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# A Response to Professor Paxton's Paper

## 1 Introduction

Tel Aviv may justifiably be proud not only, of course, of arranging this important international congress but also of staging, at the Tel Aviv Opera House this week, Sergei Prokoviev's rarely seen opera *Betrothal in a Monastery*. In this opera there is a scene in which the monks, as well as praising wine and pretty women (perhaps a nod in the direction of Soviet Russian ideology by the composer Prokoviev in the 1940s), welcome the death of the half-blind gravedigger who has left them 100 ducats to pray for his soul. They agree to do so, or at least to pray for him to be happy in hell! I mention this so that there can be no accusation that our efforts at this congress are not relevant to the wider world outside. In this case, it may confidently be stated that they even relate directly to the local world of musical culture.<sup>1</sup>

## 2 Thirty years of research in Latin Christianity

As has so often been the case with aspects of modern Jewish scholarship from its earliest manifestations, *wie es christelt sich, so es yudelt sich*. What modern Christian scholars choose to research also ultimately receives the attention of Jewish academics. I say ultimately because the problem is that it usually takes some little time for the influence to be felt. While what may be called the plastic aspects of such study, ie cemeteries, graves and epitaphs, have received considerable attention, the liturgical aspect has for unclear reasons lagged somewhat behind. I believe that in this case it may have an apotropaic element to it. I recall in my youth having a regular Talmud *shi'ur* (or seminar) in the home of a rabbi who was not only traditionally learned but also took a delight in demonstrating his adherence to at least some notions of *Wissenschaft des Judentums* (חכמת ישראל). His wife was seriously ill with cancer at the time and was bedridden in the next room. When we reached the beginning of the third chapter of the tractate *Berakhot* which begins מי שמתו מוטל לפניו and

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<sup>1</sup> Each of my headings relates to a consecutive section of Paxton's paper and introduces my thoughts on some of the comments that he makes in that section.

deals with the laws applicable to those who have lost a close relative but have not yet conducted the burial, he requested that we skip over that chapter and move on to the next one. Similarly, I am sure that many Jewish scholars, however *wissenschaftlich* their approach, have not cheerfully relished the prospect of devoting their attention to such deathly topics. Whatever the rationale behind such hesitations, I have from time to time commented in the course of the past fifteen years or so that it was time that we Jewish scholars clinically investigated the reasons for the revolutionary developments in death liturgy, especially among the Ashkenazi communities of the high Middle Ages. And now I am delighted to say that we are doing so here at Tel Aviv University and that we shall, as a result, perhaps catch up with Christian scholarship.

### 3 Medieval economy of salvation

Here again the tendency of recent decades has been to pursue in many areas of Jewish studies Weberian notions of historical development and to neglect the theological, literary and cultural significance of revolutionary changes in favour of their social and economic motivations. I therefore welcome Professor Paxton's caution in this respect and hope that we can find the religious notions that underlie the creation of novel liturgy in the period under discussion at this congress, without of course in any way denying that there are always, as I have myself often argued, all manner of non-religious or a-religious inspirations for some of the developments.

### 4 Watersheds of the fifth and twelfth centuries

So often in Jewish literary and religious history, the assumption is made that the source of much evolution of thought, custom and practice is to be found in the talmudic period and that the innovative aspect is then subsequently lost until about the twelfth century. In the field of liturgy, Ismar Elbogen, who dictated the scholarly agenda for virtually a century was particularly guilty of this foible.<sup>2</sup> Whatever his protestations, the truth is that the geonic period and

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<sup>2</sup> See Elbogen's comments on the medieval period in I. Elbogen, German edition (= G), *Der jüdische Gottesdienst in seiner geschichtlichen Entwicklung* (Frankfurt am Main: Kaufmann, 1931; reprint, Hildesheim: Olms, 1962), pp. 271–72; Hebrew edition (= H), *התפילה בישראל*, eds. J. Heinemann, I. Adler, A. Negev, J. Petuchowski and H. Schirman, Tel Aviv: Dvir, 1972), pp. 203–4; English edition (= E), *Jewish Liturgy: A Comprehensive*

the century or two afterwards were highly productive periods. The difficulty facing the researcher is that many rabbinic authorities presenting fresh ideas and suggesting radical changes during those centuries did so under the guise of interpreting, summarizing and codifying the talmudic traditions, preferring to conceal the novel nature of much of what they were proposing, presumably in order to forestall any criticism from more strictly traditional circles. What we are therefore required to do is to uncover precisely what was genuinely talmudic and what amounted to a progression beyond the talmudic position.

## 5 Christian liturgical developments at Cluny

If I may be permitted to cite a sentence that I penned in a volume that I published in 1993: 'whether such prayers [linked with death] had their origins in earlier Jewish tradition or, as may be suspected, constituted a Jewish version of mourning practices performed in the more general Christian environment, as Petuchowski has briefly suggested, remains to be researched in a satisfactory way'.<sup>3</sup> This issue does indeed remain to be satisfactorily resolved – and I hope the required resolution will at least partly be achieved in this week's round of presentations – but it seems to me highly unlikely that the intense and important liturgical development in such a major Christian centre as Cluny in Burgundy and the novel, and indeed contemporary, Jewish concern with introducing liturgies of various sorts for the dead, sometimes accompanied by acts of charity, are to be viewed as unrelated. After all, we know of Jewish-Christian cultural contacts in France at that period and such contacts may well have inspired in Jewish worshippers the notion that their Christian counterparts had effected a system for, as Professor Paxton puts it, 'snatching souls from the jaws of the demons below'. In that case, would they not have felt themselves duty-bound to accord similar liturgical favours to their own deceased sisters and brothers?

## 6 Theology, economy and salvation

The Christian doctrinal definition of theology, economy and salvation, noted by Paxton, is somewhat reminiscent, *mutatis mutandis*, of the rabbinic division

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*History* (ed. and trans. by Raymond P. Scheindlin, Philadelphia, Jerusalem and New York: Jewish Publication Society of America, 1993), p. 213.

<sup>3</sup> S. C. Reif, *Judaism and Hebrew Prayer: New Perspectives on Jewish Liturgical History* (Cambridge: Cambridge University Press, 1993), p. 220.

of Judaism into *Torah*, ‘*Avoda* and *Gemillut Ḥasadim* (that is, ‘Study and Practice, Worship and Ethics’, if you like). Part of this third-listed rabbinic notion undoubtedly includes charitable donations to Torah institutions, as was much practised in the geonic period. What is particularly interesting is the link also made in the rabbinic sources, especially in liturgical custom, between prayers for the dead and charitable gifts. These latter are identified as the *matnat yad* that is pentateuchally ordained on the three pilgrim festivals (eg Deut 16:16–17), and those festivals became the occasions on which special memorial prayers were recited for close relatives who had gone to their heavenly repose.<sup>4</sup>

## 7 Memorialization of the dead for three centuries after Charlemagne

This was precisely the period – the ninth to the twelfth centuries – during which the Ashkenazi Jews developed their liturgies for memorializing the dead, especially by way of the *hazkarat neshamot* or *yizkor* prayers and of course the *qaddish yatom* (the orphan’s *qaddish*), as well as by the recitation of such memorials to martyrs as *Av ha-raḥamim*.<sup>5</sup>

## 8 Criticism of the living acting for the dead

In the Jewish arena, the ongoing tension between halakhic purists and enthusiasts of more mystical indulgences was often expressed in divergent attitudes to the liturgical treatment of the dead. The halakhists (including such major figures as the Ge’onim Sherira, Hai and Nissim) and, no less, the philosophers, were not of a mind to approve the notion that one’s prayers could have any

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<sup>4</sup> See Elbogen G, pp. 201–4, H, pp. 150–51 and E, pp. 162–63; B. S. Jacobson, *Netiv Bina* (5 vols; Tel Aviv: Sinai, 1968–83), 2.230–40; S. B. Freehof, ‘*Hazkarath Neshamoth*’, *Hebrew Union College Annual*, 36 (1965), pp. 179–89; A. Yaari, ‘Miy Sheberakh Prayers: History and Texts’, *Kiryat Sefer*, 33 (1957–58), pp. 118–30 and 233–50, and 36 (1960), pp. 103–18; D. de Sola Pool, *The Kaddish* (Leipzig: Haupt, 1909); J. J. Petuchowski, ‘The History of the Synagogue. History, Structure and Contents’, in *Approaches to Ancient Judaism*, vol. 4, ed. by W. S. Green (Chico: Scholars Press, 1983); I. Ta-Shma, ‘Some Notes on the Origins of the “Kaddish Yathom”’, *Tarbiz*, 53 (1984), pp. 559–68, and reprinted in his *Early Franco-German Ritual and Custom* (Hebrew; Jerusalem: Magnes, 1992), pp. 299–310; and Reif, *Hebrew Prayer*, p. 386, nn. 26–28.

<sup>5</sup> Such prayers received the attention of Gross, A. Lehnardt, Lifshitz and Bar-Levav at the conference and their papers are published in this volume.

direct effect on the dead while those anxious to express more mystical or more popular forms of religiosity were not averse to making such a close connection between prayers or pious deeds and the fate of one's departed relatives.<sup>6</sup>

## 9 Exclusive plots for the burial of Christians

It is generally assumed that Jewish interment in the Land of Israel during the early Christian centuries was a private matter and that the physical disposal of the remains was done in a family plot or in a cave, sometimes to be followed by the collection of the bones (ליקוט עצמות) at a later date, and their storage in an ossuary. The place of a burial was marked so that those (such as priests) seeking to avoid ritual contamination by the dead could be made aware of areas to be avoided. The situation appears to have changed in the talmudic period, especially in Babylonia, when the communal aspect came to be more central. The location, status and maintenance of the communal cemetery was of concern to the rabbinic teachers and there were many superstitions attached to one's presence in such an area, especially in the hours of darkness. It would therefore seem that during the late talmudic and early geonic periods, the institution of the communal cemetery saw some significant developments.<sup>7</sup>

## 10 Augustine's prohibition of eating and drinking at martyrs' tombs

Taking his lead from the Yerushalmi (Palestinian Talmud) and not the Bavli (Babylonian Talmud), Maimonides (d. 1204) argues that the recitation of prayers in a cemetery is inappropriate because it is a place of ritual impurity,

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<sup>6</sup> *Oṣar Ha-Geonim*, ed. B. M. Lewin, vol. 4, *Ḥagiga* (Jerusalem: Hebrew University Press Association, 1931), p. 27; Aharon Ha-Kohen of Lunel, *Orḥot Ḥayyim* (Florence: de Pass, 1750), p. 107a; Avraham bar Ḥiyya, *Sefer Hegjon Ha-Nefesch oder Sitten-Buch*, ed. by E. Freimann (Leipzig: Vollrath, 1860), p. 32 (Eng. trans. by G. Wigoder, *The Meditation of the Sad Soul*, London: Schocken, 1969, p. 120).

<sup>7</sup> For brief and general surveys of the history of Jewish burial, see *Encyclopaedia Judaica* 4, cols. 1515–23; 'Cemeteries: Antiquity' by Matthew Goff and 'Cemeteries: Medieval and Modern' by Alisa Gayle Mayor in *Reader's Guide to Judaism*, ed. by Michael Terry (Chicago: Fitzroy Dearborn, 200), pp. 102–4; and Nolan Menachemson, *A Practical Guide to Jewish Cemeteries* (Bergenfield, NJ: Avotaynu, 2007), pp. 1–7. See also the contributions of Barak, Huttenmeister and A. Lehnardt, Langer, P. Lehnardt, Perani, Reiner and Rozen to this volume.

not because of any effect it might have on the dead who are interred there. Worries about such an effect are tantamount to an indulgence in magical beliefs and practices, and consequently forbidden. Given that the best memorials to the departed are the good deeds they have performed in this world, there is no justification for buildings to be erected at their tombs. Visits to cemeteries should not be made for such religiously dubious purposes or in order to pray; if those are the motivations, the time would better be spent on Torah study. They should rather be an encouragement to contrition and humility.<sup>8</sup>

## 11 The control of social behaviour within a thoroughly Christian framework

The early geonic age saw much creativity and expansion in the liturgical arena, no less than in other spheres of rabbinic learning. The basic elements of prayer and lectionary having been designed earlier, every opportunity was taken to expand on these. There was of course a constant tension within the liturgy between spontaneity and rigidity, synagogue and home, law and mysticism, Hebrew and vernacular, and brevity and protraction, to name only a few. At times, a relaxed attitude to variation gave way to a strong stand about what represents the preferable textual or ritual alternative in each case. Many such developments appear to have occurred in the latter part of the geonic period and to have reached their peak in the century or two immediately afterwards. The theme then became one of standardization and conformity and all the authority of Jewish religious law (*halakha*) was employed to ensure that variation from the established norm was kept to a minimum. Behind so many of these trends lay emerging attitudes to the synagogue and the academy; the influences of Karaism, Christianity and Islam; the tightening of rabbinic authority, and the broad intellectual stimulation of the day. But no less significant was the impact made by the adoption of the codex for the recording of rabbinic traditions that had previously been generally transmitted in oral format.<sup>9</sup>

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<sup>8</sup> See Y. S. Lichtenstein, 'The Rambam's Approach regarding Prayer, Holy Objects and Visiting the Cemetery', *Hebrew Union College Annual*, 72 (2001), Hebrew section, pp. 1–34 and Reif, 'Maimonides on the Prayers' in *Traditions of Maimonideanism*, ed. C. Fraenkel (Leiden and Boston: Brill, 2009), pp. 73–100.

<sup>9</sup> See Reif, *Hebrew Prayer*, pp. 122–52.

## 12 Ninth-century Christian standardization

In Jewish liturgical history too, what was thought to enjoy talmudic authority was in fact often the creation of rabbinic leaders and communities in the geonic and early medieval periods. I suspect that some of the papers being delivered during this congress will illuminate the matter of how far this is true in matters of death and burial. Should they fail to do so, researchers should make this a priority for future attention.

## 13 Christian rituals for seven and thirty days after a death, and annually thereafter

The periods one, three, seven and thirty days, and one year, appear in the Palestinian and Babylonian Talmudim and it is therefore unlikely that they are later than about the fifth or sixth centuries. The strictest degree of mourning applies to the first day, which the talmudic rabbis regard as of biblical origin and stringency, and this reduces progressively from time period to time period. The detailed rules of mourning that apply to each of these time periods developed from the talmudic through the geonic and early medieval period with close attention being given to the topic in the talmudic tractate *Mo'ed Qaṭan*, the post-talmudic tractate *Semaḥot* and the earliest codes, especially that of Maimonides in the twelfth century.<sup>10</sup> Unless there is evidence of such periods of time in the earliest Christian sources, it would seem that the Christian monastic tradition owes its origin in this respect to Jewish precedent. The matter would no doubt benefit from further investigation.

## 14 Obligation to pray for those who gave life and land

From about the twelfth century there is evidence, in Jewish prayer collections and in the halakhic discussion of liturgical topics, of special blessings, often beginning with the words *מִי שְׁבִירָךְ* ('May he who blessed our forefathers ...'), for particular groups and individuals. These benedictions are invoked on those

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<sup>10</sup> *Encyclopedia Talmudica*, vol. 1 (Hebrew: Jerusalem: Mosad Harav Kook, 1948), pp. 26–36; Eng. trans. (Jerusalem: Yad Harav Herzog, 1969), pp. 75–103.

who behave in an appropriately religious fashion, who devote themselves to the needs of the synagogue, or who perform generous acts of charity. It is fascinating that the community also offered its prayers for those who undertook communal tasks, especially with regard to burial, congregants who did not disturb the services with idle chatter, women who donated their handiwork for religious purposes, and those who abstained from drinking non-Jewish wine. Also documented from the eleventh and twelfth centuries are prayers on behalf of local non-Jewish rulers, sometimes justified on biblical or talmudic grounds but more probably innovative in many respects.<sup>11</sup>

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<sup>11</sup> See Genizah text, Cambridge University Library, T-S 110.26 published by P. B. Fenton, *'Tefilla be-'ad Ha-Rashut U-Reshut be'ad Ha-Tefilla'*, *Mi-Mizrah Umi-Ma'arav* 4 (1984), pp. 7–21; Yaari, *Kiryat Sefer*, 33, p. 247, and 36, p. 115; B. Schwartz, *'Hanoten Teshu'a: The Origin of the Traditional Jewish Prayer for the Government'*, *Hebrew Union College Annual*, 57 (1986), pp. 113–20; and Reif, *Hebrew Prayer*, p. 218.