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KI TAVO

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REFUSING TO BURY FAMILY MEMBERS OF A
GET REFUSER: A DRAMATIC STEP WITH
LONGSTANDING HALAKHIC SUPPORT

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On August 20th it was [reported](#) that Israeli Chief Rabbi David Lau had ordered a burial society to deny burial to the mother of infamous *get* refuser Mer Kin. Kin was civilly divorced [over ten years ago](#), and while he has [remarried](#) via the halakhic mechanism of *heter meah rabbanim*, he has not yet given a *get* to his first wife. The online reaction was swift. While Kin had few supporters, many people were concerned that there was no halakhic justification for harming a third party in this dispute, and that the rabbinate was overstepping its bounds. Other issues such as *kavod ha-met* (respect for the deceased), the obligation to bury a person in a timely fashion, and the scope of the Chief Rabbi's authority were also raised. While I will leave the question of whether this was an appropriate penalty in this instance to people with more knowledge of the case in question, the idea has a long halakhic history and is supported by many great rabbis over time. Although usage of penalties like these that target the family members of someone who ignores the directives of a rabbinic court are rare, they are not unheard of.

The first to suggest refusing burial as a potential penalty was [Paltoi Gaon](#) (842-857). In a responsum found in several places¹, Paltoi Gaon lists the penalties that can be levied on a person who is put in *herem* for ignoring the ruling of a *beit din*. The penalties include not counting such individuals in a *minyan*, not joining them to a *zimun*, pulling their children from school, banning their spouse from attending synagogue, declaring their wine and bread to be like the

wine and bread of non-Jews, removing a person's *tzitzit* and *mezuzot*, not permitting their sons to be circumcised, not allowing them to bury their dead, and not eating or drinking with them. Paltoi Gaon's list of possible penalties is not specific to a *get* refuser; in fact he does not even mention that case, rather it is more generic and applicable to anyone put in *herem* by a *beit din*. Among the *Rishonim* it appears that Rivash considered some of Paltoi Gaon's penalties to be too harsh, and reports that they were not employed in his day.² However, most other *Rishonim* supported Paltoi Gaon's list of possible penalties. Among them are Rif, Nimukei Yosef,³ Rashba,⁴ Rabbeinu Yeruham,⁵ R. Aharon ha-Kohen mi-Lunel,⁶ Binyamin Ze'ev,⁷ and Beit Yosef.⁸ Among the *Aharonim*, some notable dissent comes from Maharshal and Hatam Sofer, who take issue with removing a man's children from school and his wife from the synagogue. However, neither takes issue with denying burial to his relatives - a notable silence given that they were willing to attack similar penalties listed by Paltei Gaon.⁹

Rabbeinu Tam (1100-1171), meanwhile, considered the case of a husband who was ignoring a *beit din's* order to grant his wife a *get*.¹⁰ He too laid down penalties that could be levied by the *beit din* without being considered coercion, as that would invalidate the *get*. These penalties include refraining from engaging in commerce, avoiding socialization, not eating and drinking with the recalcitrant husband, and not visiting him should he become ill. The most notable difference between the penalties suggested by Rabbeinu Tam for a *get* refuser and Paltoi Gaon for an excommunicated individual is in the area of penalizing the individual's family. Paltoi suggests not

² [Teshuvot ha-Rivash, 173.](#)

³ [Nimukei Yosef, Bava Kama, 39b.](#)

⁴ [Teshuvot ha-Rashba Meyuhas la-haRamban 243.](#)

⁵ [Sefer Meisharim, Netiv 1, Helek 12.](#)

⁶ *Orhot Hayyim*, Laws of Oaths, 17.

⁷ [Teshuvot Binyamin Ze'ev, 289.](#)

⁸ [Beit Yosef, Yoreh Deah 334:20.](#)

⁹ *Yam Shel Shlomo, Bava Kama 10*, [Teshuvot Hatam Sofer, Yoreh Deah 322.](#)

¹⁰ [Sefer ha-Yashar, Teshuvot 24.](#)

¹ [Teshuvot ha-Geonim Sha'arei Zedek 4:5:14](#); [Teshuvot ha-Geonim Mousafia 10](#), [Teshuvot ha-Geonim ha-Yeshanim 41.](#)

burying a person's family members, not circumcising his sons, and removing his wife from the synagogue. Rabbeinu Tam, by contrast, suggests no penalties for family members. This is most likely because in the case of a family dissolution, penalizing the husband's family members (especially the wife) smacks of penalizing the victim. Rabbeinu Tam's ruling, often referred to as *Harhakot de-Rabbeinu Tam*, serves as the basis for many of the actions taken today against recalcitrant husbands.

R. Binyamin Ze'ev Marta (1475-1545) was the first to combine these two disparate threads. He explicitly combines the *harhakot* of Rabbeinu Tam and the *herem* of Paltoi Gaon stating that any of Paltoi's penalties can be applied to a *get* refuser and it would still not be coercion according to Rabbeinu Tam.¹¹ In doing so, he allows penalties which fall primarily on the family of a *get* refuser, and is the first to explicitly permit not burying the family members of a *get*-refuser. This responsum is also quoted by Rama in his commentary on *Shulhan Arukh's* discussion of a *get* refuser, which undoubtedly gave further credence and publicity to this position.¹²

Any actual implementation of any of these penalties would obviously have to be handled with care and utilized with discretion. It is therefore significant that there have been a few cases which have dealt with these issues; some of them can help inform ours. The first similar case is found in *Responsum Shevut Yaakov* (1661-1733). A man was in violation of a *beit din's* orders, and his son-in-law died without sons. The court was allowed to prevent his daughter's *halitza* until the man consented to follow the court's demands. We see that the *beit din* was willing to forgo a positive *mitzvah* by a family member of a person they were trying to pressure.¹³

A second case is from an Israeli rabbinical court in 1950 penned by then-future Chief Rabbi Ovadia Yosef. The court was trying to put pressure on a man to grant a divorce to his wife. While they never got to the point of actually issuing a *seruv*, they did entertain the option of refusing to bury members of his family should it get to that point. Ovadia Yosef does say that removing a man's children from school should no longer be practiced based on the aforementioned comment of Maharshah, but does not say anything about no longer refusing burial to family members. It would seem, then, that even seventy years ago Israeli Rabbinical courts were open to the idea of refusing burial to the family of a *get* refuser.¹⁴

A third related case is from Israel in 2017. Israeli Rabbinical courts were trying to convince a man to grant a divorce to his wife. The court imposed various penalties, including an order not to include him in a *minyan*, not to do business with him, and not to bury the recalcitrant husband himself if he died. The husband fled the country and sued, claiming that the courts didn't have the authority to impose these penalties. The Israeli Supreme Court denied his claim on all accounts, except regarding the burial issue. The Court ruled that since a husband's obligation to grant a divorce expired upon the passing of the husband, denying him burial was a violation of Israeli law. That part of the order was therefore rescinded.¹⁵ In any case, we can see from this that as long as rabbinical court decrees do not

conflict with Israeli law, Israeli courts have given them a wide latitude to impose creative penalties on *get* refusers.

The final issue is how a *beit din* can allow a Jewish corpse to go unburied or a Jewish boy uncircumcised. Several of the aforementioned *Rishonim* and *Aharonim* address this issue. Binyamin Ze'ev, Rashba, and Maharshah all take the same approach. First, they point out that the Gemara gives courts permission to uproot a positive commandment for the sake of building a fence around the Torah in order to preserve it.¹⁶ However, they still need to justify the actions of those refraining from performing a positive *mitzvah*. Is a Jew permitted to turn a Jewish child away from school or refuse to bury a Jewish corpse? These responsa analyze the technical aspects of a *shevuah* (oath) and determine that in fact a Jew can. While a person cannot take an oath to directly annul a *mitzvah*, a person can take an oath to refrain from a behavior that includes both *mitzvah* and non-*mitzvah* components. For example, while a person cannot swear to refrain from sitting in the shade of the *Sukkah*, one can swear not to sit in the shade, and then be forbidden from sitting in the *Sukkah* or any other shady location. By the same token, a Jew can swear not to help a certain person, even if some of that help means not performing a positive *mitzvah*, such as burying a dead body or circumcising a child.

In conclusion, we can see that while the idea of not burying the body of a fellow Jew strikes an obvious emotional chord, it has a long halakic history. The concept was first proposed by Paltoi Gaon as a measure to be used against someone who needed to be brought to *beit din*, and it found support among many *Rishonim*. Binyamin Ze'ev was the first to combine it with the *Harhakot de-Rabbeinu Tam* and suggest that it be used against a *get* refuser. Similar measures penalizing the family member of someone the court is trying to target are rare but not unheard of.

“ANSWER US IN THE MERIT OF OUR MASTER, ANSWER US:” AN ELECTION-DAY REFLECTION ON MIZRAHI HAREDI POLITICAL CULTURE

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Early last week, a friend forwarded me a recently-published [video](#) produced in Israel. When it began to play, I was quickly taken in by the powerful and evocative traditional Mizrahi tunes used in the recitation of Elul *Selihot* (penitential prayers) that I recognized from my time at [Maimonides Academy](#), a Sephardic *yeshivah* day school in Los Angeles. As I continued to listen and watch, my sense of nostalgia and enjoyment of the spiritual-aesthetic experience gave way to fascination with, and curiosity about, what I was witnessing onscreen.

In what follows, I wish to share some of my thoughts about this video, even though doing so takes me far from my usual fields of research into the realms of anthropology, sociology, and perhaps even political science. Attempts to solicit essays about this remarkable visual document from experts with the knowledge necessary to write intelligently about it met with failure, which is

¹¹ [Binyamin Ze'ev, 88.](#)

¹² [Rama, Even ha-Ezer, 154:21.](#)

¹³ [Shevut Yaakov 3:97.](#)

¹⁴ [Yabia Omer, Even ha-Ezer 8:25.](#)

¹⁵ H CJ 5185/13, English summary available from [The Law Library of Congress, Global Legal Research Center.](#)

¹⁶ [Yevamot 90b.](#)

certainly understandable given the tight timeframe in which I had proposed they work. But because I have yet to encounter any thoughtful discussion of the clip, and because I do not think it should be passed over completely without comment, I decided that, as we say in Yiddish, [bemokem sheeyn ish, iz a hering oykh a fish](#). And with the awareness that my status as an outsider coming from a different culture renders me potentially vulnerable to accusations of orientalism, I declare at the outset my intention to remain objective in my analysis and hope any deviations from this plan will be judged, in the spirit of the season, *be-middat ha-rahamim* (with the attribute of mercy).

The Medium

Shortly after having originally received the clip, I was walking to *shul* (actually, *beit kenestet*; it was the [Manhattan Sephardic Congregation](#)) with a Sephardic friend of mine and decided to show it to him to see his reaction. A few seconds in, he wondered aloud whether it could have been an advertisement, given its length (3:48); I urged him to continue watching. In point of fact, nothing in the first part of the video suggests a political connection. Even the clip's official title speaks only of "the best of the vocalists and poets com[ing] together to sing the *Selihot*." Unless one happens to notice that it was published by "Koah Shas," the name of the 2019 campaign of the [Shas political party](#) primarily representing Mizrahi interests in Israel, one might think that it is little more than a music video showcasing the quintessentially Sephardic experience of waking up early every weekday morning for a month to recite *selihot*.

The first indication that something more complex is afoot comes about forty-five seconds in, at which point the camera captures, if only briefly, a backgrounded Shas campaign poster with a photograph of Rabbi Ovadia Yosef (1920-2013), the late, much lamented spiritual leader of the party. As the footage progresses, more and more of these "hints" are dropped when the protagonists, walking the city streets (with lanterns, strangely), take notice of (and thereby direct the viewer's attention to) additional political [pashkevilm](#) of a similar nature – until finally, about halfway through, the message is made explicit. In a video (within the video) projected onto two city buildings, Rav Ovadia charges, "...take the Shas slip and place it in the ballot box. Shas builds ritual baths, builds study halls – [and by voting for it,] you made this happen! 'A person's agent is like himself' [and elsewhere]."

As my friend quickly discovered, this video is indeed an advertisement, but that, in itself, is not a *hiddush* (novelty). In articles published in [Hebrew](#) and [English](#), and in his Hebrew book [Harediyyut rakkah](#) (pp. 156-160), Nissim Leon, one of the most careful students of Mizrahi Haredi culture, has shown that Shas has long harnessed technology as an effective means of reaching potential voters. The clip's brilliance lies in its strategic ability to draw the viewer in slowly until its true purpose becomes clear in a sudden epiphany that this is no innocent *selihot* music video; it is, rather, an important part of a serious political campaign.

The Audience

The video is also fascinating for the way in which it constructs its audience. The protagonists arriving in the synagogue to recite *selihot* include both old and young, religious and traditional (witness the young man who covers his head with a *kippah* before entering), and, fascinatingly, men and women. I do not know how common it is for women to come to *selihot* in the Sephardic community, but in the Ashkenazic congregations with which I am familiar, female attendance is negligible (excepting the first night). The director(s) clearly wished to portray Shas as the party of the people, a message

conveyed also by Shas' [2015 campaign video](#) wherein it promises "to care for the 2 million *shekufim* [invisible people] in Israel."

The prominence of Shas' semi-"egalitarian" ethos, if we want to call it that, becomes more pronounced when contrasted with another Haredi party's wildly popular [campaign music video from 2015](#). Therein, the political agenda of [United Torah Judaism](#) is advanced by men whose appearances suggest they come from a mix of Hasidic and Lithuanian backgrounds, as is only appropriate for a party that seeks to represent both streams within the Ashkenazic Haredi community. However, no non-Haredi men and no women feature in it (or in the more recent, if far less dynamic, 2019 campaign videos [here](#) and [here](#)). While Shas, like UTJ, does not currently allow women to run for office, and has therefore been targeted by the [Lo Nivcharot, Lo Bocharot](#) movement, its visual messaging suggests a greater willingness and desire to include women in the political process. (Sociologists and historians might compare this with the efforts of Chabad Hasidism, beginning in the generation of Rabbi Sholom Dovber Schneersohn [1860-1920], to reach out to and organize the women of the movement, as explored by Ada Rapoport-Albert [here](#). See also Chabad Hasidic singer Benny Friedman's viral music video [Ivri Anochi](#) with its unapologetic inclusion of women.)

The Symbol

One final aspect of the clip that I wish to explore is its conscious deployment of the figure of Rav Ovadia. With the advent in the modern period of cheaper printing and mass distribution technology, and especially following the invention of photography, the demand in Western society at large for visual representations of cultural heroes rose dramatically. As explored by Richard I. Cohen in [Hebrew](#) and [English](#) studies, artists and publishers met this demand in the specifically traditional Jewish context by capturing or, in some cases, imagining the likenesses of prominent rabbinic figures whose halakhic authority and/or saintly reputation earned them the status of *gedolim* (religious titans). In a similar vein, Maya Balakirsky Katz has treated (in an [article](#) and a [book](#)) the important iconic functions of rabbinic portraits in the context of the Chabad movement, especially after the passing of the last Lubavitcher Rebbe. (*The Lehrhaus*' own Zev Eleff explored the not-unrelated phenomenon of the proliferation of Gedolim Cards [here](#).)

Building off of his predecessors, Nissim Leon transferred the discussion to the Sephardic milieu when he published [Hebrew](#) and [English](#) essays on the subject of what he called "visions of identity." Beyond serving simply to fulfill one understanding of the verse "Let your eyes see your teachers" (), photographs of rabbis displayed openly in Haredi (and other religious) homes serve as models for emulation as well as markers of affiliation. For Mizrahi Haredim, there is perhaps no figure who bears as much cultural cachet and weight as Rav Ovadia. His larger-than-life religious stature and learning, his Mizrahi ethnic pride, and, crucially, the identifiably Mizrahi garb in which he chose to clothe himself even after finishing his ten-year term as Sephardic Chief Rabbi made him into a potent symbol already long before his passing, and certainly in its aftermath.

It therefore should not surprise us that Rav Ovadia figures so prominently in the political video under discussion. His visage graces not only the campaign posters, but also the *selihot* booklets used and the candles lit during the service. In its various poses, it performs the same function as the video clip of the Hafetz Hayyim (Rabbi Israel Meir ha-Kohen; 1839-1933) does in the aforementioned UTJ video from 2015: it bestows a patina of authority, sanction, and mandate on the political party seeking to cast itself as the spiritual heir of a revered rabbinic leader. Mizrahim should vote for Shas in today's

election because it was the party of Rav Ovadia, just like Ashkenazic Haredim should vote for UTJ because (one of the two partners in UTJ) was the party of the Hafetz Hayyim.

But the portrayal of Rav Ovadia in the video also goes a step further. Fewer than six years following his passing, Shas as a political party is struggling to find its footing. It and Mizrahim more generally are, in the words of the title of Leon's 2018 [book](#) (coauthored with Yair Ettinger), like "a flock with no shepherd." Giving Rav Ovadia such pride of place, including speaking roles, in the campaign video serves to establish him as spiritually present even in his physical absence. I would go so far as to argue that it attempts, in a certain way, to blur the distinction between life and death. Yes, Rav Ovadia is no longer with us, but the protagonists of the video can still see, touch, and draw inspiration from his image. He even becomes part of the liturgy when Lior Elmaliach cries out with fervor, "Answer us in the merit of our Master, answer us."

In this and other ways, Rav Ovadia is still very much alive. Indeed, in 2015, a large crowd of Shas supporters [sang](#), "Rav Ovadia is alive and well" (see also the [2015 Shas campaign video](#)). And back in February of this year, it was [reported](#) that Rabbi Daniel Zer claimed that Rav Ovadia came to him in a dream and told him that he would personally advocate on High for anyone voting for Shas in the April election. In my view, shared to some extent by David Lehmann and Batia Siebzehner in their *Remaking Israeli Judaism: The Challenge of Shas* (pp. 43-51), the cult of charisma and personality at work here is a milder, but related, form of that associated with the last Lubavitcher Rebbe by the Chabad movement.

Conclusion

Like any good campaign video, this one ends with a powerful slogan: "Our Master promised: Shas, your slip for the Day of Judgment." While I have not yet succeeded in locating documentation of this promise prior to the present campaign cycle (although see [here](#) and [here](#) for related promises of his back in 2006 and 2009), the more interesting piece of this line, for me, is the way in which religion and politics come together almost seamlessly. The message is clear: if you choose the Shas slip at the ballot box, you will receive a favorable judgment slip on Yom Kippur, the culmination of the *selihot* season. (The word *petek* is also used as a metaphor for the "last chance" one has to change one's judgment for the year on Hoshana Rabbah, as in the greeting *pitka tava*.) In a certain way, this slogan turns the narrative of the video on its head for, if all I need to be successful on Yom Kippur is to select the slip with the right party's letters, then why go to *selihot* in the first place? Holding this question aside, the video is successful not only because it is musically catchy, but more importantly because it does tremendous work to advance the Shas agenda by telegraphing messages of inclusivity, authenticity, rabbinic sanction, and personal redemption.

At the end, when Uziya Tzadok, looking straight into the camera, concludes the singing with the word *anenu* (answer us), one wonders whether he is not asking you, the listener, to answer the call of Rav Ovadia and vote for Shas?

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CANTILLATION: SOME OBSERVATIONS – PART 1

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Introduction:¹⁷

My hope is that this brief paper will contain something of value even for those familiar with cantillation, henceforth referred to as *trop*, and is not too cursory for those with only limited familiarity. In this essay, *trop* will be briefly introduced, followed by a look at its importance in a **local context**, structuring a phrase within a *pasuk*. It concludes with an unrelated topic: some signs of *trop's* rabbinic origin. A follow-up essay will look at *trop* in its **global context**, structuring the whole *pasuk*. The process by which the *trop* operates on a *pasuk* demonstrates its surprisingly recursive nature, providing the first such example in a musical context of which I am aware.

Before going any further, it is critical to recognize the role of *trop* in providing (only) syntax as opposed to semantics. Semantics specifies the meaning of a word, phrase, sentence, etc., something that [Onkelos](#) and other interpreters do; syntax provides only the structure. A given syntax can rule out a specific semantic interpretation, remaining consistent only with other interpretations. A semantic interpretation will normally imply a specific syntax and invalidate (some) other syntactic alternatives. Multiple examples in the next section will illustrate.

Both *trop* and [Onkelos](#) are accorded an ancient origin in the Talmud.¹⁸ However, on (arguably) well over fifty occasions, they differ with respect to the meaning of verses in the Torah.

Despite a dispute between traditional and academic scholars over the identity and dating of Onkelos, many contemporary scholars date Onkelos' commentary to between the later part of the 4th century CE and the early part of the 5th century,¹⁹ during the period of the *amoraim*. Not surprisingly, at times Onkelos differs from the view of the Bavli. However, while the *trop* of various *pesukim* was still unsettled in talmudic times,²⁰ I have not found any critical instance

¹⁷ This essay is dedicated in honor of my father's 21st *yahrtzeit*. My father died peacefully on Shabbat after *davening*, telling my sister to go home to hear *kiddush* from her husband, telling the nurse to say goodbye to his wife, and then settling into bed. He died on the 21st of *Elul*, which fell on Shabbat *parshat Ki Tavo*, as occurred both last year and this year. My father was an expert's expert *ba'al keriah* to whom I asked too few questions.

¹⁸ *Nedarim* 37b and *Megillah* 3a. It is not clear if *trop* denoted the same system throughout its history; in fact, the *trop* now in use is assumed to be post-talmudic. How it might relate to earlier such systems is unknown.

¹⁹ See for example: <https://seforimblog.com/2015/08/the-history-and-dating-of-onkelos/>.

²⁰ The Bavli in *Yoma* 52a and 52b lists five places where there is uncertainty over the placement of the *etnahta*, the middle of the

where the *trop* differs from the halakhic conclusions of the Bavli. While there are minor differences in the *trop* currently in use, our system of *trop* correlates with the Aleppo codex. No version of *trop* in our possession predates the end of the period of the *geonim*.

The *trop* - a simplified overview²¹

Trop contains four levels of separators (*mafsikim*) and a single set of connectors/servants (*meshartim*). The first level separators (often referred to as *keisarim*, Caesars) are the sentence ending *sof pasuk*, and the *etnahta*, which identifies the midpoint of the sentence, a semi-colon of sorts. Both parts of the sentence, before and after the *etnahta*, are treated identically by the syntax defining rules of *trop*.²² The second level of separators (often referred to as *melakhim*, kings), the *zakeif katon*, *zakeif gadol*, *segol*, *shalsholet*, and *tipha*, define the major structure of the *pasuk*. *Pashta*, *revii*, and *tevir* are common third level separators, while *darga*, *pazeir* and *telisha gedolah* are common fourth level separators.

Munah, *merha*, *mahapah*, and *kadma* are common connectors; there should not be an apparent pause between the reading of words where they appear and the following word.

Trop structures both at a global / macro level (the entire *pasuk* and its two major components) and at a local / micro level (each individual phrase).

Some examples of *trop's* importance locally

To begin examining *trop* in a localized context, let's look at the significant impact that can be drawn from the placement of the *tipha* versus the *munah* and *merha*. The *tipha* is a second level separator, creating a pause between the word on which it occurs and the next; the *munah* and *merha* are connectors, attaching the word on which they appear to the next. The examples below further illustrate the difference between semantics and syntax. Two phrases from *Az Yashir*, בָּיָם יָרָה וְחִילוֹ יָרָה (Shemot 15:4) and צָלְלוּ בְּעוֹפְרֹת בְּמַיִם אֲדִירִים (Shemot 15:10), illustrate this difference. Both phrases have two different interpretations; in each case, the first interpretation, coming from *Onkelos* and based purely on semantics, is inconsistent with the *trop*; the *trop* is, however, consistent with the second interpretation.

בָּיָם יָרָה can mean either:

1. The army was **shot** while at sea or
2. The army **drowned** in the sea.

There is a major difference between

pasuk, the most important decision made by the *trop*. All five examples involve a dispute concerning the literal as opposed to rabbinic interpretation.

²¹ A comprehensive review of *trop* is provided in *Ta'amei Ha-Mikrah* by Rav Mordechai Breuer, who also authored a much shorter overview included in the first volume of *Da'at Mikrah*, Bereishit. Also, Joshua Jacobson has authored both an [abbreviated](#) and a [comprehensive](#) version of "[Chanting the Hebrew Bible](#)."

²² The equal treatment of both parts of a *pasuk*, covered in Part 2, is fundamental to how *trop* operates.

1. being shot at the sea, where the sea does not play a participating role but is simply the location where the shooting occurs, and
2. being drowned in the sea, where the sea is an indispensable part of the event.

By use of a connector, the *munah*, linking יָרָה to בָּיָם, the *trop* implies a significant link between the sea and the event. The *trop* is identical to that on בָּיָם, רָמָה, slightly earlier in יָשִׁיר אֶזְרָא, again indicating a significant connection between the sea and the action. The connecting *munah* in the word יָרָה is consistent with being cast into the sea (and dying as a result of drowning in the sea), as opposed to simply being shot while at sea. *Onkelos'* translation, *shedi ba-yama*, unquestionably means shot at sea.

Similarly, בְּמַיִם אֲדִירִים can mean either:

1. The Egyptians sank in the **mighty** waters or
2. The **mighty** (Egyptians) sank in the water.

There is a major difference between

1. the **mighty** waters, where mighty is an adjective describing the waters, and
2. the **mighty** (Egyptians) being drowned in the sea, where the two words are an independent noun and verb, and the noun appears awkwardly, alone, at the end of the verse.

By separating בְּמַיִם and אֲדִירִים with a *tipha*, the *trop* is consistent only with the second interpretation where the words are independent, telling us who drowned, the אֲדִירִים, and where they drowned, בְּמַיִם. *Onkelos*, on the other hand, translates the phrase as *be'mayin takifin*, the mighty waters.

When a *tipha* and a *munah* or *merha* are interchanged, as in the above two examples, the impact on the semantics must be carefully examined. In the above examples, even not following the *trop* results in a different but still very plausible reading.

Most often, however, an incorrect reading has no coherent interpretation. Another phrase from *Az Yashir*, נִצְבּוּ כְּמוֹ-הַיָּם נִזְלִים, is illustrative. The phrase has a *tipha* on the third word, separating the first three words from the fourth. This structure supports the meaning of "the waters formed a heap." However, erroneously reading the *tipha* on the first word and connecting the second, third and fourth word would support a farfetched and rather ridiculous meaning alleging that God formed a leaky heap.

A second localized area of oft overlooked significance concerns pausing in a manner consistent with the *trop's* four levels of separators. Pausing properly for the four levels requires a full stop, one-half stop, one-quarter stop and one-eighth stop respectively. Stopping is rarely explained or practiced; when the proper length of stops is violated the resulting error has varying consequences.

An amusing example involves a *tevir*, requiring a one-quarter stop, followed a word or two later by a *tipha*, requiring a recognizably longer one-half stop.

Correctly read, וְיָמַת אָבִיו וְאִמּוֹ מוֹת יוּמָת (Shemot 21:17) means "And one who curses his father or mother is put to death."

With improper pausing, a longer pause after the *tevir* on the word אָבִיו than after the *tipha* on the word וְאִמּוֹ, the sentence can be

misinterpreted to mean “And if one who curses his father, then his mother is put to death.”

Equally shocking is the second half of Shemot 31:15, which states “קל-העשה מלאכה ביום השבת מות יומת” “He who works on the Shabbat is executed.”

With improper pausing exactly as above, it might be misinterpreted to mean²³ “He who works is executed on the Shabbat.”

While humorous examples like the two above are rare,²⁴ there are typically one or two such examples in every week’s Torah reading. Some are of minimal consequence at best; the *trop* repeated 12 times in *parshat Nasso* ending the sacrifice of each tribe’s head is a good example.²⁵ However, many cases of improper pausing work at cross purposes with the *trop*, modifying associations that the *trop* intends. For example, the *trop* on the *pasuk* פָּר אֶתֶד בֶּן-בְּקָר אֵיל אֶתֶד כֶּבֶשׂ-אֶתֶד בֶּן-שָׁנָה לְעֵלָה implies that the bull, the ram, and the lamb in its first year are all sacrificed as *olot*. Improper pausing could imply that only the lamb is sacrificed as an *olah*. Such examples abound; three more examples are given in the footnote below.²⁶

A famous example is the *pasuk* in *Ha’azinu*:

שְׁחַת לוֹ לֹא בְּנֵי מוֹנְמִם דָּר עֲקָשׁ וּפְתִלְתִּל

The *pasuk* has multiple interpretations; most fundamental is the decision whether to connect the word לֹא with the next word/phrase, בְּנֵי מוֹנְמִם, or (as the *trop* does) with the prior word/phrase, שְׁחַת לוֹ. The former would refer to a group characterized as **not** His children; the latter a **negative response** to either a quizzical or an assertive assignment of responsibility for destruction to God.

Trop is Rabbinic:

There has been reference to the Karaite leanings²⁷ of (some of) those involved in the transmission or transcription of *trop*. However, there

²³ Shlomo Zuckier pointed out that the erroneous meaning associated with improper pausing is not correct grammatically. While certainly in this instance and in several others that is true, one cannot assume such knowledge of grammar among all listeners. Often, an improper *trop* could imply and be consistent with an entirely unlikely or absurd interpretation.

²⁴ Another bizarre example is Vayikra (14:7) where improper pausing would / might imply that *tzaraat*, as opposed to water, is to be sprinkled on the person being purified.

²⁵ The result of improper pausing creates a tighter connection between one’s name and one’s father’s name than the *trop* correctly read would suggest; the *trop* makes a tighter connection between the name and the *korban*.

²⁶ There are numerous examples that the reader can examine. See for example Vayikra (11:31), which requires a longer pause after the *tifa* than the *tevir*; improper pausing might imply that if you are in contact with someone while they are still alive, you become impure after their death. Other clear examples are in Bamidbar (10:29), identifying Moshe’s father-in-law, and Bamidbar (16:27) identifying from whose tents to separate.

²⁷ <https://www.jewishvirtuallibrary.org/aaron-ben-moses-ben-asher>.

are those who disagree, and believe that the *trop* is Rabbinic in origin. Some *sefarim*, first among them *Ve-yavinu Ba-Mikra*²⁸ by R. Naftali Tzvi Yehudah Gettinger, support this claim by attempting to explain idiosyncrasies in the *trop* by citing a rabbinic view, halakhic or midrashic, that might reconcile an otherwise (often mildly) troublesome *trop* sequence. While many of these explanations are plausible or even brilliant, they are not always entirely convincing.²⁹ I will illustrate that sometimes, surprisingly, non-literal rabbinic interpretations, as opposed to ones that adhere more closely to the text, are supported by the *trop* in its most critical decision, the placement of the *etnahta*.

Such examples are not common; in most cases rabbinic interpretations:

- augment the text, providing missing context but leaving the text itself unchanged; or
- modify the semantics in a way that does not impact the syntax.

The rabbinic constraints on parameters surrounding a *ben sorer u-moreh* are a classic example of the former; the additional constraints are derived from the words in the text without changing their inter-relationship and hence their *trop*. Similarly, the rabbinic implications drawn from *lo ba-shamayim hi* or treating *lex talionis* as requiring monetary compensation illustrates the latter; both the literal and the rabbinic interpretation would suggest similar syntax and *trop*.

The first example of a non-literal Rabbinic reading being supported by the *trop* is Shemot (20:20):

לֹא תַעֲשֶׂוּן אֵתִי אֱלֹהִי לְסֹף וְאֱלֹהֵי זָהָב לֹא תַעֲשֶׂוּן לָכֶם:

The most literal interpretation would divide the sentence into two parts, the first ending with the word לְסֹף; the *pasuk* prohibits graven images of both silver and gold, using a chiasmic structure. However rabbinic interpretation lists three prohibitions:

1. לֹא תַעֲשֶׂוּן אֵתִי - forbidding making images of my celestial beings.
2. לֹא תַעֲשֶׂוּן לְסֹף - (do not make)³⁰ the *keruvim* from silver, as opposed to gold.
3. אֱלֹהֵי זָהָב לֹא תַעֲשֶׂוּן לָכֶם - other than the *keruvim*, make no other images of gold.

²⁸ The classification of *trop* in some of these *sefarim*, including *Ve-yavinu Ba-Mikra*, differs from that described, more in details than in fundamentals. Interestingly, the recursion I will describe in Part 2 is asserted only for the system of *trop* described by R. Breuer.

²⁹ It would be impossible to give a strict proof. However, it is intuitive (if biased) to claim that it is likely that it was the rabbinic interpretation that drove the *trop*’s composition. Devarim (28:22), in *parshat Ki Tavo*, is a perfect example of the literal explanation given by Rashi being reflected in the *trop*. In his comments, Rashi, who often bases his explanation on Rabbinic texts, categorizes the various punishments in the *pasuk* in a way which aligns with the divisions created by the *trop*. While it is never provable that this is because of *trop*’s Rabbinic origin, it is very likely.

³⁰ This second phrase borrows לֹא תַעֲשֶׂוּן לָכֶם from the end of the third phrase.

A rather idiosyncratic trop, with an otherwise inexplicable *etnahta* on אֲתָּא, is in complete alignment with rabbinic interpretation.

A second verse will illustrate the challenges that are associated with the methodology. Consider Shemot (22:12):

אִם-טֹרֵף יִטְרֹף יִבְאֶהוּ עַד הַטְּרֵף לֹא יִשְׁלֵם:

As written, the *etnahta* divides the *pasuk* at the word עַד. However, the literal interpretation embraced by some *rishonim* interprets the *pasuk* to mean that the body of the animal is brought as witness to its having been devoured by a wild animal. This explanation would place the *etnahta* on the word הַטְּרֵף, one word beyond עַד.

The rabbis interpret *eid*, a witness, to mean two *eidim*, or witnesses, despite the word being written in the singular,³¹ and explain that the witnesses tell of the occurrence, as opposed to bringing the physical carcass as evidence.³² Their interpretation is therefore consistent with an *etnahta* on the word עַד, as occurs in the trop. This proof was convincing, until modern scholars gave two alternate readings that would also imply the same trop as in the rabbinic interpretation (the first ironically providing added rationale / support for the reading in the Talmud):

1. Witnesses do not have to bring physical evidence; their word is adequate.
2. The word יִבְאֶהוּ, the word preceding עַד, already refers to the carcass. The Pasuk is saying implicitly that it is to be brought as a witness.

As well, the Halakhah may also favor the trop over Onkelos. Consider the oft repeated phrase throughout *selihot*:

יְהוָה אֱלֹהֵינוּ יְהוָה

Whereas Onkelos's translation places a *dalet* in front of יְהוָה, connecting the word to אֱלֹהֵינוּ, meaning "that we call in the name of God," the trop separates the word אֱלֹהֵינוּ from יְהוָה, which would support several alternative meanings, including "we call to God by His Name."

Ashkenazic practice when reciting *selihot* follows the trop.³³

³¹ The Bavli in *Sotah* 2a explains that although the word *eid* seems to be in the singular, it usually means a pair of witnesses. Its proof is brought from Devarim 19:15, where the word *eid* is qualified by *ehad*, implying that qualification is necessary for *eid* to mean only one witness.

³² There is a dispute about whether the carcass or witnesses are brought. See *Bava Kamma* 11a and *Mehilta*, which quote the opinion of Abba Shaul, a mid-2nd century *tanna*, who supports bringing the carcass.

³³ See *Avudraham* in the Laws of Fasts where in alignment with the trop he suggests pausing after אֱלֹהֵינוּ. The phrase יְהוָה אֱלֹהֵינוּ occurs in multiple locations throughout the Torah. At times the trop and Onkelos have the same disagreement as they do in this example, at times they reverse positions, and at times they agree.

There are also many instances where the trop follows a midrashic interpretation, as for example in Bereishit (13:13) וְאֵנְשֵׁי סְדֹם רָעִים וְחַטָּאִים לַיהוָה מְאֹד. A possible translation given by JPS reads: "Now the inhabitants of Sodom were very wicked sinners against the LORD." This and other translations would not comport with the presence of an *etnahta* on the word חַטָּאִים. Other interpretations, like: "Now the inhabitants of Sodom were very wicked and sinners against the LORD," might move the *etnahta* one word forward. The trop seems to support various midrashic interpretation that lists specific sins (blasphemy, idolatry, sexual promiscuity, etc.) associated with both the words לַיהוָה and מְאֹד.³⁴

This topic has other examples, almost always involving second level separators.³⁵ Clearly, providing examples, some potentially arguable, from only four of over 4,000 meaningful sentences in the Torah does not constitute proof of a Rabbinic origin for trop; influence, undoubtedly, but determining origin requires more extensive analysis.

In summary, almost every instance that attempts to demonstrate trop's rabbinic origin may be disputable. However, the existing evidence and the absence of any contradictory indication supporting a non-rabbinic reading makes a Karaite one unlikely. In fact, over the last 1,000 years we do not have examples where the trop was determined to be in such significant opposition to rabbinic interpretation to result in raising fundamental questions.³⁶

Conclusions:

The Halakhah requires that we correct errors that impact meaning during the (public) reading of the Torah.³⁷ Increased awareness of trop's implications may require halakhists to create additional guidelines with respect to trop implementing that rule more precisely. While I do not feel it is my place to shout out corrections, I have on occasion told the reader afterwards what interpretations his reading might suggest. On rare occasions, I have also told a reader that his reading was consistent with Onkelos's interpretation as opposed to the trop.

It has been jokingly remarked that the full understanding of trop is an example of something lost in the transmission of Torah from Moses to Joshua. My goal was to illustrate some remarkable features of trop, which might increase the level of interest in trop's essential role.

³⁴ See for example *Sanhedrin* 109a, *Tosefta Sanhedrin* chapter 13, and *Torat Kohanim Be-Hukotai*, parshah 2.

³⁵ A good example is found throughout the beginning of *parshat Tzav* where the different types of *korbanot* are preceded by the phrase "zot torat ha-..." While Onkelos separates the word *zot* from the word *torat*, consistent with the assumed *pshat*, the trop links them. See *Titein Emet le-Yaakov* by R. Yaakov Kamenetsky for various rabbinic interpretations the trop supports.

³⁶ As Shlomo Zuckier noted it is still possible that Karaites created much of the trop, which the Rabbinites modified in several places. One might, however, argue that it is unlikely that subsequent Karaite generations involved in trop's transmission would not restore the Karaite version of the trop. I would very much appreciate being e-mailed halakhic examples consistent (or inconsistent) with the trop.

³⁷ Rambam, *Hilkhot Tefillah* (12:6) and Rabbi Yosef Karo in *Shulhan Arukh* (*Orah Hayyim* 142:1). Some, including *Kaf Ha-Hayyim* to *Orah Hayyim* 142, paragraphs 1-12, extend this to the trop as well.