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## A NOTE ON MEDIEVAL SEPHARDIC PRACTICE AT THE SEDER

The text of the *Haggada* varies little between Jewish communities, thus attesting to its great age—the basic structure of the *Haggada* being credited to the *Anshei Keneset haGedola* (Men of the Great Assembly).<sup>1</sup> The majority of the numerous textual variances between Ashkenazic and Sephardic *Haggadot* are insubstantial, consisting only of minor differences.

There are also, however, variances of consequence, as, for example, regarding the *Seder's* four cups of wine: one for *Kiddush*, one after *Maggid* (recitation of the Exodus from Egypt), one after *Birkat ha-Mazon*, and one after *Hallel*, prior to the conclusion of the *Seder*. Current Sephardic practice is to make blessings over only the first and third cups, whereas the Ashkenazic practice is to make a blessing over each of the four cups. This variance in custom, reflected in the text of the *Haggada* and codified in the *Shulhan Arukh*, is a relatively modern modification that is commonly presumed to date from talmudic times.

In his monumental work, *Bet Yosef*, organized as a commentary to the *Arba'a Turim* (*Tur*), Rabbi Joseph Caro (1488-1575, author also of the *Shulhan Arukh*) explains his decision (*O. H.* 474):

Rif writes that it is necessary to make the blessing *Borei Peri haGefen*, and that is what is written in the chapter *Arvei Pesachim*. The reason is that each of the four cups is a separate mitsvah and therefore requires the blessing *Borei Peri haGefen* on each cup. Rosh writes, and so it seems, that even though each and every cup is a separate mitsvah, since there is no diversion of attention, it is not necessary to make a separate blessing on each cup; and it is our custom to make the blessing *Borei Peri haGefen* only on the cup for *Kiddush* (first cup) and for *Birkat haMazon* (third cup).

In *Piskei haRosh*, R. Asher records the position of Rav Alfasi and responds that, as it is permitted to drink between the first and third cups, there is no diversion of attention. Even though one is not permit-

ted to drink between the third and fourth cups, as it "is before him and his intention is to drink from it, *Hallel* is not an interruption."<sup>2</sup>

In the introduction to *Bet Yosef*, R. Caro outlines his criteria in arriving at halakhic decisions. Wherever the three *amudim* (pillars) [R. Isaac Alfasi (Rif, 1013-1103), Maimonides (Rambam, 1135-1204), and R. Asher ben Jehiel (Rosh, c. 1250-1327)] address an issue, R. Caro follows them; where they disagree, he follows the majority. This contrasts with the criteria of Rabbi Moses Isserles (Rema, c. 1530-1572), decisor for the Ashkenazim, who, in addition to the codifiers already mentioned, gives consideration to the opinion of other early scholars, such as the Tosafists, and also places weight on the opinion of later halakhic authorities, such as Rabbis Jacob Weil, Israel Isserlein, and Israel Bruna.

The reader should immediately realize that something is amiss: R. Caro has determined the halakha regarding the second and fourth cups in accordance with the minority position of Rosh, against both Rif and Rambam (who also rules in favor of four blessings).<sup>3</sup> Furthermore, in doing so, he is deciding the halakha for Sephardim in accordance with an Ashkenazi (Rosh) rather than his Sephardi predecessors (Rif and Rambam).

Indeed, a contemporary authority on custom, R. Shemtob Gaugine, in his encyclopedic work, *Keter Shem Tob*, writes:

I don't understand why Maran haBet Yosef forsakes the words of all the *rishonim* (early sages), all of whom respond that it is necessary to make a blessing on each and every cup . . . especially when, according to [HaRav David Abudarham], it seems this was the practice in Sepharad. How did he come to not decide in accordance with them?<sup>4</sup>

R. Gaugine's statement that "this was the practice in Sepharad" is supported by the evidence of *Haggadot* written in medieval Spain.<sup>5</sup>

Writing in the *Arba'a Turim* (*Tur O. H.* 474), Jacob b. Asher (c. 1275-1340, the son of Rosh) reiterates the conclusion of Rav Alfasi and adds that this was also the position of Rav Natronai, Rav Amram, Rambam and Avi haEzri, but not the position of either his father or of the Gaon Rav Cohen-Tsedek.

It seems that not only the majority of the early Sephardi codifiers, but most of the *geonim* as well, among them Rav Natronai Gaon, Rav Amram Gaon, Rav Sherira Gaon, Rav Hai Gaon and Rav Saadia Gaon, concur that a blessing should be made over each of the four cups of wine. The early and notable exception, frequently cited, is R. Cohen-

Tsedek, *gaon* of Sura (838-848). However, a fragment with responsa from the time of the *geonim* suggests that his position was otherwise.<sup>6</sup>

Two prominent early Sephardic halakhists who decide in favor of two blessings are Rabbeinu Yona b. Abraham of Gerondi (c. 1180-1263) and R. Solomon b. Abraham Aderet, (Rashba, c. 1235-1310), the latter the preeminent rabbinic authority in Spain in his time. In his responsum, Rashba cites the varying positions of Alfasi and R. Zerahya haLevi (Razah, c. 1125-86) of Provence.<sup>7</sup> Rashba observes that making only two blessings is the position of Razah and the rabbis of Tsarfat (Northern France).<sup>8</sup>

Subsequent Sephardic decisors in favor of making a blessing on only the first and third cups are the anonymous author of *Sefer ha-Hinnukh* (late thirteenth century, presumably a student of Rashba),<sup>9</sup> R. Yom Tov ben Abraham Ishbili (Asbili, Ritba, c. 1250-1330) and R. Hayyim b. Samuel b. David of Tudela (c. 1275-c.1340, author of *Tseror haHayyim*), both students of Rashba,<sup>10</sup> as well as R. Menahem b. Zerah (c. 1310-85), author of *Tseda laDerekh* and a student of Rosh.<sup>11</sup>

The only later Sephardic authority who decides in favor of a blessing over all four cups is R. David Abudarham (13th-14th century), reputedly a student of the Tur and author of *Sefer Abudarham* (Seville, 1340). Abudarham concludes that "the custom generally followed is that of the *geonim* [that is, to make four blessings]."<sup>12</sup>

A chronological divide exists between the Sephardic codifiers on the number of blessings to be made over the *arba'a cosot*. Prior to the fourteenth century, the majority of Sephardic decisors, represented by Rif and Rambam, rule in favor of making a blessing on each cup. Subsequently, Sephardic decisors such as Tur, Hinnukh, Tseda la-Derekh, and Tseror haHayyim rule in favor of only two blessings, while a minority, represented by the *Sefer Abudarham* and the *Haggadot* of the period, favor four blessings, apparently a holdover from the earlier period.

What distinguishes these later authorities from their predecessors, and what prompted a change in accepted practice in the fourteenth century? A possible solution is offered by Dr. Joseph Tabori, who remarks that there is no evidence that any of the earliest Sephardic codifiers ruled in favor of two rather than four blessings on *arba'a cosot*. Indeed, he observes, Rashba attributed this position to the sages of Tsarfat. Tabori sees the beginning of this position in Spain with Rabbeinu Yona, noting that only afterwards is it mentioned in Sephardic halakhic works. It is not clear to him if this custom began to subsequently spread in

Spain or whether its absence from earlier works can be attributed to the paucity of such codes from the period between Rambam and Rabbeinu Yona.<sup>13</sup>

Tabori observes that two of Rashba's contemporaries, R. Aaron ben Joseph haLevi (Ra'ah, c. 1230-1300) and Rosh, also favored two blessings only, and that the combined influence of these three sages, together with the influence of their pupils, was sufficient to effect a change in Sephardic practice.<sup>14</sup> While Rashba and Ra'ah were rabbinic figures of great prestige and consequence, there is no evidence that they were responsible for major changes in Sephardic custom and practice. Rosh, whose influence seems to be given insufficient weight by Tabori, had just such an impact on normative Sephardic practice.

R. Asher ben Jechiel was the outstanding student of and successor to R. Meir b. Baruch of Rothenberg (c.1215-93), one of the most prominent leaders of German Jewry. Rosh left Germany in 1303 due to the persecution of German Jewry, arriving in Spain the following year. He initially stayed at the home of Rashba in Barcelona. Shortly afterward, in 1305, R. Asher became the head of the *bet din* in Toledo.

Although physically removed from German Jewry, his influence did not decline, as R. Asher's opinion continued to be sought by them on halakhic matters. Inquiries were received from Provence and from North African Jewry as well, and students came to him from lands as distant as Russia. After Rashba's death, Rosh became the leading halakhic authority in Spain. He was thus in the unusual position of being recognized as a leader of both Ashkenazic and Sephardic Jewry.

R. Asher's prestige was reinforced by his great learning, personality, and personal humility. I. Z. Kahane regards his arrival in Spain as the beginning of a new period in the history of halakha, while H. J. Zimmels observes that Rosh is credited with reviving "the study of Talmud which had been neglected in Spain, making use of the method of the Tosaphists."<sup>15</sup>

R. Asher's halakhic decisions became standard practice; Zimmels observes that Rosh's "ordinances and decisions became law in the whole of Castile" and that "we are informed by R. Joseph Caro that the Spanish communities adopted R. Asher's decisions in liturgical matters which subsequently became general law among them."<sup>16</sup> Bet Yosef (*Tur* O. H. 51) refers to concerns about saying Amen after the prayer *Yishtabab*, and concludes, "This is the reasoning of Tur, which he learned from Rosh, and is also the Sephardic custom, which is held from Rosh. . . ."

Kahane quotes from *Responsa Birkei Yosef* by R. Hayyim Yosef David Azulai (Hida), who remarks that he found an extremely old responsum, written prior to the expulsion of the Jews from Portugal, inquiring how to decide halakhic issues where Rambam and Rosh disagree. The responsum, written by Rav Moses ibn Dunan, a student of R. Isaac Abohav (1433-1493), states: "The entire land conforms to the position of Rosh, and turns neither to the right nor the left from his rulings."<sup>17</sup>

Meir Benayahu quotes from the responsa of R. Solomon haCohen, (Maharshakh, c. 1530-c. 1602), rabbi of Salonika and a recognized halakhic authority in Turkey, to the same effect. Benayahu comments, "The well known authority R. Solomon ha-Kohen (Maharshach) of Salonika writes 'One should not rule contrary to the Rosh, and specifically in our place, for the Rosh is the Rav of the Sephardim.'"<sup>18</sup>

Rosh did not impose his opinion in all cases. Zimmels remarks that R. Asher was "firm in matters in which a prohibition was involved, but showed great leniency in cases which were based upon customs (*minhagim*). He had sometimes to give way and let the Spanish Jews comply with their usage which in his view was incorrect."<sup>19</sup> In our case, that is, the number of blessings to be made over the *arba'a cosot*, the position of Rosh resulted in a permanent change in halakha. This modification was supported by such prominent Sephardic authorities as Rashba and Ra'ah.

It is not possible to determine if this change would have occurred if Rosh had ruled differently or if he had been silent on this issue. Nevertheless, it is the Ashkenazic R. Asher who was influential in revising Sephardic practice, and who is so recognized by later Sephardic codifiers and decisors.

## NOTES

1. See, for example, Heinrich Guggenheimer, *The Scholar's Haggadah, Ashkenazic, Sephardic, and Oriental Versions* (Northvale, NJ, London, 1995); and Menachem M. Kasher, *Haggada Shelema* (Jerusalem, 1967).
2. *She'elot uTeshuvot haRosh* (Jerusalem, 1971), p. 35 no. 14.5. Dr. Joseph Tabori, in his doctoral dissertation, *LeToledot Hilkhotei haSeder* (Ramat Gan, 1977), p. 85, suggests that, in this case, Rosh wrote *Piskei haRosh* prior to his responsa, for only the latter makes mention of R. Yona, perhaps indicating that when he wrote the former he was unaware of R. Yona's position. I am indebted to Dr. Yitshak Ron for bringing this important work to my attention.

3. Rambam, *Hilkhot Hamets uMatsa* 7:10, 8:5.
4. Shemtob Gaugine, *Keter Shem Tob, The Rites and Ceremonies and Liturgical Variants of the Sephardim of the East and West, and the Ashkenazim* III (Jerusalem, 1980), p. 70.
5. An examination of actual codices and facsimile editions (admittedly the sample is not extensive) strongly suggests that at one time, the practice in Spain was to make four blessings over the *arba'a cosot*. All of the *Haggadot* examined require four blessings for the *arba'a cosot*. It seems that Sephardic convention at the time the *Haggadot* were written differed from present-day practice. Another variant of note in these *Haggadot* is that the order of the four questions, the *ma nishtana*, is in what today is considered the Ashkenazic order of *hamets u-matsa*, bitter herbs, dipping, and reclining, rather than the current Sephardic order of dipping, *hamets u-matsa*, bitter herbs, and reclining.
6. Louis Ginzberg, *Geonica* (New York, 1909 reprint n. d.), II p. 185.
7. R. Zerahya haLevi (Razah, c. 1125-86), author of *Sefer haMe'or*, was born in Gerona, Spain, and emigrated to Provence with his family while still a child. He studied under Moses ben Joseph in Narbonne and Meshullam b. Jacob in Lunel and is considered among the rabbinic sages of Provence. Other sages of Provence—for example, R. Abraham b. Nathan haYarhi of Lunel (*Sefer haManhig*), require the blessing *Borei Peri haGefen* to be made four times. Most of the halakhic works of Rabbenu Yona, author of the ethical work *Sha'arei Teshuva*, are no longer extant and his position is known by references to him, for example, by Tur. Tabori, however, cites a manuscript, *Seder haPesach leRabbeinu Yona*, which explicitly calls for only two blessings on the four cups (p. 84).
8. Rashba remarks that the sages of Tsarfat require a blessing only on the first and third cups. However, a review of contemporary Ashkenazic sources representing a wide geographical area reveals that a very large spectrum of these codifiers required a blessing on every cup, among them Elazar Roke'ah of Worms (c. 1160-c.1238, *Sefer Roke'ah*); Solomon b. Isaac (Rashi), *Responsa Rashi*; Simha b. Samuel of Vitry, a colleague or student of Rashi (d. 1105, *Mahzor Vitry*); Isaac b. Moses of Vienna (c. 1180-c. 1250, *Or Zaru'a*); and Jacob b. Judah Hazan of London, (late thirteenth century, *Ets Hayyim*). This is also the position of Mordechai ben Hillel (c. 1240-1298, *Sefer Mordekhai, Arvei Pesachim*: 240a). These codes, which include detailed halakhic discussions, generally note that a blessing is to be made on each of the four cups, without any consideration of a contrary custom, indicating that the practice was so common as to preclude the need for further comment. Similarly, Ashkenazic illuminated *Haggadot* call for four blessings.
9. Mitsvah 21: Recounting the Exodus from Egypt. *Sefer haHinnukh* has been frequently attributed to Aaron haLevi of Barcelona (Ra'ah), due to the anonymous author's statement, "A Jewish man of the House of Levi, from Barcelona." This attribution is no longer accepted.
10. Hayyim b. Samuel of Toledo, *Tseror haHayyim*, Samuel Yerushali ed. (Jerusalem, 1966), pp. 128-9. The comments of Ritva are to be found in *Hilkhot Seder haHaggada* printed with *Hiddushei haRitva on Pesachim* (Jerusalem, 1983), p. 11.

11. R. Menahem b. Zerah, *Tseda laDerekh*, (Jerusalem, 1977), p. 212, no. 4.3.1.
12. David Abudarham, *Sefer Abudarham* (Jerusalem, 1963), p. 214. *Keneset haGedola*, a digest of halakhic sources by R. Hayyim b. Israel Benveniste (1603-73), observes (*Tur O. H.* 474) that Ramban, in responsa nos. 201 and 202, "writes in conformity with Rosh that it is not necessary to make the blessing [over the second cup]." The pertinent responsum, no. 201, is identical to no. 72 of Rashba and should not be attributed to Ramban. However, in *Hiddushei haRamban* (*Pesahim* 117), where the subject is whether a blessing is made over *Hallel* on the night of Passover, Ramban writes, "Furthermore, in order that there be a blessing on each and every cup."
13. Tabori, p. 84. Tabori sees in Rashba's responsa on this issue, that "which I have heard from our rabbis . . . and it is more correct and reasonable in my eyes," as evidence that although Rashba's predecessors decided in favor of four blessings, Rashba, based on his own reasoning, ruled in favor of two blessings. However, the quote in my copy of Rashba's responsa reads, "which I have heard from some of my teachers. . . ." This reading seems correct, for one of Rashba's teachers was none other than Rabbeinu Yona.
14. Tabori, pp. 85-86. Ra'ah's position is cited in *Maggid Mishne, Hilkhut Hamets uMatsa* 8:5.
15. Izhak Zev Kahane, *Sinai XVIII* (Jerusalem, 1955), p. 400.; H. J. Zimmels, *Ashkenazim and Sephardim. Their Relations, Differences, and Problems as reflected in the Rabbinical Responsa* (London, 1976), p. 21.
16. Zimmels, p. 23.
17. Quoted in Kahane, p. 411.
18. Meir Benayahu, Yosef Behiri, *Maran Rabbi Joseph Caro* (Jerusalem, 1991), p. 378.
19. Zimmels, pp. 22-23. There are also instances where the view of Rosh was accepted, only to be reversed later. Kahane (p. 410) and Zimmels (p. 31) cite *Bet Yosef* concerning the writing of *tefillin*, where the position of Rosh was accepted over that of Rambam, only to be rejected in the mid-fifteenth century. Similarly, Kahane (p. 409) cites *Bet Yosef* (*O. H.* 31), who remarks that the wearing of *tefillin* on the intermediate days of a *Yom Tov* (holiday) was held as obligatory by Rosh and opposed by Rashba. Here too, the view of Rosh prevailed until the fifteenth century, when Sephardic practice, influenced by the *Zohar*, again changed (also in Zimmels [p. 113]). Nevertheless, these instances appear to be the exception, the reality being that R. Asher had a profound and lasting impact upon Sephardic practice.