

Variations in Sephardi and Ashkenazi Liturgy, Pronunciation, and Custom

Rabbi Eli Turkel

I. Introduction

In this paper we shall consider the permissibility of changing between Ashkenazi and Sephardi rituals, both with respect to the rites of prayer and with respect to pronunciation. We shall also discuss the problems that arise when one prays in a congregation that has a different prayer ritual (*nusach*) than one's own.

It is important to distinguish between the true Sephardim who come from North Africa and the Middle East, and the Hasidim who come from Eastern Europe but have adopted some Sephardic customs. To keep this distinction clear we shall refer to the latter as the Hasidic (or Lurianic) rite rather than the Sephardic rite. The Sephardic rite will refer to the liturgy of the true Sephardim. (The Hasidim, about 300 years ago, adopted many of the Sephardic practices based on the customs of Ari. These were later revised in various versions by Baal-Shem-Tov and his successors.¹) Besides

-
1. In practice there is no uniform Hasidic version of the prayers. Rather, different Hasidic groups made their own changes. Among the most formalized are those of *Chabad* who use *Nusach Ari* though this is not identical with that found in the *siddur* of Ari. All these variants have in common that they are basically Ashkenaz with a Sephardi flavoring. For example, in the blessing of בָּרַךְ עֲלֵינוּ in the *Amidah* there is a distinction between the rainy and dry season. The Ashkenazim use the phrase וְתַן בְּרִכָּה in the dry season while וְתַן טַל וּמָטָר לְבְרִכָּה is used in the rainy season. In contrast the Sephardim have two different blessings for the dry and rainy seasons. All Hasidic versions follow the Ashkenazi pattern. In other matters, i.e. *Kedusha* and *Kaddish*, parts of the

Faculty, Tel-Aviv University

expression and national unity. Consequently, it is important to strengthen the customs of each community to allow such individual expression. Unification is achieved through cooperation and not necessarily through intermingling.

The greatness of a symphony is not through a single beat or a single instrument but rather by combining many instruments with their individual properties.

~

Let us now turn to the specific halachic issues raised by the diversity in prayer customs.

1. How binding are family (or community) customs on an individual when he is removed from his traditional environment? Is it permitted for an individual to change his custom?
2. Is it preferable for a person to follow his custom at all times, or is it better for him to follow the prayer liturgy in the congregation with which he finds himself?

In practical terms, the resolution of these questions will determine the behavior of a Sephardi student in an Ashkenazi yeshiva during the *minyan*, or an American Ashkenazi when he visits an Israeli synagogue, as well as many similar situations.

II. Talmudic Sources

In this section we shall analyze some of the sources in the Talmud connected with the changing of one's customs. When moving to a new community, either temporarily or permanently, there are two principles that come into conflict. As we have seen, the first one is *אל תטוש תורת אבך*, that one should not forsake the customs of one's ancestors. On the other hand there is an obligation to follow the customs of the community, based on a Talmudic teaching derived from the verse *לא תתגודדו*, do not separate into groups *לא תעשו אגודות אגודות*.

The Mishnah⁵ states that when one comes from a community

5. *Pesachim* 50a.

that does not do work in the morning of *Erev Pesach* to a community that does allow work in the morning or vice versa, then he takes on the stringency of both communities. The Mishnah then concludes that in general one should not change from the custom of the community in order to prevent conflicts: *אל ישנה אדם מפני המחלוקת*.

The Gemara in *Pesachim*⁶ discusses the implications of this principle. Rav Ashi⁷ says that the law of the Mishnah only holds if one intends to return to his original community. However, if one intends to stay, he should keep all rules of the new community both for leniencies and for stringencies.⁸

The text most relevant to our problem occurs in *Yevamot*.⁹ The Mishnah states that even though the houses of Hillel and Shammai differed about the permissibility of certain marriages, nevertheless, the families of both houses of learning married with each other. Similarly, even though they disagreed about the purity of some vessels they would still borrow dishes from each other.¹⁰ Thus we see that even great scholars kept their individual customs and did not abandon them for the sake of unity.

Abaye opines that *Lo Titgodedu* applies only to two courts in one city, but two courts in different cities may each go their own way. Rava disagrees and says that even two courts in one city can have different laws and *Lo Titgodedu* applies only to splits *within* one court in a city. It is not permissible for half the people in the court (or community) to do things one way while others do it differently.

There is a fundamental argument between Rashi and Maimonides (Rambam) about the reason of the prohibition of *Lo Titgodedu*. Rashi explains that the prohibition is there to prevent the appearance that there are two versions of the Torah when

6. *Pesachim* 50b.

7. *Pesachim* 51a.

8. *Shulchan Aruch*, *Yoreh Deah* 214, see also *ש"ך ס"ק ח*.

9. *Yevamot* 13b.

10. Rashi explains that the reason is that everyone would inform the others of any possible problems.

different groups behave in distinct manners. Maimonides¹¹ rules that the purpose is to prevent arguments. Furthermore, he holds like Abaye that the prohibition applies only to two courts in the same city. However, Rif and Rosh¹² follow the general rule that we concur with Rava against Abaye. Furthermore, many *Acharonim* assume that the prohibition of *Lo Titgodedu* is a biblical prohibition while the prohibition of *המחלוקת מפני*, not deviating from the community in order to avoid arguments, is only a rabbinic prohibition.¹³

We conclude this section by surveying several other places in the Talmud that impact upon changes in one's customs.

The Mishnah¹⁴ discusses the proper time to shake the *lulav* during *Hallel* on Succot. Rabbi Akiva notes that he saw Rabban Gamliel and Rabbi Yehoshua shaking the *lulav* only during *אנא נא* even though the rest of the people shook their *lulavim* at other times during recitation of *Hallel*. We thus see that Rabban Gamliel and Rabbi Yehoshua did not feel obligated to shake their *lulav* with everyone else, when they thought that it was unwarranted. Similarly, the Gemara¹⁵ relates that when Rav came to Babylonia he did not recite *גפילת אפים* even though the rest of the congregation did.

Finally, we quote a text from the Jerusalem Talmud.¹⁶ "Rabbi Yose [in Israel] sent to them [communities outside Israel, saying] 'Although we sent to you the order of the festivals, do not change from the custom of your ancestors.'" According to this version, Rabbi Yose was telling the communities outside Israel to observe two days Yom Tov even though the calendar was fixed and there was no longer any doubt which day was Yom Tov. However, there

11. Maimonides, *Mishneh Torah, Avoda Zara* 12:14.

12. קיצור פסקי הרא"ש, יבמות פרק א סימן ט; ר"ן על הרי"ף פסחים נ. ד"ה מקום שנהגו. מגן אברהם, סימן תצ"ג, ס"ק ו see also

13. שו"ת מהרשד"ם, יריד סימן קנ"ג. פרי מגדים אשל אברהם, סימן תצ"ג, ס"ק ו. שו"ת אגרות משה, חלק ד, סימן ל"ד.

14. *Succah* 37b.

15. *Megilla* 22b.

16. *Yerushalmi Eruvin*, end of the third *perek*.

is another version, that not the order of the *festivals* but rather the order of the *prayers* was sent. According to this version, Rabbi Yose sent a listing of the prayers to a community; however, he told them that in spite of this they should continue to pray according to their ancient customs.

III. General Survey

In this chapter we will discuss the general problem of changing customs. Specific applications will be discussed in later chapters. As we have seen before, there are two opposing principles. First, one should follow the custom of one's parents based on *al titosh*. Second, one should follow the customs of the community in which one lives based on *Lo titgodedu* and also *al yeshaneh adam mipnei hamachloket*. We shall analyze when each of these principles applies and what to do when conflicts arise. There may also be differences between one's own conduct and the education of one's children.

It is obvious on practical grounds that in the past, community practices took precedence. The communities of old could not survive if each new member kept his old customs. Instead of a unified community each city would have been a cacophony of different customs. Rabbi Feinstein¹⁷ explicitly states that originally when one moved to a new community, he took on all the customs of the community including liturgy. However, today there are very few true "communities" still intact. Since most cities contain a mixture of many communities, he advises that one should keep his original rite of prayer and not change to that of the synagogue.

Even today we still see some evidence of the original practice of following a uniform mode. In some areas in Israel there are distinct customs which are followed both by Ashkenazim and Sephardim. For example, *Yireu Einenu* is not recited in the evening service; on the other hand *Birkat Kohanim* is recited every morning, and *shehecheyanu* is recited at a circumcision.¹⁸ The standard

17. שו"ת אגרות משה, או"ח חלק ד, סימן ל"ג.

18. See however, חלק ב, סימן י, סעיף ג.

practice is for all people coming on *aliyah* to Israel to follow Israeli custom in this regard. Even a *minyan* made exclusively of *Olim* would not keep their original customs with regard to these practices. However, with regard to rites of prayer, Israel indeed has a greater variety of customs than even New York. Hence, Rabbi Feinstein would hold that for liturgy one should follow the rites of one's parents and not that of the synagogue (at least at home and for the silent *Amidah*).

Rav Feinstein¹⁹ also rules that if part of the congregation is still in the synagogue, the old customs are followed even though a majority of the present congregants have a different rite. Based on similar reasoning Rav Ovadiah Yosef feels that anyone moving to Israel is considered as moving to a community that follows the opinions of Rav Yosef Karo. Hence, when Ashkenazim come to Israel, Rav Yosef feels their children may eat *kitniyot* on Passover (preferably requesting *hatara* on their vows).²¹

*Chazon Ish*²² disagrees with the position of Rav Ovadiah Yosef and says that Ashkenazim, even in Israel, do not follow the ruling of Rav Yosef Karo. Rather, they rely on the later *Acharonim*. e.g. *Shach*, Vilna Gaon, etc. even when they disagree with the *Shulchan Aruch*. Rav Sharman²³ also disagrees with Rav Ovadiah Yosef. He feels that since the original community of Rav Yosef Karo has been destroyed there is no reason to consider modern day Israel as

19. שו"ת אגרות משה, או"ח חלק ב, סימן כ"א

see also משנה ברורה, סימן תס"ח, ביאור הלכה ד"ה וחומרי המקום
שו"ת חתם סופר, חו"מ השמטות, סימן קפ"ח; עשה לך רב, חלק ד, שאלה ט"ו

20. שו"ת יחזקאל דעת, חלק א, סימן י"ב

21. However, Rav Chaim David Halevi (עשה לך רב, חלק ו, שאלה ה') states that if a group moves to Israel and has its own community, they should keep their original customs. Rav Aburiviah (נתיבי עם, הקדמה) quotes Rav Uziel that when a synagogue has members who come from many different countries it is preferable that they observe the Jerusalem customs. In practice, in a shul whose members come from different communities, whoever is the *Chazzan* often uses his own custom, except on *Yom Tov*. (*Popular Halacha, A Guide to Jewish Living*, by Rabbi J. Berman, translated by Rabbi A.J. Ehrlich. Ahva Press of the Jewish Agency, Jerusalem, 1978).

22. חזון איש, זרעים שביעית, סימן כ"ג, אות ה

23. גיב המדרשיה, כרך ח"ט, אייר תשמ"ה

continuing the rulings and customs of Rav Karo.

More than six hundred years ago, the Rosh, a leading Torah scholar, was faced with the problem of changing his *minhag*. Rosh fled from Germany to Spain, where he became the rabbi of the Great Synagogue and the head of the court in Toledo. Nevertheless, he reports that he continued following the customs of the Ashkenazim because he believed them to be more reliable than those of the Sephardim.²⁴

כי אני מחזיק את המסורת שלנו וקבלת אבותינו חכמי אשכנז
שהיתה תורה להם מאבותיהם מימות החורבן וכן קבלת
רבותינו הצרפתים יותר מקבלת בני הארץ הזאת.

It is interesting to note that he did not say he kept the Ashkenazi customs simply because he was an Ashkenazi. Since he now lived in Spain, he should have adopted local customs; thus he felt compelled to justify retaining his Ashkenazi customs as being more correct.

In general, however, one should not behave differently than the local congregation. Let us consider the extent of this restriction. As previously mentioned, Maimonides (Rambam) decides according to Abaye that this prohibition applies even to two courts in one city, while the Rif and Rosh rule like Rava that it applies only within one court in a city. Rosh further states this prohibition does not apply to customs.

Rabbi Liebes²⁵ claims that according to Rambam, New York City should have one court and all synagogues should behave according to its decision and have a uniform rite of prayer.²⁶ However, in the Middle Ages, Rabbi de Modena²⁷ assumed that

24. תשובות הרא"ש, כלל ב, סימן כ

25. שו"ת בית אבי, חלק ג, סימן ב

26. Following the ruling of Rif and Rosh, this would be true only if one court were greater than all the others. However, if they are equal, then each community can have its own practices. Since no one can decide which congregation is more important, each community should follow its own practices.

27. שו"ת מהרש"ם, יו"ד סימן קנ"ג

even according to Maimonides, congregations formed by refugees from different communities are considered as "two cities" even though they physically reside in the same city. Therefore, even according to Maimonides each community should follow its own liturgy and customs.²⁸

Based on the above discussion, *poskim* conclude that one must follow the custom of the congregation in all public matters, e.g. reciting *Kedusha*. On the other hand, one should follow the ways of one's parents in all private matters, e.g. the silent *Amidah* or when praying at home.

Some say that for customs that do not involve any prohibitions, one may change his previous custom. It is fairly common for students in a yeshiva to follow the customs of their teachers.²⁹ According to some *poskim* it is not clear that this is permissible. In fact, a number of yeshivas have insisted that the students not change from the customs of their parents. On the other hand *gedolim* in all generations have suggested changes in the prayers based on their interpretation of the Talmud and the *Rishonim*.

This does not contradict אל תטוש (do not abandon your customs) when they suggest a more correct way. Nevertheless, many of their suggestions were never accepted since the general public preferred their old traditions, and many of the customs that the *Rishonim* objected to are still being maintained. Even the opinions of the Vilna Gaon were not accepted in Vilna! It was only in Israel where the students of the Gaon were a significant portion

28. It is interesting to note, on a historical level, that there were two synagogues in Cairo at the time of Maimonides. One followed the Babylonian (Sephardi) rite while the smaller one followed the old Israeli rite. We do not know if Maimonides objected to this arrangement. (From *The Itinerary of Benjamin of Tudela* by M. Adler, Feldheim Publications, New York, 1908).

29. Rav Moshe Feinstein (Responsum no. 3 in *The Radiances of Shabbos* by Rabbi Cohen, Mesorah Publications, 1986) assumes that many of his students follow his custom (based on his father's custom) to sit for *Havdala*. Hence, Rav Feinstein seems to feel that one can adopt the customs of one's Rabbi even when it conflicts with parental traditions in spite of the fact that he rules that the general public should not follow his personal custom.

of the population (in the 1800's) that the customs of the Gaon were accepted. Some *poskim* disagree and opine that if one custom is more correct, everyone should change even his private customs to the more correct way. It is clear that individuals cannot pick and choose which customs are more correct; this is left to *gedolim*. Application of these principles to specific cases will be discussed hereinafter.

IV. Changing of Rites

There are a number of differences between Ashkenazic, Hasidic, and Sephardic liturgies. With regard to these differences there are several questions.

1. May one voluntarily change from one rite (*nusach*) to another?
2. How should one behave if he moves to a new community?
3. How should one conduct himself when his private rite is different from that of the community?
4. Can one educate one's children in a rite different from one's own?
5. How should the congregation behave when it includes members from different types of communities? May an entire congregation change its liturgy (*nusach*)?

We shall see that not all parts of the prayer carry equal weight and therefore the answer to some of these questions may depend on the portion of the prayer under discussion. As a general guiding principle we have seen that one should follow one's own tradition whenever it does not conflict with that of the congregation. Furthermore, for practices that involve only customs and not prohibitions, one need not follow the custom of the synagogue.

Amidah

To discuss applications to the private *Amidah*, we must first address the issue of which rite is more correct. Rabbi Samuel de Modena³⁰ (1503-1590) was asked what to do in Salonika where two

30. שו"ת מהרשד"ם, או"ח סימן ל"ה.

synagogues used a Sicilian rite, one used a Sephardi Rite, and there was also an Ashkenazi community. In another place he mentions that the Ashkenazi community had changed to the Sephardi rite, and now some members wanted to change back. Rabbi de Modena decided that *אל תטוש* (do not abandon...) applies only when a prohibition is involved and so does not affect prayers since all the rites have the same basic blessings. However, he considered it preferable to use the Sephardic rite (note: the Hasidic rite did not yet exist) since the *piyutim* are by the consummate poets Rabbi Yehuda Halevi and Ibn Gavirol and are clear and concise. Since one must understand the prayer of the *chazzan* in order to fulfill the mitzvah, one who listens to the *piyutim* of the Ashkenazim does not completely fulfill the mitzvah since no one truly understands these *piyutim*. Nevertheless, he points out that in his opinion each synagogue is considered a separate city and so there is no problem of *Lo Titgodedu*.³¹

Magen Avraham quotes *Ari* that there are 12 gates in heaven corresponding to the 12 tribes, and each tribe had its own way of praying.³²

Many historians believe that there never was a single rite that all Jews used. Rather, from various places in the Talmud it seems that variations in the prayers always existed. Since prayer is worship in the heart (*עבודה שבלב*) each person expressed his prayer in his own way. It was only later that the sages gave a framework for all of Israel. According to this view the men of the Great

Assembly (at the beginning of the Second Temple era) and later Rabban Gamliel (after its destruction) never fixed a definite text for the *Amidah*. Rather they specified the beginning and end of each blessing. Other historians feel that at some point there was a single authoritative version for every single word in the *Amidah*. Only with the passage of time did different versions come onto being.³⁴

Rav Ovadiah Yosef³⁵ also quotes *Ari* and concludes that the Sephardic rite is the correct one. He therefore feels that all Jews should change to the Sephardic rite, though he does not distinguish between the Hasidic and the true Sephardic rite. He also disagrees with the attempts to create a common liturgy that combines all the rites (*נוסח אחיד*) as used in the Israeli army.

However, Rabbi Moshe Sofer (*Chatam Sofer*) disagrees with the concept that each tribe had its own prayers. He cites the Talmud that different *Tannaim* used to lead the prayers, even though some were priests or Levites and others came from other tribes, while Rabbi Akiva was a descendant of converts. (Obviously, the Talmudic sages did not worry about distinctive prayers for each tribe.) He further states that both his teachers, Rabbi Nathan Adler and Rabbi Pinchas Levi Horowitz, prayed in the Sephardic rite while they served as rabbis of the Ashkenazi congregation in Frankfurt, but that no one followed in their ways. (One wonders about the principle of following the congregational practice!) He claims that *Ari* was a Sephardi, and so found mystical meaning in the Sephardi prayers.³⁶ *Chatam Sofer* therefore concludes that all rites are equally valid and all reach G-d, but that one should remain with the rite of his parents.³⁷

31. *Chacham Tzvi* claims that on the contrary, the *piyutim* of the Ashkenazi rite were made difficult to understand on purpose. This was done so that Gentiles would not use these prayers. However, one who is well versed in the Talmud, Midrash, *Zohar* and Kabala can understand them. (שער אפרים סימן י"ג).

32. מגן אברהם, סימן ס"ח פתיחה.

33. The concept of 12 gates in heaven corresponding to each tribe is a little vague. Presumably this refers to the *Amidah* (and not other parts of the prayers). For those who do not know from which tribe they are descended, *Ari* and later Baal-Shem-Tov arranged a rite which goes through a 13th gate. Those who believe in the Baal-Shem-Tov should convert from their present rite and use the Hasidic rite. This is discussed in: שו"ת מנחת אליעזר חלק א סימן י"א; שו"ת בית אבי חלק ג סימן יב.

34. רב יעקבסון, נתיב בינה, חלק א, יוסף היינמן, התפילה בתקופת התנאים והאמוראים also

35. שו"ת יביע אומר, חלק ג, סימן י"א.

שו"ת יחזקאל דעת, חלק ג, סימן ו

שו"ת יחזקאל דעת, חלק ה, סימן י"ט

36. Actually *Ari* was an Ashkenazi from his father's side and a Sephardi from his mother's side.

37. שו"ת חתם סופר סימן ט"ו (ב) וסימן ט"ז.

Rabbi Chaim David Halevi³⁸ (Sephardic Chief Rabbi of Tel Aviv) ruled that the Yemenite community in Arad, Israel, should have two synagogues — one for those who use the "Bladi" or Yemenite rite and one for those that use the "Shami" or Sephardi-like rite. *Pe'at Hashulchan*³⁹ writes that the Ashkenazim and Sephardim in Jerusalem who have separate synagogues are behaving properly. However, he adds that should an Ashkenazi pray in a Sephardi shul, he must follow them in all their prayer.

Similarly Rabbi Bracha says that even within Ashkenazi rites one must keep his original rite. He therefore rules that one who comes from New York to Jerusalem may not change to pray in the *Nusach Hagra* of the Vilna Gaon which is commonly used in Jerusalem. Only if they will not have a *minyan* can they join such a shul. He does not discuss how the students of the Vilna Gaon who first moved to Israel were able to change their rites from that which was used in Vilna.

Rav Feinstein⁴¹ disagrees and says that the quality of prayer is more important than the liturgy. Thus, if one can pray with greater concentration and in more proper surroundings, one may choose a

Rabbi Nathanson (שו"ת שואל ומשיב חלק א סימן רמ"ז) agrees with *Chatam Sofer*. He further points out that one cannot rely on the *Maharshdam* since he was a Sephardi. Also many other *poskim* insisted that one follow the rites of ones parents. See, for example,

שו"ת משיב דבר סימן י"ז
שו"ת הר צבי, או"ח חלק א, סימן ד
שו"ת אגרות משה, או"ח חלק ד, סימן ל"ג
שו"ת ציץ אליעזר, חלק ז, סימן כ"ח, סעיף ב
עשה לך רב, חלק א, שאלה ס"ז
יסודי ישורון, חלק א, דף רמ"ה

38. עשה לך רב, חלק ד, סימן ט"ו.

He also says (חלק ח, סימן ב) that an Ashkenazi woman married to a Sephardi husband should adopt the Sephardi liturgy since it is more correct. For other customs the wife can keep her original customs as long as it doesn't affect her husband.

39. פאת השולחן, סימן ג, סעיף י"ד.

40. שו"ת ישא או"ש, סימן א.

41. see however שו"ת אגרות משה, או"ח חלק ד, סימן ל"ג.

שו"ת מנחת אליעזר חלק א, סימן י"א

שו"ת בית אבי חלק ג, סימן י"ג

synagogue with a different rite, even though he will have to follow the synagogue's customs in all public matters. This is preferable to choosing an inferior synagogue which follows the same rites as his own. Rabbi Feinstein⁴² also disagrees with those who justify the Hasidic rite. In fact he maintains that an Ashkenazi may change from the Hasidic to the Ashkenazi rite, since all Hasidim were originally Ashkenazim. Hence such a person is still using his ancestral rite even though for the past several generations a different rite was used.

Public Prayer

Until now we have discussed differences in rite in terms of the silent *Amidah*. For prayers that are said out loud all agree that one must follow the custom of the synagogue. This certainly includes prayers that are normally said aloud by the entire congregation, e.g. *Kedusha*. Rabbi Feinstein⁴³ rules that everything other than the silent *Amidah* is considered public prayer and should be said according to the custom of the congregation.⁴⁴ Other *poskim* feel that anything that is not noticed by others can be said in one's own rite. Thus, those who do not say *Yireu Einenu* need not say it when the rest of the congregation does. Even the *chazzan* may skip *Yireu Einenu* if he can start the *Kaddish* in a manner that people will not realize that he didn't say it.⁴⁵

With regard to shaking the *lulav* during *Hallel*, we previously saw that Rabban Gamliel and Rabbi Yehosua did not shake the *lulav* with the congregation. Therefore, today when there are different customs as to when and in what order to shake the *lulav* in *Hallel*, each person may follow his own customs.⁴⁶ Also, since *Lo Titgodedu* does not apply to customs that do not involve

42. שם או"ח חלק ב, סימן כ"ד.

43. שם סימן כ"ג.

44. If this change of liturgy will destroy his concentration, then פסוקי דומרא and ברכת קריאת שמע, etc., can be said quietly in his own rite. Also the private *Amida* of the *chazzan* must be the same as the public repetition.

45. שו"ת בית אבי, חלק ד, סימן י"ג.

שו"ת באר משה, חלק ז, סימן רל"ו.

46. פרי מגדים, אשל אברים, סימן תרנ"א.

prohibitions, there is no problem if some people stand while others sit during the reading of the Torah or the repetition of the *Amidah*.⁴⁷ Similarly when an Ashkenazi is with a Sephardi for Chanukah he can light his candles according to the Ashkenazi custom (an additional one for each night of Chanukah).⁴⁸ Furthermore, one may alter his own customs in order to perform a mitzvah in a better way. Thus, one can choose which type of vegetable to use for *maror* at the Seder and need not be bound by his parents' custom.⁴⁹

In the 19th century, however, Rabbi Ettlinger⁵⁰ strongly objected to Ashkenazi synagogues' changing their custom and allowing all the mourners to say *Kaddish* together. He held that the original practice of only one person reciting *Kaddish* is the correct method and therefore cannot be changed. Also, *Chavot Yair* says that one should say the *piyutim* with the congregation even though this is not one's normal custom.

Tefillin

One of the more controversial questions is that of wearing *Tefillin* on *Chol Hamoed*. There are three customs: not to wear, to wear them but without reciting a blessing, and to don the *Tefillin* with a blessing. Numerous rabbis⁵² have complained about synagogues where some people wear *Tefillin* and some do not, claiming that this violates the prohibition of *Lo Titgodedu*. Some, however, justify the common custom not to be particular since otherwise it might not be possible to have a *minyan*. Rabbi Liebes⁵³ also quotes *Bet Yitzchak* that it is permissible to change one's custom and not put on *Tefillin* on *Chol Hamoed*. Indeed, this is

47. שו"ת בית אבי, חלק ג, סימן ו.

48. שערי תשובה, או"ח סימן תרי"א ס"ק ד.

49. שו"ת בית אבי, חלק ד, סימן ע"ז.

50. שו"ת בנין ציון סימן קכ"ב.

51. מקור חיים, סימן ס"ח.

52. See for example, פרי חדש סימן תצ"ו; שו"ת אגרות משה, או"ח חלק ד, סימן ל"ד.

שו"ת באר משה, חלק ג, סימן ל"א, סעיף א.

53. שו"ת בית אבי, חלק ג, סימן ט"ו.

now the widespread custom in Israel, based on the opinion of the Vilna Gaon.

Another major area of discussion is what people should do in terms of prayers on the second day of *Yom Tov*, when they visit between Israel and America. Due to lack of space we can not discuss all the issues here.⁵⁴

In Israel a controversy arose over the practice of Jews visiting from other lands to have *minyanim* on the second day of *Yom Tov* (יום טוב שני של גלויות). Some people felt that this was a public display of separation from the community in Israel and hence a violation of *Lo Titgodedu*. This is especially true of *Simchat Torah* when major public dancing takes place. Rav Yosef Karo⁵⁵ says that although in theory it should not be done, nevertheless it is an old custom for visitors to observe the second day of *Yom Tov* even in Israel (this responsum was written more than 400 years ago). He justifies the custom on the grounds that perhaps the prohibition of *Lo Titgodedu* applies only to work on *Yom Tov* and not to prayers.

Although we refer to parental custom, there are times when parental custom is not binding. Rabbi Liebes⁵⁶ points out that one need follow a family custom (מנהג אבות) only if he was brought up in that custom by his parents. But if the parents were irreligious he should follow the customs of the group that helped him become religious. This is true even when he is of European heritage and he would assume Sephardi customs. Furthermore, he is to follow the new customs both in cases of leniency and stringency. Rav Ovadiah Yosef⁵⁷ also holds that children do not have to follow the stringent personal customs of their parents when the children were never taught to keep these customs.

In concluding this section, we wish to stress one point: According to many commentaries, the purpose of the prohibition of

54. The interested reader is referred to שו"ת באר משה, חלק ז, דיני בני ארץ ישראל וחול"ל; שו"ת בית אבי, חלק ג, סימן א"י"ד as well as an article on this topic in Vol. VI of this Journal.

55. שו"ת אבקת רובל, סימן כ"ז.

56. שו"ת בית אבי, חלק ד, סימן נ"ג.

57. שו"ת יחזקאל דעת, חלק א, סימן י"ט.

Lo Titgodedu is to prevent arguments. As such the *poskim* have pointed out that it is entirely inappropriate to start a fight in the synagogue over differences in customs. In trying to prevent violations of *Lo Titgodedu* one does violence to the whole rationale of the prohibition!! All variations of our rites are based on valid principles and are acceptable to the Almighty.

V. Changes in Pronunciation

As in the previous section we need to analyze whether one may chance his pronunciation of Hebrew and also if one may pray in a different accent from that of the congregation. In addition we have a new difficulty: some prayers must be said in Hebrew, (לשון הקודש) and not in other languages. According to some *poskim*, using the wrong pronunciation may be equivalent to using a different language. Furthermore, in reciting the *Shema* one must be careful to enunciate the letters clearly (דקדוק באותיותיה) and an incorrect accent may be equivalent to not pronouncing the letters clearly.

The Gemara⁵⁸ states that Rav Hiya was not able to distinguish between a *Heh* and a *Chet*. Accordingly, the Tosafot ask how Rabbi was able to call on Rav Hiya to lead the congregation in prayer. They propose two answers: In one place,⁵⁹ the Tosafot say that Rav Hiya actually could pronounce a *Heh*, but only with difficulty. Elsewhere,⁶⁰ they answer that since Rav Hiya was the best one available, he was chosen to lead the services, despite his deficiencies. *Pri Chadash*⁶¹ says that this second answer is the main one.

Maimonides teaches:⁶²

מי שקורא לאל"ף עי"ן או לעי"ן אל"ף וכן מי שאינו יכול
להוציא את האותיות כתיקונן אין ממנים אותו שליה ציבור
והרב ממנה מתלמידיו להתפלל

58. *Megilla* 24b.

59. *Megilla* 24b כשאתה ב.

60. *Bava Metzia* 85b אחתינהו ב.

61. פרי חדש, או"ח, סימן נ"ג.

62. Rambam, *Mishneh Torah*, *Tefillah* 8:12.

One should not appoint as a leader in prayer one who cannot pronounce the letters correctly. For example, one who does not distinguish between an *aleph* and an *ayin*. But a rabbi can choose one of his students to lead the congregational prayers.

The question is, what is the connection between the two rules in this paragraph? *Ohr Sameach*⁶³ answers that one who does not pronounce Hebrew correctly should not be the *chazzan* because it is not proper respect for the congregation (כבוד הציבור). However, if everyone is used to his manner and the Rabbi chooses him, there is no problem. Similarly, *Mishnah Brurah* rules that if the whole community does not distinguish between an *aleph* and an *ayin* or between other letters, there is no need to insist that the *chazzan* pronounce them correctly. Furthermore, if he is the most fit to be *chazzan*, he may be chosen to lead the prayers even though others do distinguish between the letters. (Nevertheless, in this case he should not be chosen as the permanent *chazzan*.) However, *Pnei Moshe* disagrees and says that one may not act as *chazzan* unless he can distinguish between the letters, albeit with an effort.⁶⁴

The *Shulchan Aruch*⁶⁵ says that one should be careful to enunciate clearly and not slur letters while saying the *Shema*. Thus, one should leave a slight gap between words where the end of one word has the same sound as the beginning of the next word (e.g. בכל לבבך). One should distinguish between "hard" and "soft" vowels and between different types of *shva*. *Ramo*⁶⁶ adds that these laws apply as well to the Torah reading.

Based on these rules, we see that it is important to pronounce every letter and vowel correctly. This leads to the discussion as to which — Ashkenazi, Sephardi, or Yemenite — pronunciation is the most correct? Furthermore, if one uses a less correct pronunciation,

63. אור שמח על הרמב"ם.

פרי מגדים, אשל אברהם, סימן נ"ג.

64. *Mishnah Brurah* 53:37.

65. *Shulchan Aruch*, *Orach Chaim*, 61:15-21.

66. *Shulchan Aruch*, *Orach Chaim*, 61:22.

is it equivalent to not enunciating clearly, as required (לא דקדק) (באותיותיה)? Everyone agrees that regardless of historical accuracy, if the entire congregation uses a single pronunciation, one fulfills his obligation thereby. Thus, members of a Hasidic shul fulfill their prayer obligations even though it is clear that Moshe Rabbenu did not speak with a Hasidic accent. But a question arises in a place where several accents are used.

A well-known story of one who did switch from an Ashkenazi to a Sephardi accent is Rabbi Nathan Adler (the "rebbe" of *Chatam Sofer*.) He hired a Sephardi scholar, Rabbi Chaim Modai, to teach him the Sephardi accent which he then used in his prayers, in a Sephardi liturgy. Note that it took Rabbi Adler several years to master the Sephardi accent. This in spite of the fact that Rabbi Adler was considered one of the great geniuses of his time and had total recall!! We thus see the great difficulty that exists for an Ashkenazi to learn the true Sephardi (not Israeli) accent.

The strong distinction between the Ashkenazi and Sephardi pronunciations seems to be relatively recent, within six hundred years. For example, Rosh, who immigrated to (Sephardi) Spain from (Ashkenazi) Germany in 1305, does not mention pronunciation in his discussions of the differences between Ashkenazi and Sephardi customs.

One of the first discussions of pronunciations is by Rabbi Bachya on the verse *ויאמר ה' אם נא מצאתי חן בעיניך*.⁶⁷ He notes that one must be careful to distinguish between a *patach* and a *kametz* in the pronunciation of the name of G-d. With a *kametz* (*Adonoi*) it signifies a holy name but with a *patach* (*Adonai*) it is profane, i.e. it means "master" but does not refer to the Almighty.

ההפרש הגדול שיש בתורתנו בין קמ"ץ לפת"ח כהפרש שיש
בין אור לחושך ובין קדש לחול.

The differences between a *kametz* and a *patach* is equivalent to the differences between light and

67. Genesis 18:13.

darkness and the difference between the holy and the profane.

This passage has been used by many Ashkenazim to support their version of the pronunciation. In editing the *Siddur*, Rabbi Yaakov Emden complains that Sephardim do not distinguish between a *patach* and a *kametz*, that they have no *cholom*, and that they do not distinguish between a *tzere* and a *segol*.

As expected, Sephardic authorities defend the Sephardi pronunciation. Rabbi Ovadiah Yosef discusses this problem at length.⁶⁸ He argues that in terms of vowels one cannot say which accent is more correct; however, with regard to consonants the Sephardi accent is more correct. Rabbi Yosef cites Rabbi Bachya but concedes that even Sephardim should make some distinction between a *patach* and a *kametz*.

Rabbi Yosef objects strongly to the apocryphal story that *Chazon Ish* ruled that an Ashkenazi does not fulfill his obligation if he hears the Torah chanted in a Sephardi accent. Not every story that is said in the name of *Chazon Ish* is true, he comments. Furthermore, even were the story true the objection could only apply to the pronunciation of G-d's name. Rabbi Yosef points out that most Israelis today speak in Sephardi-like accent. If one would insist that they all pray in an Ashkenazi accent, the result might be that many would be driven away from religion. He cites a responsum from Rabbi Unterman that one who learned Hebrew in Israel may pray in a Sephardi accent.

Rabbi Meir Mazoz⁶⁹ offers a detailed discussion of the correct pronunciation of every letter and vowel, stressing that the correct pronunciation is based on a scholarly analysis of the works of the *Rishonim* and *Acharonim* and not on the decisions of modern Israeli linguistic committees. He concludes that the original Sephardi accent is correct, but not the Ashkenazi or Yemenite.

68. שו"ת יביע אומר, חלק י, סי' י"א.
שו"ת יחווה דעת חלק ג סי' ו; שם חלק י, סי' י"ט.

69. Rabbi Mazoz is Rosh Yeshiva of *Kisei Rachamim* in Bnei Brak. The responsum appears in שו"ת יצחק ירמון, חלק ב, סימן ט.

Nevertheless, he notes, due to the expulsion from Spain in 1492 and subsequent exiles, most Sephardim do not pronounce the letters correctly. He also claims that the original Ashkenazim had a pronunciation similar to that of the Sephardim. This position is supported by evidence: when the Gemara discusses the difference between the *aleph* and the *ayin*, neither Rashi nor Rosh, nor any other scholar makes any comments that this does not apply in their days. He interprets this to mean that the early Ashkenazi rabbis also distinguished between an *aleph* and an *ayin*.⁷⁰ In terms of the vowels his hardest struggle is with the *kametz*, and since he admits that it is not clear which pronunciation is correct, he concludes that each group should keep its original accent for the *kametz*. In his opinion, the modern Israeli accent has adopted the two weakest parts of the Sephardi accent.

Several Ashkenazi rabbis agree that the Sephardi accent is more correct. But Rav Chaim David Halevi⁷¹ opines that the Yemenite accent is the correct one.⁷² Rav Henkin considers it preferable to choose a *chazzan* who has the same accent as the majority of the congregants. Rabbi Weinberg⁷³ concurs with Rav Henkin and feels that the Sephardi pronunciation is more correct. Therefore, he says that Ashkenazi children who grow up speaking with a Sephardi accent may read the Torah aloud for an Ashkenazi *minyan*.

Rabbi Stern⁷⁴ agrees that in principle one may switch to a

70. He makes fun of Hasidim who distinguish the *ayin* by adding an "n" sound to the *ayin* ("Yankov" for Yaakov). Similarly, he points out that one must distinguish between an *aleph* and a *heh*.

It is interesting to note that he faults the Sephardim for not distinguishing between a *tav* with a *dagesh* and one without a *dagesh*. He feels that a *tav* with a *dagesh* should be pronounced somewhere between a hard *tav* and a *samech*.

71. עשה לך רב, חלק ו, סימן כ"ב.

72. Rabbi Henkin (עדות לישראל דף ק"טב) places great emphasis on stressing the correct syllable, regardless of accent. To him, an understanding of grammar is essential in the proper understanding of the commentaries.

73. שו"ת שרידי אש, חלק ב, סימן ה.
שו"ת ציץ אליעזר, חלק ז, סימן כ"ח, סעיף ב.

שו"ת בית אבי, חלק ד, סימן ק"ו.

74. שו"ת באר משה, חלק ו, סימן ס"א, סעיף כ"ג.

Sephardi accent although, if one has already learned with an Ashkenazi accent, he should not change. The reason is that it takes a long time to learn the new accent, and in the meanwhile, he will pray in a mixture of the two accents with the result that he will not fulfill his obligation according to anyone's criteria! All these opinions feel that as a last resort (בדיעבד) one fulfills one's obligation in any accent.

One of the earliest responsa on the question of accents is by Rav Kook⁷⁵ in 1933. He states categorically that we are not allowed to change accents from that of our ancestors and one who does, violates *לא דקדק באותיותיה*; thus he has fulfilled the mitzvah of reading the *Shema* on a lower level. However, Rav Kook adds that this applies only to one who grew up speaking with an Ashkenazi accent. But if an Ashkenazi was educated in a Sephardi accent, it is a different case. Rabbi Uziel⁷⁶ (Sephardi Chief Rabbi of Israel contemporaneously with Rav Kook) disagrees and says that one who switches accents does not violate *אל תטוש* nor is he being delinquent about careful enunciation.

Rabbi Weisz⁷⁷ goes even further. Quoting Rav Kook that one is not permitted to change one's accent for prayer, he points out that those who change to an Israeli accent usually do so not for halachic reasons but rather to identify with Israel. However, Rabbi Weisz points out that even according to this opinion it would apply only to a true Sephardi accent. But he claims that the modern Israeli accent contains the worst features of both the Ashkenazi and Sephardi accents. Israelis commonly do not distinguish between a *kametz* and a *patach* or between a *segol* and a *tzere*. On the other hand, like the Ashkenazim, they do not distinguish between an *aleph* and an *ayin* nor do they make other distinctions which true Sephardim are careful about. Based on this opinion some yeshivas in Israel will not allow a Sephardi to lead the prayers since the

75. ירחון קול תורה, חדש אב, שנת תרצ"ג.
A similar opinion is expressed by the Steipler Rav קריינא דאגרתא דף קנ"ג.

76. שו"ת משפטי עוזיאל, או"ח סימן א.

77. שו"ת מנחת יצחק, חלק ג, סימן ט; וחלק ד, סימן מ"ז.

custom of the yeshiva is to use an Ashkenazi accent.

Rav Moshe Feinstein disagrees⁷⁸ and says that the ultimate correctness of a pronunciation is not the only determining factor. If a community uses a pronunciation, then it acquires the status of לשון הקודש (the holy tongue) even though Moshe Rabbenu did not use that accent. Therefore, Lithuanian, Polish, Hungarian, and all other accents are לשון הקודש even though it is clear that mistakes in pronunciation were introduced with the passage of time. It is preferable to pray with the pronunciation in which the Torah was given on Mount Sinai — but that is not known. Rav Feinstein concludes that it is an argument in law (מחלוקת בדיון) which pronunciation is correct and therefore one should not change his accent unless he permanently moves to a new community. (But it would appear that even according to Rav Feinstein if certain accents are obviously not the original pronunciation one may improve that portion of his speech.) Rabbi Feinstein⁷⁹ also says that the Torah reading is a communal event. Hence, if the Torah were to be read in a Sephardi accent in an Ashkenazi synagogue (for example, at a Bar Mitzvah where the boy can only read with a Sephardi accent but still insists on reading the Torah) another *minyan* should be established for that Shabbat, in which the Torah will be read with an Ashkenazi accent.

At the other extreme is the position taken by Rabbi Broda.⁸⁰ Based on the responsum of Rabbi Mazoz, Rabbi Broda concludes that both Yemenites and Ashkenazim should use the true Sephardi pronunciation. A Sephardi who hears the prayers or the Torah reading from an Ashkenazi is in doubt if he has fulfilled his obligation. Therefore, all Sephardim should pray only in a Sephardi *minyan*. Furthermore, Rabbi Broda advises that Ashkenazim should be convinced to change their accent so that everyone can pray in the correct manner. For *Kiddush* and *Havdala*, the Sephardi students in an Ashkenazi yeshiva should say the blessing word for word along with the Ashkenazi reader.

78. שו"ת אגרות משה, או"ח חלק ג, סימן ה.

79. שם או"ח חלק ג, סימן ס"ה.

80. שו"ת יצחק ירנן, חלק ב, סימן י.

Torah Reading

The Torah reading on Shabbat and during the week is a rabbinical decree by Moshe Rabbenu and Ezra. Hence, Rabbi Liebes⁸¹ opines that it is preferable to have a good Torah reader use a variant accent rather than have a poor reader use the same accent as the rest of the congregation. He points out that even among European Jewry, the different countries had different pronunciations, but no one ever complained. Based on our previous discussion, it would seem proper that the *chazzan*, Torah reader, or person receiving an *Aliya* should use the accent of the congregants because of the principle that a person should not publicly differ with communal practice (אל ישנה אדם מפני המחלקות). However, if this creates difficulties and would disturb the concentration of the *chazzan*, he may use his own pronunciation. But Rabbi Tzvi Pesach Frank,⁸² relying on the above-mentioned opinion of Rav Kook, adds that if one hears the reading of the Torah from someone who pronounces a *shuruk* like a *hirik* (i.e. הויא like הווא), he does not fulfill his obligation since it is not truly considered Hebrew (לשון קודש).⁸³

According to many authorities the Torah reading of *Parshat Zachor* and *Parshat Parah* are mandated by the Torah and hence one must be extra careful. Rav Frank is quoted (in the notes by his grandson⁸⁴) as saying that one should hear *Parshat Zachor* in one's own accent.⁸⁵ Rav Ovadiah Yosef⁸⁶ says that one fulfills his obligation of hearing the Torah reading in any accent with the possible exception of *Parshat Zachor* and *Parah*. Consequently, he advises Sephardi students in an Ashkenazi yeshiva to make a

81. שו"ת בית אבי, חלק ג, סימן ב.
שו"ת בית אבי, חלק ד, סימן ק"ט.

82. מקראי קודש, קריאת המגילה, סימן י"ב.

83. Only for *Megillat Esther* has he fulfilled his obligation since that can be said in any language.

84. מקראי קודש, ארבע פרשיות, סימן ז.

85. This is because the obligation to hear *Parshat Zachor* is on each individual, while the weekly Torah reading is only a communal obligation.

86. See note 68.

separate *minyan* for *Zachor* and *Parah*. As we saw before, Rabbi Broda is more insistent on the primacy of the Sephardi accent. He therefore says that if a Sephardi hears *Parshat Zachor* or *Parah* in an Ashkenazi accent, he has not fulfilled his obligation, since for a Torah obligation one must follow the stringent position. Furthermore, an Ashkenazi should also be stringent and hear *Parshat Zachor* in a Sephardi accent. During the rest of the year Sephardim who hear the Torah reading in an Ashkenazi accent do not fulfill their obligation in the preferential way. But Rav Chaim David Halevi⁸⁷ says that making a separate *minyan* for *Zachor* denigrates the other weekly readings. In any case he strongly objects to reading *Zachor* many times in different accents and says that at most twice is enough. The most important matter is to prevent fights in the synagogue. Rabbi Sternbuch⁸⁸ also strenuously objects to the custom of reading *Parshat Zachor* many times in different accents. This is an affront to *gedolim* of previous generations who did not insist on this. One needs only intention to fulfill the mitzvah and the ability to understand the *parsha*. If one wishes, he can read *Parshat Zachor* over again, in private, and without a blessing.

A further difficulty arises in connection with the priestly blessing. The *Shulchan Aruch* states that a Kohen who cannot distinguish between an *aleph* and an *ayin* cannot participate in the priestly blessing. Rashi says that an incorrect pronunciation here may lead to a curse instead of a blessing (יאר instead of יער). *L'vush* maintains that the problem is that people will be distracted by the strange accent, which would disturb their concentration. But if they are accustomed to the pronunciation, there is no problem. Maharshal disagrees, because the problem is that the blessing is being said incorrectly. Only if the entire congregation does not distinguish between an *aleph* and an *ayin* may the Kohen

87. See note 71.

88. מועדים ומנינים, חלק ג, סימן צ"ז.

89. *Shulchan Aruch, Orach Chaim* 128:33.

participate in the priestly blessing.⁹⁰ Rav Shneur Zalman⁹¹ agrees with Maharshal, as does *Mishnah Brurah*.⁹² Rav Ovadiah Yosef⁹³ quotes opinions that an Ashkenazi Kohen who goes to an eastern country should not participate in the priestly blessing; however, he notes that people are not careful about this and it is more important not to embarrass people.

Rabbi Feinstein⁹⁴ concludes that American yeshivas should continue using an Ashkenazi pronunciation. Others point out that aside from any halachic questions involved, changing one's accent will lead to a mixture of different pronunciations which would be even more confusing. Rabbi Kook, Rabbi Weinberg and Rabbi Unterman allow one to pray in the accent in which he was educated, even though it might be different from the accent of his forefathers.⁹⁵

We have previously noted that the modern Israeli accent is not synonymous with the Sephardi accent. In fact, Rabbi Weisz claims that the Israeli accent has the worst features of both the Ashkenazi and Sephardi accents. However, one positive part of the Israeli accent is that it puts the emphasis on the correct syllable. It is agreed by everyone that for most words the accent in Hebrew should be on the last syllable. Many Ashkenazim (based on Yiddish) incorrectly emphasize earlier syllables. Thus, for example, for Shabbat (or Shabbos) the emphasis correctly belongs on the second syllable and not the first. Rabbi Henkin,⁹⁶ based on many

90. פרי מגדים, אשל אברהם, סימן קכ"ח ס"ק מ"ז.

See also *Mishnah Brurah* 53:37,38 where he quotes the *Pnei Moshe* that one cannot be a *Chazzan* unless one can distinguish, even with difficulty, between an א and an ע.

91. *Shulchan Aruch Harav* 128:48.

92. *Mishnah Brurah* 128:120.

93. See note 68.

94. שו"ת אגרות משה, או"ח חלק ג, סימן ה.

See also שו"ת בית אבי, חלק ד, סימן ק"ט.

95. We note that in some circles in Israel it is not uncommon for people to speak with an Israeli accent but to pray with an Ashkenazi accent. However, Rabbi Ezriel Munk (נחלת צבי) objects to teaching in a Sephardi accent feeling that if children learn in a Sephardi accent they might pray in a Sephardi accent.

96. עדות לישראל, אות נ"ט.

poskim (e.g. Vilna Gaon, *Pri Megadim*, etc.) stresses the importance of correct grammar and pronunciation, particularly placing the stress on the proper syllable. There is no excuse to speak incorrectly based on אל תטוש. All *poskim* who insist that Ashkenazim use an Ashkenazi pronunciation do so on the grounds that we cannot decide which mode is correct. But those aspects which are obviously incorrect, such as stressing the wrong syllable, should be corrected.

Rabbi Frank writes that an Ashkenazi has not fulfilled his obligation in many parts of the prayer if the reader does not distinguish between a *cholom* and a *chirik*. Even according to those who disagree with Rabbi Frank, there is no need for one who can speak a proper Hebrew to mix up a *cholom* with a *chirik* simply because that is his tradition.

Based on our discussion, we see that the *chazzan*, Torah reader, or one who makes the blessings over the Torah reading should preferably pronounce the words in accordance with the accent used in the synagogue even if it is not his own. As with other rites of prayer, the principle of the supremacy of harmony takes precedence. Indeed, several Israeli *poskim* use the Israeli accent when they perform a marriage ceremony for Israeli couples (מסדר קידושין), even though they use an Ashkenazi accent in their private prayers.

VI. Writings

A further difference between Ashkenazim (including Hasidim) and Sephardim is the shape of the letters. In a change from the usual practice, Ashkenazim follow the opinion of Rav Yosef Karo while the Sephardim follow the opinion of the *Ari*; Yemenites use the Valish script. The question arises whether these differences are essential and have any effect on the validity of Torah scrolls, *Tefillin*, or *Mezuzot*.

Rosh already commented on the difference between the letters in the 14th century. His son, Rabbi Yaakov Baal haTurim⁹⁷ quotes

97. *Tur*, *Yoreh Deah*, 274.

his father that the differences are nonessential as long as one can distinguish between the letters. Ramo⁹⁸ says that in *Tefillin* the shape of the letters is important but one fulfills his obligation in any case. *Mishnah Brurah*⁹⁹ appends a lengthy treatise on the proper appearance of each letter according to the Ashkenazi tradition.

Rav Ovadiah Yosef¹⁰⁰ quotes several authorities who agree with Rosh. However, the Chida¹⁰¹ says that a religious article written with Ashkenazi script is not valid for a Sephardi and vice-versa. Rabbi Landau¹⁰² claims that all the depictions Rav Karo gives concerning the letters are only preferences and not necessities. Thus, Chida seems to be in the minority. Rabbi Uziel¹⁰³ states that although one certainly fulfills his obligation with any script, nevertheless, each congregation should strive to acquire a Torah that is written in accordance with its traditions. His opinion is echoed by Rav Yosef. Most *poskim* agree that an Ashkenazi can receive an *aliyah* to a Sephardi Torah and vice-versa. Similarly, there is no problem with *Mezuzot* that use a different script.¹⁰⁴

According to the *Tur* quoted above, the same law should apply to *Tefillin*. Indeed, Rav Ovadiah Yosef¹⁰⁵ concludes that in principle this is correct. However, in practice a Sephardi should not wear "Ashkenazi" *Tefillin*, not because of the script but rather due to the gaps left between paragraphs (פתוחות וסתומות) which differ from the traditional Sephardi spacing. Rabbi Liebes¹⁰⁶ concurs that

98. *Shulchan Aruch*, *Orach Chaim*, 36:1.

99. *Mishnah Brurah* end of chapter 36. Rav Aharon Kotler (שו"ת משנת רבי אהרן) says that there are so many opinions about the shape of the letter *ש* that one cannot decide on a shape that will satisfy everyone. Hence, we rely on the fact that the correct shape is not necessary.

100. שו"ת יחזקאל דעת, חלק ב, סימן ג.

101. שו"ת באר משה, ברכי יוסף, או"ח סימן ל"ו, אות ב; יוסף אומץ, שאלה י"א, חלק ז, סימן ל"ו סי"א.

102. יסורי ישורון, חלק ב, דף קכ"ד. See also גודע ביהודה, יו"ד סימן ב.

103. שו"ת משפטי עוזיאל, יו"ד חלק א, סימן י"ז.

104. פחד יצחק אות מוזהה.

105. שו"ת יחזקאל דעת, חלק ד, סימן ג.

106. שו"ת בית אבי, חלק ד, סימן ג; שו"ת באר משה, חלק ז, סימן ל"ו.

poskim (e.g. Vilna Gaon, *Pri Megadim*, etc.) stresses the importance of correct grammar and pronunciation, particularly placing the stress on the proper syllable. There is no excuse to speak incorrectly based on אל תטוש. All *poskim* who insist that Ashkenazim use an Ashkenazi pronunciation do so on the grounds that we cannot decide which mode is correct. But those aspects which are obviously incorrect, such as stressing the wrong syllable, should be corrected.

Rabbi Frank writes that an Ashkenazi has not fulfilled his obligation in many parts of the prayer if the reader does not distinguish between a *cholom* and a *chirik*. Even according to those who disagree with Rabbi Frank, there is no need for one who can speak a proper Hebrew to mix up a *cholom* with a *chirik* simply because that is his tradition.

Based on our discussion, we see that the *chazzan*, Torah reader, or one who makes the blessings over the Torah reading should preferably pronounce the words in accordance with the accent used in the synagogue even if it is not his own. As with other rites of prayer, the principle of the supremacy of harmony takes precedence. Indeed, several Israeli *poskim* use the Israeli accent when they perform a marriage ceremony for Israeli couples (מסדר קידושין), even though they use an Ashkenazi accent in their private prayers.

VI. Writings

A further difference between Ashkenazim (including Hasidim) and Sephardim is the shape of the letters. In a change from the usual practice, Ashkenazim follow the opinion of Rav Yosef Karo while the Sephardim follow the opinion of the *Ari*; Yemenites use the Valish script. The question arises whether these differences are essential and have any effect on the validity of Torah scrolls, *Tefillin*, or *Mezuzot*.

Rosh already commented on the difference between the letters in the 14th century. His son, Rabbi Yaakov *Baal haTurim*⁹⁷ quotes

97. *Tur, Yoreh Deah*, 274.

his father that the differences are nonessential as long as one can distinguish between the letters. Ramo⁹⁸ says that in *Tefillin* the shape of the letters is important but one fulfills his obligation in any case. *Mishnah Brurah*⁹⁹ appends a lengthy treatise on the proper appearance of each letter according to the Ashkenazi tradition.

Rav Ovadiah Yosef¹⁰⁰ quotes several authorities who agree with Rosh. However, the Chida¹⁰¹ says that a religious article written with Ashkenazi script is not valid for a Sephardi and vice-versa. Rabbi Landau¹⁰² claims that all the depictions Rav Karo gives concerning the letters are only preferences and not necessities. Thus, Chida seems to be in the minority. Rabbi Uziel¹⁰³ states that although one certainly fulfills his obligation with any script, nevertheless, each congregation should strive to acquire a Torah that is written in accordance with its traditions. His opinion is echoed by Rav Yosef. Most *poskim* agree that an Ashkenazi can receive an *aliyah* to a Sephardi Torah and vice-versa. Similarly, there is no problem with *Mezuzot* that use a different script.¹⁰⁴

According to the *Tur* quoted above, the same law should apply to *Tefillin*. Indeed, Rav Ovadiah Yosef¹⁰⁵ concludes that in principle this is correct. However, in practice a Sephardi should not wear "Ashkenazi" *Tefillin*, not because of the script but rather due to the gaps left between paragraphs (פתוחות וסתומות) which differ from the traditional Sephardi spacing. Rabbi Liebes¹⁰⁶ concurs that

98. *Shulchan Aruch, Orach Chaim*, 36:1.

99. *Mishnah Brurah* end of chapter 36. Rav Aharon Kotler (שו"ת משנת רבי אהרן) says that there are so many opinions about the shape of the letter ש that one cannot decide on a shape that will satisfy everyone. Hence, we rely on the fact that the correct shape is not necessary.

100. שו"ת יחזקאל דעת, חלק ב, סימן ג.

101. שו"ת באר משה, ברכי יוסף, ארי"ח סימן ל"ו, אות ב; יוסף אומץ, שאלה י"א, חלק ו, סימן ל"ו ס"א.

102. יסודי ישורון, חלק ב, דף קכ"ד. See also גודע ביהודה, יו"ד סימן ב.

103. שו"ת משפטי עוזאל, יו"ד חלק א, סימן י"ז.

104. פחד יצחק אות מזוהה.

105. שו"ת יחזקאל דעת, חלק ד, סימן ג.

106. שו"ת בית אבי, חלק ד, סימן ג; שו"ת באר משה, חלק ו, סימן ל"ו.

it is preferable not to change between Ashkenazi and Sephardi *Tefillin*.

~

As has been demonstrated in this brief study, there are numerous differences in prayer customs which have arisen during the course of centuries of Dispersion. Regardless of our differences, however, all prayer which is truly a "service of the heart" is valid before G-d.