg. He titled his pamphlet "the Annulment of the Declaration."

In it, he argued that the rapid speed of the automated process actually made it preferable to the older methods. He was satisfied that the machinery was capable of being adequately cleaned and inspected.

There ensued a lengthy exchange of diatribes in the newspapers, in which the authors did not refrain from indulging in the most vitriolic of personal attacks.

All this squabbling seems to be utterly divorced from reality, ostensibly providing yet another instance of the rabbis' excessive concern with trivial technical details. However, careful reading of the literature reveals that there were some important economic and social issues at stake.

Nineteenth-century European society was witnessing widespread unemployment as vast numbers of agricultural and industrial workers were being replaced by efficient machines. These were the same circumstances that had incited the English Luddites to go on rampages of machine-smashing. The opponents of automated matzah production feared that this same scenario would now be played out in small Jewish communities, where temporary employment at the matzah bakery frequently provided an important source of supplementary income for poor Jews who needed the money to purchase holiday provisions.

The supporters of the mechanized process were also concerned for the fate of the poor. However they saw the matter from the opposite perspective, observing that mass production would help lower the burdensome cost of the holiday grocery basket.

But most of all, the battle over matzah-machines must be viewed in the context of the deep rifts that were splitting European Judaism at the time. Experience had taught the traditionalists to be wary of *any* departure from accepted practice, even where it did not involve any overt violation of Jewish law. The dreaded Reform movement had begun by questioning minor customs, and had ended up (so they felt) denying fundamental Jewish values!

This underlying suspicion was articulated by the rabbi of Gur in his correspondence with the rabbi of Radomsk in 1908:

...It is clear from the acts of those who are permissive that their real desire is to remove little by little something from each *mitzvah* with the intention of ultimately uprooting everything... Consequently we are obliged to stand firm in the breach, especially in this generation when, if we are lenient with regard to forbidden things, especially with regard to the prohibition of leaven on Passover, the heart of the Torah, it is against the heart of the Torah that they stretch their hands.

Seen in this light, it is quite surprising how unsuccessful the traditionalists were in spreading their opposition to machine-made matzahs. By the early twentieth century, virtually all Orthodox Jewish communities had embraced the permissive position.

Halakhic integrity is unquestionably an important matter, as is ideological struggle.

But who can resist for long the allure of a new technology?

## Birth-rite

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Excessive politeness can sometimes lead to tragic consequences.

This sad lesson is illustrated by a story in the Talmud, involving three third-century rabbis who were about to participate in a feast celebrating the birth of a child. When they arrived at the entrance to the hall, each one of the scholars refused to be the first to go through the door, insisting on bestowing that honour upon one of his colleagues.

Before they could sort out the proper etiquette and protocols, the unfortunate infant was mauled by a cat.

This story has a lot to teach us about the hierarchical structures of rabbinic society, about feline temperaments in ancient Babylonia, and about excessive concern for formalities. In the present article, however, I wish to focus on an incidental feature of the story; namely, the occasion for which the ill-fated feast was convened.

The Talmud gives us two different versions of this detail. It was either a *Shavua Ha-Ben* ["week of the son"] or the *Yeshua Ha-Ben* ["redemption of the son"]. Rav Hai Ga'on interpreted the former possibility as a circumcision feast, which is normally held on the seventh day following the child's birth. The second term he equated with the *Pidyon Ha-Ben* ceremony, usually held when the baby is one month old, when the father ritually redeems his offspring from the Cohen. These identifications were accepted by most subsequent commentators.

The "Week of the Son" is mentioned briefly in a handful of passages in rabbinic literature, without providing much tangible information about its purpose. One source includes it--alongside engagements and weddings, funerals and mourning-houses--in a list of life-cycle commemorations that occupied the busy schedules of Jerusalem's virtuous residents.

Other texts state that the Roman decrees against Jewish religious practices explicitly singled out the Week of the Son or the Salvation of the Son as proscribed rituals. A liturgical poem by Eleazar Qallir listed such a decree among the anti-Jewish edicts issued by Antiochus in the Hanukkah story.

As the *Tosafot* pointed out, these traditions about religious persecution help us to understand the following cryptic talmudic quote: "The sound of the millstones in Bourni means: 'The Week of the Son! The Week of the Son!' The light of the lamp in Beror Hayil means 'There is a feast! There is a feast!'"

Evidently, Jews upheld these religious celebrations faithfully even when their observance was punishable by government edict. Because they could not be announced publicly, secret signals were devised for the purpose, alluding to Jeremiah's admonition (25:10) "I will take from them the voice of mirth, and the voice of gladness, the voice of the bridegroom, and the voice of the bride, the sound of the millstones, and the light of the candle." Rashi suggests that the millstones were used to grind medicines for the circumcision.

As noted above, the overwhelming majority of the traditional commentators seemed to agree with Rav Hai Ga'on and Rashi that the talmudic "Week of the Son" referred to a circumcision banquet. A rare dissenting voice was that of Rashi's grandson Rabbi Jacob Tam, who suggested that the "salvation of the son" was in fact a separate festivity in which the parents expressed thanksgiving for the safe and healthy birth.

In fact, there is a very decisive piece of information that argues strongly against the majority interpretation. A talmudic tradition preserved by the Spanish authorities Rabbi Isaac Ibn Ghayat (eleventh century) and Rabbi Moses Nahmanides (thirteenth century) makes explicit mention of a "Week of the *Daughter*" (*Shavua Ha-Bat*) alongside the Week of the Son. Clearly, neither the circumcision nor the redemption rituals are applicable to females. Hence, it would appear, we are forced to seek alternative explanations that are gender-inclusive.

Several such explanations have been proposed by modern scholars. Some suggested that the allusion is to a naming ceremony that was held, for male and female alike, at the conclusion of the child's first week. Others found in this ancient custom the earliest source for the widespread medieval practice among Ashkenazic Jews of holding a "Wachnacht" vigil for the week-old child, staying awake all night to fend off malevolent demons who are particularly hazardous on that night.

It would appear most likely, however, that the Week of the Daughter \ Son refers to a seven-day period of celebration following the birth of the child. This would bring it into line with other Jewish life-cycle transitions, which were often observed in similar ways. Thus, to take a familiar example, not only are Jewish weddings and funerals both followed by seven-day periods of public camaraderie, but the prayers and blessing that were formulated for these two occasions were also very similar. Therefore, it is reasonable to suppose the same paradigm would have been applied to the other main event of the life-cycle, childbirth.

Although this practice has long since been abandoned, and its memory all but eradicated from our written texts, it continues to exert a definite attraction.

In our generation, which often feels frustrated in its search for authentic Jewish ways for celebrating the births of daughters, a revival of the ancient "Week of the Daughter" might bring us a step closer to that elusive goal.