**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Halakha and Jewish History**

**Rav Aviad Tabory**

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In memory of Esther Leah Cymbalista z"l  
Niftera 7 B'Av 5766   
Dedicated by their family.

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IN LOVING MEMORY OF

Jeffrey Paul Friedman z"l

August 15, 1968 – July 29, 2012

לע"נ

 ז"ל יהודה פנחס בן הרב שרגא פייוועל

כ"ב אב תשכ"ח – י' אב תשע"ב

ת.נ.צ.ב.ה

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**Shiur #14:**

**The Expulsion from Spain**

**Part II**

**(1492)**

In our last *shiur*, we discussed how the forced exodus of the Jews of Spain and Portugal and their relocation in Jewish communities around the world created challenges regarding the creation of new *minyanim* (quorums for prayer) and different *nusachim* (textual versions of prayer).

Should the Torah value of unity be a halakhic reason for congregations to merge?

***Lo titgodedu***

In biblical days, the custom was for mourners to inflict harm on themselves. The Torah, stating: “*Lo titgodedu,”[[1]](#footnote-1)* “Do not cut yourselves,” prohibits this practice.

However, the Rabbis derive from these words an additional prohibition, that it is forbidden for Jews to divide themselves into separate groups. The word “*titgodedu”* is similar to the word “*aguda”* which means group, band or bundle. Thus, the Gemara forbids creating multiple *agudot.*[[2]](#footnote-2)

The Gemara argues about the conditions in which this rule applies:

Abbayei said: We apply *“Lo titgodedu”* in a situation in which there are two courts in one city, one following Beit Shammai in its rulings and the other following Beit Hillel.

Rava disagrees and holds that two courts in one city may follow different opinions. The prohibition only applies when there is one court in one city, and some of its members follow the rulings of Beit Shammai while others follow the rulings of Beit Hillel.[[3]](#footnote-3)

Although the Talmudic convention is for the law to follow Rava, the Rambam agrees with Abbayei:[[4]](#footnote-4)

This commandment also includes [a prohibition] against there being two courts which follow different customs in a single city, since this may cause many arguments (*machalokot*). As [the Torah] states: "*Lo titgodedu” —* do not separate into different groups.[[5]](#footnote-5)

The Rambam’s explanation for this prohibition is not to create division. Rashi, however explains that the reason is to ensure that it doesn’t seem that there are two versions of the Torah.[[6]](#footnote-6) Perhaps, according to the Rambam, in the situation in which one finds himself in a host community that requires him to follow the local custom, one would be permitted to practice his own customs in private.

The common understanding is that this rule applies to customs as well as to the rulings of the courts.

A good example is the mourning customs to commemorate the death of Rabbi Akiva’s students. During the weeks between Pesach and Shavuot, the *Shulchan Arukh* rules that certain laws of mourning apply.[[7]](#footnote-7) The Rema explains that two customs developed through the centuries. Some practice the mourning customs between Pesach and Lag Ba-Omer and some from Rosh Chodesh Iyar until Shavuot.[[8]](#footnote-8) Quoting the prohibition of “*Lo titgodedu,”* the Rema remarks that the residents of one city may not keep different periods of mourning!

Does the creation of new synagogues praying differently violate *“Lo titgodedu”*?

In the responsum of the Maharashdam mentioned in the previous *shiur*, he argues explicitly that the prohibition of *“Lo titgodedu”* does not apply when entire communities settle in a new city.

Furthermore, the accepted custom of Jewish communities has been to follow Rava’s opinion and to permit separate congregations in one city.[[9]](#footnote-9)

**Newcomers and visitors**

We now see that Jewish communities who settle in a new location are permitted to establish new congregations to practice their family customs and pray in their own *nusach.*

What about visitors? Should an Ashkenazic Jew visiting a Sephardic synagogue or vice versa follow the local *nusach*? I can personally attest to the fact that some synagogues (and some individuals) get **very** upset if mourners add additional words to the *Kaddish*…

I have found at least three very different approaches to this question.

1. Sephardic Chief Rabbi Benzion Uzziel argues that a visitor in a synagogue should adopt all of the local synagogue’s customs, including the *Amida,* which is recited silently.[[10]](#footnote-10)
2. Rav Moshe Feinstein differentiates between the parts of prayer recited loudly and those said quietly. He permits visitors to recite the silent *Amida* according to one’s own *nusach*; however, when responding out loud, as in the case of *Kedusha*, one must adopt the local *nusach*. Referring to other parts of *tefilla*, such as the *berakhot* of *Shema* which may be recited out loud, Rav Moshe permits reciting them silently according to one’s own *nusach*. [[11]](#footnote-11)
3. Rav Ovadya Yosef disagrees and holds that a Sephardic Jew may recite his own *nusach* of *Kedusha* in an Ashkenazic synagogue. His argument is that the main part of the *Kedusha* prayer is the same according to all customs. The beginning and end parts of the *Kedusha* prayer are added lines that are not part of the original *tefilla*. Therefore, if one chooses to recite the beginning part of the *Kedusha* differently from the *nusach* of the minyan, one is not reciting *Kedusha* without a *minyan*.[[12]](#footnote-12)

**Changing one’s *nusach***

We mentioned previously that, over the centuries, many Jews changed their *nusach* (the more common phenomenon was switching from Ashkenazic to Sephardic *nusach*). The Chatam Sofer testifies that both of his distinguished teachers, Rav Natan Adler (1741–1800) and Rav Pinchas Ha-Levi Horowitz (1731-1805) changed their prayer to the Sephardic *nusach*.

In fact, the founding rebbes of the Chassidic movement instructed their followers to switch from the Ashkenazic *nusach* to the Sephardic one. At the time, leading rabbis disagreed with them, wondering how halakhically they could do so.

It is fascinating that many Posekim, Sephardim as well as Ashkenazim, cite the mystical idea of Ha-Ari Ha-kadosh, who explains that there are twelve gates in the heavens corresponding to the twelve tribes of Israel, and the prayer of each tribe ascends through its particular gate.[[13]](#footnote-13) As one never can be sure what tribe he is from, one must continue to pray according to the *nusach* of one’s family.

This source not only serves as proof that all versions of prayer are equal, but it also supports the idea that people should not change their family tradition!

However, those who justify changing to the Sephardic *nusach* hold that the exception to the above idea is *nusach Sefarad,* which is *sha’ar ha-kollel —* the gate which encompasses all prayers, through which prayer may ascend via all twelve gates.[[14]](#footnote-14)

As mentioned above, the Chatam Sofer’s rabbis adopted the Ari’s *nusach* and used this *nusach* in a *minyan* that was praying in the Ashkenazic *nusach*!

Although the Chatam Sofer is adamant that all forms of *tefilla* are equal, he justifies his rabbis’ custom. His explanation is that his rabbis understood the deep meaning of the Ari’s *kavanot* (mystical intentions). This is their reason for adopting a different *nusach*.

The reason the Ari wrote his *kavanot* for *nusach Sefarad* is because he was accustomed to praying in this *nusach*. If the Ari would have lived in Ashkenaz, he would have composed his *kavanot* based on *nusach Ashkenaz*.[[15]](#footnote-15)

Thus, the permission to change *nusach* seems to be limited to those who understand the meaning of the Ari’s *kavanot*. However, the Maharam Schick, student of the Chatam Sofer, acknowledges that adopting the Ari’s *nusach* has become the common practice; he justifies it by explaining that for any mitzva which involves spiritual intentions, such as *tefilla*, such changes are permitted.

The custom for Ashkenazim to pray using *nusach Sefarad* became so widespread that Ashkenazic Posekim like Rav Moshe Feinstein accepted it and explained that nowadays there is no reason to oppose it. [[16]](#footnote-16)

Furthermore, Rav Ovadya quotes Posekim who permit Ashkenazim to switch to the Sephardic *nusach,* arguing that its origin is “more” correct then any another *nusach*.[[17]](#footnote-17)

In addition, 20th century rabbis disagreed about the varying pronunciation of words in the tefilla.[[18]](#footnote-18)

***Nusach achid***

In the modern State of Israel, questions have been raised whether communities should keep their ancient customs and continue praying in separate congregations; or whether they should strive to unite all Jews by following a singular *nusach*.

Rav Yair Dreyfus, *Rosh Yeshiva* of Yeshivat Siach Yitzchak, argues that ethnic groups in Israel should continue to pray in separate *minyanim*. Nowadays, when communities face the dilemma whether they should unite in one *minyan* which would force some to change their family *nusach* or to pray separately, he suggests that it is best to maintain separate services. Rav Dreyfus mentions many of the above arguments, specifically that the creation of separate synagogues in one city does not violate *“Lo titgodedu*.”[[19]](#footnote-19)

In response, Ramat Gan Chief Rabbi Ya’akov Ariel wrote an article opposing this position. It is his opinion that unity in communities is more important than maintaining one’s *nusach*.

Amongst other claims, he suggests that the source of the prohibition of *“Lo titgodedu”* is biblical, while following one’s custom is derived from a lesser source.[[20]](#footnote-20)

While serving as IDF Chief Rabbi, Rav Shelomo Goren attempted to create a new *nusach*, combining Ashkenazic and Sephardic *nusachim*. He even published it in 1963 in the official IDF *Siddur*, naming it *nusach achid*, the united or uniform version of prayer.

In a responsum explaining his position, he mentions that the miraculous events of *kibbutz galuyot* (the ingathering of the exiles) which occurred during the mid-20th century, led him to establish this new *nusach*.

Rav Goren suggests to base much of the united *nusach* on the *pesak* of the Gra, who seems to synthesize the Sephardic and Ashkenazic *nusachim*.

He also suggests that the tunes and songs of the Sephardic community are preferable to those of the Ashkenazim, whose tunes and songs involve only the *chazan* (prayer leader) and not the entire congregation.

He concludes that there is nowhere more appropriate than the Israeli armed forces to begin this new experiment.[[21]](#footnote-21)

Rav Ovadya Yosef opposed this idea. In a responsum, Rav Ovadya responds to a congregation of Sephardic Jews in Tiberias whose younger members sought to adopt *nusach achid.* In his answer, he makes it very clear that he is against this new *nusach*.[[22]](#footnote-22)

Rav Yehuda Segal (1924-2001), who served as the rabbi of Tel Aviv‘s Kiryat Shalom neighborhood for half a century, was asked to research the different opinions surrounding these dilemmas and offer his conclusions.

His lengthy and meticulous article concludes with clear opposition to any attempt to unite different *nusachim*.[[23]](#footnote-23)

The attempt to create a third *nusach* de facto did not work. Truth be told, the model of “the melting pot” method upset many who wished to remain faithful to their traditions and family customs.

In some congregations, *kibbutzim* and *yeshivot,* the custom of the *minyan* is to combine the different *nusachim* by allowing the *chazan* to decide his preferred *nusach.* For the special penitential prayers known as *Selichot,* some have the custom to unite the various communities in one *minyan*.

Rav Nachum Rabinovitch, *Rosh Yeshiva* of Yeshivat Birkat Moshe in Ma’aleh Adumim, also wrote about his hopes that one day Jews of different backgrounds would gather and pray together. In his *yeshiva*, attempts have been made to bring the different customs together.

To back up his attempts to create more unity, Rav Rabinovitch quotes the Gemara, which tells the following story about how the Rabbis, following a dispute regarding the correct *nusach* of prayer, actually prayed on Rosh Hashana:

Rabbi Yochanan ben Beroka descended as the prayer leader in the presence of Rabban Shimon ben Gamliel, and he acted in accordance with the opinion of Rabbi Yochanan ben Nuri by including the blessing of Kingship in the blessing of the Sanctification of God’s Name.

Rabban Shimon said to him: They were not accustomed to act in this manner in Yavneh.

On the second day, Rabbi Chanina, son of Rabbi Yosei the Galilean, descended as the prayer leader, and he acted in accordance with the opinion of Rabbi Akiva by including the blessing of Kingship in the blessing of the Sanctification of the Day.

Rabban Shimon ben Gamliel said: This is how they were accustomed to act in Yavneh.[[24]](#footnote-24)

We see that the rabbis were able to accept the different opinions and permit the *chazan* to decide the *nusach* of the day.

Rav Rabinovitch suggests that similarly, Ashkenazim and Sephardim should pray together in one synagogue while the *nusach* is determined by the *chazan.*[[25]](#footnote-25)

This custom is practiced in Har Etzion as well as in the Alon Shevut community. I am told that it started with the founding of Yeshivat Har Etzion.

When the yeshiva was about to daven its first mincha the students phoned Rav Amital asking him which *nusach* to use. His response was to take a vote. The result was a tie. At which point Rav Amital ruled that the *chazan* determines the *nusach*.

1. *Devarim* 14:1. [↑](#footnote-ref-1)
2. BT *Yevamot* 13b. For a lengthy, extensive summary of this prohibition, see Rav Yehuda Shaviv, “*Lo Ta’asu Agudot, Agudot*,” *Techumin,* Vol. 13, pp. 240-256. [↑](#footnote-ref-2)
3. BT *Yevamot* 14a. [↑](#footnote-ref-3)
4. See Radbaz, Vol. V, 1384, who explains that the Rambam rules accordingly because of his preferring the opinion that favors *achdut* (unity). [↑](#footnote-ref-4)
5. *Hilkhot Avoda Zara* 12:14. [↑](#footnote-ref-5)
6. *Sukka* 44a, s.v. *Ledidehu.* [↑](#footnote-ref-6)
7. *OC* 493:1. [↑](#footnote-ref-7)
8. Ibid. 3. [↑](#footnote-ref-8)
9. See Rav Yair Dreyfus’s article in *Techumin,* Vol. 8, p. 393, where he quotes the *Ginat Veradim* (1650-1712), who justifies the existence of a separate Ashkenazic congregation in Yerushalayim. [↑](#footnote-ref-9)
10. *Piskei Uzziel Bi-shelot Ha-zeman*, p.36, Mossad Ha-Rav Kook. [↑](#footnote-ref-10)
11. *Iggerot Moshe, OC,* Vol. 2, 23. [↑](#footnote-ref-11)
12. *Terumat Ha-goren* 20. [↑](#footnote-ref-12)
13. See the Shela, *Parashat Vayechi, Torah Or* and *Magen Avraham, OC* 68:1. [↑](#footnote-ref-13)
14. Rav Ovadya Yosef in *Yechaveh Da’at* 3:6, quoting the Chida in *Avodat Ha-kodesh, Kesher Godel*, 12:9. [↑](#footnote-ref-14)
15. *Responsa Chatam Sofer* 1:15. See also *Responsa Maharam Schick*, *OC* 43. [↑](#footnote-ref-15)
16. *Iggerot Moshe, OC* Vol.2, 24 [↑](#footnote-ref-16)
17. See *Yabia Omer* 6:10; *Yechaveh Da’at* 3:6. [↑](#footnote-ref-17)
18. See Rav Goren, Torat Ha-Medina, pp.146-155. Rav Yehudah Segal quotes a dispute between Rav Kook who believed Ashkenazim should keep their original “European” pronunciation and Rav Uziel who disagreed. See his article in *Be-tzomet Ha-Torah Ve-hamdina,* Vol. 2, pp. 273-275 [↑](#footnote-ref-18)
19. *Techumin*, Vol. 8, pp. 388-402. [↑](#footnote-ref-19)
20. *Techumin*, Vol. 9, pp. 196-202. [↑](#footnote-ref-20)
21. Footnote in *Yechaveh Da’at* 3:6. [↑](#footnote-ref-21)
22. *Yechaveh Da’at* 3:6. [↑](#footnote-ref-22)
23. *Be-tzomet Ha-Torah Ve-hamdina,* Vol. 2, pp. 207-284. [↑](#footnote-ref-23)
24. BT *Rosh Hashana* 32a. [↑](#footnote-ref-24)
25. Available at: <http://www.ybm.org.il/Admin/uploaddata/LessonsFiles/Pdf/9654.pdf> [↑](#footnote-ref-25)