

RABBI JACOB MOLIN (THE MAHARIL) AND A
TRANSLATION OF AND COMMENTARY ON
SELECTED CHAPTERS FROM *SEFER MAHARIL*

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Preface

In my first year of cantorial school I had the privilege to study Jewish Music History with Dr. Eliyahu Schleifer in Jerusalem. That was my first exposure to the “myth” of the Maharil and my first look at what historical reality may lie behind it. As I continued in my studies I noticed that the Maharil was frequently mentioned in the main sources of Jewish musical history but seldom given more than a paragraph. Various books would extol his importance but contained little to no factual information. When I was searching for a topic for my thesis, Dr. Mark Kligman mentioned *Sefer Maharil* and it instantly made sense as a topic that matched both my interests and my talents.

As I began to do my research I discovered that no major work on the Maharil’s impact on Ashkenazic music had been published since 1953. There is no translation of *Sefer Maharil*, and no commentary that focuses on the musical information it contains. Though the myth of the Maharil remains strong, the body of academic knowledge about him as a musical figure is quite poor. There is, however, much more information available on the Maharil as a scholar of *halachah* and as the main rabbinic authority of his generation. One major goal of this thesis is to incorporate knowledge about the Maharil as a rabbi to the discussion of the Maharil as a cantor. The main goal, however, was simply to present a major section of *Sefer Maharil* in English translation and with a commentary that would allow anyone with a basic familiarity of the synagogue service to appreciate this foundational text. I hope that this beginning effort serves as a first step towards a more informed and more rigorous understanding of the role of the Maharil as a founding father of Ashkenazic synagogue song.

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Introduction – Rabbi Jacob Molin (the Maharil)

Rabbi Jacob Molin (Moelln, Moellin), usually called the Maharil (מורינו הרב רבי), remains one of the most influential figures in the development of Ashkenazic practice (*minhag*). The Maharil lived during a time of great instability. As a reaction to that instability, he made it his life's mission to codify all the various practices of Jewish life from synagogue worship to home observances and everything in between. The Maharil was widely known as a teacher, scholar, cantor and community leader. The divergent practices and melodies of the Ashkenazic communities of the 14th and 15th centuries were solidified into what is now known as *Minhag Ashkenaz* due to the prominence of this renowned rabbi.

The Maharil lived in a time of great turmoil for Ashkenazic Jews. He was born just after the Black Death wiped out most of the Jews of Mainz in 1348. By the time he died, the renewed Jewish community was on the verge of expulsion (which came in 1438). The Tosafists a few centuries before based their careers on a scholastic, exhaustive elucidation of Talmudic minutia. By contrast, the Maharil worked to help the average Jew know how to properly celebrate the holidays and pray in the synagogue. Similarly, unlike his contemporaries in Spain he did not focus on philosophical, theological, or mystical ponderings. His works are instead filled with anecdotal material, often explaining by means of example rather than by legal argument and Talmudic precedent.

Though his works primarily deal with *halachah* and *minhag*, the Maharil made sure to record a great deal of information about the musical life of the synagogue. In later

generations, the myth of the Maharil as the founder of Ashkenazic synagogue music grew to the extent that it has become difficult to distinguish what he actually did or did not do. The most grandiose versions of the myth claim that the Maharil created *nusach*, wrote all the so called “*Mi-Sinai* tunes,” and even created the genre of Ashkenazic *chazzanut* (cantorial music). More humble claims focus on his role as a codifier of pre-existing material and compiler of diverse traditions. While it is impossible to point to any particular melody and identify it as coming from the Maharil, it is just as impossible to deny his tremendous impact on Ashkenazic synagogue music and practice.

Life and Family¹

The date of the Maharil’s birth is not precisely known. Heinrich Graetz set it at 1355 while others have estimated that it is closer to 1360. Some assert that he was born in Mainz while others see no evidence for that. All agree that he was born into a prominent rabbinic family. His father, R. Moshe Ben Yaakov Halevi Molin (רבי משה בן) served as the chief rabbi of Mainz (רב נשוא פנים ומכובד) for much of his own life. R. Molin was part of the Rabbinic Council of the Rheine communities of Speyer, Worms and Mainz (known as קהלות שׁוים) and was a signatory on the declarations (תקנות) of that council in the late 14th century. The name “Molin”, according to some scholars, probably comes from a small city outside of Salzburg that, at some early point in Ashkenazic history had a Jewish population.²

¹ The information for this section is taken largely from Steinman, *Custom and Survival* and גשורי “רבי יעקב מולין (מהרי”ל) ותקופתו בנגינת הדית”, גשורי

² גשורי, עי שכ

The Maharil began his studies in his father's house, learning from both his father and his older brother Yekutiel. He also had three other brothers named Shimon, Zelmelin, and Gumfrecht (גומפּרעכט) and two sisters named Simchah, and Boglin (בוגלין). At a young age he left his home for Austria where he studied in the elite *yeshivot* of Vienna. His most important teacher at this time was R. Shalom of Neustadt.³ R. Shalom ordained the young Jacob Molin with the title "*Moreinu*," granting him authority to serve as the rabbi of a community. Importantly, the formalized study and collection of *minhag* was popular in Austria at the time. He continued his travels, studying with some of the most important rabbinic figures of the time in Austria and Northern Italy. While in Verona, Italy he married his first wife (name unknown), the daughter of R. Moshe Neumark Hakohen.

A few years after the death of his father in 1381, the Maharil was called to the position of chief rabbi of Mainz where he would remain for most of his life. Early on in his Mainz career he suffered from some sort of paralytic attack that stripped his entire body of movement for three days. He was found on the floor of his study with a pulse that could only be detected in one finger. After a seemingly miraculous recovery, the Maharil went on to lead the community of Mainz for around 30 years.⁴

Despite his prominence as the most important rabbinic figure of his generation, the Maharil was constantly in a difficult financial situation. He would not take money for his rabbinic or cantorial services; rather, as was common for rabbis of the time, he drew much of his income by working as a *shadchan* (matchmaker). He struggled to support

³ For biographical information, see *The Rishonim*, p. 151. R. Shalom was the Maharil's most revered teacher and is cited constantly in *Sefer Maharil*.

⁴ ספר מהרי"ל, ליקוטים, ע' תרלג

his wife and four children with this unreliable and often insufficient income. In a responsa to his nephew R. Jacob Geilenhozin (מה"ר יעקב גיילנהויזין), the son of his brother Yekutiel, the Maharil prefaced and concluded his comments with brief insights into this struggle. He writes of himself in the introduction: “הדיוט פּעוט כּמוני היום מלא צרות ודאגות” “ואבלות” “A small man of little significance like me is full of sorrow, worries and mourning.”⁵ He concludes with a short poem:

And here I have revealed to you the folly of my thoughts,	והנה גליתי לכם סכלות דעתי,
Even as I don't have bread or clothing in my house, ⁶	אף כי לחם ושמלה אין בביתי,
I am weary with grief,	יגעתי באנחותי,
I have only my tears for bread.	ותהי לי לחם דמעתי,
From the depths I cried out	ומן המיצר קראתי
To the Rock of my Salvation. ⁷	אל צור ישועתי

The Maharil married a second time, although there is no mention of the death of this first wife. His second wife was a widow named Gumchen (גומכן). The Maharil went to great lengths to demonstrate the utmost respect for Gumchen.⁸ She raised his four children in the house while he lived with his students at the yeshivah that he ran. He had two sons, Shimon and Molin and two daughters. His younger daughter Bunchin married a man named R. Kaufman Pessen. The older daughter's name is not recorded, though the Maharil writes that she was an epileptic and was plagued with terrible illness during her lifetime. In a famous episode recounted in *Sefer Maharil*, his daughter's death shortly after Yom Kippur is explained as a result of her father's effort to change the *minhag* of the community of Regensburg.

⁵ שו"ת מהר"ל, סימן ל"ז, עמוד ל

⁶ This line is quoted from Babylonian Talmud, Shabbat, 120a. The context is that one should not be the sort of person who spends so much time in the *Beit Midrash* that he cannot provide for his livelihood.

⁷ שו"ת מהר"ל, סימן ל"ז, עמוד לו

⁸ ספר מהר"ל ליקוטים א

The Maharil also suffered the terrible loss of his wife, Gumchen. Her death of Gumchen hit the Maharil very hard, as evidenced by the beautiful eulogy he wrote on her tombstone. The eulogy was written in acrostic form, spelling the letters of his own name (יעקב הלוי). He writes:

החזיקני שמה	יורדה מים עיני עוללה
ליציאת נשמה	על עטרת פז ממני נפלה
וגיעת תמה	קמו בנות יאשרו לה
ישרה ונעימה ⁹	בשערים גם מהוללה

Water falls from the eyes of a child / Onto the golden crown that has fallen from me. / Women came to praise her, / In the gates too, they celebrated her. Grant me strength in desolation / On the departure of a soul / And the death of one who was pure / Honest and pleasant.¹⁰

The loss of Gumchen along with difficult political and economic times in Mainz led the Maharil to leave Mainz and move to Worms for the last year of his life. The Hussite wars were raging not far from Mainz and Catholic oppression of Jews was on the rise. Though the exact cause for this sudden move is unknown, it is clear that the Maharil could no longer continue his life and work in Mainz. He died on Sunday, the 22nd of Elul, 5187 (1427 CE) in Worms.

His Work

The Maharil is universally acknowledged as the leading scholar of Ashkenazic Jewry of his time. His expertise in Talmudic discourse, legal decisions, and *minhag* and his authority as a leader of the community earned him the title “גדול הדור” “Great one of the generation.” His responsa include questions from communities far and wide such as Regensburg, Kitzingen and Bamerg, (Bavaria), Salzburg (Austria), Nordhausen and

⁹ Steinman, *Custom and Survival*, p. 133 – Hebrew only.

¹⁰ This translation is based on reading the two columns as separate stanzas.

Erfurt, (Germany), Eger (Hungary) and others. The Maharil emphasized a more lenient approach in his responsa whenever possible. When he opted for a more stringent ruling it was because he felt that the general population was so uninformed that leniency could only lead to violations of the law. “The very nature of his spiritual leadership was centered on making the tradition a more vital part of the life of a people struggling for sheer survival.”¹¹ It is this mixture of tremendous scholarship combined with commitment to the accessibility of tradition for people leading real lives that made the Maharil the father of Ashkenazic *minhag*¹².

The Maharil ran a very large yeshiva, with more than 50 students. The next generation of great scholars including, most prominently, R. Jacob Weil came from this yeshiva. Funding came from donations sent from around Ashkenaz. The Maharil referred to all of his students with the endearing term “בחרר” no matter how old they were. He lived in the yeshivah’s dormitory both to supervise his students and to demonstrate a life of *mitzvot* through the example of his daily life.

As a student of the yeshivot of Austria, the Maharil had a particular interest in the collection and preservation of *minhag*. This emphasis on *minhag* began with R. Meir of Rotenberg (1215-1293) and was continued on into the 14th century by such important figures as R. Meir Halevy of Vienna (1320-1391), R. Shalom of Neustadt, and R. Avraham Klauzner, all of whom were key teachers of the Maharil. Throughout his works, the Maharil cites what he learned from these and other teachers. He considered the study of *minhag* to be essential to the continued existence of the Jewish community during the terrible oppressions of his time. As Sidney Steinman puts it:

¹¹ Ibid., p. 121

¹² Sidney Steinman, *Custom and Survival*, p. xi.

The century in which the Maharil lived was indeed a period of disorganization. Communities were destroyed, Jews were constantly fleeing, poverty was rampant; actually Jewish life was disintegrating. It was virtually impossible to maintain the inner life of German Jewry under such conditions. The great challenge of the era was to keep the tradition alive. The Maharil was a major force in preserving as well as uniting the spiritual life of the Jews in Ashkenaz during this crucial period.¹³

The vast majority of the efforts of the Maharil have long been forgotten. His most important influence came not from his writings (only some of which have been preserved) but from his influence as a traveling scholar and a leader of worship. Many of the details of *minhag* are very difficult to describe in writing, especially with regards to the musical practice of the synagogue. As such, the Maharil transmitted this sacred heritage by visiting communities around Ashkenaz, collecting and learning their local practices, and demonstrating by example his own version of the tradition. Written documents can never adequately describe this sort of activity and its effects.

The limitations of written documents make it difficult to convey lived experience. Furthermore, the paucity of written works of the Maharil compounds the problem of tracing his actual influence. Extant today is *Sefer Maharil*¹⁴ (which will be discussed in the following section) and two volumes of responsa called “שו״ת מהרי״ל” (1979) and “שו״ת מהרי״ל החדשות” (1977) all recently printed by the “מפעל תורת חכמי אשכנז”, a project of מכון ירושלים dedicated to preserving the traditions of Ashkenaz. The textual history of these books is complicated and is also made especially difficult by the Maharil’s famously cryptic handwriting. R. Zalman of St. Goar did his best to collect all of the responsa of the Maharil but because of family disputes among the Maharil’s sons,

¹³ Ibid., p. 13

¹⁴ The edition of *Sefer Maharil* referenced here was edited by Shlomo Spitzer and published by Machon Yerushalayim in 1989 (תשמ״ט).

he was only able to access about 160 of them for the first edition of “שו"ת מהרי"ל”. Over time other responsa appeared either in manuscript form or excerpted in books by the Maharil’s students.

Rabbi Yitchok Satz at מכון ירושלים did the incredible work of collecting every available piece. Rabbi Satz did his best to make sense of utterly corrupted manuscripts and wrote a simple commentary to make the works more accessible. Thanks to his work we now have a standard edition of these works and a more complete picture of the Maharil’s life achievements than was ever previously available. In addition to the three volumes published by מכון ירושלים, other scattered references to the Maharil and writings that are attributed to him are scattered throughout the rabbinic literature of Ashkenaz. Perhaps most unusually, a book of magical spells (such as how to fly and turn people into rocks) and mystical journeys known as *The Book of the Sacred Magic of Abramelin* has been attributed by some scholars to the Maharil. However, most important and influential among all of his works however, is the monumental *Sefer Maharil*. Though he himself did not author the volume, it bears the most direct testimony to the Maharil’s personality, and practice. *Sefer Maharil* is the principal source from which later scholars of Ashkenaz would draw their material about *Minhag Ashkenaz*.

Sefer Maharil and Zalman of St. Goar

Prior to the writing of *Sefer Maharil* there were many extant books of *minhagim*, but the majority of them were anonymous. Individual rabbis (usually not of high status) would put simple how-to books together. Some of the common topics were ritual slaughter, family purity, and holiday observance. Though the study of *minhag* extends farther back into Ashkenazic history, (According to Dr. Alyssa Gray, the phrase מנהג

אבותינו תורה היא – “the *minhag* of our ancestors is Torah” extends back at least to the 11th century), R. Meir of Rotenberg (1215-1293) was the first to make a book of *minhagim* associated with his name and personal practice, *Sefer Haparneis*. The book was prepared by his student R. Moshe Parneis of Rotenberg. Other rabbis followed soon thereafter; lead students prepared books of *minhag* on behalf of their teachers. It is within the context of this tradition that *Sefer Maharil* was created.

This single text has, over the centuries, acquired many titles. While it was originally known as *Sefer D'rashot Maharil*, it has also been called *Sefer Maharil*, *Sefer Minhagei Maharil*, and, in its most current edition, *Sefer Maharil: Minhagim*. The book was prepared by Zalman of St. Goar, the Maharil's most dedicated student. Zalman's full name has been preserved on two documents. On a writ of divorce (גט), he signed “אלעזר בן יעקב מכונה זלמן בן משוטיגווערא” “Elazar Ben Jacob, known as Zalman Ben of St. Goar.”¹⁵ The extra “Ben” in this signature is generally thought to be a shortened version of “Bonn,” indicating Zalman's family origins. If this is correct, then Zalman of St. Goar may in fact be R. Zalman Bonna (בוּנא) who in 1456 was in Mainz at the same time as with R. Moshe Mintz (c. 1415 Mainz - 1485 Posen, Poland).¹⁶ Mintz was the first conduit of German Jewish scholarship to the steadily growing Jewish community in Poland. Also, assuming that this attribution is correct, Zalman's great grandfather was R. Shmuel Bonfant (בוּפּנַט). Rabbi Bonfant together with the Maharil's father signed declarations (תקנות) for the principal Rhine communities of Speyer, Worms and Mainz (קהילות שו"ם) in 1381.¹⁷

¹⁵ דינרי, חכמי אשכנז בשלהי ימי-הביניים, ע' 271

¹⁶ Also known as מהר"ם מינץ. For more information see *The Rishonim*, p. 156.

¹⁷ דינרי, ע' 272

Zalman was exceedingly faithful to his teacher and dedicated to preserving his teachings as accurately as possible. He writes in his introduction to *Sefer Maharil*:

ולי ברור בודאי שלא גרעתי ושלא הוספתי על דבריו אשר כתבתי משמו כאשר הדין נותן,
דחלילה וחס וחס וחלילה להדיוט כמוני לשנות דברי הגאון

It is clear to me, of course, that I did not diminish or add to the words which I have written in his name, as is only proper. God forbid, for a simpleton like me to change the words of the genius.¹⁸

In fact, however, Zalman did quite a bit of editing, releasing (apparently against his will) early versions of the book before he was actually finished. His voice as a collector and editor is very clear throughout the book. Occasionally he will identify himself as “אני המלקט” “I, the collector”, or with other similar titles. Most often, Zalman’s pen is noticeable in the extended halachic, Talmudic, or rishonic discourse. As a collector, he simply couldn’t help but include the writings of many other scholars of Ashkenaz (both those before and after the Maharil).

Some *achronim* did not trust *Sefer Maharil* because of its many manuscript difficulties.¹⁹ No one doubted the authority of the Maharil himself. However, some scholars felt that the text had become so distorted as to render it impossible to discern what the Maharil himself actually said. There are several reasons for this. First of all, the versions of the book that they had in front of them were clearly written and arranged by multiple authors. Furthermore, substantial variations were common between the different editions. Some began (as the original) with the laws of the month of *Nissan* while others were totally reorganized and began with *Tishrei*. In fact, even within the lifetime of

¹⁸ ספר מהרי"ל, הקדמה, ע"ב

¹⁹ Dinari cites two specific sources in note 119 on page 279 of *חכמי אשכנז בשלהי ימי-חבניים*. I quote one of them here:

ואם לדקדק בלשון מהרי"ל, חי נפשי הדקדוק בו הוא מלאכה של בטלה ויגיעה לריק, כי הוא (=מחבר סי' מהרי"ל) לא כתב הענינים כל כך בדקדוק וכוי (ר' שמואל בכרך סבו של בעל 'חוט יאיר' בשו"ת 'חוט השני' סי' ל"א).

Zalman himself there were several editions in active circulation. Zalman responded to this situation by carefully dating select entries and insisting that older versions of the book were no longer valid.²⁰ The phenomenon of several in-process versions of the same book circulating simultaneously is well documented with other similar books of the era. Additionally, one of the last major changes Zalman made was to include some of the opinions of the Maharil's most important student, R. Jacob Weil. The variation in texts that were circulating around Ashkenaz is apparent in the commentary on the *Shulchan Aruch* known as the *Mapah* by the Rama, R. Moshe Isserles (1520-1572). The Rama makes extensive use of *Sefer Maharil* throughout his work. Whenever issues of *minhag* are discussed, especially regarding synagogue ritual, the Rama quotes from the Maharil. At times however, the Rama either directly contradicts the Maharil's discussion of a given issue or seems completely unaware of it. It seems probably that the copy of *Sefer Maharil* in his possession lacked these sections.²¹

Sefer Maharil contains a large breadth of materials. Compiling this book was Zalman's life work. His dedication led to much more than a simple book of *minhagim*. According to Yedidya Dinari, there are nine main elements of *Sefer Maharil*.²² They are:

1. *D'rashot* that Zalman heard from the Maharil
2. *Minhagim* that Zalman observed from the Maharil's practice
3. Legal decisions that Zalman heard from the Maharil
4. Written materials of the Maharil
5. Comparisons of the Maharil's comments to those of the *rishonim*
6. The decisions of R. Shalom of Vienna²³ (known as the מהר"ש), including over 1/3 of *Sefer Minhagei Maharash*
7. Quotes from *Sefer Minhagei Maharak* (R. Avraham Klauzner²⁴)

²⁰ See "Order of the Musaf Service for Rosh Hashanah," page 27, No. 13

²¹ דינרי, ע"י 284

²² Ibid., p. 274-276. This list is a reduction of a larger description.

²³ See *The Rishonim*, p. 151 – R' Shalom of Neustadt

²⁴ Ibid., R' Avraham Klausner

8. Sections of *Sefer Minhagim* of R. Chayim Paltiel²⁵ (a student of R. Meir of Rotenberg)
9. The decisions of R. Jacob Weil (the Maharil's most outstanding student)²⁶

The first sections of *Sefer Maharil* are organized according to liturgical order, beginning with the month of *Nisan*, which is technically the beginning of the liturgical cycle.²⁷ The book continues with extensive discussions of all the details of Passover observance. Following that is *Shavuot*, *Yom Tov*, the intermediary days of festivals, *Shabbat*, Fast days (including an especially detailed description of *Tisha B'av*), *Rosh Chodesh*, *Rosh Hashanah*, the Ten Days of Repentance, *Yom Kippur*, *Sukkot*, *Shabbat B'reishit*, *Chanukah*, and finally *Purim*. After completing the liturgical cycle the book continues with other issues that are not calendrically bound. This second section begins with general rules of worship for the whole year and continues with Torah reading, blessings at meals, marriage, circumcision, redemption of the first born, divorce, *chalitzah*,²⁸ absolution of vows, *kashrut*, ritual slaughter, family purity, *tzitzit* and *tefilin*, *m'zuzah*, *s'machot*²⁹ and concludes with some selections under the title “ליקוטים” (collected pieces).

Sefer Maharil has been called a “score without music”³⁰ and indeed it includes a tremendous amount of detail about the musical life of the Maharil's time. The chapters describing the services for the major holidays are filled with information about which *piyutim* are to be inserted and in what sequence. They are also filled with the Maharil's

²⁵ Ibid., p. 148 – R' Chaim Paltiel

²⁶ Ibid., p. 154 – R' Yaakov Weil (Mahariv) – These sections are only in the later editions of *Sefer Maharil*.

²⁷ *Mishnah Rosh Hashanah* 1:1

²⁸ *Chalitzah* is the ceremony by which a man rejects his obligation to a levirate marriage.

²⁹ *S'machot* (celebrations) is a rabbinic euphemism for issues of death, dying, and mourning.

³⁰ “Music” in *Encyclopedia Judaica*, 2nd Edition, vol. 14, p. 662.

emendations and corrections to the text of the prayer book. There are entire pages of lists of words with changes of one letter or one vowel. There are many directions to the *Shaliach Tzibur* as to the volume for particular prayers or words. Additionally, many times there are directions to “lengthen out” (מאריך) particular prayers or words. Although it is impossible to reconstruct the actual music sung in the Maharil’s synagogue, there is more detail about this music than there is for any other contemporary source. Additionally, *Sefer Maharil* chronicles more anecdotal information about the musical life of 14th century Ashkenazic Jewry than any other source.

Below are examples of the detailed information contained in *Sefer Maharil*.

These two small selections come from the concluding ליקוטים section.

11. He said that it is not correct that at parties people sing “אודף כי עניתני”³¹ and similarly several *piyutim* for the joy of singing,³² for then the Torah wraps itself in sackcloth and mourns before the Holy, Blessed One, saying: “My children have made me into some sort of song.” Though in the synagogue on festivals and set times it is a *mitzvah* to sing and play (לנגן) songs and praises in honor of the great, mighty, blessed Sovereign.
59. He said: Verses and hymns that they do in the language of Ashkenaz for the individual³³ and about the Thirteen Essential Statements of Faith³⁴ of course should not be done because most of the uneducated people will think that all of the commandments are based on these statements...

Both of these small examples demonstrate something significant about the musical life of the time. Apparently Jews were singing liturgical music outside of the synagogue in non-liturgical settings. They also incorporated vernacular hymns into their liturgy.

Interestingly, whereas most halachic sources simply forbid a practice, leaving scholars

³¹ This is an excerpt from Psalm 118 which is part of Hallel.

³² לשמחת מריעות

³³ There is a specific known text by R. Judah the Chassid, the founder of Chassidei Ashkenaz, that this may be directed at.

³⁴ This could either refer to Yigdal (based on Maimonides 13 statements of faith) or on the recitation of אני מאמין (the Maimonides text itself).

unclear as to whether or not people were actually doing it, the Maharil makes it clear that people in the community were engaging in these improper practices. These are just two small examples of the sort of information that makes *Sefer Maharil* an essential resource both scholars of *minhag* and *halachah* and for scholars of Jewish musical traditions and cantorial history.

The Myth and Reality

The Maharil is mentioned frequently in books about Ashkenazic practice and is highly respected as a halachic source. Despite this, only serious experts of Jewish law know much about him. It is in the field of Jewish music that the Maharil has taken on something of a mythic character. No one can precisely identify what he did but most discussions of the history of Ashkenazic synagogue music cite him as an early founder.

The most common version of the myth of the Maharil credits him with the formal organization and standardization of Ashkenazic synagogue chant. At times, he is identified as the composer of an indeterminate set of melodies labeled “*Nigunei Maharil*” (which is not necessarily the same as the so called “*Mi-Sinai*” melodies). To some, he is the founder of *chazzanut* (cantorial art), while to others he is the central force behind the “sanctioning” of the “*Mi-Sinai*” melodies. In order to better understand this myth, Appendix A offers a small representative selection of descriptions of the Maharil and his activities.

The variety of claims regarding the Maharil’s life, from the most grandiose to the most modest, demonstrates just how unclear the true history is. While many books on Jewish music history neglect to mention him at all, others portray him as the savior of the

Ashkenazic synagogue. The Maharil lived in a tumultuous time, with major migrations and oppressions soon after his death. Because of this, there is no direct line of tradition extending back to early 15th century Mainz that could offer us a more precise history. Gashuri links the myth of the Maharil to a similar phenomenon in Chassidic Judaism. He writes:

לא אטעה אם אבוא להשוות את תקופת מהרי"ל לתקופת החסידות, שבספרותה המעונפת אין הנגינה ובעיותיה בולטות ביותר. להיפך, ניכרת התעלמות מטופל רציני, על אף העובדה שהנגינה נחשבת לאחד מיסודי החסידות. חושבני שגם ביחס למהרי"ל עומדים אנו לפני תופעה זו.³⁵

I would not be wrong to compare the period of the Maharil to that of *Chassidut*, which, in all of its rich literature, music and its issues do not play a major role. Indeed, a noticeable absence is well known here, even though the fact is that music is considered one of the founding principles of *Chassidut*. I believe that we stand before the same phenomenon when looking at the Maharil.

It is commonly known, for example, that the Baal Shem Tov composed many melodies and had a lasting effect on Jewish music. Glancing through his collected works, however, one would not easily discern this fact. In this way, he is similar to the Maharil. Flipping through *Sefer Maharil* does not reveal the secrets of Ashkenazic *chazzanut*, despite the written testimony of musical practices. The difference between the Baal Shem Tov and the Maharil (in this case) is that a direct chain of oral tradition exists between the founder of Chassidism and modern day Chassidic Jewry. Musicologists can listen to the melodies attributed to the Baal Shem Tov and know that they have not changed significantly over the centuries. While there are certainly some links back to the Maharil and his music, there is no continuous, uninterrupted chain of oral tradition. Even the earliest notated versions of *nusach* and *Mi-Sinai* melodies are too far removed to be considered “authentic” sources for this purpose.

³⁵ גשורי, ע' שיט

Gashuri laments the fact that in the Maharil's time it was simply not possible to print musical notes (the five line stave was not even in common use among Christians at the time). He theorizes that the Maharil must have been active in setting musical *minhag* for every service (weekday, Shabbat, and festival) but due to the difficulty of presenting that information in written form it was left to the oral tradition and summarily forgotten.³⁶ What is remarkable though is not the amount of material that has been forgotten but the amount of information that remains. *Sefer Maharil* and the responsa preserve a picture of a musical figure that is more complete than that of virtually any other musician of the time (Christian or Jewish). Combined with the oral tradition passed down through generations of cantors who have looked to the Maharil as a founding father, that written testimony makes an even greater impact.

If it is possible to assess the validity of the myth of the Maharil academically, it is only through careful analysis of the written texts. In order to begin the work of this assessment, I have translated selections of *Sefer Maharil* from the chapters on *Rosh Hashanah*, *Yom Kippur*, and general rules of worship. A close look at these selections will present a partial snapshot of both the 14th century Ashkenazic synagogue and the man who worked to improve it.

The Translation of *Sefer Maharil*

The central purpose of this translation is to open *Sefer Maharil* to an audience that may be unfamiliar with both the intricacies of Ashkenazic *minhag* and the language of medieval halachic discourse. Because *Sefer Maharil* is a very large work, I have

³⁶ גשורי, ע'י שיט

translated only a limited section dealing specifically with music and synagogue practice. The chapters dealing with *Rosh Hashanah*, *Yom Kippur*, and general worship are all filled with musical direction, liturgical practices, and the Maharil's personal observances. In them more than in any other section (with the possible exception of the detailed descriptions of *Tisha B'av*), the role of the Maharil as *Shaliach Tzibbur* is directly evident.

This translation is according to the most recent edition of *Sefer Maharil*.³⁷ References to page numbers and the division of the text into numbered sections are all according to that edition. Also, using the critical apparatus in this edition, I translated many sections found in the various manuscripts of *Sefer Maharil*. Those sections are indicated with square brackets ([]) and a footnote indicating that this section is “from manuscripts.”

Because my translation is focused on discovering the musical aspects of *Sefer Maharil*, I have cut out extended legal discussions, most of the lists of grammatical corrections, and some other material. There are three ways to identify that I have cut text. The first is that there is a leap in the numbering of the sections (meaning that I have left out one or more numbered sections entirely). The second is that there are periods of ellipses, indicating that the particular numbered section begins before or continues beyond the translated selection. The third is an explanation in century gothic font (century gothic) giving a brief summary of the information that has been cut out from the middle of a section.

³⁷ מכון ירושלים, 1989

Occasionally a word appears in Hebrew in parentheses after its translation in order to give greater clarity or to show the ambiguity of certain Hebrew terms. For longer phrases where I considered it helpful, the original Hebrew words have been reproduced in a footnote. Whenever possible I have cross referenced the liturgical texts referred to by the Maharil with the Birnbaum *siddur* and *machzor*. For texts not found in the Birnbaum, I have tried to identify other sources where these texts do appear. The main purposes of the footnotes are to connect this text to the larger body of rabbinic and halachic literature (both historically and textually), to make basic comparisons to contemporary *minhag*, and to clarify some difficult points. It is highly recommended to have a *machzor* along-side the text in order to best understand this translation.

Sefer Maharil is a unique document and is crucial to understanding the roots of Ashkenazic synagogue music. Through presenting a small selection here, I hope to shed some light on that history, on the role of the Maharil and his leadership, and also to show some of the connections to this material that remain intact in Ashkenazic synagogues today. As inheritors to the traditions that the Maharil is believed to have sanctioned, the modern Jew should consider his writings as more than just an interesting historical relic. The most important reason for creating this translation, and for opening up what has been a closed book is to reestablish a connection with a founding teacher of the *Torah She'b'al Peh* that is our cantorial tradition. It is for this purpose that I undertook this exploration into the life and teachings of Moreinu Harav Rabbi Jacob ben Moshe Halevy Molin and his *Sefer Maharil*.

Laws of Rosh Hashanah

[Page רעא]

2. The Mahari Segal explained that each man should make himself familiar with the *krovetz*¹ and *piyutim* of *Rosh Hashanah* and *Yom Kippur* and pray to himself with intention and not rely on the *Sha"tz*. He [the *Sha"tz*] only fulfills the requirements of² common folk (עמי הארץ), those who live in the villages and small settlements who do not know how to pray, and sick people who are unable to pray because of their great sickness. If a man says to himself that he will focus and listen to the *Sha"tz*, it is impossible because on those days the service is greatly lengthened by *piyutim* and sometimes he will lose his focus and will not pay attention and hear the *Sha"tz*, and one's requirement is not fulfilled by a *Sha"tz* unless he is paying attention to each and every word, and it is thus in the *Orach Chayim*.³

[Page רפ]

Worship for Rosh Hashanah

1. In Mainz on both days of *Rosh Hashanah* and on *Yom Kippur*, the first *Kaddish* (before *Bar'chu*) is sung to the melody of the first *Kaddish* on a festival. The Mahari Segal used to serve as *Sha"tz* every year on the first day of *Rosh Hashanah* and on *Yom Kippur* for the entire day. He would stand important people, one on his right and one on his left for *Rosh Hashanah* and *Yom Kippur*, as is explained in *Orach Chayim* in the laws

¹ The word *K'rovetz* is a combination of the category of *piyyut* known as *K'rovah* and the old French plural suffix *es*. See Elbogen, p. 170.

² כי הוא אינו מוציא רק...

³ ארבעה טורים, אורח חיים, סי' תקצא

of *Yom Kippur*.⁴ He also regularly served as *Sha"tz* on the eve of *Tisha B'av* and on *Hoshanah Rabbah*. One time he took the Torah from the hands of the *Sha"tz* on *Sh'mini Atzeret* to give a blessing to the congregation for the gifts of their hands, and he kept the Torah in his hands and the congregation pleaded with him to return the Torah to the ark and pray תפלת הקשם, and thus he did. On *Rosh Hashanah*, one begins with “המלך”⁵ and then continue to gradually raise the voice so that it will be heard with fear and awe⁷, and the *Sha"tz* returns with “לעלא” of *קדושה*, and “לעלא” of *שמונה עשרה*, and he should double “לעלא” in the *Kaddish*.

2. This is a listing of the correct vowelings for specific words and the correct wording for specific prayers in the *Rosh Hashanah* service.

[Page רפב]

4. In the synagogue of Worms, the practice is to say *ma'arivim*⁸ in the evening services of *Rosh Hashanah*, something that is not true in the other communities of the Rhine. [In Worms, on the first night of *Rosh Hashanah* (they say) “אשרי העם לדעי תרועה”, on the second night (they say) “בסה אורי וישעי”].⁹ The Mahari Segal said that it originates from the great men of Worms¹⁰ so custom follows after the *Rokeach*¹¹ of blessed memory who

⁴ סי תריט, also see the *Shulchan Aruch* in the same chapter, halachah ד.

⁵ Birnbaum מחזור השלם, page 169

⁶ יתחיל בחשאי

⁷ This particular practice is frequently cited as one of the Maharil's most influential. See, for example, Nulman, *Concise Encyclopedia of Jewish Music*, p. 177.

⁸ The various types of *piyutim* are generally named by when they occur liturgically. *Ma'arivim*, therefore, are *piyutim* that are recited during the evening *ma'ariv* service.

⁹ From manuscripts

¹⁰ דתלי באשלי רברבי – literally, it hangs on high tamarisks, as in Bavli *Avodah Zarah* 7b

¹¹ *Rokeach* is the common name for Rabbi Elazar Rokeach of Worms (1160-1238), the main student of the important Rabbi Yehudah Hechasid (1150-1217), the founder and

is buried there (in Worms). He held that on the eve of *Rosh Hashanah* people must fast for the whole day, and therefore the service is extended with *ma'arivim* until it is dark.¹² In the other places their custom is according to our other rabbis, who hold that one does not need a complete (whole day) fast.¹³ ...

[Page רפג]

6. The Mahari Segal would stand during his prayer with bent head, even while praying to himself,¹⁴ which he did not do during the rest of the year [when he stood tall and straight for every *Sh'monah Esreih*, except that he would rock his body forward and back¹⁵ and he always had a *siddur* in his hand for every *Sh'monah Esreih* from which he would pray.]¹⁶ He would bend down low every time he mentioned Jerusalem... [Specific instruction on vowelizing and exact wording of some of the prayers] ...He would extend it out while saying “זְכַרְנוּ בּוֹ לְטוֹבָהּ, וּפְקַדְנוּ בּוֹ לְבִרְכָּהּ”¹⁷ in יַעֲלֶה וְיִבֵּא, and he would especially extend it out when he said “אַתָּה”, which apparently was because he would focus on the sense of “אַתָּה” known to the mystics.¹⁸ In Mainz they say “מְסוּד

leader of *Chassidei Ashkenaz*, a pietistic movement in Germany. The *Rokeach* 's prolific output includes liturgical, halachic, mystical, exegetical and narrative works. See *The Rishonim*, p. 139.

¹² עד חשיכה. The service must be extended until after dark because of *Kiddush* at the end of the service, which requires the participants to drink a cup of wine. If they are to be fasting for the full day they cannot make *Kiddush* until the day is completely over.

¹³ See *Shulchan Aruch*, סימן תקפא, סעיף ב

¹⁴ ביחיד בינו לעצמו

¹⁵ This is clearly “Shuckling,” a typical Ashkenazic practice of swaying during worship. Some people tend to sway from side to side, clearly the Maharil's practice was from front to back.

¹⁶ From manuscript א

¹⁷ Birnbaum, מחזור שלם, page 265

¹⁸ There are very few mentions of mystical practice in *Sefer Maharil*, making this small note an important part of understanding the character of the Maharil. Most probably, this tradition came to the Maharil from the *Chassidei Ashkenaz*, a pietist movement led by R. Yehudah Hechasid (1150-1217).

[Page רצד]

The Order of the Musaf Service of *Rosh Hashanah*

1. Musaf – When he said “שִׁבַּח מְגִדֵּל עוֹז שֵׁם הַגְּדוֹל”²³ he would especially raise his voice and say “שֵׁם הַגְּדוֹל” with all his strength. [In the public prayer, the *Chazan* says the *krovetz*.²⁴ אֶפֶד מְאֹד, through שְׁבוּעַת עֲבָדֶיךָ;²⁵ לְגוֹנְנֵי בְּגוֹנוֹ should be sung to the melody of וְהָיָה בְּרִינּוֹן²⁶ In Mainz they would say כָּל שׁוֹנְאֵי before מְלֶךְ עֲלִיוֹן,²⁷ and before מְלֶךְ עֲלִיוֹן he did not say וּבְכֹר יְיָ יִמְלֹךְ לְעֹלָם וָעֶד

[Page רצה]

2. The sequence of verses before הָאוֹחִז²⁸ in the Musaf service were arranged by the Mahari Segal in the following order: first כִּי מְקַדְשֵׁיךָ through פָּאָר מְקַדְשֵׁים, then he would start וּבְכֹר יִתְקַדֵּשׁ etc, then after that עוֹד יִזְכָּר-לָנוּ etc. “לְצַדִּיק דִּיגְנוּ כִּי קְדוֹשׁ”²⁹ יוֹצִיא הַיּוֹם. And then after that מְלִיץ-לְשָׁר through הַמְשַׁפֵּט. Then he would say the words of הָאוֹחִז [loudly]³⁰ in the same breath as the word הַמְשַׁפֵּט, one breath for the two words. לְבָאֵי and not בָּאֵי [הָיָה יְחִידֵי בָּאֵי עוֹלָם. thus he changed to say at the end of his life, here in Worms, but in the beginning he said לְבָאֵי]³¹ ...

3. After the end of הָאוֹחִז, the Mahari Segal would bow his head especially low to the ground and would recite a memorial prayer³² with great intention. I heard someone tell

²³ Birnbaum, מחזור השלם, p. 214

²⁴ Ibid., p. 349

²⁵ Ibid., page 351

²⁶ From manuscripts

²⁷ Ibid., p. 355

²⁸ More commonly known as וְכָל מְאִמִּינִים, *ibid.*, page 367, this sequence of verses begins on page 365 and modern practice retains this same order

²⁹ אִיוֹם rather than the more common הַיּוֹם

³⁰ From manuscripts

³¹ From manuscripts

³² – Apparently the Maharil composed his own memorial prayer (possibly for his father) and inserted into the *Rosh Hashanah* service.

that he saw from his teachers that there were places in the Rhine where they did not say this paragraph for this reason. There are those who say “מַעַם יְיָ”⁴¹]

”וַיִּדְעֵתָ הַיּוֹם וְהַשְּׁמֵתָ אֶל לִבְבְּךָ... וְעַל הָאָרֶץ אֵין עוֹד”⁴² ”שְׁמַע יִשְׂרָאֵל, יְיָ אֱלֹהֵינוּ, יְיָ אֶחָד”⁴³ ”הוּ לֵי אֱלֹהֵיךָ הַשָּׁמַיִם וְהַשָּׁמַיִם הָאָרֶץ וְכָל אֲשֶׁר בָּהּ”⁴⁴ ”כִּי יְיָ אֱלֹהֵיכֶם הוּא אֱלֹהֵי הָאֱלֹהִים וְאַתְּנִי הָאֱלֹהִים הָאֵל הַגָּּמֵל הַגֹּפֶר וְהַנּוֹרָא אֲשֶׁר לֹא יִשָּׂא פָנָיו וְלֹא יִקַּח שָׂחָד”⁴⁵ ”כִּי שָׁם יְיָ אֶקְרָא הַבּוֹמֵדֵל לְאֱלֹהֵינוּ”⁴⁶
 ”יְהִי שָׁם יְיָ מְלַרְךָ מַעֲתָה וְעַד־עוֹלָם”⁴⁷

This (recitation of verses) is a tradition from Rabbi Elazar Rokeiach of Worms. “כְּתוּב בְּתוֹרָתוֹ”⁴⁸ ”וְאָנוּ כּוֹרְעִים”⁴⁹ He would bow down on his knees and would prostrate himself and fall on his face. He said “לֹא לֵא יוֹשִׁיעַ”⁵⁰, and would stop a moment when he said “לְהַקֵּל וְרִיק”⁵¹ and he would spit one time.

⁴¹ This section about the proper pronunciation is an editorial insert giving the practice of the Maharash. The text continues with the verses the Maharil would recite to himself while the congregation was reciting הוא אלהינו.

⁴² Deut. 4:39

⁴³ Deut 6:4

⁴⁴ Deut 10:14

⁴⁵ Deut 10:17

⁴⁶ Deut 32:3

⁴⁷ Psalms 113:2

⁴⁸ This is a wording change. Modern versions have “בתורתך”. The Maharil’s version would retain the third person address to God of the rest of the paragraph whereas the modern version switches to the second person.

⁴⁹ This is another wording change. Modern versions have “ואנחנו”. There is no significant difference in meaning.

⁵⁰ This is part of a line that was censored out of the *Aleinu* by Christian authorities precisely because of the practice described here. After the initial statement of the *Aleinu* about the special character of the Jewish people and their separateness from other nations, the censored line continues “because they bow down to emptiness and nothing and pray to a god without redeeming powers.”

⁵¹ The word “וריק” (emptiness, nothingness) is numerically equivalent in gematria to the name “ישו” which is the traditional Jewish spelling for the name of Jesus. Spitting while saying “וריק” is therefore a direct insult on Christian belief.

[Page רצט]

8. On the second day of Rosh Hashanah, the *Sha"tz* says ⁵²אֶתִּיתִי לְחַנְּנָךְ, all in a pretty and pleasant melody.⁵³ The congregation says the *Siluk*⁵⁴ through the word “וְהַיּוֹם”.⁵⁵ The *Sha"tz* then returns and says “וְתִזְכֶּיר לָמוֹ”⁵⁶ through “וְהַיּוֹם”, then the congregation continues through “עֲזַרְתָּנוּ סֵלָה”.⁵⁷ The *Sha"tz* returns “וְתִשָּׁבַע לָמוֹ”⁵⁸ and continues through “סֵלָה”, and the congregation finishes (the piyut)...

9. Musaf on the second day, one does not say מְסוּד.⁵⁹ The *Sha"tz* says “בְּרוּךְ אַתָּה יְיָ” in a simple melody (נגון פשוט), continues with זְכַרְנוּ⁶⁰ etc. through “מְחַיֶּה הַמֵּתִים”. Then the congregation says “וְנִתְּנָה מִקָּף” in a loud voice⁶¹....

⁵² A *k'rovah* in the beginning of the repetition of the *Shacharit Amidah* on the second day of Rosh Hashanah. See Birnbaum, מחזור השלם, p. 229

⁵³ כולו בניגון יפה ונעים

⁵⁴ A *Siluk* is “a poem whose place is in the last part of the *qerova*” (Elbogen, p. 168, also see the longer description on p. 171). This particular *Siluk*, for the second day of Rosh Hashanah, can be found in *הראש השנה*, מחזור ירושלים, p. 399 or in *The Complete Artscroll Machzor: Rosh Hashanah*, p. 675.

⁵⁵ וְהַיּוֹם occurs two times in this lengthy piyut, from the context here one must assume that the Maharil is referring to the first time which is about a third through. In the Koren *מחזור ירושלים* version, this line is on page 400 approximately mid-way through the page.

⁵⁶ This is just a few lines before the congregation's stopping point at וְהַיּוֹם.

⁵⁷ *הראש השנה*, מחזור ירושלים, p. 403, 8 lines from the top of the page.

⁵⁸ The correct wording here should be וְנִשְׁבַּע לְבָרְכּוֹ. This is, as before, a few lines before the congregation's stopping point.

⁵⁹ מְסוּד חַכְמִים is a *R'shut*, which is “an introduction in which the poet presents himself before the congregation” (Elbogen, p. 171). The purpose of this short invocation is to formally request permission to add extra *piyyutim* to the statutory liturgy. Much of the additional *k'rovot* for the Rosh Hashanah Musaf Amidah are not included on the second day. In fact, the וְנִתְּנָה תּוֹקֵף comes immediately after the גְבוּרֵי in most Ashkenazic communities on the second day of Rosh Hashanah. See Birnbaum, מחזור השלם, p. 359.

⁶⁰ The High Holy Day insert for the first blessing of the *Amidah*.

⁶¹ Apparently it is the congregation which begins the singing of וְנִתְּנָה תּוֹקֵף. This tradition immediately brings to mind the majestic congregational melody composed by Louis Lewandowsky.

[Page ן]

11. The Mahari Segal explained that one is commanded to extend out the service on Rosh Hashanah [with *piyyutim* and *k'rovetz*]⁶² [He would recite *כְּאַלְהֵינוּ* to a nice melody]⁶³ at least through midday.⁶⁴ And thus was the practice of the ancients, half for the Eternal, half for you.⁶⁵ With this understanding, the heart of a man should not wander off if the *Sha"tz* lengthens the prayer (with melodies), rather, his attention should be directed for the sake of heaven....

[Page נן]

13. I, the author of this compilation,⁶⁶ heard from the mouth of the pure, Mahari Segal, while I studied Tractate Yoma before him, and it was the year *קפ"ו* (5186, or 1426 C.E.), one year before the Rav, may he rest in peace, was called to the heavenly yeshivah. He said that if the Eternal One, may God be blessed, will keep him alive to lead the High Holy Day prayers, then he would want to change many of the words of the prayers of Rosh Hashanah and Yom Kippur from what he usually did up till now [because several things became clear to him].⁶⁷ Therefore I followed after them to know them and to write them for Rosh Hashanah and Yom Kippur as Rabbi Zalman of Erfurt heard them and

⁶² From manuscripts

⁶³ From manuscripts

⁶⁴ עד חצות היום לפחות

⁶⁵ See Bavli Beitzah 15b for the Tannaitic story about Rabbi Eliezer teaching a class on a festival. Rabbi Yehoshua posits that one should spend half the day in intense study and devotional activity, and the other half enjoying the festival and eating and drinking.

⁶⁶ Rabbi Zalman of St. Goar

⁶⁷ From manuscripts

passed them on to me to copy them down as a memory.⁶⁸ No man who has already seen a copy of this book prior to this time should reject these additions.

⁶⁸ Shortly before his death, the Maharil moved from his long time residence in Mainz to Worms for reasons that are unclear. Several reasons, both political and personal, are posited by various historians. See Steinman, p. 6. Apparently Zalman of St. Goar did not accompany the Maharil in this move.

Laws of Yom Kippur

Laws of Yom Kippur Eve

[שכו Page]

5. The Mahari Segal said when people arrive in the synagogue on evening of *Kol Nidre*, it is good to begin (the recitation of) *Kol Nidre* while there is still daylight because it is a nullification of a vow and it is not permitted to nullify vows on Shabbat or Yom Tov. Therefore, the *Sha"tz* begins *Kol Nidre* before he sanctifies the day.¹ Indeed, the *Sha"tz* should extend it with melodies² so that it continues until the night. Because of this, each man should bring himself to the synagogue early so that (everyone may) request forgiveness one from the other before the *Sha"tz* comes before the ark.³ On *Kol Nidre* evening, before the *Sha"tz* came before the ark, the Mahari Segal would stand before the ark and say “בְּיָשִׁיבָה שָׁל מְעֵלָה וּבְיָשִׁיבָה שָׁל מַטָּה, עַל דְּעַת הַמָּקוֹם וְעַל דְּעַת הַקֹּהֵל, אָנוּ מִתְיַרְיֵן”⁴ And thus, this is to be said by the chief authority in each city.⁵ The

¹ This refers to the *Shehecheyanu* prayer which is recited after *Kol Nidre*. While most holidays have *Kiddush* followed by *Shehecheyanu*, because Yom Kippur is a fast day, there is no *Kiddush* to sanctify the day.

² Note the use of plural (נגונים). Scholars (Idelsohn, Werner and others) have argued from this line that the “*Misinaï*” tune of *Kol Nidre* must not have been in place as of the time of the Maharil. It is, however, unclear if “נגונים” refers to different melodies or perhaps means that the *Sha"tz* should use many musical embellishments in order to lengthen the recitation until dark. See Eric Werner, *A Voice Still Heard*, p. 35.

³ ירד לפני התיבה – this is a common rabbinic term for leading prayer.

⁴ In many Ashkenazic *machzorim*, this phrase is in a different order, beginning with “על דעת המקום”. Birnbaum explains that this line was composed by Rabbi Meir of Rothenburg (c. 1215-1293), who was one of the Maharil’s most revered sources. See Birnbaum, *מחזור השלם*, p. 489, and *The Rishonim*, p. 142. Modern practice requires the *Sha"tz* to recite this line three times.

Mahari Segal would not serve as *Sha"tz* on *Kol Nidre* evening, just during the day of Yom Kippur, for the whole day.

[Page שכז]

6. The Mahari Segal said that it has been established for us according to the ruling of Rabbeinu Tam,⁶ and said “מיום כפרים זה עד יום כפרים הבא עלינו לטובה”, and so it is in *Orach Chayim* (of the *Arba'ah Turim*, Section תריט), because we release the vows that are still before him for the coming year ahead of us.⁷ And each person should be careful to recite *Kol Nidre* with the *Sha"tz* so that, for one who says that we release the vow of the past, of course we need to say it with the *Sha"tz* because no man can release his own past vows,⁸ but also for one who says that we release the vows of the coming year, as has been established for us, in any case each person should recite it with the *Sha"tz* so that there will be at least three releasers.⁹ In the first time, he says *Kol Nidre* quietly,¹⁰ and the second time he raises his voice more. And even more on the third time so that it will be heard with fear and trembling. And he says it three times because the word of sages is

⁵ This statement gives halachic permission for something that might otherwise be considered forbidden, it must therefore be proclaimed by the leading halachic authority available. This is no longer normative practice.

⁶ Rabbi Yaakov ben Meir (1100-1171)

⁷ There is much debate, going back to Mishnah N'darim, Chapter 3 (and see Bavli N'darim 23b and Tosafot on the same page, starting with “ואת דרשת”), about an annual nullification of vows. Debate about whether this nullification should be for the year that has just passed or for the year that is about to start continues into the modern era, with siddurim of different movement and ethnic groups reflecting different decisions.

⁸ And therefore the community must recite *Kol Nidre* along with the *Sha"tz* in order that his vows are also released.

⁹ Almost any rabbinic declaration requires a quorum of at least three qualified men. Many other reasons for this practice have been given by different rabbinic authorities, perhaps indicating that this practice pre-dates any of these explanation attempts. See סימן תריט, ד"ה ונוהגים שאומר כל נדרי משנה ברורה, הלכות יום הכפורים, for an explanation of the text and practice.

¹⁰ There are several different words in the manuscripts, including בלחש, בחשאי, and בנחת.

thus: “אתרום אתרום אתרום”¹¹ “מגל זו מגל זו מגל זו”¹². A different reason: because the releasing of vows happens when the sage says “it is permitted to you, it is permitted to you, it is permitted to you” while releasing a vow.¹³

[Page שכח]

7. ... [When the *Sha”tz* reaches “אַבְּל אֶנְחֵנוּ”¹⁴ which comes before the confession, he should be silent for a moment]¹⁵ [From the collected writing of the Mahari Weil,¹⁶ when the *Sha”tz* reaches “אַבְּל אֶנְחֵנוּ” which comes before the confession, he should stop for a moment so that the congregation will recite “אַבְּל אֶנְחֵנוּ חֻטְאֵנוּ” together with him because this is the essential statement of confession, therefore the congregation should say “אֱלֹהֵינוּ אֱלֹהֵינוּ” softly through the end.]¹⁷ And thus was the practice of the Mahari Segal: when he would confess he would stand with his head bent over just like when he would bow while saying מוֹדִים, and not like most people do, prostrating themselves on the floor, because then he wouldn’t be standing.¹⁸

¹¹ Mishnah Shekalim 3:3 – The one who is in charge of the heave offering does not do so until the people repeat the command “תרום” “take the heave offering” three times.

¹² Mishnah M’nachot 10:2 – An elaborate ritual for the harvesting of the *omeir* during Passover, which requires every command to be repeated three times. For one other example of a ritual requiring three repetitions of a command see Mishnah, Y’vamos 12:6.

¹³ See מדרש אגדה, במדבר, פרק ל ד”ה [כ] וידבר משה. Because this text is a bit rare, I cite the pertinent section of this midrash here:

ומניין שיש היתר לנדר, שנאמר לא יחל דברו (ויקרא יז ג), הוא אינו מוחל, [אבל] אחרים מוחלין לו, כיצד חכם מתיר את הנדר שלו, אם הנודר או הנשבע אומר מתחרט אני על נדרי או על שבועתי, מתיר אותו מיד, ואומר לו מותר לך ג’ פעמים, ואם אינו מתחרט, החכם פותח לו פתח, ואומר אדעתא דהכי מי נדרת ואסרת ואומר לא מיד מתירין אותו :

¹⁴ Birnbaum, מחזור שלם, p. 547

¹⁵ From manuscripts

¹⁶ Rabbi Jacob Weil (d. 1455), one of the Maharil’s principle students and generally regarded as the leading halachic authority of his generation. See *The Rishonim*, p. 154.

¹⁷ From manuscripts

¹⁸ The general rule is that during any confession (וידוי), one should be standing up. The erroneous practice described here of full prostration during the confessional is no longer extant in any synagogue that I know of. Birnbaum, מחזור שלם, p. 491

9. When the *Sha"tz* finishes the third repetition of *Kol Nidre*, he sings with a loud [and lovely]¹⁹ voice “וְנִסְלַח לְכָל עֲדַת”²⁰ and does not say “בְּכַתוּב בְּתוֹרַתְךָ”.²¹ The custom in Mainz: On the evening of *Kol Nidre* and on its day the congregation responds with a loud voice “וְאַתָּה צְדִיק”²² after they have confessed with the *Sha"tz*. The *Sha"tz* then repeats it after them [as on all other days, and most places do not do this, rather the *Sha"tz* says it on his own].²³ And he blesses *Shehecheyanu* in a loud and pleasant voice because it has been established for us that one may even say the *Shehecheyanu* in a market place.²⁴ It is not possible in these days to say it over a cup (of wine) as there is no one present to taste it. We cannot even bring it to a child lest he misunderstand in a future year and think that it is allowed to drink because this is a set thing, forbidden in every year.²⁵

[Page שכט]

10. They pray the *Maariv* service, with the whole congregation saying “בְּרוּךְ שֵׁם כְּבוֹד”²⁶ of the recitation of the *Sh'ma* in a loud voice. If it is Shabbat, the *Sha"tz* says וְיִכְלֹו, and then²⁷ הַמְלֶךְ הַקָּדוֹשׁ.

¹⁹ From manuscripts

²⁰ In contemporary practice, this line is recited three times. The Maharil seems to only indicate one recitation.

²¹ It is unclear what this refers to. There is no line in this part of the service that includes that phrase. Perhaps this was inserted at one time as a prelude to the biblical verses (ויאמר ה' ונסלח) that come between *Kol Nidre* and *Shehecheyanu*.

²² Birnbaum, מחזור שלם, p. 547

²³ From manuscripts

²⁴ Talmud Bavli, Eirubin, 40b records a discussion about when it is appropriate to say the *Shehecheyanu*. This statement about saying it even in the market is a major part of the defense for saying it on Yom Kippur.

²⁵ This continuation about who will drink is a response to the arguments in the Talmud as the Talmudic assumption is that whenever one says *Shehecheyanu* for a holiday, it should be over a glass of wine, as part of *Kiddush*.

²⁶ Birnbaum, מחזור השלם, p. 495

²⁷ On a regular Shabbat this would be האל הקדוש. Birnbaum, מחזור השלם, p. 519

Afterwards, the *Sha"tz* opens up with melodies (נעימות) for “יעלה תחנונו”²⁸ and they traditionally say four (verses) – תחנונו, קולנו, עתירתנו, אַנְקָתָנו.²⁹ After that, he opens with the verses of “שִׁמְעֵתְפֹלָה, עֲדִיף כָּל בְּשָׁר לְתָאוּ”³⁰. In the Rhine the *Sha"tz* and the congregation recite each verse loudly together and there are places where they alternate (the congregation) one verse then the *Sha"tz* one verse. And afterwards, he says the opening “יְיָ צְבָאוֹת, אֱלֹהֵי יִשְׂרָאֵל, יוֹשֵׁב הַכְרֵבִים”³¹ also in its order, and the same for “כִּי עַל”³² and in this sequence is the *S'lichah* “סֶלַח נָא אֲשָׁמוֹת”³³, and also the *S'lichah* “תָּמַת צוּרִים”³⁴. The *Sha"tz* says “דְּרַכָּךְ אֱלֹהֵינוּ”³⁵ in a loud voice and the congregation repeats and the same for “לְמַעַן אֱלֹהֵינוּ”. The congregation says the first stanza of “אֲמָנָם”³⁶. They begin the last stanza, “תַּעֲלֶה אֲרוֹכָה” in a loud voice. The *Sha"tz* then

²⁸ Birnbaum, מחזור השלם, p. 521

²⁹ This word is not in most modern מחזורים, but as יעלה is a reverse alphabetical acrostic (תשר"ק), one would assume that it began the third verse, which now begins with ענויינו.

³⁰ Birnbaum, מחזור השלם, p. 523

³¹ Ibid., page 525. Though in the Birnbaum, this phrase appears in the middle of a long paragraph and does not seem to open up a new section, Baer has it as an extended piece of nusach with solo and choral/congregational singing (p. 302, No. 1310b)

³² This line is not in modern Ashkenazic machzorim. In the Baer (p. 302, No. 1310c) this line appears in the column for “Minhag Aschk'nas”. In the Birnbaum סליחות it appears on page 16.

³³ Birnbaum, מחזור השלם, p. 531. Note that this *S'lichah* is not in the same liturgical position in the Birnbaum as the Maharil seems to indicate.

³⁴ This *S'lichah* does not appear in modern Ashkenazic machzorim. Baer (p. 305, No. 1320) again lists it as “Minhag Aschk'nas” and has a setting for solo and choir/congregation. Macy Nulman's *Encyclopedia of Jewish Prayer* indicates (p. 325) that this piyut is an *Akeidah*, meaning a poetic telling of the story of the binding of Isaac.

³⁵ Birnbaum, מחזור השלם, p. 527

³⁶ This is a lengthy piyut that alternates between דרכך and למענך as refrains. It is an acrostic in simple aleph bet order. It is still included in its entirety in some communities. Common practice has retained the two refrains and the final stanza. For the complete text, see מחזור ירושלים, יום כפור, p. 61.

repeats “תַּעֲלֶה”. The congregation then says “אֵל מְלֶךְ יוֹשֵׁב”³⁷ and the *Sha”tz* says verses and then, in a loud voice, “חֲטֵאנוּ צוּרֵינוּ”.³⁸ The congregation then repeats that and says the first two lines of “אוֹתָךְ אֶדְרוֹשׁ”³⁹ and the *Sha”tz* returns “הֵן אֶתָּה”. And so it continues, every two verses, the *Sha”tz* returns “...הֵן”⁴⁰ through “כִּי עָמַד מְקוֹר חַיִּים”,⁴¹ and then the congregation says “אֵל מְלֶךְ יוֹשֵׁב” and the *Sha”tz* says verses. He then says “חַיִּים חוֹן”⁴² and continues as in the first verses through “כִּי יוֹדֵעַ דָּרָךְ עֲמָדִי”,⁴³ then they interrupt again with “אֵל מְלֶךְ יוֹשֵׁב” and verses. They finish the remainder (of אוֹתָךְ אֶדְרוֹשׁ) in the same manner as the first verses, and this is the practice in Mainz.⁴⁴ There are places where he says the *chatanu*⁴⁵ “אֶדְבָרָה תַּחֲנוּנִים”⁴⁶ (in place of אוֹתָךְ אֶדְרוֹשׁ) in this whole

³⁷ The introductory paragraph before the first recitation of the 13 Divine Attributes. This is the first of three repetitions of this section that form the backbone of the *S’lichot* service. Birnbaum, מחזור שלם, p. 527.

³⁸ Ibid, p. 541. This line appears to part of a very short four line section in the Birnbaum, but the line חֲטֵאנוּ צוּרֵינוּ is actually the refrain of אֶדְרוֹשׁ אֶתָּה, a lengthy acrostic piyut. The particular emphasis put on singing this small line in a loud voice is clearly to introduce this important piyut with a flourish.

³⁹ Ibid, p. 78 – For a full discussion of this interchange between cantor and congregation on אֶדְרוֹשׁ אֶתָּה see Geoffrey Goldberg, “Aspects of Congregational Song in the German Synagogue up until the Shoah” in *The Journal of Synagogue Music* 30:1, p. 17-20.

⁴⁰ Every other line of אֶדְרוֹשׁ אֶתָּה begins with the word “הֵן”.

⁴¹ The end of the ז verse

⁴² The beginning of the ח verse

⁴³ The end of the ט verse. It is not unusual in early piyut for the ט to appear in place of ס in an acrostic.

⁴⁴ This sequence is completely different from contemporary Ashkenazic practice. There are also completely different sequences of *piyut* and liturgy recorded for the communities in Worms and Frankfurt from the time of the Maharil. Common to all are the three recitations of the 13 Divine Attributes, but they are otherwise highly divergent.

⁴⁵ A *chatanu* is a type of *s’lichah* in which the repeating chorus generally begins with the word *chatanu*. See Leon Weinberger, *Jewish Hymnography*, p. 60.

⁴⁶ This piyut is said in some communities during *Shacharit* of Yom Kippur. Just as אֶדְרוֹשׁ אֶתָּה it uses חֲטֵאנוּ צוּרֵינוּ as a refrain. In Worms, אֶדְבָרָה תַּחֲנוּנִים was recited in the evening and אֶדְרוֹשׁ אֶתָּה in the morning. For the full text, see מחזור ירושלים, יום כפור, p. 244. Also see Nulman *Encyclopedia of Jewish Prayer*, p. 4.

sequence that I just explained. The *Sha"tz* finishes everything through “מִנְגִיד עֵינַיִךְ”⁴⁷ and then the congregation says the first line of “אַתָּה מְבִינֵנוּ”,⁴⁸ and they open the last verse, “שְׁמַח מְעוֹלָם” with a loud voice, and the *Sha"tz* repeats it. And the *Sha"tz* finishes the prayer⁴⁹ and the verses. If it is Friday night, one says [one doesn't say]⁵⁰ “אַל רְחוּם” שְׁמַח”.⁵¹ It is not Shabbat, one says *Avinu Malkeinu*. If it is Shabbat, one does not say “בְּמָה מְדַלְקִין”⁵² because one should not say “וְטוֹמְנִין” as was explained above.⁵³

Kaddish,⁵⁴ *Aleinu*, Mourners' *Kaddish*, *Shir Hayichud*.⁵⁵

[Page שלא]

12. The Mahari Segal explained that it is customary that the people should sleep at the synagogue on the evening of *Kol Nidre* in order to multiply praises and singing.⁵⁶ It is written in *Orech Chayim*⁵⁷ that we practice this way because of what it says in Tractate

⁴⁷ Birnbaum, מחזור שלם, p. 549. The Maharil has skipped over a large part of the *Yom Kippur* liturgy. Perhaps this section is so standard that he assumed that it needed no explication. In any case, this phrase is actually the end of the *piyut* that the congregation is about to say.

⁴⁸ מחזור ירושלים, יום כפור, p. 88

⁴⁹ תפלה

⁵⁰ From manuscripts, and indeed, according to מחזור ירושלים, יום כפור, this is the practice. Birnbaum does not indicate that this *piyut* should be excluded on Shabbat.

⁵¹ Birnbaum, מחזור שלם, p. 559

⁵² The second chapter of Mishnah Shabbat, usually recited on Friday evening between *Kabbalat Shabbat* and *Ma'ariv*.

⁵³ This has to do with a specific halachic ruling of the Maharil about preparing food before Shabbat and burying it to keep it warm until after Shabbat (and the end of the *Yom Kippur* fast). The reference to above is in the Laws of *Yom Kippur*, number 11 (Page שכ)

⁵⁴ This is the full *Kaddish*, either called “קדיש תתקבל” or “קדיש שלם”, Birnbaum מחזור שלם, p. 569

⁵⁵ There is a different *Shir Hayichud* for each day of the week. See Birnbaum, מחזור שלם, p. 101-126.

⁵⁶ להרבות בשבחות ורננים

⁵⁷ ועוד נהגו ללון בב"ה ואומרים שירות ותשבחות כל הלילה ונ"ל שלקחו מהא דתנן מיקירי ירושלים לא

היו ישנים כל הלילה ומנהג אבותינו תורה היא

Yoma (19b) “the elite of Jerusalem would not sleep all night so that the High Priest would hear the reverberating sounds and would not fall asleep so that he should not become defiled by a nocturnal emission.”⁵⁸ The Mahari Segal said that this is the tradition, and indeed he felt it himself, that when a man stays awake the whole night without any sleep, then his voice would become more muddled and darkened⁵⁹ than any other thing in the world. This being the case, one who is serving as *Sha”tz* should be careful not to remain awake all night. [However, he should be careful not to sleep too deeply or soundly lest a disgusting thing (nocturnal emission) happen.]⁶⁰

13. After they finished saying *Shir Hayichud* with the Mahari Segal, they would say Mourners’ *Kaddish*. After that, he would begin and say “אַנְעִים זְמִירוֹת”⁶¹ in a pleasant voice (בקול נעים) and after that, *Adon Olam*.⁶² ...

[שלח Page]

Laws of Worship on *Yom Kippur*

8. [In the morning service of *Yom Kippur*, the preliminary psalms are the same as on other festivals, and the cantor begins]⁶³ “הַמֶּלֶךְ הַיּוֹשֵׁב”⁶⁴ and returns at “בְּרוּךְ אַתָּה” of יִשְׁתַּבַּח, and he doubles לְעֵלָא in *Kaddish*, and he returns “לְעֵלָם וּלְעֵלְמֵי עֲלְמֵיָא” of “יְהֵא”

⁵⁸ מיקירי ירושלים לא היו ישנים כל הלילה, כדי שישמע כהן גדול קול הברה, ולא תהא שינה חוטפתו

⁵⁹ נעכר ונתעמם

⁶⁰ From manuscripts

⁶¹ Birnbaum, מחזור שלם, p. 127

⁶² Most other sources indicate that *Shir Hayichud* is to be sung after *Adon Olam* and not as the Maharil has indicated here.

⁶³ From manuscripts

⁶⁴ Birnbaum, מחזור השלם, p. 581. In modern machzorim this line has been changed from המלך יושב to המלך היושב, a minor change that, according to *The Complete Artscroll Machzor: Yom Kippur*, “conveys the idea of immediacy, that the King is now on His throne” (p. 320).

סֶלַח לְגוֹי”⁶⁵ in a beautiful voice, and says “הַפּוֹתַח”⁶⁵ in a beautiful voice, and says “סֶלַח לְגוֹי”⁶⁵ then the congregation repeats, and the same for “הַטְּאֵנוּ צוֹרְנוּ”, *Sha”tz* then congregation. The congregation says the *Yotzer* אֵז בְּיוֹם כְּפֹר through “בְּבֵית הַוַּעֲדָה”⁶⁷ and the *Sha”tz* returns to “בְּסֶלְחָךְ”.⁶⁸ The congregation says “גָּבְרוּ חֲטָאִים”⁶⁹ through “אֹר” and the *Sha”tz* returns to “דּוֹבְבוּ בְּתַחֲנוּן” and it continues this way through the end. [The *Sha”tz* says “בְּרוּךְ שָׁם כְּבוֹד מַלְכוּתוֹ”⁷⁰ in a loud voice and the congregation responds by repeating it. And so on for “מַלְכוּתוֹ בְּקֹהֶל עֲדָתִי” through “וְהָאֵמֵר סֶלְחָתִי” (the *Sha”tz* says the verse and then the congregation repeats). The *Sha”tz* says “קְדוּשַׁת אֲדִיר בְּעֵלְיָתוֹ” and the congregation responds “בְּרוּךְ שָׁם כְּבוֹד מַלְכוּתוֹ” and so on for all the verses.]⁷¹ [And everything is according to the customs of the place. And he said “בְּרוּךְ שָׁם כְּבוֹד מַלְכוּתוֹ” loudly⁷² and the congregation prays the *Sh’moneh Esrei* exactly like the previous evening, and the cantor goes back and sings intricately (מְנַגֵּן) in the first blessing and says *K’rovetz* and *S’lichot* as the custom of the place]⁷³ “מְסוּד חֲכָמִים”⁷⁴ finishes with “אֶתִּיתִי”⁷⁵. The *Sha”tz* says “אֶמְיֵךְ נְשֵׂאתִי” in the melody of “אֶתִּיתִי”

⁶⁵ Birnbaum, מחזור השלם, p. 583

⁶⁶ Ibid., p. 585

⁶⁷ The end of the first stanza

⁶⁸ The middle of the first stanza

⁶⁹ Just as before, the congregation says the entire second stanza, and the *Sha”tz* repeats the second half of it.

⁷⁰ Birnbaum, מחזור שלם, p. 595

⁷¹ From manuscripts

⁷² This is referring to the actual recitation of the *Sh’ma*. On every day but Yom Kippur this line is said silently. See Birnbaum, מחזור שלם, p. 599

⁷³ From manuscripts.

⁷⁴ Birnbaum, מחזור שלם, p. 623

⁷⁵ This is different from the version in modern machzorim which include the phrase מלא רחמים in this sentence. Also, the last word here (עוונות instead of the usual עוונים) is almost certainly a scribal error as every other line of this piyut ends with the masculine plural (ים) and this final word could hardly be different.

לְחַנְנֵךְ”⁷⁶ through the end. The *Sha”tz* says “אֲדָרַת יְקָר”⁷⁷ to the melody of “אֲפִיד נֶזֶר”⁷⁸.⁷⁸ “הָאֲדָרַת וְהָאֲמוּנָה”⁷⁹ – the *Sha”tz* says it with melodies⁸⁰ in fear and with great intention, with head bent over and in prostration because there are many holy names and secrets included in it. The Mahari Segal said that the congregation may not say it in the rest of the year, just on *Yom Kippur*, but an individual may say it whenever he wants in place of *Tachanun*. “לְיוֹשֵׁב תְּהִלּוֹת לְרוֹכֵב עֲרֵבוֹת”.⁸¹ He only said the verses of “לֹא יִרְאֶךָ”⁸² once before the *R’hitim*.⁸²

9. *Yotzer*⁸³ - The Mahari Segal said that [because the morning service is the longest of the four services of the day]⁸⁴ every *Sha”tz* should be careful to hurry his prayers [and cut back on his extended melodies]⁸⁵ so that he can also pray the *Musaf* service before the

⁷⁶ A *R’shut* for the second day of Rosh Hashanah. See Birnbaum, מחזור השלם, p. 229. Baer indicates that אֲמִיד נִשְׁאֵתִי should be sung to the melody of יִרְאֵתִי בַּפְּצוּתִי, the *R’shut* for the first day of Rosh Hashanah (p. 317)

⁷⁷ Birnbaum, מחזור שלם, p. 639 – the correct wording should be as Birnbaum, אֲדָר יְקָר, not אֲדָרַת יְקָר.

⁷⁸ A *K’rovah* for the first day of Rosh Hashanah. See Birnbaum, מחזור השלם, p. 223. Baer gives the same indication that אֲדָר יְקָר should be sung to the melody of אֲפִיד נֶזֶר.

⁷⁹ Birnbaum, מחזור שלם, p. 657

⁸⁰ בניגון יפה – manuscripts – נעימות

⁸¹ Birnbaum, מחזור שלם, p. 661. This single line in the Birnbaum is again the refrain of a larger piyut that has been omitted from most modern machzorim. For the complete text, see מחזור ירושלים, יום כפור, p. 232.

⁸² The *Rahit* is the seventh part of a *Kedushta*. For a detailed explanation, see Leon Weinberger, *Jewish Hymnography: A Literary History*, p. 50-52. This particular sequence can be found in its complete form in מחזור ירושלים, יום כפור, p. 581-589. This *Rahit* begins with an initial statement of a verse, which the Maharil has referred to as “לֹא יִרְאֶךָ” and then continues with a series of poems, each introduced by a partial recitation of this same verse. Apparently the Maharil did not use these introductions, choosing instead to only say the complete verse one time as an introduction to this lengthy sequence.

⁸³ The *Shacharit* service

⁸⁴ From manuscript

⁸⁵ From manuscript

time of *Minchah G'dolah* has arrived, which means a half hour past noon.⁸⁶ Rabbi Meir of Rothenberg, when he took too long for the morning service, would speed up and pray the *Musaf* service individually in order to hurry to *Minchah*, and sometimes when he needed, he would postpone *Avinu Malkeinu* until the *Musaf* service. And also, he would sometimes postpone the *Avinu Malkeinu* of *Minchah* until *N'ilah* in order to begin *N'ilah* during the day. And the one who hurries and plans to pray the four services according to their assigned times, this is to be praised. And thus I saw the Mahari Segal, in many years, that he would plan for each service to be in its time.

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11. The custom of the Mahari Segal was to place two important people on his sides when he served as *Sha"tz* on *Yom Kippur*, and he did the same on *Rosh Hashanah*. And indeed, it is in *Orech Chayim*, in the laws of *Yom Kippur*.⁸⁷

The Mahari Segal said that one should not change the custom of the place in any matter, even just by using melodies that are not familiar to the people there.⁸⁸ He told us a story about himself when he served, one time, as *Sha"tz* in the community of Regensburg for the High Holy Days, and he would sing (מנגן) each prayer according to the custom of Austria⁸⁹ because that was the custom there. He failed to understand why

⁸⁶ The earliest time at which a person can pray the *Minchah* service. See Isaac Klein, *A Guide to Jewish Religious Practice*, p. 35 for a discussion of *Minchah G'dolah* and *Minchah K'tanah*.

⁸⁷ ארבעה טורים, אורח חיים, סימן תריט

⁸⁸ אפילו בניגונים שאין מורגלים שם

⁸⁹ מדינת אושטרייך – it is noteworthy that the Maharil was able to lead *Yom Kippur* services in another community using that community's melodies and *nusach*, especially as there was no musical notation for any of this material.

they would say the *Haftarah* in the melody of the people of the Rhine.⁹⁰ And he said that at that time he would say the *S'lichah* “אָנִי אֶנִי הַמְדַבֵּר” which was composed by Rabbeinu Ephraim (of Bonn)⁹¹ whose burial place is there (in Regensburg). The leaders of the community told him that it was not their custom to say that *S'lichah* and he did not listen to them because he had his own logical reason described above. After a few days, the daughter of the Rabbi (the Maharil) died on *Yom Kippur* and this same Rabbi justified the death of his daughter to himself because he changed the local custom.⁹²

The Mahari Segal said that when they were honoring him they brought him beautiful *machzorim* from which to pray, but he did not want to pray publicly with them. Rather, he would use the *machzorim* and *siddurim* made especially for the public, even if they were old, blackened, and had mistakes. He said that this was what the Rokeach⁹³ wrote that one should only pray from the public *siddurim* because they were written purely for the sake of fulfilling a commandment,⁹⁴ lest with the other *siddurim*, the scribe did not make them for the sake of fulfilled a commandment, but rather made it to impress [and be glorified for his own scribal talents] and, heaven forbid, lest prayers made from such a *siddur* may not be received. And the Mahari Segal said that the ones who make textual corrections in the public books are making a mistake, lest the one who created the

⁹⁰ והוקשה בעיניו שהיו אומרים הפטרה בניגון בני ריינוס - Others (see, for example, *Encyclopedia Judaica*, 2nd Ed, “Music”) have translated this phrase differently, indicating that the Maharil found it difficult himself to chant the *Haftarah* in the Austrian melody and therefore chanting it in the tradition of the Rhine. The language in the current edition seems to be clear, however, that the Maharil was confused by what they did, not frustrated at what he was unable to do.

⁹¹ R' Ephraim of Bonn (1133-1198) was a scholar and paytan during the crusader massacres. See, *The Rishonim*, p. 133 for more information.

⁹² This famous episode is discussed in many secondary sources. See, for example, Idelsohn, *Jewish Music*, p. 178.

⁹³ Rabbi Elazar Rokeach of Worms (1160-1238), see above, Rosh Hashanah, note 10.

⁹⁴ משום דסתמא לשם מצוה נכתבים

book was greater than the one who tries to revise it. And even if it filled his heart to fix some specific order or he wanted to revise some book from beginning to end he would not. For particular simple things that were known for all their mistakes (he would make his corrections) but for things that have some sort of disagreement, heaven forbid that someone should emend them one way or the other. Instead, he would accustom himself to saying it by heart according to how it seemed to him that it should be rather than writing it in the book.

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The *Musaf* Service

16. ... In *Musaf* they say “מסוד” and again finish it with “פני מלך מוחל וסולח לעונות”⁹⁵. They say “אין ערוך אליך”⁹⁷ just as all the other *K’rovetz*. The *Sha”tz* says “שושן עמק”⁹⁶ completely to the melody of “אאפיד נור”⁹⁸. “ליושב תהלות, לרוכב ערבות”⁹⁸. “מסטין בבל”⁹⁸.⁹⁹ One does not say any *K’rovetz* during the *K’dushah* of *Musaf* until at the end of “להיות לכם לאלהים”¹⁰⁰ he says “אליך תלויות עינינו” which is from the *K’dushah* of the morning service.¹⁰¹ In *Musaf* he also says “ותערב”¹⁰² just as in *N’ilah*.

⁹⁵ Birnbaum, מחזור השלם, p. 765. Also, see above, note 75.

⁹⁶ Ibid.

⁹⁷ This line does not appear in the Birnbaum *machzor*, see דניאל גולדשמידט, מחזור לימים, הנוראים, Volume 2, p. 343.

⁹⁸ Ibid., p. 789

⁹⁹ Ibid., p. 775 It is unclear why this line is listed in a different order than it currently appears. Also, the meaning of “בפיה” is uncertain.

¹⁰⁰ Ibid., p. 795

¹⁰¹ This extremely rare piyut can be found in to *The Complete Artscroll Machzor: Yom Kippur*, p. 817. It is recited in between the congregation’s recitation and the cantor’s repetition of אדיר אדירינו.

¹⁰² Birnbaum, מחזור השלם, p. 865. This is a congregational insert to the fourth blessing of the *Sh’monah Esrei*.

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19. The Mahari Segal said that Rabbi Moshe Neumark¹⁰³ witnessed Rabbi Moses Segal¹⁰⁴ when he would, on Yom Kippur, say “אָנָּא הַשֵּׁם”¹⁰⁵ he would raise his voice very loudly. The reason for this is found in Tractate Yoma (20b): when the High Priest would say “אָנָּא הַשֵּׁם” his voice was heard in Jericho and Rabbah bar bar Chanah said that Rabbi Yochanan said that from Jerusalem to Jericho is ten Persian miles. The Mahari Segal would finish “לְטַהַר אֶתְכֶם, מִפֶּל חַטָּאתֵיכֶם לִפְנֵי יי - וְאוֹמֵר לָהֶם : תִּטְהַרוּ”¹⁰⁶ When he would say “כּוֹרְעִים וּמִשְׁתַּחֲוִים וּמוֹדִים וְנוֹפְלִים עַל פְּנֵיהֶם” he perform the action for each word, so he bent on his knees, and prostrated, and fell on his face, and the entire congregation would also say it with him and do it just like him. ... Here is a full description of וְכַד הָיָה מוֹנֶה ... The year before he was called up to the heavenly yeshivah, he said וְכַד הָיָה מוֹנֶה four times and the place of the fourth time was not explained to me, but I finally found in one commentary the place for the fourth, after he finished “וְצָג חוּץ לַמִּדְבָּר”¹⁰⁷ ...

¹⁰³ The Maharil's father in law from his first marriage. Sometimes he is identified with Rabbi Moshe of Zurich. See *The Rishonim*, p. 150.

¹⁰⁴ The Maharil's father, Rabbi Moses ben Yekutiel Halevi (d. 1381), also known as R. Moses Molin.

¹⁰⁵ Birnbaum, משלם השלם, p. 815. This is part of וְכַד הָיָה אֹמֵר in the *Avodah* service.

¹⁰⁶ This verse is traditionally split up in order to stress the rabbinic teaching that *Yom Kippur* atones only for sins between man and God. If one were to say תִּטְהַרוּ with the rest of the verse, one might get the impression that *Yom Kippur* atones for all of one's sins committed before God, which is to say, all of one's sins. The insertion here of “וְאוֹמֵר לָהֶם” means that, as in modern *machzorim*, the Maharil would most likely have said “וְהַכְהַנִּים” between “לִפְנֵי ה'” and “תִּטְהַרוּ”.

¹⁰⁷ Birnbaum, משלם השלם, p. 819, one line after the second recitation of הָיָה מוֹנֶה.

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The *Minchah* Service

25. After they have finished the full *Kaddish* after the *Musaf* service, they take out the Torah and read the portion for *Minchah*. It would have been proper to say “אֲשֶׁר־י”¹⁰⁸ and “וְכָא לְצִיּוֹן גּוֹאֲלִי”¹⁰⁹ before this as on the other festivals, but it is postponed until the end of the *Minchah* service in order to make a break between *Minchah* and *N’ilah*.

The Mahari Segal would chant (מנגן) the scriptural portion for the morning and afternoon services just like the students when they learn, what is called “Stuben Trope”¹¹⁰... Here are some notes about exactly what was read and the texts of the blessings ...The half *Kaddish* after returning the Torah to the ark before the congregation’s *Minchah* prayer is like in the morning service. The *Sha”tz* says “מְסוּד” and finishes it as in the morning service, and he adds the *K’rovetz* “אֵיתָן הַפִּיר”¹¹¹. When the *Sha”tz* finishes “יַעֲלֶה וְיִגְאֵל”¹¹² in *Minchah*, the congregation replies after him “אֵל מְלֶכֶךְ יוֹשֵׁב” and the *Sha”tz* says “וַיַּעֲבֹר”¹¹³. And he says *S’lichot* as per the traditional order of the place. In *Minchah*, the Mahari Segal said “וְעַל חַטָּאִים שְׁאֵנָנוּ חַיְבִים עֲלֵיהֶם כָּרַת” and the *Sha”tz* says “וַיַּעֲרִי”¹¹⁴ which he did not say in any other service. The *K’rovetz* in the *K’dushah* is

¹⁰⁸ Birnbaum, מחזור השלם, p. 957

¹⁰⁹ Birnbaum, מחזור השלם, p. 959

¹¹⁰ Birnbaum, מחזור השלם, p. 959 – For discussion on Stuben trope, see Gashuri, p. שלד-שלה and Werner, p. 69 and 77.

¹¹¹ Birnbaum, מחזור השלם, p. 917

¹¹² Ibid., p. 927

¹¹³ There is no recitation of the 13 Divine Attributes in the *Minchah* service in contemporary practice, it happens instead at *N’ilah*.

¹¹⁴ Ibid., p. 943

“אֱלִיךָ תְּלוּיֹת עֵינֵינוּ”¹¹⁵ just like in the *Musaf* service. There is no priestly benediction¹¹⁶ in *Minchah*. In all my days I never heard the Maharil say אֲבִינוּ מְלַכְנוּ in *Minchah*.

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The *N'ilah* Service

28. After the end of the *Minchah* service is a full *Kaddish* and after that אֲשַׁרִי, וְבָא לְצִיּוֹן, אֲשַׁרִי, half *Kaddish*,¹¹⁷ and the congregation prays (the silent *Amidah*) just as in the morning service up through “הַנְּסִתְרוֹת וְהַנְּגִלוֹת אֶתְּהָ יוֹדֵעַ”¹¹⁸ and then in the place of “אֶתְּהָ יוֹדֵעַ רְזִי”¹¹⁹ they say “אֶתְּהָ נוֹתֵן יָד לְפִוְשָׁעִים”¹²⁰ because one does not say “עַל חַטָּא”¹²¹. “וְחִתְּמֵנוּ בְּסֶפֶר”¹²²: and indeed in every place where there “inscribing” one says “sealing”. [When the *Shatz* says “חתימה” the congregation says the phrases of “חתימה” with him in a loud voice. “מְסוּד” just like in the other services. The *K'rovetz* is “אָב יְדַעְךָ”¹²¹. *K'dushah*: the *K'rovetz* is “אֱלִיךָ נְשׂוֹאוֹת”¹²² as in *Musaf* and *Minchah*. “וְתַעֲרֵב” in *N'ilah* just as in *Musaf* which is not the case in any other service.¹²³ The *kohanim* bless the congregation even if it will extend the service further into the evening, as was explained before.¹²⁴

¹¹⁵ See above, note 101

¹¹⁶ By this I mean that the *kohanim* do not go up to the bimah and there is no “duchenen”. Of course, the usual cantor’s statement of the priestly benediction is still recited.

¹¹⁷ Birnbuam, מחזור שלם, p. 957-961

¹¹⁸ Ibid., p. 971

¹¹⁹ אֶתְּהָ נוֹתֵן יָד לְפִוְשָׁעִים is a short introductory paragraph to the על חטא and אֶתְּהָ יוֹדֵעַ רְזִי עוֹלָם is a longer meditation on human mortality and the God given ability to repent.

¹²⁰ Ibid., p. 963. This textual change is only for the *N'ilah* service. On all other services one says “וְכַתְּבֵנוּ”. Because *N'ilah* is the time when the “book of life” is closed, we no longer petition God to inscribe us for a good year. The writing is, we pray, already done. We now pray that the good inscription is sealed and closed.

¹²¹ Ibid., p. 977

¹²² This is apparently a scribal error. The text should read “אֱלִיךָ תְּלוּיֹת” as in the other services.

¹²³ This is not contemporary practice. וְתַעֲרֵב is now recited only in *Musaf*. The Maharil has recommended that the *kohanim* recite the priestly benediction at *N'ilah*, and generally

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29. In *N'ilah* they say the first verse of all the *Pizmonim* and if it is Shabbat he says the first verse of “הַמְבַדִּיל בֵּין קֹדֶשׁ לְחֹל”¹²⁵ and thus it is in the *Agudah*.¹²⁶ After the *Pizmonim* in *N'ilah* [when the *Sha”tz* finishes through “עוֹשֶׂה הַשְּׁלוֹם”, if he did not say *אָבִינוּ מְלַכְנוּ* in *Minchah* then they say *אָבִינוּ מְלַכְנוּ*, and then]¹²⁷ in Mainz he says “שְׁמַע”¹²⁸ – the *Sha”tz* says it one time [in a loud voice]¹²⁹ and the congregation answers, following him one time. The Mahari Segal said that this is a good practice according to the third chapter of Tractate Megilah in the Babylonian Talmud (Page 25a)¹³⁰ “for the one who says a word and then they repeat it applies what was said before, that we quiet him,” which is to say that when he says one word then they go back and repeat it another time.¹³¹ He did not agree with the practice of the places that say “שְׁמַע שְׁרָאֵל” three times. And those who do say it three times interpret the Talmud so that when it says “it is a shameful practice” it refers to the one who says one word and

ערב goes along with “*duchenen*.” This seems to be the reason for the Maharil’s inclusion of it here though no other source that I have found follows this practice.

¹²⁴ Laws of Yom Kippur, No. 10, page שלט (not translated here).

¹²⁵ Birnbaum, *הסדור השלם*, p. 553. This is not found in contemporary *machzorim*.

¹²⁶ Rabbi Alexander Zuslein HaKohen (d. 1348) is commonly referred to as the *Agudah*, the name of his compendium of rabbinic decisions on a range of Talmudic issues. See *The Rishonim*, p. 149.

¹²⁷ From manuscripts

¹²⁸ This entire discussion relates to the liturgy found on page 1017 of the Birbaum *מחזור השלם*.

¹²⁹ From manuscripts

¹³⁰ This is a discussion on the repetition of words and verses. Different ways in which one might attempt to repeat the *Sh’ma* are discussed and it is generally agreed that though there are ways that may not be forbidden, they are to be avoided.

¹³¹ This is clearly a scribal error. The Maharil’s preferred practice, as evidenced by his choice of quote from the Talmud, is that the *Sha”tz* and the congregation say the *Sh’ma* together as repetition of the text might give the impression that there are two different gods of Israel. For a more complete discussion of the possible intention of the Maharil, see note 6 on page שנה of *ספר מהרי”ל*.

then repeats it. And the Maharil said that in any case one shouldn't repeat because even if it is not forbidden, it is a shameful practice. And regarding the repetition of “יְיָ הוּא” seven times, one should not think that this is from a scriptural verse.¹³² Also, one should not think that it is as the *Semak*¹³³ argued that this “symbolizes the departure of the *Sh'chinah* which climbs up over seven expanses, as it is written: ‘God ascends midst acclamation; the Eternal, to the blasts of the horn’ (Psalms 47:6), therefore, after the shofar blast it ascends and leaves.” After he has said “שְׁמַע יִשְׂרָאֵל” the *Sha”tz* says, in a loud voice, “בְּרוּךְ שֵׁם כְּבוֹד מְלֻכּוּתוֹ לְעוֹלָם וָעֶד” and the congregation says it after him and they do it three times. [In the Maharak:¹³⁴ In France he says “יְיָ הוּא הָאֱלֹהִים” seven times and “שְׁמַע יִשְׂרָאֵל” one time, for the one who says “שמע שמע” is silenced.] The *Sha”tz* says “יְיָ הוּא הָאֱלֹהִים” and the congregation repeats it after him and each time he raises his voice more than the one before it until it has been repeated seven times by the *Sha”tz* and seven times by the congregation. After that is *Kaddish*.

[Page שנו]

30. After that they blast one simple shofar blast,¹³⁵ even though they have not made *Havdalah* in their prayers because this is wisdom and not work as it is in *Orach*

¹³² The exact phrase occurs in I Kings 18:39 in the story of Elijah and the prophets of Baal. After Elijah's sacrifice is miraculously set afire by God, the people exclaim “The Eternal alone is God! The Eternal alone is God!”

¹³³ R. Yitzchak of Corbeil (d. 1280) wrote a book that became known as the ספר מצוות קטן (סמ"ק). See *The Rishonim*, p. 141. The comment referred to is in a gloss by Rabbi Peretz of Corbeil and is found in *Mitzvah* רכה, note ה. Because this book is somewhat rare I am including the pertinent section here:

אף על פי שתוקעין קודם הבדלה אין לחוש משום דחכמה היא ואינה מלאכה, בליל מוצאי יום הכפורים שרגילים לומר ה' הוא האלהים ז' פעמים י"א אותם קודם תקיעה, ויש אומרים אותם אחר התקיעה וכן נראה שהרי אומר אותו לסימן סילוק שכינה שמסתלק ועולה עד לרקיע השביעי, וכתב עלה אלהים בתרועה וגומר, אלמא לאחר תקיעת השופר הוי העלאה והסילוק

¹³⁴ Rabbi Avraham Klausner, one of the Maharil's main teachers. See *The Rishonim*, p.

151.

¹³⁵ תוקעין תקיעה אי פשוטא

*Chayim*¹³⁶ also, this is a simple blast without effort and the shofar sounder is used to it from all the shofar blasts on Rosh Hashanah and will perform this one with ease, and thus it is in the Maharak.

The Mahari Segal said that with this shofar blast it shows that it will soon be Yom Tov, and to boost the meal on this night, and the days of happiness in which they were dedicating the altar are coming, and a divine voice is still calling, and is says at the end of Yom Kippur “Go, eat your bread in gladness...” (Ecclesiastes 9:7).

¹³⁶ ארבעה טורים, אורח חיים, סי' תרכד

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Laws of Worship for All the Days of the Year¹

1. This is how the Mahari Segal acted in the synagogue in the end of his days. He would arrive early at the synagogue and say *P'sukei D'zimrah* [When he was still resident in Worms]². When he said the *Sh'ma Yisrael* of “לְפִיכֶן אֲנַחֲנוּ”³ in the morning, he would conclude after it “בְּרוּךְ שֵׁם כְּבוֹד מַלְכוּתוֹ לְעוֹלָם וָעֶד”⁴, because at that moment he would focus (מכוון) on receiving the yoke of the sovereignty of heaven⁵, since most times the communal recitation of the *Sh'ma* continues on after its appointed time. He would not stand when he said the verses “וַיִּבְרַךְ דָּוִד”⁶ of “לֵךְ יְיָ הַגְדֵּלָה” And when he said “מוֹדִים” at the end of these verses, he would bow to the east while seated. [And he would extend out the singing when he said “לֵךְ יְיָ הַגְדֵּלָה” up through “לְשֵׁם תִּפְאֶרְתֶּךָ”⁷, and he would extend out the singing of “לְשֵׁם תִּפְאֶרְתֶּךָ” and all this while seated.]⁸

When the Mahari Segal said שְׁמַע יִשְׂרָאֵל in the full recitation of the *Sh'ma*, he would put his hand over his eyes and cover them through the end of the intention of “אֱחָד”

¹ הא לך המנה, הלכות תפלה, מכל ימות השנה

² From manuscripts

³ לפיכך אנחנו – This refers to the *Sh'ma* in the middle portion of *Birhot Hashachar*. Birnbaum, הסדור השלם, p. 25.

⁴ Although this is the preliminary *Sh'ma* and not the full recitation which forms the central part of the *Shacharit* service, according to many sources it is preferable to say both lines here in case the communal service does not reach the full recitation until after the halachically set time for *Sh'ma*. This was also the practice of R. Yehuda HeHasid, see the Tur, S'if 46 and the Rama in OH 9

⁵ עול מלכות שמיים

⁶ לך ה' הגדולה, this refers to I Chronicles 29:10-13, which begins “ויברך דוד” and is recited just before the Song of the Sea in *P'sukei D'zimrah*. Contemporary practice is to stand during these verses. Birnbaum, הסדור השלם, p. 65.

⁷ The end of I Chronicles 29:13

⁸ From manuscripts

In *Shacharit* he would stand for the *Sh'monah Esreih* when the *Sha"tz* began “תְּהִלּוֹת לְאֵל עֲלִינוּ”⁹, in *Minchah*, when the *Sha"tz* came before the ark¹⁰ and in *Arvit* when the *Sha"tz* began *Kaddish* [after *Yir'u Eineinu*].¹¹

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2. He would pray the entire service by heart except for the *Sh'monah Esrei*. He held the *siddur* in his right hand and would pray the entire *Sh'monah Esrei* from it, and his left hand was under his over-shirt (סרביל) near his heart. He shook¹² his body from back to front,¹³ and would focus especially on the *Avot* and on *Modim* [and would take a lot of time on the *Avot*]¹⁴ When he would say “וְלִירוּשָׁלַיִם”¹⁵ and also “בִּוְנֵה יְרוּשָׁלַיִם”¹⁶ he would bow to the east.¹⁷... He would rock¹⁸ three times when saying “קְדוּשׁ, קְדוּשׁ, קְדוּשׁ” in the *K'dushah* [after the *Sha"tz*]¹⁹ and when he said “בְּרוּךְ כְּבוֹד” he would bow low²⁰ and bend over²¹ when saying the Divine Name. Similarly, when he said “יְמִלְךָ” he would bow low and bend over when saying the Divine Name. He would not talk with any other person during the whole time of the *K'dushah* until he said “*Amen*” after the end of “לְדוֹר וָדוֹר”

⁹ This line comes before the *Mi Chamocha*, which is different from most modern practice where the congregation rises at “צור ישראל”. Birnbaum, *הסדור השלם*, p. 81.

¹⁰ ירד לפני התיבה

¹¹ From manuscripts, Birnbaum, *הסדור השלם*, p. 199.

¹² מנענע

¹³ This “shuckling” is one variant. Some traditions hold that a person should stand totally still, others sway from right to left.

¹⁴ From manuscripts

¹⁵ The opening of the 14th blessing of the *Sh'monah Esrei*.

¹⁶ The closing of the 14th blessing of the *Sh'monah Esrei*

¹⁷ This is not the contemporary practice. In fact, some hold that it is forbidden to bow in any place that is not specifically mentioned in the Talmud. R. Meir of Rotenberg is also recorded to have bowed at these points and is probably the source of the Maharil's custom.

¹⁸ רוקד

¹⁹ From manuscripts

²⁰ כורע or משתחוה (in different manuscripts)

²¹ זוקף

נגיד". He would not say "יהי רצון"²² as people usually say during the priestly benediction and did not say "Amen" after "וְיָשֶׁם לָךְ שְׁלוֹם"....

[תלו Page]

3. ... He was very careful to say *K'rovetz* and was angry with the Yeshiva students²³ who would be learning *Tosafot* or something else in the synagogue while the community said *K'rovetz*, and they would not be mindful to say them.²⁴ He would often carry a copy of ספר ארבעה טורים to the synagogue, and he would study in it whenever the *Sha"tz* would take more time in melodies²⁵ [on Shabbat and Festivals]²⁶ or during the time of *K'dushah* or *Kaddish*.²⁷ Though, when the community recited *K'rovetz* he was careful to say it with them. And also, during the reading of the Torah on Shabbat, he had a *chumash* in which he would follow the reader, and he wouldn't even study between *aliyot*.²⁸

²² Contemporary practice in the Diaspora is to respond to each part of the threefold blessing with "כן יהי רצון" except during festivals when the priests recite the blessing, called "duchenen" in Yiddish, when the congregation responds "Amen" to each of the three blessings.

²³ בחורים

²⁴ The Maharil was not upset about students studying in the synagogue, in fact, as the next sentence indicated, he himself would bring the *Tur* with him to synagogue. Amazingly, the Maharil was upset only that the students would not be saying the words of the *piyyutim*. While one would think that the statutory liturgy would be more important than the extra *piyyut* materials, apparently the Maharil saw the proper recitation of *piyyut* as obligatory and not optional.

²⁵ מאריך ש"צ בניגונין

²⁶ From manuscripts

²⁷ Interestingly, these two liturgical selections are often the presentation points of nusach. From this assertion that the *Sha"tz* would take more time here and lengthen his presentation of the liturgy, one may construe that this was where the "cantorial fantasia" material may have been particularly prevalent. Whereas in most modern Ashkenazic synagogues, for example, the *chatzi kaddish* before the musaf service is a very quick, less one 1 minute moment, it is possible that a *Sha"tz* could have spent much more time there in the time of the Maharil.

²⁸ בין גברא לגברא – literally "from man to man." It is common in many traditional synagogues for members of the congregation to read various commentaries during the Torah reading, often to the exclusion of listening to the actual reading of the Torah itself.

When they lifted up the Torah to roll it, he would bow [his head]²⁹ towards the text and say “...וְנִצַּחַת הַתּוֹרָה...” And when they returned the Torah to the ark he would go from his seat on the south side of the *menorah* and walk behind it to accompany it up to the *menorah*.³⁰ When, during “עֲלֵינוּ לְשַׁבֵּחַ”, he would say “לְהַבִּיל וְרִיק”³¹ he would spit – just one time, as is the common custom.

When he left the synagogue he would go from his place and stand before the *menorah*. He would bow to the east and say whatever he said and then go to the door of the synagogue, remaining inside, bow and leave as one who requests permission from his master to leave. He would not stand during *Kaddish* or *Bar'chu*, but each *Kaddish* at which the congregation was already standing, he would remain standing until “אָמֵן, יְיָ אֱלֹהֵינוּ שְׁמַח”

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5. When he would pray *minchah* with the yeshivah students in his room after the lesson in Jewish law, he would light a small wax candle there. If he tarried in the lesson until close to the stars coming out, in any case, he would pray *minchah*.... The *Sha''tz* would pray the *minchah Sh'monah Esrei* with a loud voice,³² and everyone would pray together

The Maharil, according to this passage, felt that it was essential to pay close attention to the reading as it progressed.

²⁹ From manuscripts

³⁰ The *menorah* was apparently either directly in front of the ark or right near it, according to other contemporary sources.

³¹ This practice became common in places where Jews lived under oppressive Christian rule. The numerical value (*gematria*) for the word “וריק” (316), meaning “and emptiness” is equivalent to that of “ישו”, the Jewish spelling for Jesus. The line containing this phrase, largely because of this practice, was removed from most *siddurim* and has only recently been re-introduced to the Orthodox ritual.

³² בקול רם

with him. He would command one of them not to pray yet so that he could reply “amen” for the *Sha’’tz*.

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8. The Mahari Segal said that they asked him about a boy who will turn 13 years old on Shabbat, if he is permitted to serve as the *Sha’’tz* on the evening of that same Shabbat. He replied that even though the Maharam would make a young boy an auxiliary member of a *minyán* for the purposes of the invitation to recite the *Birkat Hamazon*, we do not follow this practice. So even if we were to add from the profane to the holy (begin Shabbat early), it applies only to the extension of the holiness of the day and does not apply to add days to the young man (does not make him older), since we pray on *Erev Shabbat* on the day before, he should not serve as *Sha’’tz*. And they reported to him that in Sachsen³³ it is the custom that young men become the *Sha’’tz* a full month before they reach 13 years old, and he said that we do not act that way.

³³ Saxony, in the southeast of modern Germany.

Conclusion

Sefer Maharil provides an exciting glance into the Maharil's personal practice and times with both intellectual and emotional returns. The information it contains about the intricacies of musical practice in 14th and 15th century Ashkenaz is invaluable and opens many doors to further intellectual inquiry. Reading about how he shuckled while praying,¹ for example, makes an instant connection to contemporary practice, linking modern Jews with our medieval ancestors. While not every page is filled with groundbreaking material, the work as a whole leaves one amazed at how much we can know about this one man and his community and also curious to find out more.

Looking back into 14th and 15th century Ashkenaz is a complicated enterprise. *Sefer Maharil* provides only a small glance into a large body of interconnected texts written over several centuries. A full address of the myth and reality of the Maharil and his contribution to Jewish music would require a survey of the many books of *minhag* and halachah beginning with R. Meir of Rotenberg and continuing through the early musicological endeavors of Abraham Baer and his contemporaries. The sad reality is that the Maharil was the last of the great Ashkenazic rabbi-cantors who left a written legacy. Because musical traditions were rarely part of halachic discourse, there are tremendous holes in the history of Ashkenazic synagogue music that may never be filled.

How is *Sefer Maharil* relevant to modern synagogue music? Macy Nulman invokes the legacy of the Maharil in discussing the future of Jewish music.

Where do we go from here? It is my contention that we must do everything within our power to preserve synagogue music tradition... We must reemphasize

¹ In this translation, page 49, No. 2

the ruling of the Maharil that, “universal Jewish traditional melodies should not be changed.” How, then, can we contend with creative synagogue music?²

The challenge of the contemporary synagogue is to offer congregants music that speaks to their modern sensibilities while connecting them to the history and heritage of their people. Rabbis offer contemporary insights on centuries of rabbinic commentary, creating modern *midrashim* that brilliantly recast ancient Jewish texts. Cantors should be able to do the same. Before singing, for example, the Stephen Richards arrangement of הַמְלִיחַ a cantor might look back at *Sefer Maharil* to learn the way that this prayer was sung 600 years ago. That is not to say that synagogue musicians should slavishly hash out the traditional melodies of the past generations. It means that to move forward one must know the past.

Nulman says that we must “contend” with creative music, but that word is too combative. What made the Maharil successful was the way in which he honored the people and their *minhagim* even while working to create a more standard *minhag* Ashkenaz. Throughout *Sefer Maharil* there are descriptions of the ways in which disparate communities observe things differently. There are differences in melodies, order of worship, observance of life-cycle events and other areas. Rather than contending with these different traditions, the Maharil acknowledged the differences and focused on what united everyone together. If any of the traditional *minhag* Ashkenaz is to survive the modern era, it will be through creative combinations of the new with the old in which both are properly honored and acknowledged.

Sefer Maharil makes it clear that music is Torah. Contemporary halachic volumes that discuss worship do not bother with musical traditions. The Artscroll *siddur*

² Macy Nulman, *Concepts of Jewish Music and Prayer*, p. 73

is filled with comments on textual history and prayer choreography but somehow the musical aspects of the synagogue service are not mentioned. The Maharil did not earn renown as a *Shaliach Tzibur* because he was expert at fulfilling halachic requirements. His prayer brought meaning to the text of the *siddur* in a way that moved people and taught people all at once. He was unable to discuss worship without passing on instruction about the non-halachic aspects that distinguish simple recitation of text from authentic expression of prayer and make connections with tradition. As modern day rabbis and cantors in all the movements work together to lead worship they would do well to keep that in mind.

In the final analysis, it remains impossible to precisely answer the questions of the myth of the Maharil, but that is the very nature of myth. Just as rabbinic scholars have looked to Rabbi Akiva as a mythic founding father, cantors have looked to the Maharil. In neither case can we point with certainty to specific attributed traditions and say that they are absolutely true or false. In both cases we have a literature that supports the myth, though not definitively. In both cases the only certainty is that there will never be a complete answer to the questions we want to ask. Luckily for cantors, much more is knowable about the Maharil.

In one conversation with an orthodox cantor about this thesis, I was told that the Maharil “essentially started out this whole business.” In other venues I have gotten used to saying “no, not the Maharal of Prague... this is the Maharil.” I believe that it is important to have the Maharil as a mythic founder and hope that through this work I can give some honor to his memory.

Apendix A Miscellaneous Quotes About the Myth of the Maharil

ואל ישנה אדם ממנהג העיר, אפילו בניגונים או בפיוטים שאומרים שם (מהרי"ל).³
No person should change the practice of the town, even in melodies and *piyutim* that they say there (Maharil).

It is with the Ashkenazim that one still finds the precious rudiments of ancient Hebrew music... The order established by Maharil is still in force and valid⁴

I cultivated especially the traditional tunes of our Nestor⁵ Maharil, which I often used as the basis of my own compositions....⁶

The last prominent rabbi who rendered great service to the Synagogue song was *Jacob Levi Mölin*, called *Maharil* (born in Mayence c. 1356, and died in Worms in 1427). He found it his joy and considered it his high duty to be precentor on festivals, fast days, and High Holidays.... When in the fourteenth century the decay in the spiritual life of German Jewry began, the *Maharil*, through his exalted personality, saved the integrity of the Synagogal ritual and music by sanctioning the old tunes.⁷

Medieval Rabbis of the widest reputation, like Jacob Molin, were noted lovers of vocal melody; and this fourteenth century Rabbi was the forerunner of a whole class of clerical musicians.⁸

מעטים מההסתוריונים שלנו יודעים ליחס לו את העובדה המושכת תשומת לב, שהודות לו ולהשפעתו לא נשתכחו הנגינות המסורתיות הנקראות "מסיני"
Very few of our historians know to connect to him the intriguing fact that because of him and his influence the traditional melodies known as "*Mi-Sinai*" were not forgotten.⁹

במסעיו עמד על הסילוף וההשפעות הזרות, שחדרו לסדר העבודה בבית-הכנסת, ובהיותו בעל קול נעים ובקי בנוסחאות "מסיני" – החל להדגים ולהדריך את חזני הקהילות, אגב דרישה ושאיפה שבכל קהילות אשכנז יונהג נוסח אחיד המיוסד על הלחנים המסורתיים הקובלים.¹⁰

³ This is a textual gloss by R. Moses Isserles (the Rama).

⁴ Naumbourg, Samuel, *Recueil*, p. XXXVI as quoted in Werner, *A Voice Still Heard*, p. 204.

⁵ Nestor – one who is a patriarch or leader in a field

⁶ Sulzer, Salomon, from the preface to Schir Zion part II, as quoted by Eric Werner in the introduction to the Out of Print Classics series, No. 6

⁷ Idelsohn, Abraham, *Jewish Music: Its Historical Development*, p. 177-178

⁸ Abrahams, Israel, *Jewish Life in the Middle Ages*, p. 255

⁹ גשורי, עי שיט

¹⁰ – שליטא, ישראל, המוסיקה היהודית ויוצריה, עי 71

In his travels, he opposed the distortions and the foreign influences that had infiltrated the worship service in the synagogue and as he himself possessed a beautiful voice and was expert in the “*Mi-Sinai*” melodies, **he modeled for and trained the cantors of the various communities**, apropos to his ambition that all Ashkenazic communities would use **one common *nusach*** based on the traditional, received melodies.

The writings of Maharil ought to be understood not only as evidence of the consolidation of *minhag ashkenaz*, but also as a regulative instrument to maintain its stability. Prayer modes, *Missinai* tunes, and scriptural cantillation were considered by the German Jews authentic and integral elements of *minhag ashkenaz*. Its formative stage was, by and large, completed at the time of Maharil’s death (1427).¹¹

The efforts to consolidate an Ashkenazic tradition of sacred song was carried out mainly by Rabbi Molin. He was a renowned rabbinic authority of his time who codified the synagogue ritual and gave sanction to the old existing prayer chants. Molin considered it a duty for the rabbi as well as the *Sheliah Tzibbur* (cantor) to officiate at services. He himself functioned as a *Sheliah Tzibbur* during the High Holy Days and festivals. According to tradition he “composed” (or sanctioned) numerous synagogue melodies and set certain standards and practices for music in the synagogue and community. So far-reaching was his influence that the *Missinai*-tunes are sometimes referred to as “tunes of our Rabbi Maharil.” His ruling, obligatory to this day, states that local custom and universal Jewish melodies should not be changed (*Orah Hayyim* 619).¹²

Moellin was renowned as a *hazzan* and his activities left a lasting influence on the Ashkenazi tradition. His opinion that traditional tunes should not be changed was a constantly stabilizing factor. The so-called “*Niggunei Maharil*,” attributed to him (or at least thought to have been sanctioned by him) were in use in the Mainz community until modern times.¹³

¹¹ Werner, Eric, *A Voice Still Heard*, p. 87

¹² Nulman, Macy, *Concepts of Jewish Music and Prayer*, p. 31

¹³ “Moellin, Jacob ben Moses” in *Encyclopedia Judaica*, 2nd ed.

Appendix B The Musical Terminology of *Sefer Maharil*

Sefer Maharil was written at a time when musical notation as we know it did not exist. There was neither a standard way to visually represent music nor a standard language of musical terminology. The book is, however, replete with musically descriptive language. In this appendix, I have extracted most of the musical terms found in the sections of *Sefer Maharil* translated here. The terms fall into three categories: words for or descriptions of melodies, vocal directions or descriptions of the voice, and musical directions or technical terms relating to *davenen*. I have classified the terms according to these categories and offer here some explanation of the terms as they are used in *Sefer Maharil*.

Words for or Descriptions of Melodies

נגון - The most common word that is most easily translated as “melody” is נגון. It appears many times throughout the book and is used in several distinct ways:

1. נגון / ניגונים – this most basic usage of the word seems to simply mean melody. It may be possible to link this word to the “Cantorial Fantasia” material, especially when נגונים is used in the plural and seems to indicate that whatever is happening is taking up a lot of time. The most famous example of this usage is the recitation of Kol Nidre (page 29, No. 5).¹
2. בניגון – “to the melody of” – this appears frequently. Eric Werner took particular interest in this tradition of singing one text to a melody that is connected with a different text and his chapter on “*The Missinai Tunes*” in

¹ Page numbers given here refer to this thesis.

A Voice Still Heard (p. 26-45) is replete with descriptions of this phenomenon.

3. To clarify the type of melody. Two particular examples of this can be found in the section on *Musaf* of *Rosh Hashanah*. On page 26, No. 8, the melody for אֶתִּיתִי לְחַנֵּן is described as “ניגון יפה ונעים” (a beautiful and lovely melody) and on page 26, No. 9, the *Sha”tz* is instructed to say “בְּרוּךְ אַתָּה יי” in “נגון פשוט” (a simple melody).
4. A type of cantillation. In the famous story explaining the death of the Maharil’s daughter (page 40, No. 11), it is explained that the *haftarah* was chanted “בניגון בני ריינס” (according to the melody of the people of the Rhine). The word also appears (though in a different form) in this sense in the explanation of the famous “Stubentrop” (page 43, No. 25): “מהר”י סג”ל: “היה מנגן הקריאה” (the Mahari Segal would chant the scriptural portion).

נעימה – Though not as common as נגון, it is found several times in *Sefer Maharil* and also is probably best translated as “melody”. It is generally found in the plural. Two prominent examples include the recitations of “יַעֲלֶה תְּחַנְנֵנִי” (page 33, No. 10) and “הַאֲדָרֶת וְהַאֲמוּנָה” (page 38, No. 8). From a purely linguistic perspective, one could surmise that a נעימה might be a particularly pleasant sort of melody, and as a possible confirmation for that, note the manuscript variation for the melody of “הַאֲדָרֶת וְהַאֲמוּנָה”. The melody could either be “נעימות” or “בניגון יפה”.

Other words for songs or melodies present in *Sefer Maharil* include שירות, רננים, שבחות, and תושבחות. Also, the verb for singing songs (in a non-religious context) is שוררים

(page 13, No. 11). None of these words appear often enough to have any special technical meaning in *Sefer Maharil*, though it is interesting to consider that the Maharil may have used each of these words to indicate a specific genre of song.

Vocal Directions or Descriptions of the Voice

Volume indications

1. קול רם – Loud voice. This is one of the most common vocal directions in *Sefer Maharil*. Based on the frequency with which it appears, this does not mean that the *Sha"tz* should sing especially loud or as loud as he can, but rather seems to mean that he should raise his voice more on this particular text than on the other texts around it.
2. חשאי – בנחת – בלחש – Silent or softly. All three of these words are used interchangeably. The most important usages of them are in the description of הַמְלִיךָ (page 20, No. 1) and Kol Nidre (page 30, No. 6).

Vocal Directions

1. ירים קולו במתון – “Raise his voice gradually”- This is the specific direction for the singing of הַמְלִיךָ (Page 20, No. 1) and indicates a gradual raising of the voice .
2. מרים קולו ביותר – “Especially raise his voice” - at the beginning of Musaf on “שָׁבַח מְגִדֵּל עוֹז שָׁם הַגְּדוֹל” (Page 23, No. 1)
3. משמיע את קולו ברם - In the description of the Maharil’s father’s leadership of the *Avodah* service on *Yom Kippur*, he is said to have especially raised his voice for the singing of “אָנָּה הַשֵּׁם” (page 42, No. 19).

Vocal Descriptions

1. קול נעים – “Pleasant voice” – This term is used frequently throughout *Sefer Maharil*. One particularly appropriate example is that the *Sha”tz* is directed to sing “אַנְעִים זְמִירוֹת” in a קול נעים (page 36, No. 13).
2. נעכר ונתעמם – “muddied and darkened” – This is a specific description of what can happen to the voice when the *Sha”tz* does not sleep on the night of Yom Kippur (page 36, No. 12).

Musical Direction

1. לומר / אומר – “says” – This is the most common direction in *Sefer Maharil*. Following traditional language, prayers are not generally sung, they are said. This is characteristic of all Jewish legal material that deals with prayer.
2. יתפלל – “pray” – This is a much less common form in *Sefer Maharil*. One significant example is the episode in which the congregation pleaded with the Maharil that he “pray” תְּפַלֵּל הַנְּשָׂם (page 20, No. 1).
3. מאריך – “extend out, lengthen” – This word comes up often in *Sefer Maharil* and though its literal meaning is perfectly clear, the musical direction that it refers to is uncertain. It may mean to extend the prayer through virtuosic coloratura or perhaps it means to sing the melody slowly. Perhaps the most endearing use of this term is in the description of the Maharil studying his ארבעה טורים in synagogue while the cantor extended out the service with melodies (כל זמן שמאריך ש״צ בניגון) (page 50, No. 3).

4. פותח ב' – “open with” – This phrase usually indicates that the *Sha”tz* is beginning a new section of the service and most probably indicates a more conspicuous and possibly more dramatic entrance. In the *Kol Nidre* service, the *Sha”tz* “opens up with melodies” (פותח ש״צ בנעימות) for *Yaaleh* (page 33, No. 10).
5. חוזר – “return” – This most probably means that either the *Sha”tz* or the congregation is repeating a line that has already been said. This is a fairly common phenomenon in traditional *davenen*, especially when there are congregational melodies involved. The fullest example of this sort of interchange is in the singing of אֲדָרְוֹשׁ אֲוִתְךָ (page 34, No. 10).
6. מנגן – “sings intricately” – In most usages, this word means “plays an instrument” but because *Sefer Maharil* is dealing with synagogue practice, it is impossible that there could be instruments in the service. That being said, it is possible that this may indicate an intricate singing that would be associated with instrumental music. Perhaps this word is related to the “Cantorial Fantasia” style described by Avenary. There are several interesting examples. The *Sha”tz* is instructed to מנגן in the first blessing of the *Shacharit Amidah* on Yom Kippur (page 37, No. 8). In the famous story of Maharil at Regensburg, he is said to have been able to sing (מנגן) all the melodies according to the traditions of Austria (page 39, No. 11).

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