

**“SOME CONGREGATIONS RECITE ...”:
TOWARDS A PLURALISM OF PRACTICE**

By Richard Claman

At the culmination of the Yom Kippur service, at the climax of the final Ne'ilah service, as we are about to sound the concluding shofar blast, the Conservative Movement's current prayerbook, *Mahzor Lev Shalem* (Rabbinical Assembly, 2020), contains the following 'stage direction' (on 429, right-hand margin):

Some congregations recite Arvit
[the normal weekday evening

service, but which here adds the
'Havdalah' paragraph, distinguishing
between the preceding sacred day,
and the new ordinary day] before
the Sh'ma and the blast of the shofar.

This is, I suggest, somewhat surprising: one might have expected that the choreography of this final key moment would have been established as a matter of halakha, or at least of "custom".¹

No explanation is offered, however, by our mahzor, for why 'some congregations' proceed in different ways; nor are these differences tied to any historical background.

[Consider also,] Same page, the marginal comment that:

Thus different customs were developed
by European Jewry: one tradition recites
these verses [i.e. the three verses pre-
ceding the shofar blast] before the final
Kaddish [-in this mahzor, presented on
the preceding page] and the other after
the Kaddish.

The juxtaposition between 'some congregations' and 'two different customs were developed' suggests that the former practice ('some congregations recite') is *not* derived from any recognized custom of our European ancestors, but rather is a novel American development.

This raises a number of questions: so, where did the different practices of 'some congregations' come from! And what is the basis, or reasoning, behind the different

¹ Contrast on the top of text (205) for discussion of 'custom' as a distinct element of Jewish practice, see, e.g. Ruth Langer and Menachem Elon. For reasons noted in Part II, I wish to avoid the 'classic' sense of 'custom'.

practices of different congregations? And more broadly, is there an *American* practice, a ‘Minhag America’,² or indeed a variety of American practices?

The first part of this essay will review the history of practices pertaining to the final shofar blast. The second part will briefly consider the broader issues of establishing a Minhag America.

I: THE FINAL SHOFAR BLAST

Joseph Caro, in *Shulchan Aruch-Laws of Yom HaKippurim*, see 623,³ is relatively clear as to what is supposed to happen at this time [at this point in the service]:

6. At the end of the ‘selichot’ prayers [ending with Avinu Malkenu] one should say seven times “YHVH is God” [I Kings 18: 33] (and, one time ‘Sh’ma Yisrael’, and three times Baruch Shem K’vod), and one should then blow the shofar as follows: TShR’T [i.e. tekiah, shevarim, teruah, tekiah].⁴

The gloss (‘Mapah’) of Rabbi Moses Isserles (Poland, 1539-1572) then adds:⁵

There are authorities who say that we should

² A leading American rabbi, associated with the Reform Movement, Isaac Wise, presented in 1857, a prayerbook that he called, “Minhag America” but it was rejected by traditionalists.

³ The *Shulchan Aruch* was written by Caro in Safed in 1563, and first published in Venice in 1565.

⁴ Translation draws upon Sefaria, and Rabbi Aviel Orenstein’s translation and commentary on the *Mishnah Berurah* (including the *Shulchan Aruch*). (Jerusalem: Pitsgat Foundation; 1999)

⁵ All editions of the *Shulchan Aruch* since 1578 have included Isserles’ glosses, reflecting Askenazic practice.

only blow one Tekiah. This is in fact the practice in these [Ashkenazi] countries. The shofar should be blown after [the prayer leader] has recited the [final] Kaddish concluding the Neilah services although a small number of localities practice the custom of blowing the shofar prior to the final Kaddish.

It is clear that, according to both Caro and Isserles, this all occurs *prior* to the recitation of the Ma'ariv ('Arvit') service – which is addressed in the *next* section of the *Shulchan Aruch*, i.e. see 624 ("The order of 'Motz'ey Yom HaKippurim").

The *Mishnah Berurah* (published around 1900) – the last great European commentary on the *Shulchan Aruch*, written by Rabbi Yisrael Meir Ha-Cohen Kagan (Poland, 1838-1933) [known as the 'Chofetz Chaim', the title of his classic treatise on ethics] – contains the following explanatory comments:

From *Mishnah Berurah*:⁶

11. Seven times. The reason that one says this is to accompany the Shechinah, which ascends to rise above the seven heavens.

12. One should blow, etc. The reason is that this is a sign of the withdrawal of the Shechinah above, as it is stated, "God ascended with a *teru'ah*". [Psalms 47: 63]

It is also permitted to blow the shofar even if Yom Kippur falls on Shabbos, although at that stage they will not yet have made *Havdalah* in their prayer. For, nevertheless, since the blowing is merely an art and is not a Shabbos labor, the Sages were not so stringent about it.

This blowing is permitted even during *beyn ha-shamashos* [aka the transition period to evening/dusk], as it merely involves the performance of a *shevus* for a mitzvah need. However, when it is still definitely day one is forbidden to blow the shofar.

13. This is in fact the practice, etc. After the blowing it is the

⁶ Rabbi Yisrael Meir Ha-Cohen Kagan, Poland 1838-1933, published around 1900.

practice for the community to say לשנה הבאה בירושלים (next year in Jerusalem).

[Translation by Rabbi Aviel Orenstein (Jerusalem: Pisgah Foundation; 1999)]

The *Mishnah Berurah* leaves unanswered a number of questions: (a) he does not explain why Caro thought we should blow a TShR'T pattern, and (b) his tie-in of the final blast to a preceding verse referring to the teruah sound raises the question, so why don't we blow a 'teruah gedolah' at the end?

This last question may sound funny, because in the Ashkenazi tradition we are not familiar with such a sound. But Caro indeed prescribed that sound for the final blast on Rosh HaShana (see his sec. 536), and it is still sounded in various 'Sephardee' congregations.⁷⁸

The reason for the TShR'T pattern would appear to be as follows:

- a) as will be seen below, various sources associate the sound of the shofar at the end of Yom Kippur with the Biblical Covenant [Leviticus 25: 9], to sound the shofar *during* Yom Kippur on the 50th (Jubilee) year, to mark that special year, “to proclaim liberty throughout the land to all of its inhabitants”; and
- b) the text in Leviticus specifies that the key sound is to be the teruah; but the Rabbis derived from certain 'exotic' words in Lev. 25: 9 and related verses, that the teruah needed to be preceded, and also followed by, a tekiah sound. (See B. Tal. Rosh HaShana 33b-34a, and parallels in Sifra, J. Tal. and Sifra Numbers). (The shevarim sound was added later, when uncertainty arose as to the nature of the teruah sound. See B.Tal. 34a)

In sum, while the Ashkenazic tradition, as transmitted by Isserles and the *Mishnah Berurah*, recognized certain variations in custom, and sought to explain them, there is no

⁷ See Rabbi Herbert Dobrinsky

⁸ See Rabbi Rael Blumenthal, “The Shofar of Neilah: The Worlds of Love and Fear”, pp. 111-129 in [Yadrim \(Vol. 3, 2020\)](#)

mention of any practice of blowing the shofar only after the Ma'ariv Service (i.e. after the recitation of the 'Havdalah' blessing).

The general Ashkenazic practice is confined in the description given by S.Y. Agnon in his *Days of Awe*⁹ (at 268-272). According to Agnon, the three verses referenced above are first recited, and then the final Kaddish – “in a joyful melody, because we are confident of God’s compassion, and that our prayers have been accepted by him. In Jerusalem I have seen pious and devout men surround and dance around the Reader while he chants the full Kaddish...” Then the shofar is sounded, and we say ‘next year in Jerusalem’, and only after that do we say the Ma’ariv service (272) and Havdalah (275-276).

In the ‘Silverman’ mahzor (1951), the full Kaddish precedes the ‘three verses’ and the final ‘tekiah gedolah’ (at 478-481). In the ‘Harlow’ mahzor (1972), the full Kaddish comes *after* the ‘three verses’, but before the final ‘tekiah gedolah’. In both of these prior Conservative movement mahzors, however, it is clear that the Ma’ariv service *follows* the sounding. See likewise in the commentary by Max Arzt, *Justice and Mercy*.¹⁰

Our only basis for an alternative practice is set forth in the additions of Rabbi Isaac Bar Dorbelo (France, around 1150 CE), a student of Rabbi Tam (grandson of Rashi), included in our manuscripts of the *Mahzor Vitry* – a compilation by Rabbi Simcha of Vitry,¹¹ a student of Rashi (Troyes, France, 1040-1105), of the Rashi’s liturgical practices.

Rabbi Simcha of Vitry writes simply: [after] Kaddish, and blows a single tekiah, in memory of the Jubilee year. And the congregation responds, seven times, “YHVH is God”.

⁹ NY: Schocken Books, first published 1948, Nachem Glatzer, ed., an abridged version of *Yamim Noraim* (3rd ed. 1946)

¹⁰ Max Arzt, *Justice and Mercy: Commentary on the Liturgy of the New Year and the Day of Atonement* (NY: Holt, Rhinehart, and Winston; 1963) at 286-287.

¹¹ Troyes is located on the Seine, around 140km east of Paris. Vitry is an hour’s drive northeast of Troyes.

Rabbi Dorbelo then writes:¹²

I have learned that in Eretz Yisrael, they sound shofar at the conclusion of Yom HaKippurim [in the pattern] tekiah, shevarim teruah, tekiah, [and that they do so] after the weekday [ma’ariv] service, because they would by then have said ‘Havdalah’.

But in our Exile, our custom is only to blow on tekiah, as an eternal/continual (be’almah) remembrance of the Jubilee.

[Rabbi Dorbelo then quotes approximately from the B.R.H. 8a about the role of the shofar blast in the context of establishing the Jubilee year].

But in the city of Cologne, the custom of the people is to sound tekiah, shevarim, teruah, tekiah.

And there are places where they say [‘YHVH is God’] directly after the Ne’ilah service. But that is not right, that they should accompany the departure of the Shechinah [– which Rabbi Dorbelo explained earlier, returns through the seven heavens after prayer] and they still have prayers left to pray [i.e. the Ma’ariv service].

Rabbi Simcha of Vitry’s compendium seems to be the earliest documented text linking the final shofar blast to the Jubilee year. (Rabbi David ben Joseph Abudraham, 14th century Spain, in his commentary on the liturgy, attributes such a link also to Hai Gaon, Babylonia, 939-1038; see Agnon 270-271.) The linkage raises a number of puzzles: why do we sound every year, if the Jubilee is only once in 50 years; and why do we sound only at the end of the day, when the Jubilee proclamation is early in the day? These are addressed by later commentators. (See, e.g. Arzt, 273).

Arzt (at 273) prefers to follow here a historic note by Louis Ginzberg [in his commentary on the Yerushalmi, II, 22]:

¹² My translation.

Louis Ginzberg saw in his practice another instance of the tendency to retain on Yom Kippur vivid associations of the practices before the destruction of the Second Temple. As it was the practice in the Temple times to sound the *shofar* at the close of every Yom Kippur as well as at the close of every Sabbath, this practice was continued on Yom Kippur even after the destruction of the Temple.

To detour for a moment: the *Mahzor Vitry*,¹³ i.e. Rabbi Simha of Vitry's compilation, combined with Rabbi Dorbelo's additions, is a fascinating document, for a number of reasons:

First, why is the *Mahzor Vitry* compiled? Here we get into a central controversy in the study of the development of Jewish communities in Northern Europe. Many scholars agree that we should view the community of Northern France, also known as Tsarfat, and of the Rhineland, mostly the three great communities of Speyer, Worms, and Meintz, referred to collectively by the acronym ShUM, as part of a single culture that we can call early Ashkenaz.

Other scholars however, such as Ivan Marcus¹⁴ – argue that the history of the early medieval Jewish communities of Northern France differs from that of the ShUM communities. Among other things, the ShUM communities developed an 'origin legend' that was tied to its rabbinic leadership – in which the Kalarnis family is invited to move to ShUM from Italy and brought their learning with them. By contrast the Tsarfat communities seem to have begun as trading settlements in areas outside the rule of the French King, with their communities lead by lay leaders [not rabbis]. These communities

¹³ our text is based on a translation, published in Paris around 1900, of a manuscript from around 1640, in the British Museum. That manuscript has now been photographed, and is available online, and allows us to correct Sefaria

¹⁴ Dr. Ivan G. Marcus, "Why Did Medieval Northern French Jewry (Sarfat) Disappear?" in Arnold E. Franklin, et al., eds. *Jews, Christians, and Muslims in Medieval and Early Modern Times: A Festschrift in Honor of Mark R. Cohen* (Leiden: Brill, 2014), 99-117

did not tell any origin story about themselves – which is one key reason why, according to Marcus, these communities and their traditions disappeared after 1306 – when the French King gained control of northern France and expelled these communities. Marcus also notes that these communities never developed a Judeo-French dialect, in contrast to Yiddish or Ladino.

Dr. Judah Galinsky thus wrote recently about why Rashi and his students produce a mahzor, a prayer-guide, where no such guides were produced by early ShUM communities.

In short it does not seem that Franco-Jewish society at this time was particularly learned, or that the community was strong in its religiosity, as were the communities of Meintz and Worms in the Rhineland. In this light, one can understand the need to produce a work, such as the Mahzor, in order to educate the community, something that was less crucial for Rhineland Jewry, where oral instruction directly from learned individuals was readily available.¹⁵

Second, note that Rabbi Dorbelo does not cite any document concerning the practices in Eretz Yisrael; he passes on just what he “heard” (“shama’ ti”).

Third, this leads into a broader debate, as to the relationship between the community of early Ashkenaz and the practices of the land of Israel. Abraham Grossman and Israel M. Ta-Shma have argued that early Ashkenaz relied heavily on the customs inherited from the land and only later abandoned/redefined them in light of the Babylonian Talmud. Rabbi Haym Soloveitchik disputed this view, arguing that there is no sign of any specific/special dependence of early Ashkenaz on the customs of the land of

¹⁵ Dr. Judah Galinsky “Rabbis, Readers, and the Paris Book Trade: Understanding French Halachic Literature in the Thirteenth Century”, ch. 4 in Elisheva Baumgarten et al., eds., *Entangled Histories: Knowledge, Authority, and Jewish Culture in the Thirteenth Century* (U of Penn Press; 2016) p. 76

Israel. Here we have testimony to an awareness of a land of Israel custom – and it was followed in Cologne – that yet Rashi diverged from it at least with regards to the shofar sound.

Fourth, note also how Rabbi Dorbelo says, “our exile” – but he does *not* say, “here in Tsarfat”. This would seem to bolster Marcus’ point of distinctive Franco-Jewish ideology.

Fifth, the archaeology of Cologne, and early documents from that community, instead show how it was distinct from the ShUM communities.

Sixth, Does Rabbi Dorbelo’s reference to the departure of the shechinah to the seventh heaven indicate anything about the familiarity of Tsarfat with early Jewish mysticism? The concept of the seven heavens is known from the Talmud (B. Tal. Chagigah 12b). Rabbi Ephraim Kanarfogel has argued that Rashi and his school were familiar with ‘Hekhalot’ mysticism.

* * *

In view of all of the forgeries should we accept, uncritically, Rabbi Dorbelo’s assertions that (i) in Eretz Yisrael, the shofar was blown only after ‘Havdalah’; and (ii) *known* in Cologne? One might argue that the very fact that he needed to provide a mystical basis for this practice suggests that he was proposing an innovation in this regard. If, however, Rabbi Reuven Hammer, who writes in his comments on the High Holiday liturgy:¹⁶

How can such a day be brought to an appropriate conclusion? Can or should anything follow the five services? Originally, the services themselves constituted the whole of the Yom Kippur experience. But just as *Kol Nidre* emerged to raise the curtain on the day in the

¹⁶ Reuven Hammer, *Entering the High Holidays: A Complete Guide to the History, Prayer, and Themes* (Philadelphia: JPS; 2005.) p. 175.

most powerful way possible, the “Confession of Faith” developed to bring down the curtain in a rousing finale. The final gesture of Yom Kippur consists of a confession of faith and the sounding of the shofar.

The confession is prescribed in the prayerbook of Rashi (the eleventh-century Bible commentator): it begins with a seven-fold recitation of the verse, “The Lord is God.” This verse is taken from the story of Elijah’s confrontation with the priests of Ba’al at Mount Carmel. When Elijah is vindicated and the people are convinced that the Lord is indeed the only God, they shout, “The Lord is God!” (1 Kings 18: 39).

The sacredness of the number seven is well-known. It represents not only the days of creation but the entirety of creation, The eleventh-century *Mahzor Vitry* offers the explanation that God ascends through the seven heavens following Yom Kippur and that the seven-fold repetition is our way of accompanying God on this journey. Interestingly enough, the author cautions that the verse should not be recited until after the evening service, lest God ascend while there are still prayers to recite.

(Note that Hammer, surely for the sake of simplicity, does not distinguish between Rashi and Rabbi Dorbelo.)

My own view, in light of all the fascimilies, is that Rabbi Dorbelo may be recording, at best, of a small mystically-oriented group.

II: SO, WHAT ABOUT TODAY?

We can be sure of one thing: none of our congregations in the United States is a direct heir of the traditions of Tsarfat – given the expulsions from France in the 14th

century. Nor are we first heirs of any customs of Eretz Yisrael, as these may have existed prior to the crusades.

If some of us wish to follow a practice of blowing shofar only after reciting ‘Havdalah’, accordingly we need to rejoice that this is a ‘custom’ of our own making, within the last 75 or so years, and not anything we inherited.

At this point, we need to recognize, I suggest, that there are two different narratives concerning the development of Conservative Judaism as an American movement. The first is a ‘top-down’ model: our movement coalesced beginning circa 1900 around the Jewish Theological Seminary of America, as the intellectual heir to the Jewish Theological Seminary of Breslau.

The second, more sociological, narrative, focuses on the period from 1945 – when Jewish-American soldiers returned from the war with a strengthened sense of identity – until the culture wars of the late 1960s, when consensus on a variety of matters within America, and too, our relationship with Israel begin to fall apart. This was the period that saw (i) the ‘driving t’shuvah’ (allowing Jews to drive to synagogue on Shabbat), and (ii) the first steps toward recognition of women as equal participants in the liturgy.¹⁷

If we focus on the ‘top-down’ narrative, it is hard to see how ‘some congregations’ can establish new practices inconsistent with Breslau circa 1854.

Per the sociological narrative, however, a different picture emerges. During this period, our movement recognized the synagogue as the glue holding together American Jewish life. Hence, it made sense to include Ma’ariv, and Havdalah, as part of the Yom Kippur closing liturgy as one more element of communality, before everyone drove away to their scattered houses. The Havdalah prayer also gave expression to the challenge of being Jewish in this period: while we were participating in American culture, we were trying to do so demonstrably as Jews.

¹⁷ See, [Rabbi Pamela Barmash “Women and Mitzvot”](#) (Rabbinical Assembly, 2014) reviewing developments in 1954-1955

And each congregation is free to endorse this new custom or not, insofar as it seems meaningful to that congregation.

I suggest that the recent debate over ‘kitniyot’ (beans, corn, rice, etc.) on Passover accordingly misses the distinction between “custom”, as a traditional category, and American practice.

To me, it is striking that none of the contemporaneous t’shuvot on the issue addressed the central/critical American problem here. Growing up, I remember that we could readily buy Coca-Cola that was Kosher for Passover: while Coca-Cola had begun to substitute high fructose corn syrup (“HFCS”) as a sweetener in place of sugar, Coca-Cola would still run a special product of ‘original sugar’ soda for Passover. (The urban legend was that non-Jewish southerners, addicted to the original ‘sugar’ formula, would race to buy up all the Kosher for Passover Coca-Cola.) Now, the reason that Coca-Cola, and many other manufacturers, switched to HFCS for sugar had nothing to do with taste. Rather, because of the protectionist influences of our farmers from Minnesota and Idaho (beet sugar), and Louisiana and Florida (cane sugar), United States ‘domestic’ sugar was priced far above ‘world’ sugar, and above the cost of HFCS. In this case, I suggest that it simply makes little sense to explain to a child that he or she cannot eat or drink familiar sweetened foods on Passover because of an obscure artificial sweetener that has been politicized. Our holidays, and their rules, need to make at least some sort of sense if we are to explain them to our children: and in this context I would have no trouble ruling that, whether or not we choose to have rice on our tables, our children can drink Coca-Cola.

Indeed, even the rabbinical Assembly’s ‘dissenting opinion’ would permit derivatives, e.g. corn syrup – although neither the majority nor the dissent mentions the practical/political economics of HFCS [in America].

Similarly, we should feel free to what *Mahzor Lev Shalem* calls (at 368) the “alternate Torah reading” for Yom Kippur afternoon – replacing the “traditional” reading (at 363) with its explicit prohibition against homosexuality, with a general focus on holiness. Torah-reading selections have always been matters of custom and changed even

between the Mishnah and the Babylonian Talmud: we should feel confident, as a ‘Minhag America’, to make further changes consistent with our values.

This requires, of course as a first step, some articulation of our values – not as they may have been in the ‘golden age’ of 1945-1968, rather, as they are today. But, as John Rawls taught us, values are not a top-down matter: values need to emerge from a process of ‘reflective equilibrium’, when we try then to generalize from particular value-problems, and then test those generalizations against our constraints in respect to other value-problems, until we arrive at a balance of generality and particularity that is ‘stable’. This is, of course, a very different way of reading that what we see.

Even today in many of our movements’ t’shuvot – but that too, I suggest is part of the challenge that we face, in making room for a pluralism of “some congregations...”