A Study of Two Traditions: Sephardi and Ashkenazi

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11

A STUDY OF TWO TRADITIONS

Sephardi and Ashkenazi

Yamin Levy

Sephardic Jews, the term Sephardi notwithstanding, do not necessarily come from Spain. The reality is that the overwhelming majority of Sephardic Jews do not originate from Spain. This was understood early on when Abraham the son of Maimonides (1186–1237) referred to Rabbis Nissim (990–1062) and Hananel (990–1053) – both of whom were from Kairouan in North Africa – as Sepharadim. Similarly, Rabbi Saadia Gaon (882–942), who lived his entire life in Egypt, is often referred to as HaSephardi. A more accurate definition of Sephardi is a Jew whose diaspora experience took place in non-Christian environments post-destruction of the Second Temple (68 CE). Ashkenazi Jewry, on the other hand, includes all of Jewry whose diaspora experience took place in Christian lands. This working definition explains the Sephardi attribution to all Jews from Syria, Persia, Yemen, Egypt, and Libya – none of whose ancestors originated from Spain (Faur, 1992a).

While this qualification is accurate, it is not precise. Sephardic Jewry includes Jews whose ancestors emerged from Northern Christian Spain, who may share common customs with Sephardic Jewry, but whose philosophic underpinnings are more aligned epistemologically with Ashkenazi Jewry. For example, one cannot place Ramban (1194-1270), also known as Rabbi Moses Ben Nachman or Nachmanides, and Rambam (1138-1204) Rabbi Moses Ben Maimon or Maimonides, in the same school of philosophical thought. Nachmanides believed in spirits and ghosts while Maimonides thought that they were a figment of people's imagination. Nachmanides and Maimonides both emerge from Spain but are heir to two vastly different philosophic traditions. Nachmanides' creative output is influenced by medieval Christian theology and the mysticism of Northern Spain, with little or no access to the philosophical and scientific works of the day. On the other hand, Maimonides' creative and philosophic output is influenced by early medieval Islam's openness to Greek philosophy and sciences from southern Spain (known as Andalusia) (Faur, 1992a). Additionally, one must note that the Jewish community of northern Spain was further influenced, to a certain extent, by the presence and rulings of Rabbi Asher ben Yechiel (1256-1327), who emigrated from Cologne Germany around 1286 due to renewed persecution of the Jews in those parts of Europe. His presence was so commanding that his rulings were considered authoritative in Castille and in Toledo for over a dozen years. Rabbi Yosef Caro (1488-1575), citing Rabbi Levi ben Habib, writes that the Sepharadim accepted Rabbi Asher ben Yechiel as their master for purposes of halakhic decision making (Orach Chayyim no. 215).

Following the destruction of the Second Temple around 68 CE, and certainly after the failed rebellion of Bar Kochba around 135 CE, the Jewish settlements in Israel began dispersing. Many joined their coreligionists in Iraq (Babel), Persia, Egypt, and North Africa while a significant sector of the Jewish population emigrated to Italy and Europe. Judaism, at this point, ceased being a national religion tied to a land. Instead, both Jewry and Judaism became synonymous with the study of Torah, the observance of Jewish law, and the development of minhag (customs). The study of Torah flourished in Christian Europe in an environment that limited their practitioners' access to secular texts, philosophy, and science. This resulted in Torah scholars concentrating on rabbinic texts but not on the Bible, Hebrew grammar, literature, secular philosophy, and sciences. In its place, Ashkenazi Jewry developed a limited conception of Jewish thought influenced by medieval Christian mysticism with the expected trappings of superstition, demonology, necromancy, and magic. This attitude survived the Middle Ages right through modern-day rabbinic rulings of Ashkenazi authorities. Rabbi Moshe Feinstein (1895-1986) was raised and trained in Eastern Europe, emigrated to New York, and continues to be recognized as a significant rabbinic authority for modern-day Ashkenazi Jewry. For Feinstein, the study of secular subjects is at best a concession to the laws of the host country (Iggerot Moshe, Yoreh De'ah 3:73). He forbids the study of scientific texts that deny God created the world. A teacher of science, rules Rabbi Feinstein, "must rip those pages out of the textbooks" (Iggerot Moshe, Yoreh De'ah 3:73). In traditional Ashkenazi schools one is forbidden to read Greek philosophy which Rabbi Feinstein considered "foolish and empty" (Iggerot Moshe, Yoreh De'ah 2:52). This attitude is what gave rise to what became the reform and conservative movements, which do not exist in the Sephardic communities.

In the early medieval period in Andalusia, Sephardic Jewry had access to the latest advances in the study of science and logic as well as to translations of Greek philosophy. They mastered Hebrew grammar as their Islamic counterparts mastered Arabic grammar. What emerged was a Jewish philosophy that was grounded, to a certain extent, in neo-Aristotelian thinking. The creative output of the Golden Age of southern Spain produced works in biblical grammar, biblical exegesis, works in philosophy, and codes of Jewish law organized and accessible to the non-expert. A welcoming of secular studies can still be found among Sephardic rabbinic authorities. Rabbi Haim David Halevy (1924–1996), one of the leading halakhic authorities of modern-day Sephardic Jewry, had a vastly different attitude to secular studies including Greek philosophy, thankthat of Rabbi Moshe Feinstein. Rabbi Halevy permitted the study of secular studies on Shabbat to prepare for exams if "it is for the sake of heaven" (Aseh Lecha Rav 1:36).

The Maimonidean controversy, which took place from 1180 to 1240 and peaked with the infamous ban on the study of Maimonides' philosophic works is an example of a clash between two models of religious thinking: one developed in Moorish Spain and the other in Christendom. The Maimonidean tradition was heir to a pluralistic worldview developed in Andalus and Islamic lands while the anti-Maimonidean movement emerged in the authoritarian societies of France, Germany, and Christian Spain. The Sephardi scholar Jose Faur argues that a primary element of the conflict between the Maimonideans and their opposition was a fundamental principle about religion and Jewish law. The Sephardic communities adopted the Geonic premise that Judaism is driven by a legal system based on an immutable covenant with God, while European Jewry introduced an element of fervor and zeal that at times supersedes the legal principles set forth by halakha (Faur, 1992b). A prevailing value that characterizes Ashkenazi European attitudes toward Jewish law is the idea that piety superseded halakha and is the noblest expression of Jewish practice (Heschel, 1949; Faur, 1992b). For European halakhic authorities, humra (stringencies) became a standard pattern in religious rulings. The religious

outlook and ideals of Sephardic Jewry found their clearest and possibly most sophisticated expression in the writings of Maimonides (1138–1204). His Mishneh Torah, the first and only complete legal code, is both precise in formulation and scientifically organized comprising the entire gamut of Jewish law (Twersky, 1980). His Guide for the Perplexed is an exquisite work on Judaism's esoteric tradition based on rational principles tracing the qualities of the individual and communal aspects of the human being's relationship with God. His countless teshuvoth (responsa) attest to his absolute commitment to halakha and rabbinic tradition.

The Vision that Never Came About

Rabbi Joseph Caro, born in Toledo, Spain 1488–1575, author of the Bet Yosef and Shulchan Arukh, sought to unify Sephardic and Ashkenazi Jewry together under one law, merging the Sephardic with the Ashkenazi practices. Initially, Rabbi Caro's Bet Yosef was to present the Talmudic sources for the halakhic decisions and explain the basis of the disputes cited in Rabbi Yaacob Ben Asher's Arbah Turim (referred to as Tur). Rabbi Caro expanded the scope of the Tur, enriching it with diverse material from earlier authorities, both Sephardic and Ashkenazi.

The scope of this work is indeed remarkable. In Rabbi Caro's Shulchan Arukh, his code of Jewish law, he sought to resolve fundamental disputes and to create a unified code by arbitrating between the three most prominent codifiers: Rabbi Isaac Alfasi (1003–1103), Maimonides and Rabbi Asher ben Yechiel (1259–1327). Rabbi Caro's ambition was clearly stated in his noteworthy mystical diary, Maggid Mesharim. In this document, which contains relatively few surviving pages, Caro depicts his vision and desire to complete his compositions, including the Bet Yosef where he renders universal halakhic guideposts for all Jews. This theme appears several times both in sections composed in Turkey, before Rabbi Caro emigrated to the Holy Land, as well as after, when he settled in Safed. Caro went public with this ambition after the publication of the Bet Yosef. In his introduction to the Bet Yosef, Rabbi Caro suggested that on the whole Maimonides, al-Fasi and Asher would be regarded as the major legal authorities. When two of them agreed, that was the law. Caro employed democratic principles in legislation, something he believed would resonate with all Jewry and all rabbinic authorities.

Alas, it did not. Ashkenazi Jewry did not employ democratic principles in legislative matters. Rather, they ruled authoritatively. Rabbi Moshe Isserles, better known as Rema (or Rama) was born in Krakow around 1530. He assumed his rabbinic leadership role as head of the commufity around the time that Rabbi Yosef Caro was completing his Bet Yosef and Shulchan Arukh. Despite the broad sources Caro utilized to cast a net over the European Jewish community's traditions, Rema published glosses to Caro's Shulchan Arukh, thereby supplanting his rulings with that of Ashkenazi Jewry's customs and rulings. Rema deprived Caro's oeuvre of its categorical universal authoritative quality and applicability, writing in the introduction of his glosses that he added to the text details of where its statements should be challenged.

So Rema undid the latter's lifework. As a result, Rabbi Caro's Shulchan Arukh is no longer a pure Sephardic legal code even though it has been given such designation. Rema, who died an untimely death at age 42, achieved notoriety by glossing over another scholar's work.

Minhag

Minhag (custom) comprises a formidable body of rabbinic law. There are three different types of minhag. First is minhag that emerges from halakhah (Jewish law) and is rooted in halakhic practice, possibly surfacing because of multiple valid yet conflicting views. Alternatively, there are

minhagim that have no halakhic source but are established by the practice of the Jewish people and ratified by the Sanhedrin (supreme court of Israel). Regarding these two types of minhag, Maimonides writes:

Whoever goes against any one of the regulations of the rabbis is transgressing a negative commandment, since it says in the Torah "You must follow according to all that they teach you." This includes amendments, decrees, and *minhag* (customs) that they teach the multitudes to strengthen their minds and improve the world.

Mishneh Torah Mamrim 1:2

A third type of *minhag* emerges locally – within a community or even a family – and is often based on local culture and customs of the host society. The first two types of *minhagim* are extremely hard to differentiate from rabbinically ordained *mitzvot*. The third, while still called *minhag*, is significantly less binding.

Halakhah, and the first two categories of minhag, expose Judaism's core values while the third kind of minhag reflects the community's fears and aspiration. How a community dresses a particular lifecycle moment with joy or navigates ceremonies through moments of sadness is often based on the customs of the host culture. The purpose of this kind of minhag is to transform ritual into a culturally relevant aesthetic experience. European legalists did not distinguish between the first two types of minhag and the third. They spoke of the local minhag with the same authoritative voice as they did when codifying halakha while Sephardic authorities clearly distinguish between halakha and minhag.

Practical Differences Between Sephardic and Ashkenazi Minhag Law and Custom: The Sephardic and Ashkenazi Wedding Ceremony

The wedding ceremony offers a unique vantagepoint on the intersection between law and custom and the differences on how Sephardic Jews and Ashkenazi Jews celebrate this important lifecycle event. Take, for example, the first part of the traditional wedding ceremony called erusin (or kiddushin). Here, the groom places a ring that is worth at least a peruta (a coin of minimum value) on the bride's finger. The ring ratifies the kinyan (agreement). That it is of minimum value suggests the symbolic nature of the transaction (Biale, 1995). Halakhically, this transaction can be accomplished by giving the bride anything of minimum value and declaring that the exchange is for purposes of erusin. The use of a ring is indeed a minhag - one can use a coin, jewelry, or anything else of value to complete the emisin ceremony. The preferred choice for Sephardic Jews has always been a ring, a coin, or a piece of jewelry. Ashkenazi Jewry, on the other hand, only permits the use of a simple gold ring band with no aesthetic value. European halakhic authorities not only transformed this custom into binding halakhah, but introduced a good amount of details about this custom, including: which hand the groom must hold the ring, which finger the ring must be placed on, what happens if the groom is left handed, and why a round ring is chosen. The simple act of giving the ring becomes infused with theological and kabbalistic meaning. An entire genre of literature was created to validate the authority of

A certain sector of Ashkenazi Jewry will not perform a marriage ceremony in a synagogue because of *Ma'aseh Goyim* (mimicking the Church). This idea does not exist in Sephardic circles. Here as well, a local custom generated a substantive amount of literature that discusses the metaphysical symbolism to the *chupah* such as Mount Sinai and the giving of the Torah,

the mishkan, Bet HaMikdash, creation and the garden of Eden. This entire body of literature was created in order to make the case that a chupah is best performed outdoors or in a nonsarictuary setting. The erusin is introduced with a blessing over wine, as is the nisu'in, the second part of the wedding ceremony. Here as well Sephardic custom differs from Ashkenazi practice. Ashkenazi tradition dictates that a second, unused, cup of wine be utilized for the nisu'in, while Sephardic Jews simply refill the first cup. The European tradition has nothing to do with yayin pagum (disqualified wine), which halakhically can be easily rectified by adding "non-pagum" wine into the existing cup.1 This Ashkenazi custom is explained in two fascinating ways. Some suggest that the two cups represent the distinction between the two ceremonies that in previous times were held apart. A second argument states that the bride or groom may be Shabbath violators and by drinking from the wine they make it impure and disqualify it from being blessed again. Each of the two explanations is intriguing in its own way. The first suggests such a strong lingering and nostalgic commitment to the way ceremonies were once observed that they are prepared to forgo halakha in order to create a new custom. The second explanation is a window into how the European clergy viewed the masses. Contact with people was filled with spiritual pitfalls (a recurring theme) and therefore halakhic strictures had to be put in place.

The *chupah* itself is understood by Sephardic Jews differently than it is understood by Ashkenazi Jewry. For Sephardic Jews, the *chupah* completes the act of marriage because it is an unambiguous public demonstration that this couple is now married. The groom, in a Sephardic ceremony, drapes himself and the bride with a newly purchased *talit* (prayer shawl) as a further public act of matrimony. Ashkenazi Jewry do not consider the ceremony complete until the couple spends a minimum of nine minutes in a secluded place witnessed by two men who fit the *halakhic* criteria of legal witnesses. They call this part of the ceremony *yichud*. Here again we see the creation of a new legal category, adding a new layer to the marriage ceremony.

Another noteworthy difference between Sephardic and Ashkenazi Jewry is the legal origin of the ketubah (halakhic marriage contract). The Talmud discusses whether the ketubah is biblically commanded or not. The opinion of Rabbi Shimon ben Gamliel is that the ketubah is biblical while the majority opinion of the sages is that it is a rabbinic concept. Sephardic Jews follow the majority opinion of the sages and therefore write in their ketubah that "the 200 zuz that are entitled to you per rabbinic decree." Ashkenazi Jewry, in their ketubah, state that "the 200 zuz that are entitled to you per Biblical mandate." I argue in a previously published article (Levy, 2015) that the reason Ashkenazi authorities imputed a biblical origin to the ketubah, disregarding the conclusion of the Talmud, was to emphasize the importance of the marriage contract to the masses. Again, we find evidence that the legal authorities in Europe deviated from legislative protocol and amplified the significance of a law or custom because of their distrust of the people's moral or religious fiber. This may also explain why in Ashkenazi wedding ceremonies the entire ketubah is read out loud while in Sephardic wedding ceremonies the ketubah is only partially read.

The tena'im contract is also something the Sephardic community does not include in its wedding celebration. Tena'im is an agreement between the two families to set the wedding date and stipulate certain prenuptial conditions. Rabbi Yaakov Tzvi Hirsch Eisenstadt, author of the Pitchei Teshuva, writes that duly signed tena'im will assure the bride will not have a menstrual cycle on the night of her wedding. It is unclear if he meant that the family of the bride will appropriately schedule the wedding night or miraculously in the merit of the tena'im such an occurrence will not happen. The tena'im ceremony is completed with the breaking of an earthenware dish by the two future mothers-in-law.

There was a time when the Sephardic communities did sign such contracts but since the document contained no religious significance and did not involve any blessing, it was

discarded. In Ashkenazi tradition, the *tena'im* ceremony is infused with religious meaning and thus was ensured a longer lifespan. The difference in attitude toward the *tena'im* may have to do with their respective attitudes toward the cancellation of engagements. In Sephardic lands, the cancellation of an engagement did not cast aspersions or shame on the family and Sephardic rabbis did not impose financial penalties. On the other hand, the Ashkenazi Jewish community penalized families who broke engagements. Ze'ev Falk attributed the strict rules about canceling engagements to the influence of the surrounding Christian society in Europe (Falk, 1966).

The pattern that emerges is this strong attachment Ashkenazi Jewry has to non-halakhic custom, which is often influenced by the rabbinic leadership's desire to create reverence and practice of the ritual. The starkest difference between the two marriage traditions is their respective attitude toward sexuality. A common practice among Ashkenazi Jewry is having the bride and groom fast on the day of their wedding. At the mincha service on the day of their wedding the bride and groom recite aneinu in the amidah, a prayer recited on days of mourning for the destruction of the Temple. In some Chabad circles, the father of the bride also fasts on the day of his daughter's wedding. Rabbi Levi Yitzchak Schneerson (1878-1944), in his Likutim, writes: "Whoever increases and intensifies his tears on the day his daughter marries, a day likened to Yom Kippur, is praiseworthy." The Yom Kippur theme is further amplified by having the bride and groom recite prayers reserved for the eve of Yom Kippur such as al chet (the penitential prayers) and vidui (confessional prayers). The accepted Ashkenazi practice is for the groom to wear a kittel under the chupah. The kittel is a white cotton robe without pockets that one wears on various occasions, including one's own burial. The kittel worn on Yom Kippur and Rosh Hashanah is a clear evocation of death. In Frankfurt Germany it was customary for the groom to cover his head like a mourner. In some Ashkenazi communities the groom places ashes on his forehead as a sign of mourning for Jerusalem. The chupah in Ashkenazi tradition evokes the motif of repentance, sobriety, solemnity, mourning and death.

In Sephardic circles, any association with death or tragedy at an auspicious moment like a wedding ceremony would be frowned upon and regarded as a bad omen. Such customs would be contrary to the celebratory and festive quality infused in every aspect of the day. The Talmud states clearly: "Any man who has no wife lives without joy, without blessing and without goodness" (Babylonian Talmud Yevamoth 62b). This and other such statements in the Talmud clearly reflect a positive attitude toward marriage. Furthermore, the Talmud takes very seriously the mitzvah to rejoice with the bride and groom on the day of their wedding. It is therefore not surprising that Rabbi Ovadia Yoseph and earlier Sephardic halakhic authorities took serious exception against those who fasted on their wedding day. In contrast to the kittel, the Sephardic groom wears a newly purchased talit — usually gifted from the bride. The new talit gives the groom an opportunity to recite the shehecheyanu blessing under the chupah. The festive blessing is intended for both the talit and the mitzvah of marriage.

One can only speculate as to the origins of the marriage customs introduced by European Jewry. Numerous suggestions have been put forward in an attempt at understanding the differences between Sephardic and Ashkenazi attitudes toward marriage. While the general attitude toward marriage in Judaism is favorable, one cannot escape the tension between the permissibility of sexuality within marriage and the value of ascetic denial of the libidinal drive. This tension is exquisitely expressed in the following rabbinic statement: "Let us be thankful to our fathers for had they not sinned (by having sexual intercourse) we would not have come into this world" (Babylonian Talmud Avodah Zara 5a). It appears that Sephardic customs

and Ashkenazi customs through the Middle Ages and into contemporary practice have each emphasized different dimensions of sexuality.

In Muslim and Middle Eastern countries sexuality, while scrutinized, was celebrated in literature, poetry, and art. On the verse in Exodus 21:11 the Torah lists the obligations a man has toward his spouse – Nachmanides suggests that these obligations all refer to sexual intimacy. Shemuel HaNagid's well-known erotic poetry could only emerge in a society that is comfortable with sexuality. One does not find this kind of ease with sexuality in Christian Europe. As a result, Ashkenazi customs reflect a very different attitude toward sexual intimacy and eroticism even in the context of marriage.

Women Reciting Blessings

Jewish law exempts women from the obligation of observing time-bound *mitzvot*, such as the *mitzvah* of Lulav, Sukkah, and Tefillin. The Talmud records a difference of opinion as to whether women can voluntarily observe *mitzvot* they are not commanded to perform. The Talmud concludes that women can indeed observe the *mitzvot* because of the spiritual lift the *mitzvot* provide (Babylonian Talmud *Chagiga* 16b). The question is: do the women who choose to observe time-bound *mitzvot* have an obligation to recite helessing prior to observing the commandment?

Maimonides rules in accordance with the Talmud that women are permitted to perform mitzvot from which they are exempt (Mishneh Torah Zizit 3:9) however, he rules that the blessing should not be recited. According to Maimonides, reciting an unnecessary blessing is equivalent to the biblical violation of reciting God's name in vain. The Tosafot (Chagiga 16b), based on the opinion of Rabbenu Tam (1100–1171), rules that women may recite a blessing when performing a mitzvah they are normally exempt from observing. The Tosafot argue that all blessings are rabbinic in nature and so the rabbis have the authority to rule who may and may not recite blessings. The difference between the Sephardi practice and the Ashkenazi practice finds expression in Rabbi Caro's Shulchan Arukh who rules in accordance with the view of Rambam (Orach Chayyim 17:2 and 589:6) while Rema rules in accordance with the ruling of the Tosafot and Rabbenu Tam. While some contemporary Sephardi poskim (legal authorities) rule in accordance with the Ashkenazi position (Rabbi Chaim David Azulai (Chida) and Rabbi Chaim David HaLevy volume 2:33), Rabbi Ovadia Yosef strongly encourages Sephardic women to follow the ruling of Rabbi Yosef Caro and Rambam.

Birkat Kohanim, the Priestly Blessing

Birkat kohanim, the priestly blessing, is often referred to as nesiat kapayim (the raising of the hands) and is associated with the daily service in the Bet HaMikdash (the Temple). The Talmud (Babylonian Talmud Sota 38a) concludes that birkat kohanim was to also be observed outside the Beth HaMikdash. Since it is associated with the Temple service, it is placed immediately following the Rezeh prayer in the Amida, which petitions for the restoration of the Temple Service. Based on the Talmud (Palestinian Talmud Nazir 7:1) Rambam (Mitzvat Aseh 26), Ramban (Bemidbar 8:2), and later rabbinic authorities such as the author of Peri Megadim, Rabbi Yoseph Ben Meir Teomim (1727–1792), argue that birkat kohanim is biblically ordained outside the Beth HaMikdash even after the Temple was destroyed in 68 CE and must be recited on a daily basis.

Yamin Levy

Ashkenazi communities, since the early 15th century, eliminated the *birkat kohanim* from their daily service for the following reasons:

Since the custom of the Kohanim is to immerse in the Mikveh before reciting the birkat kohanim and it is difficult to do so in the winter and also because it delays people from going to work, and if the Kohen is not called upon to ascend he does not violate a positive Mitzvah.

Maharil Rabbi Yaakov ben Moshe Moelin cited by the Bet Yoseph 128

Rabbi Yoseph Caro criticizes this practice, suggesting there is no excuse to eliminate a positive commandment from the daily service.

Rema (Orach Chayyim 128:48), in his glosses to the Shulchan Arukh, notes that the practice in Ashkenazi lands is to not recite birkat kohanim except during the musaf service on holy days. He introduces a third reason: the holy days are festive times and because the Kohanim are joyous, they fulfill their commandment with greater intention. While the practice in Europe to eliminate birkat kohanim received strong criticism from prominent Ashkenazi halakhic authorities, the practice was never changed. One of the most famous proponents among Ashkenazi authorities to reinstitute birkat kohanim was the illustrious Gaon of Vilna. It is believed that the practice in Jerusalem, where even the Ashkenazi recite birkat kohanim on a daily basis, is attributed to the many students of the Gaon of Vilna who emigrated to Jerusalem in the late 18th century.

Noteworthy is the comment by Netziv (1816–1893; full name Naftali Tzvi Yehuda Berlin) regarding this matter:

I remember hearing from my father-in-law, the Gaon Rav Yitzchak of Volozhin, that once our teacher the Vilna Gaon agreed to recite the *Birkat Kohanim* each day in the Beit Midrash but he was prevented to do so by heaven and taken to prison during the great controversy in Vilna. At one point, the Gaon and Rav Chaim of Volozhin agreed that the next day he would tell the Kohanim to recite the *Birkat Kohanim*. That night half the city was burnt, including the city's Synagogue. They saw this as a message from heaven and concluded that there must be a secret effect of the blessing bestowed by the Kohanim in the Diaspora.

Meshiv Davar 2:104

This ruling was ratified by Arukh HaShulchan (126:68) who suggests that these incidents were messages from God that birkat kohanim should not be recited daily. This is yet another excellent example of the difference between the way Sephardic and Ashkenazi Jewry understand the legislative process of halakhah. Jewish law, for Sephardic Jews, is determined by the Talmudic tradition and post Talmudic codifiers. European halakhic authorities permitted themselves greater latitude in the legal process.

Counting a Minor for Birkat HaMazon and Minyan

Birkat HaMazon (grace after a meal that includes bread), is a biblically ordained blessing according to both Sephardic and Ashkenazi authorities. The Talmud, regarding Birkat HaMazon, states as follows: "If three people have eaten together, it is their duty to invite one another to say grace [together]" (Mishnah TB Berachot 45a).

The same passage in the Talmud provides two biblical sources for this practice:

From where is this derived? Rabbi Assi says: "Magnify the Lord with me and let us exalt His name together (Psalm 34:4)." Rabbi Abbahu derives it from the verse: "When I proclaim the name of the Lord, ascribe [plural] greatness unto our God."

Deuteronomy 32:3

This invitation to recite the *Birkat HaMazon* is called *zimun* and is performed if at least three people recite the blessing together. Sephardic and Ashkenazi scholars disagree as to the nature of *zimun*. European rabbinic authorities, consistent with their belief that there are blessings other than *Birkat HaMazon* biblically ordained (*DeOrayta*), list *zimun* as a biblical obligation (see Rashi Berachot 45a; Ra'avad in Rif pages 44b). Sephardic authorities, notwithstanding the above Talmudic passage, assume *zimun* is rabbinic in nature (see Rambam *Berakhot* 5:2; Rashba *Berachot* 50a, Ritva and others).

The Talmud states that "Women, slaves and minors cannot be counted among those who complete a quorum for zimun." The Talmud nevertheless cites numerous opinions suggesting a minor can indeed participate in a zimun (TB Berakhot 47b-48a). Based on this reading of the Talmud, Ashkenazi authorities will only allow a minor to participate in zimun if he has reached puberty (which is understood to mean thirteen years old and one day). Additionally, the thirteen-year-old must understand "to who he prays" (Rosh, Mordeakhai Berakhot 172), while Sephardic authorities rely on the narrative in the Talmud and permit a minor to participate in zimun before puberty, even if he does not know "to whom we pray" (see Ramban Milchamot Hashem 35b and Rambam Hilkhot Berakhot 5:7). The Shulchan Arukh (199:10) rules in accordance with the Rif and Rambam. This is indeed the practice of Sephardic Jews.

A Minor in a Minyan

While Ashkenazi authorities do not count a minor for a zimun, they do count a minor in a minyan (quorum of ten men). Some authorities even permit multiple children to be counted. This position is based on a Gaonic tradition that suggests the Shekhinah (Divine presence) is present in a gathering of ten regardless of age. This belief is based on the verse: "And I will be sanctified among the children of Israel." Rosh (Berakhot 7:20, Rabbenu Tam Berakhot 48a) applied this Geonic teaching to rule that a minor who has not yet reached puberty may be counted in a minyan. The author of Ba'al HaMa'or, Zechariah HaLevi of Gerona (1115–1186; Berakhot 35b) adds that one may count up to four minors in a minyan.

Rambam (Tefilah 8:4) and Shulchan Arukh (55:4) reject this idea and refuse to base a halakhic ruling on a Gaonic haggadic (legend or anecdote) statement. Rema agrees with Rabbi Caro but adds that Ashkenazi Jews are lenient under extenuating circumstances. Rabbi Mordechai Joffe (author of Levush, 16th century) introduces the idea that one may give a minor a chumash to hold in order to be counted in the minyan. While Rabbi Yisrael Meir Kagan, the author of Mishna Berura (1838–1933; 55:240), as well as Rabbi Michal Epstein, the author of Arukh HaShulchan (1829–1908; 55:10) discourage Rabbi Joffe's idea, they do, however, concede that under extenuating circumstances, it is permitted.

Sitting or Standing for Kaddish

Popular belief notwithstanding, kaddish has little to do with death and is a central part of the prayer services. It praises God and affirms life without making mention of death. There are

five variations of the kaddish2 that are recited during the prayer service, assuming there is a minyan. The Hatzi Kaddish, the earliest text of kaddish, first appears in the liturgy compiled by Rav Amram ben Sheshna Gaon, head of the Sura Academy in Babylonia, circa 856-874.3 The kaddish text varies slightly between Sephardic Jews and Ashkenazi Jews - a development that requires further research (Levy, 2003). The kaddish is constructed around the words "Yehei Shemei Rabba Mevorach" - "May Your great name be blessed" (Babylonian Talmud Berakhot 3a). It is not surprising that there are variant versions of kaddish because kaddish was a flexible text often customized by various communities to include names of deceased scholars and leaders. What is surprising is the variant custom of sitting or standing while kaddish is being recited. In an Ashkenazi prayer service, the entire congregation stands while the reader recites kaddish. In a Sephardic prayer service, only the reader stands while reciting kaddish - everyone else remains sitting. The emergence of the Ashkenazi custom to stand during the recitation of kaddish is based on Rema's ruling where he quotes a problematic version of the Talmud Yerushalmi (Palestinian Talmud). The proof-text in question suggests that Eglon, the evil king of Moab (Judges 3:20), stood when he heard God's name. The Gemara concludes one should stand for all sacred prayers.

The problem with this source is that it is a misquotation of the Talmudic text (Rabbi Haim Vital 1542–1620, Sha'ar HaKavanot, Derush HaKadish page 16; also Hatam Sofer 2:35) making the entire premise and conclusion faulty. The verses quoted in the Talmud Yerushalmi are incorrect, as is the recorded narrative of the incident between Ehud and Eglon. The entire proof-text of Rema is thrown into question.

All Sephardi halakhic authorities support the custom of sitting during the recitation of kaddish.⁴ Despite the recognition of the faulty evidence, Mishna Berura encourages Ashkenazi worshippers to stand during the recitation of kaddish simply because it is their custom.

A Sephardic Jew in an Ashkenazi Service and Vice Versa

May a Sephardic worshipper recite the Sephardic kaddish in an Ashkenazi service? May an Ashkenazi worshipper recite the Ashkenazi kaddish in a Sephardic service? The answer to these questions is a source of dispute between Sephardic and Ashkenazi halakhic authorities. Rabbi Moshe Feinstein (Iggerot Moshe OC 3:89) rules that an Ashkenazi worshipper may not deviate from the customs of the service they are attending. In other words, in a Sephardi service, one must recite the Sephardi kaddish. On the other hand, a Sephardi praying in an Ashkenazi service is instructed to recite the Sephardi kaddish (Or LeTzion volume 3 5:11) in accordance with his tradition, despite the surroundings.

Over Le'Asiyatan

There is a Talmudic principle called over le'asiyatan, which requires one to recite a blessing before performing the action of a mitzvah (TB Pesachim 7b). Rabbi Yom Tov Assivili, better known as Ritba, (1260–1320) explains that reciting the blessing prior to the act associated with the mitzvah ensures a spiritual preparedness that otherwise would be missing. Maimonides offers an alternate understanding by introducing a Talmudic passage (TB Berakhot 35a) which teaches that one may not benefit from this world without first reciting a blessing. The idea being that one may not perform a mitzvah without first acknowledging God: "Just as we recite blessings for benefit which we derive from this world, we should also recite blessings for each Mitzvah before we fulfill it" (Mishneh Torah Berakhot 1:3). The significance of this principle for Maimonides is reflected in his ruling that if one does not recite a blessing prior to the fulfillment

of a mitzvah, one loses the opportunity to recite the blessing (Mishneh Torah Hilkhot Berakhot 11:5). The Talmud, as explained by Rabbenu Hananel, mentions only one exception to the rule of over le'asiyatan – immersion in the mikveh by one converting to Judaism. Reciting a blessing is only relevant after the would-be convert is immersed and thus has the status of a Jew.

Shabat Candles

Ashkenazi rabbinic authorities introduced several other exceptions to this principle such as the lighting of Shabat candles. Rabbi Avraham Gombiner (17th century), also known as Magen Avraham, expressed concern that once women recite the blessing, they assume all of the Shabat restrictions and therefore are forbidden to light the candles. Because of this concern, he suggests that the women forgo the principle of over le'asiyatan and light the candles before they recite the blessing. This suggestion was adopted by all Ashkenazi rabbinic authorities (Rema and Mishnah Berura OC 263:27). Sephardi authorities not only insist that the Magen Avraham's concerns are unfounded but insist that reciting the blessing after the lighting of the candles is actually a serious transgression of reciting an unnecessary blessing, and a violation of stating God's name in vain. Rabbi Ovadia Yoseph goes to great lengths encouraging Sephardic women to light their Shabat candles in accordance with their tradition (Yabia Omer Volume 2 OC 16; Yechaveh Da'at Volume 2 chapter 33; Yalkut Yoseph page 42 and Leviat Chen page 3).

Mikveh

Similarly, Ashkenazi authorities rule that women recite their blessing on the mitzvah of mikveh after they have already immersed in the water. Sephardic authorities follow the Shulchan Aruch which rules women must recite their blessing prior to entering the mikveh (YD 200, see Rema).

Morning Blessing

Talmudic rabbinic authorities (TB Berachot 60b) instituted blessings to be recited upon waking up in the morning. These blessings include those recited for hearing the sound of the rooster, getting out of bed, getting dressed, opening one's eyes, and standing upright. There is a total of eighteen such blessings. The Talmud clearly associates each of these blessing with a specific action – the intent being that when one opens the eyes, the blessing is recited; when one stands upright, the blessing is recited. The blessing, according to the Talmud, should be directly linked to the expression of gratitude for God's abundant gifts.

Ashkenazi rabbinic authorities compiled the eighteen blessings into one unit to be recited as an introduction to the morning prayers, dissociating the blessing from the action completely. This exception was created by Ashkenazi authorities because they believe most people are ignorant and do not know how to recite their prayers independently in the earlier part of the morning. Maimonides disagrees with this custom and rules that all the blessings must be recited exactly as intended by the Talmud: each blessing at its appropriate time upon rising in the morning. Maimonides writes:

These eighteen blessings do not have a particular order. Rather, one recites each of them in response to the condition for which the blessing was instituted, at the appropriate time. In other words, when one fastens his belt while still in bed he recites the blessing "who girds Israel with strength." When one hears the sound of the rooster one recites the blessing "who gives understanding to the rooster." Any blessing in

which one is not obligated should not be recited. If one sleeps in his outer garment he should not recite the blessing "who clothes the naked." One who walks barefoot does not recite the blessing, "For You have provided me with all my needs."

It has become customary for people in the majority of our cities to recite these blessings one after the other in the synagogue, whether they are obligated to do so or not: This practice is mistaken, and it is not proper to follow. One should not recite a blessing unless he is obligated to do so

Mishneh Torah Tefilah 7:7

It is quite unusual for Maimonides to disqualify or prohibit a practice that "has become customary for people in the majority of our cities." This suggests that Maimonides considered the practice of Ashkenazi Jewry a blatant error (Levy, 2002). The Shulchan Arukh rules like Maimonides, and Sephardic Jewry accepts their stance. Rema rules like Ashkenazi authorities, a practice followed today in Ashkenazi synagogues. The pattern is clear, Ashkenazi rabbinic authorities felt the need to guide the masses who could not be trusted to know and practice the ritual correctly at home.

Rosh Hashanah, Yom Kippur and the Prayer Experience

J. D. Eisenstein, in his Ozar Masaot includes a story of an Ashkenazi rabbi named Simha Ben Yehoshua. This rabbi was traveling to the land of Israel on a ship in the late summer of 1774. Most of the travelers on the ship were Sephardic Jews. The voyage took place before Rosh Hashanah and Yom Kippur, when Sephardic Jews rise early to recite their Selichot (penitential prayers). Rabbi Simha made the following observation:

On the entire voyage, we prayed with the Sepharadim. The Sepharadim awoke prior to daybreak to recite their penitential prayers with a quorum, as is their custom during the month of Ellul. During the day, they eat and rejoice and are happy of heart and they pray in that manner as well. Some of them spend their entire day in the study of Torah.

Eisenstein, 1969, 241

Rabbi Simha was reacting the an aesthetic and experiential difference in the way Sephardic and Ashkenazi Jews pray. In a Sephardic prayer service, the liturgy is recited out loud in its entirety. It is either chanted by the entire congregation in unison, or responsively with the Hazan (Cantor) or sung by the Hazan alone. Melodies and tunes are assigned to various prayers often specific to a season, holy day, or forthcoming holy day. The prayer experience is always upbeat and designed for maximum participation. The Ashkenazi European prayer experience is quite different. The liturgy is primarily recited silently, the Hazan chanting first and last verses or clauses. In an Ashkenazi service where a professional Hazan leads the prayers, certain parts of the liturgy are selected to be sung solely by the Hazan, often in an operatic manner.

While this distinction is evident all year round, including in daily prayers, it is alarmingly poignant on the High Holy Days. In a Sephardic Rosh Hashanah or Yom Kippur service, while reflecting the tone of judgment, the music is not at all tearful or somber. In fact, the tunes and melodies are uplifting and festive, even when petitioning God for mercy. One of the piyyutim (Jewish poem) sung on Yom Kippur, which has the following refrain: hatanu lefanekha rahem aleinu ("we have sinned before you, have mercy on us") is sung responsively by the

congregation with the *Hazan* in an upbeat, festive melody. Even the most contrite confessional moments of the liturgy are expressed with joy and fervor.

The Ashkenazi European High Holy Day experience is radically different. Men attend synagogue wearing a *kittel* as a reminder of their mortality. The tunes are somber and tearful. The highpoint of the Rosh Hashanah and Yom Kippur service is a poem called *Unetanu Tokef* which is recited in a weeping and tearful fashion. It tells the explicit story of a man tortured by the Church because he refused to convert to Christianity. The poem is his last will and testament to the community.

Conclusion

It is only natural that time and geography, over a period of 1,400 years, have caused diverging approaches between Sephardi and Ashkenazi Jewry. The differences can be seen in Jewish law and the attitude toward Jewish law, differences in customs and practices, and even basic assumptions on tenets of Jewish philosophy and the authority of halakha. While the 18th and 19th centuries hailed rights of citizenship and entry into universities for European Jewry, Jews continued to struggle for basic civil rights. Anti-Jewish attitudes climaxed in the early 20th century leading up to the Holocaust. And yet, Ashkenazi Jewry today represents a large majority of world Jewry. Ashkenazi Jewry's response to the Holocaust was to double-down on the creation of yeshivot (Jewish schools) mirroring the yeshivot in Europe, kollelim (full-time Torah study), uniformity in preservation of European dress code, mainstreaming Yiddish language, and safeguarding attitudes toward study, Jewish law, and European customs.

Sephardi Jewry endured its share of oppression, and yet, as Andre Chouraqui, a scholar on North African Jewry noted: "The Judaism of the most conservative of Maghreb's Jews was marked by a flexibility, a hospitality, a tolerance" (Chouraqui, 2001, 61). In an attempt to characterize the differences between Sephardi Jewry and Ashkenazi Jewry, Rabbi Hayyim David Azulai (1724–1806) suggested that in matters of halakha, Sephardi sages clung to the quality of hesed (kindness) and, as a result, sought ways of being lenient while Ashkenazi sages manifested the quality of gevurah (heroism) and, as a result, tend to be strict in halakhic matters. Rabbi Azulai's characterization was primarily an apologetic indication of his own approach to Jewish law. He and his Sephardi colleagues saw themselves as voices for a welcoming and pleasant halakhic outlook.

H. J. Zimmels, in his seminal work Ashkenazim and Sepharadim (1996), notes how Ashkenazi Jews impose upon themselves greater stringencies beyond what halakha demands and, in time, many of their observances became normative. Rabbi Benzion Uziel offers his own perspective on the differences between Sephardi and Ashkenazi attitudes and customs: "Sephardic rabbis allowed themselves the authority to annul customs that stem from host cultures not rooted in Jewish law, while European rabbis sought to strengthen such customs" (introduction to Mishpetei Uziel). Rabbi Abraham Joshua Heschel, in his book The Earth is The Lord's (1949) – a presentation of what he refers to as "the inner world of the Jew in Eastern Europe" – devotes an entire chapter to contrasting the "Two Great Traditions": Sepharadi and Ashkenazi. He argues that "the intellectual life of the Sephardic Jew was deeply influenced by the surrounding world," while in Ashkenazi Jewry, "the spiritual life of the Jew ... was lived in isolation." He adds that the culture of the Sepharadim "was shaped by the elite ... and drew inspiration from classical philosophy and science," while that of Ashkenaz was "archaic simplicity, imaginative naiveté and unaffected naturalness of the humble mass." He notes that the Ashkenazim did not write poetry or piyyutim as the Sepharadim did. They wrote mostly selichot – simple penitential

prayers and elegies. Heschel continues by pointing out that Sephardic Jewry produced classical intellectual works "distinguished by their strict logical arrangement. Composed according to a clear plan, every one of their details has it's assigned place, and the transition from one subject to the next is clear and simple." Ashkenazi authors, writes Heschel, were "irregular, vague, and often perplexingly entangled; their content restless."

For Heschel, the Sephardic world is born out of the classic tradition while the Ashkenazi world is based on a more romantic tradition. To that end he writes:

What distinguishes Sephardic from Ashkenazic culture is, however, primarily a difference of form rather than a divergence of content. It is a difference that cannot be characterized by categories of rationalism versus mysticism, or the speculative versus the intuitive mentality. The difference goes beyond this and might be more accurately expressed as a distinction between a static form, in which the spontaneous is subjected to strictness and abstract order, and a dynamic form which does not compel the content to conform to what is already established. ... Room is left for the outburst, for the surprise, for the instantaneous.

Heschel, 1948

He ends his apology with a defense of Ashkenazi custom and attitude: "the inward counts infinitely more than the outward," suggesting that the Sephardic tradition is inferior because it is external.

Differences exist within the Sephardic community itself. Similar to the differences between Ashkenazi subgroups such as the Litvaks, Galazianers, German Jews, Polish Jews, and Chassidic Jews, there exist differences between Moroccan, Iraqi, Spanish, and Portuguese Jews. Even within the Syrian community, differences in custom exist between the Jews of Aleppo, Aram Tzoba, and northern Syria. In the 20th century the Ashkenazi community became more centrally integrated, publishing uniform siddurim and creating yeshivoth that serve all their various subgroups. There is a trend to cast a net over all Sephardic communities and refer to them as Eidot Mizrah or Mizrachim (easterners). As a result of affluence, however, and easy access to publishing houses, Sephardic communities are dodging the trend of uniformity.

Throughout the 20th century, the ultra-Orthodox European leadership sought to strengthen its hold by gaining influence over the community of Jews who observe Jewish law. Successful and well-funded outreach movements were created by Lithuanian-trained rabbis, as well as Chabad (which launched a world-wide outreach movement). All these initiatives infiltrated Sephardic communities throughout the world. In 1984, the ultra-Orthodox community successfully gained influence over the Mizrachi/Sephardic communities throughout Israel by creating a political party called Shas. Shas, which means "guardian of the Sepharadim," was the Sephardic Jew's solution to the continuing economic hardships and identity crisis in the early years of the State of Israel. In the first decade of its existence, Shas was under the influence of the Ashkenazi ultra-Orthodox community. This resulted in a new leadership of Sephardic rabbis trained in the Ashkenazi Lithuanian ultra-Orthodox model. Rabbi Ovadia Yoseph's indisputable mastery of Jewish law and rabbinic texts made him a credible leader in both the Ashkenazi and Sephardic worlds. Though he himself was ultra-Orthodox, he successfully weaned the Shas party away from the Lithuanian influence.

A survey of the contemporary landscape of Sephardic and Ashkenazi Jewry finds that the only sector in which either of the traditions remain as a creative force is in the religious liberal

to modern Orthodox communities, while the Sephardic and Ashkenazic Jews who identify with the ultra-Orthodox have assimilated into an eastern European mode of religious and cultural expression.

Notes

1 Disqualified from being blessed upon because someone drank from it.

2 For a more elaborate discussion see my Journey Through Grief: A Sephardic Manual for the Bereaved and Their Community, Ktav Publishing House, 2003 pages 105-108.

3 See David Telsner, The Kaddish: Its History and Significance, Jerusalem: Tal Orot Institute, 1995.

4 Hida, Tov Ayin 18:32; Rabbi Haim Pelaggi, Kaf HaChaim 13:7; Ben Ish Hai, Veyehi 8; Rabbi Yaacov Haim Sofer Kaf Hachayim 56:20; Rabbi Ovadia Yoseph, Yehave Da'at 3:4.

5 Isaac Ben Moshe, author of Or Zarua Hilkhot Kerita Shema 1:25 (Vienna, thirteenth century) disagrees.

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