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# PRAYER: THE LOST ART

### By SAMUEL ROSENBAUM

## 1. The Problem

Our time is hardly one of spiritual uplift.

It should not come as a surprise that many find it difficult to pray. The fires of doubt and cynicism have been too well fed this last half century. The immediate past history of the world and the terror which has become common place in our time do not easily nurture belief. Faith and hope, it would seem, went up in the smoke of Auschwitz. Not only for those who still breathe the stench of burning bodies but even for many of us who sat across an ocean and ate and smiled and slept.

While we think the malady which besets prayer in our time is deeper and more serious than it has ever been it is not unique to our time. There were always those who could not or would not pray. Those who had lost the way, those who never knew it. And those, the fat, sleek ones, smugness fitting them like a glove, terribly certain that having accumulated more than those around them they did not need to pray.

So there are more than ample reasons why many no longer pray.

And yet, Jews continue to come to the synagogue. Seemingly unperturbed by the contradictions in their personal lives, in spite of the state of the human situation, they come in greater numbers than ever before. Not only do they come, but they work, they gather money and they build magnificent. even opulent synagogues.

Jews come, more than ever, to bigger, more beautiful synagogues and yet the synagogues remain strangely silent.

Can it be that in our thirst for decorum we have gone too far? Possibly, but not not likely. It is not the absence of conversation that disturbs us. Anyone who ever sat with his father or grandfather in a shul knows that something else is missing. It was a sound which you could almost feel between your teeth; the sound of prayer, warm, exciting, sanctifying.

It hummed and droned and throbbed filling every corner of the synagogue and overflowing to the outside.

They, our fathers and grandfathers, had a nigun to which they walked to the synagogue; a nigun for washing the hands. There was a nusah with which they unpacked the long tallis, unfurled it with practiced grace and wrapped it around them. And there was melody quiet, sad, introspective, kedushah-evoking melody with which they prayed as they prepared for prayer with prayer.

Today, the congregation sits, uncomfortably well dressed, faces fixed, eyes shallow, focused on things far away from what is to come. They are waiting to pray. And they wait for the rabbi to tell them that it is time to pray.

Finally, it is time. The rabbi, the cantor and the choir are in their appointed places. They *perform* their solos, duets, trios and ensembles, but the hum of congregational prayer, the surge and the breath of prayer are frozen as if in a far away wasteland. Once in a while the congregation joins in a perfunctory response, or reading or tune. But these are only barren islands scattered over a vast sea of indifferent emptiness.

And the prayer, the prayer we so desperately need, it lies buried deep in the untouched recesses of the heart.

### 11. Some Solutions:

Rabbis, cantors and concerned laymen have not been unaware of the problem. A great number of cures have been suggested and tried. Most of them have failed. Not for lack of sincerity or determination, but for lack of insight into the real source of the trouble.

If people do not, or cannot pray, the logic went, then there must be something wrong with the service. Therefore, let us change the service:

Have it started later, finish earlier. Make it shorter, make it longer. Put in an organ, take out the organ. More English, less Hebrew. More Hebrew, less English. Better refreshments, no refreshments. Coffee hour, Kiddush, Oneg Shabbat and even collation. Shorter sermon, longer sermon. More announcements, less announcements, annual Torah cycle, tri-ennial Torah cycle.

Everything has been tried with the exception, perhaps, of trading stamps.

Along with the experimentation with the service attempts were made to bring the prayer book up to date, to make it a more useful tool in prayer. The work on the prayer book was of a more thoughtful and scholarly nature.

It was argued, with some justification, that modern theological thought and investigation demanded a new translation in order to bring the prayer book closer to contemporary language and outlook. Such translations, the argument continued, would also better serve the needs of this generation of worshippers; particularly those whose command of Hebrew was limited and/or non-existent.

As a result, a number of new translations appeared over the last twenty years. In the attempt to bring timeliness, particularity and finiteness to the meaning of the ancient texts the eternalness, the timelessness, the rhythm and the thrust of the liturgy were lost. Whatever the value of the new translations they serve scholarship and liturgical research more than they do the exercise of prayer. Each new translation gives rise to more criticism as the experts haggle over shades of meaning, nuances, poetic license, etc. The would-be-worshipper finds only the new and strange language which is still different from the language in which the traditional Jewish service is conducted.

### III. The Road Back:

The root of the problem is, of course, to be found in the illiteracy and alienation of the would-be-worshipper. The attempts to find a quick and easy solution could not help but fail since they focused on changing the tools of the worshipper instead of changing the worshipper himself.

Admittedly, the needs of the moment are urgent and the short term nostrums beckon enticingly. But they cannot succeed. And each failure brings even more frustration and disappointment to the would-be Jew, driving him further away from the only path which will bring success: study and preparation.

It is time we faced the problem honestly. Let us turn our attention to the Jew. No one in his right mind would hope to enjoy golf or bridge or skiing, or to pursue a profession or business without the proper preparation, motivation, education and equipment.

And even these are not enough. There must also be the inspiration gleaned from observing a skilled practitioner pursue his art or profession.

For example, how does the concert hall, the ball park, the theatre treat patrons? This is not to suggest that prayer can be assigned to the category of entertainment. But there is something which can be learned from these forms.

Each of these institutions exists only because of the loyalty of its devotees, its fans. It is in the best interest of the concert hall, the ball park, the theatre, to make its product as accessible, as understandable as possible. Yet no one would suggest that a concert artist, or an orchestra slow down the tempo of a composition so that the novices can follow the score, or so that a patron, hearing a Beethoven symphony for the first time, can fully grasp all of the nuances and meaning of the work. Nor does the theatre expose its back stage or its lighting equipment to the view of the audience so that a new patron may better understand the play. The professional ball team does not simplify the rules of the game in order that the man who attends once a year will get something out of it.

On the contrary, the goal for these institutions is to present the best, the most authentic performance no matter what difficulty this may present to the uninitiated. In the normal course of events a man who is really interested in music or the theatre or baseball will read a book, take lessons, attend concerts or ball games so long until he understands better what is going on, until he can participate at a level which brings him growing satisfaction and pleasure.

A Jew cannot come to the service spiritually naked, intellectually bankrupt and liturgically unskilled and expect "to get something out of it." Prayer cannot be achieved by merely being in a synagogue. It takes wanting, it takes preparation, it takes knowing.

We cannot hope to revitalize prayer by pandering to the lowest level, or by changing the rules or the liturgy to accommodate the inept. We serve them better only by conducting the most authentic, the most sincere, the most genuine service which can be mustered. Such a service is not necessarily the most "beautiful" which can be devised unless we define beauty as that which is natural and authentic, uncontrived and uncluttered.

The test for the effectiveness of a service is the reaction of the **experienced** worshipper, the knowledgeable one. How does it affect him? Let the novice sit among davening Jews and sooner or later the experiences of others will guide and infect him.

Prayer is achieved more by what we feel than by what we know. During the very brief moments when we are truly moved we are unaware of the literal meaning of the individual words of the text. Rather we are affected by a tune, by the ancient words, by the atmosphere, by the antiquity of the act in which we are participating.

This is not to imply that ignorance of the meaning of the text is a desirable factor in prayer. On the contrary, one should know what he is praying for. But this he should learn through study. At the moment when a prayer is affective, the literal, line-for-line translation is not only unnecessary but may even be a psychological hindrance.

We have all seen Jews who know how to pray, who pray three times a day. We even may have criticized them for the speed with which they pray. It is not possible for such a man, rushing through the Amidah, to be able to concentrate on the full meaning of the text. But he does know-from long prayer experience, from study-that the paragraph which begins with **Refaenu** is a prayer for good health; that **Barech alenu** is a petition for sustenance and that **S'lach lanu** is a prayer for forgiveness.

It is not the exact, immediate knowledge that makes prayer meaningful but rather participation in the long-practiced prayer act that is rewarding. Think back to the most oft-met example of the Jewish illiterate in the act of prayer. We have all been present at a funeral at which a mourner was completely unskilled in prayer. For such mourners the undertaker provides a pamphlet with the Kaddish in Hebrew, in an English translation and in transliterated form as well.

When the time comes for the mourner to recite the Kaddish which does he choose? The English translation which he can read easily and understand? Or does he, embarrasing as it may be, choose instead to stumble through the transliteration of "Yisgadal veyiskadash shmay raboh..."

Even a person of high intellectual achievement prefers to struggle with the Hebrew rather than to read, "Magnified and sanctified ..."

Why?

Because, somehow, deep within him the old unintelligible but mystically inviting words evoke something which the English, with all of its intelligibility, does not.

The illiterate cannot be taught during the service, except by example. If he is sincere he may derive some benefit just from being in the midst of other worshippers and identifying with them. When this is no longer sufficient he should be provided with an opportunity for study. Classes for adult Jewish study are available in virtually every congregation in the country. If the illiterate does not care enough to improve himself we should be courageous enough to withstand the temptation to lower standards in order to accommodate him. Only in raising standards can we hope to survive in an alien society. To lower them is to die.

One final caution.

In their attempt to help those who cannot pray many rabbis succumb to the temptation to make a classroom out of the synagogue. They reason: use the time of the service, if not for prayer, at least for the undeniably good purpose of expounding Judaism. This has led many rabbis to the practice of breaking into the service to explain and to comment.

While at times this may be helpful, most of the time these intrusions disturb the normal flow of prayer.

Prayer, even for the learned and the pious, is not an automatic response. It involves an attitude, an atmosphere, a sound, an emotion, a need. Like all complicated human responses it falls away, evaporates under analysis.

A man, separated from his beloved, may think of many reasons why he loves her. But when the two come together and embrace he does not stop to count the reasons. He knows only that he loves her. His embrace is his natural way of expressing that love. Should he attempt to analyze it at that moment the fervor will cool.

This is true even on the more automatic level of physical stimulus and response.

A healthy adult can reach down and pick up a reasonable load and balance it on his shoulder. The expert in anatomy can isolate and name the stresses and tensions in each muscle of the body as it participates in this act. But should the anatomy expert attempt to analyze and isolate each factor as he picks up the load he will never lift it from the floor. The coordination which he has developed from a lifetime of practice evaporates under such dissection and he becomes as helpless as one who has never mastered the act.

It is the task of the rabbi, the hazzan and members of synagogue ritual committees to provide the preparation for prayer. To assist the man in the pew by making available a wide variety of instruction in the factors which go to make up prayer: Hebrew, the nature of the prayer book, nusah and congregational tunes, Jewish history and Jewish thought. All of these, and more, are involved in Jewish prayer.

But this cannot, should not be done during a service. At that time, the full energies of those who lead, or better, guide the service, must be directed to prayer itself. Like the Kohen Gadol of old, the rabbi and hazzan must first, themselves, pray sincerely and devoutly. Only then can they pray with and for a congregation. If the rabbi and hazzan are distracted from prayer in order to teach and to expound and to illustrate, no one in the congregation will really ever get to pray.

In prayer, as in life, the best way to teach is by example. Until Jews acquire the background, the knowledge and the spiritual insights which are the vital components of prayer, they will not pray.

They will continue only to be the silent witnesses at the death bed of prayer.

### THE CONCEPT OF MUSICAL TRADITION IN THE SYNAGOGUE

DR. ERIC WERNER

All facts and ideas fall into three different categories.

- 1. Verifiable and verified facts.
- 2. Their historical or scientific interpretation.
- 3. Personal opinions and hypothese not necessarily those of the author.

These three categories must not be mixed together into one pot from which you can pick your choice ad lihitum. A scientific structure is not a supermarket, but an intellectual creation which must be capable of being tested, criticized, tested again and improved by new findings. There is no easy solution for a complex problem, and the concept of a musical tradition of Judaism is a complex problem, indeed. For we have many traditions differentiated regionally, or historically, genuine and spurious ones. Traditions which were seen as created by anonymous collectivities, and others which can be traced to one or several individuals. Yet we generally start from two assumptions which are widely taken for granted. One, that each tradition contains certain authentic elements. Two, that all music traditions are attributable to one *Urtradition*, to one basic tradition, to a quintessence from which they all emerged in the course of time.

I do not see how such assumptions can be tested, let alone proved. Therefore, we must not start with such axiomatic assumptions but with the strict, sharp critique and testing of the music repertoire of the synagogue as it stands today. There we have to learn what, are the facts, the very bare facts.

One, the intonation of the major and daily prayers have escaped Arabic acculturation in the east; not so the *piyyutim*. That means: in general the musical tradition of the daily prayers is considerably older than anything of importance in the synagogue liturgy. It is especially true when the prayers have the form of plain or ornate psalmody. Daily prayers and cantillation have not fully escaped German and Slavonic acculturation but to a far greater degree than *piyyutim*. Interpretation: the German and Slavonic influences have changed more tonality of cantillation than its basic motifs, as we can see from the earliest notations by Reuchlin and Muenster from 1518-1530, compared with today's practice.

Dr. ERIC WERNER. for years Professor of Jewish Music at the UAHC-JIR School of Sacred Music in New York, lecturer and musicologist, has recently moved to Israel to continue his work in Jewish Ethno-Musicology.

The deviation can be measured and amounts to about 18%. If you consider that this notation is 450 years old then you will have to admit that it is relatively well preserved, in spite of all acculturation. There are no motifs fully common in the cantillation of the three main traditions, meaning Ashkenazic, Sephardic and Yemenite.

This fact seems to admit two consequences. First, although the Tiberian accents, and even their names and shapes were adopted by all Jews, the scriptural cantillation has no motifs common to all of them. Hence we must assume that the various traditions in cantillation existed before the adoption of the masoretic accents. That is, it goes back at least to the 8th century.

The second consequence: The fact that all the traditions were totally different from each other in the field of cantillation did not hamper the development of cantillation in each *individual* sector. Certain archetypes, prototypes, or maintypes are common to all three traditions. What is an archetype? The structure of a response, of a melismatic chant, of an antiphonal performance, etc., etc., a parallelistic performance, a litany, a *pismon*, etc.; these are archetypes.

The imposition of musical meter is much more frequent in the Ashkenazic orbit than in the two others. In those, rhymes and metric structure of the poetry are often completely ignored by the singer or improviser. That means that a Sephardic singer or improviser will very often treat a *piyyut* as a free chant or as a recitative.

The Ashkenazic singer is inclined to do exactly the opposite. When he has a prose text, like *Birhat Hamazon*, he forced it into metrical melodies. Most of these tunes of the *Birkat Hamazon* are German folksongs of the late 18th century. Each of them can be easily traced. They have very sentimental texts. The most famous is "Kein Feuer keine Kohle, kann brennen so heiss..."

This is typical West Ashkenazic. It is characteristic of the acculturation at the end of the 18th century. The principle of limited and patterned improvisation is common to all Jewish singers and traditions but. also to the Byzantine, Arab, Kurdistan, Yugoslav, Persian and Hindu singers and bards. It means that we are not the only ones who have this type of limited and patterned improvisation.

That the Sephardis overlook the meter of a poem was discussed already by Yehuda Halevi in his Kuzari. A number of melodic archetypes and structures are common to Gregorian repertoire and certain Jewish traditions. It is only possible in a rare case to determine, who gave, who took, who borrowed, who lent. A typical case is the great *Alenu* of the High Holidays. It is one of the rare instances which we can trace. It is traceable to the city of Blois (France), in the year 1097, in the aftermath of the First Crusade. The Jews were burned at

the stake and they sang that *Alenu* and the church took it over and you can find it in its repertoire.

In most cases this is not possible. Only there are certain probabilities to be discussed. Let's take the *Barachu* of the High Holidays. This is almost identical with the Catholic hymn, Zste *Confessor Domini Colentes*, Idelson already observed that, but what he did not observe is that first of all this is metrical both in the Latin text and in the music of the synagogue. In the Gregorian chant it is not metrical. The rule, the law in the musical history is that non-metrical music precedes metrical music. Consequently you have to assume in this case that we Jews again the Ashkenazic Jews, borrowed the melody but imposed meter upon it.

Before specifying the elements of our musical tradition we are obliged first to investigate its continuity for with that question our case stands and falls. In this question two opinions sharply contradict each other. Saminsky championed the idea that with the fall of the second Temple the entire tradition came to an end as it was based upon professional singers and on instrumental music, neither of which were permitted to function after the year 70.

Idelsohn, on the other hand, maintained that the factor of the common tradition, which pre-dates the fall of the Temple, can be demonstrated by certain identities within the music of distant Jewish communities. Neither of them presented their case in a way convincing for a historian, folklorist or musicologist. Both of them were attacked and Saminsky's thesis was first refuted. This was easy since he did not give any evidence for his statements. In the case of Idelsohn, whose great merits were recognized even by his sharpest critics, such as the late Professor Handschin who would not recognize any of his historical statements but was willing to listen to his great collections, the following questions were asked:

- 1. Can we say that the elements common to the various Jewish books go back to a time when the majority of Jewry was concentrated in what was known as Palestine, that is, from 100 to 900?
- 2. Do the identities of the Gregorian and Hebrew chants go back to the chant of the synagogue, not of the Temple? Why did Jewish groups maintain the *psalmody* of the old synagogue but not its *cantillation?* (for the Temple had none, as it did not have a regular Torah-reading.)

The problem of continuity can be considered solved today. Since a great deal of spade work has been done especially in Israel among the various immigrant groups. Even so far peripheral groups such as Indian Jews were compared with certain Greek Macedonian

Jews, etc., etc. This has been done by Doctors Avenary and Gerson-Kiwi. Quite recently Dr. Amnon Shiloah, a very promising Israeli scholar, has investigated the stability of Hebrew psalmody in Arabic speaking communities and attained results which again show the much older traditions of psalmody and cantillation, when compared with *piyyutim*.

What is the rahbinic attitude toward the matter of musical tradition?

First, is there a rahbinic concensus to this question? There is not, but there *was* up to about 1700. The rabbinate concerned itself with two aims regarding music.

- (1.) The cantillation of the Torah should be correct.
- (2.) The cantor should be subdued.

That was the sum total of rabbinic interest if I except the following glorious names: Rabbi Yehuda HaGaon; Rabbi Natronai Gaon, Yehuda Halevi, Rabbi Solomon Mintz of Padua, Rabbi Elia Levita, Rabbi Leon Arye da Modeno, Rabbi Kirch Han-Henle, Rabbi Joel Syrkes-eight men in 1,500 years! A paltry result in my opinion!

The situation in America, to bring it up to date, was and is particularly ticklish because here the cantor historically preceded the rabbi. A thing which the rabbi has not forgotten up to this moment.

- 2. What last rabbinic decision about music was so authoritative that it affected all Jews? We find it in the *responsum* of Rabbi Natronai Gaon, around 830, concerning the chant of Scriptures. Its contents will not interest us here. It is sufficient to note that in this decree the Gaon stated certain principles of performance in the synagogue just as the Pope decrees them today from Rome, which were then binding for all Jewry and were observed.
- 3. What rabbinic decision was, at least in principle, the first one to affect the cause of Jewish music?

The laws which prohibit instrumental music in the synagogue are vague and unclear as far as one finds these terms in the Talmud. The prohibition of instrumental music in the synagogue was coupled with that of singing at banquets and with the denial of secular and liturgical chant performed by men and women. It was, bluntly speaking, a severe and complicated measure. For these three types of musical performance demanded three different types of legal reasoning. Their prohibition did not stand on safe, legal ground. The motivation had to be provided by Scripture, in-as-much as the rabbis by themselves possessed only that much authority as they could muster from their own interpretation of Scripture. They had to search for

scriptural passages which might be twisted and interpreted until they would suit their purposes. As no such prohibition as the rabbi; had in mind can be found in Scripture, the rabbinic laws concerning music are inconsistent and full of loopholes, so that their interpretation of the scriptural text is totally unconvincing.

In spite of this faulty reasoning, by the end of the first century, Judaism, and to a certain extent Christianity, also entered an age of anti-musical puritanism which completely ruined the future of our synagogue music. The rabbinical laws restrict more and more the musical performance inside the synagogue and outside. This sharpening of the laws is especially noticeable in the various rabbinic codes which represented the thinking of their compilers and their time, and there is no doubt that from the Talmud up to the *Shulhan Aruch* the laws concerning music became ever more stringent.

We have only to think historically to realize what it meant that due, to rabbinic influence and rabbinic prohibition, a nation that once had created a Levitical chorus famous for hundreds of years; a nation that created psalmody, hymns, chants, responses, and a nation whose psalmists and singers were celebrated even in the non-Jewish world had almost totally lost its musical tradition.

I admit that laymen and hazzanim were not totally without faults. But, for the historian, the main responsibility remains and always will remain with the rabbi. Which rabbinic decision saved the cause of Jewish music?

The decision of Rabbi Yehuda haGaon to continue the existence of *piyyutim* in the face of *halachic* opposition. We know of this act from various sources.

That means that hazzanim received this tradition from Rabbi Yehudt Gaon as he received it from his teacher back to the time of Moshe mi Sinai.

As the musical tradition of Judaism I suggest that we understand only its musical folklore, no more and no less than that. We shall later investigate the question whether or not hazzanut is to be considered part of folklore. "Music in Judaism," however, refers indiscriminately to both folklore and art music and again the nebulous term "Jewish music," emerges without clear definition. Let us clean up that terminological mess and ask when and where that term first appeared and what it meant.

The expression, Jewish music, or something of that sort occurs first in an account of Manuel ha-Romi, the Hebrew poet and contemporary of Dante. The important passage reads:

"What does the science of music say to the Christians: Stolen,

Yea stolen was I from the land of the Hebrew" which is of course a quotation from *Bereshit*, and Joseph's answer to the question of his home.

The term *chochmat hamusika* is, however, by no means clear. In the Middle Ages the term encompassed musical theory and if we translate it as "art of music" have we the first reference to counterpoint, especially the mathematical theory of intervals. Only Jewish music. Suppose we understand the verse in this sense. What did the poet have in mind. What music existed among Italian Jewry at this time? Synagogical chant, to be sure, scriptural cantillation, some romances in a kind of Italo-Jewish dialect similar to Ladino, and that is all. Of these categories hazzanut certainly occupied the highest artistic rank. Did Manuel refer to the haxzanim of his time? Not at all! He had heard the music of the church, which just at his time underwent a great development and he reminded himself and his brethren that Gregorian chant is based upon ancient Hebrew tradition. His expression, chochmat hamusika, refers thus to past glories, to the musical art as practiced in the Temple. Again the image of "national Jewish music" has vanished before critical investigation. And so it always does vanish until the early 19th century.

The earliest document which we possess of a Hebrew musical manuscript, written in readable notes of the time, dates from about 1130. Its scribe and perhaps its composer has only been identified during the past year and has caused a sensation. A young northern knight, the son of a Norman baron in Southern Italy, who had a mystical dream, converted to Judaism against all rabbinic dissuasion and of course had to flee from Italy to the Near East. There he was well-provided with letters to the leading rabbis and he sojourned in Aleppo, in Bagdad, in Damascus, in Palestine, and finally he settled in Cairo. His autobiography has been found and the name of the man being established, John (or Giovanni) who was given the name of Ovadia ha-Ger. Of this Ovadia ha-Ger there is, in modern transcriptions by Dr. Israel Adler, one of the three extant pieces which have come down to us from the early 12th century.

This then is the earliest notated Hebrew music which we have. It sounds, it smacks of Gregorian chant. But is is not identical. You see there is a metric pattern in Hebrew. Since the composer ignores the meter of the text, it is the first part which fairly resembles Gregorian style. The end does not. It indulges in what you would simply call melismata. These flourishes are not at all in Gregorian style. The piece as a whole is a mixture of what you might call

Gregorian elements and Oriental-Jewish elements. Now is this Jewish music? Is it Jewish tradition? What is it? I cannot answer these questions. For what occasion was it written? It is still hotly debated. Some people claim it was a eulogy on the death of Moses, it was for *Simhat Torah*. It was my hypothesis, which was backed by an Israeli scholar, Prof. Allony, that it was for the seventh of Adar, the death day of Moses, which at that time, especially in Egypt, was the end of the triennial cycle of Torah reading. You know that in Egypt the triennial cycle was alive up to the end, even after the Rambam, after 1200.

Another example of the problematic concept, not of musical tradition in Judaism, but of Jewish music per se, is a piyyut by Moshe Chaim Lusatto of Padua, who was himself a rabbi, hazzan and poet, written in Amsterdam about 1742, for the famous Portuguese synagogue, Etz Hayyim. The composer was Avraham de Caceres. The piece, a duet between *hatan Torah* and *hatan Bereshit* accompanied by Continuo, was destined for *Simhat Torah*.

This sounds exactly like a piece from a Handel opera. There is no doubt that Caceres was familiar with some of them. But two little motifs are not Handelian and can be traced to the Ashkenazic tradition.

Now, let's go to the East. One can hear a cantillation by Persian Jews and thereafter a secular Persian song composed by Firdausi. The sharp difference in style is unmistakably evident, We have mentioned this typical distinction between the style of piyyut of folksong on one hand and the recitation of ancient prayer or the cantillation of Scripture as one of the absolutely sure facts in Jewish music tradition.

From this premise Saminsky, Idelsohn, Rosowsky and their followers have concluded the existence of a national Jewish music or at least the existence of remaining traces of a music tradition which once was common to all Jews. What was the starting point? The starting point was the common belief in a musical Ur-tradition. Equally strong was their belief in the theory which was first formulated by the German romanticist classic poet, Herder. Herder was the father of serious folklorist studies and thought. He claimed that the basic essence of folklore is in music and never changes. Everything that is best in a nation is expressed in its folklore. These two principles were taken over uncritically and absolutely without any investigation by all Maskilim including Marek, Idelsohn, Rosowsky and Saminsky. They dominated the Yiddish theater of the last period of the Haskala. The scholars accepted it, they lapped it up. As a

matter of fact, they added something to the two principles, mentioned above. They insisted that basic folklore is not created by individuals but arises anonymously out of the multitude. This question was even brought to America. We discussed it, experimented with it, and played a great role--but this is past history-and communalists were a part of American literary history and played a great role, but this is past history, and the romantic claims are definitely rejected.

However, in our business, the field of Jewish music, these ideals still appear as ghosts, the ghosts of collective authorship, which is something totally refuted today.

Let us consider the important question, is hazzanut art or folklore. Obviously, neither. For in musical art one version is preferred by the composer to the exclusion of all others. Is it folklore? Obviously not. For real folklore is limited to a relatively small region and does not migrate over oceans and continents. Moreover, true folklore is restricted to one language. If hazzanut is neither true folklore nor art music, what is it? We come closest to its real essence by an approximation: We might regard it as a stylized and acculturated tradition. What does this high-brow word "acculturated" mean? It means, generally, the adjustment of a less developed civilization to traits and concepts of a higher civilization.

One more element has to be considered before we can survey the true nature of hazzanut: the legal status of the Jewish *community*. Here in the United States the Jewish community has no legal status whatever, due to the separation of church and state in the constitution. Only the individual *congregation* enjoys a strictly private legal status. Yet the legal form of the *kehillah* could have survived; the consistory, the consistoire still exist in Europe, Africa, Australia and in part of South America.

A **kehilla** means considerable protection for both the rabbi and the hazzan. Where a good musical training and an organized **kehilla** come together there we find first acculturation, then a close link with the art of music of the period. The examples of Paris, Vienna, Berlin, and Frankfort during the 19th century come to mind.

Where there is little musical training and no **kehilla** but the rabbi's power alone, there the music of the synagogue remains completely arid or petrified. Passive assimilation and musical decay set in and neither tradition nor art music can unfold. This is the case of Oriental Jewry and, alas, also that of Israel. There prevails a fake tradition under the aegis of the rabbi which gradually fossilizes. Excepted from this petrification are only a few elements of Oriental Jewry which have saved traces of their old folklore, among the Yemenites, the Iraqis, Kurdistanis, etc. Where there is high musical

training but no **kehilla** —only single congregations as is the case here in America — we encounter occasional spurts and even concerted attempts in the right direction. But we are not protected by the rabbis; our cultural interests are not championed by our educators; and in most cases the consequence is that the public remains indifferent, or at best, lukewarm.

Where there was little music training but a lot of tradition and a closely knit *kehilla*, as was the case in Eastern Europe, we find active assimilation, acculturation, up to the point where musical education becomes respectable. From then on the links with art music increase. That was the situation in the great centers of Russia during the 19th century. It led to the development of stylized tradition in the cases of Gerovitch, Novakovsky, Minkowsky, etc.

What is our future? More than once I have pondered the question. But, exactly as my small speculations on the stock exchange, my predictions were rarely correct. Events have a confounded way neither to follow predictions, nor to contradict them. They usually go in a totally unexpected direction.

Yet I do think that one prediction is safe: You must please, enthuse, interest, edify, and if possible *inspire* the public. I do not think the peculiar pudding of Italian opera and Eastern *nwah* with a gravy composed of *dreydlach*, sobs, and virtuoso coloratura singing will still attract the Jewish masses much longer. The tastes have changed, and hazzinim have done a fine piece of educating their congregations. What next? Can we establish the link to art music with the help of a professional chorus? Or introduce a good volunteer chorus? The children's chorus, together with the hazzan, can do a powerful job, as I have seen with delight in some places. There are many vistas possible.

To me it seems important that for the enormously critical years ahead-for we have had a renaissance of Jewish music which is passe, and we have badly relapsed-that for the difficult future we pool our forces; forget personal politics, vested interests, theological pilpul for a while and think of actually influencing the Jewish public, not via the congregation, not via the rabbis but through our own press, our own publications. In other words, through a **popular magazine** in which our spokesmen will have a regular place, a column, a review, or whatever! Then and there we can fight for a tradition that is alive and kicking; then we will have the chance to talk back, as man to man, as craftsmen to protect and to develop our tradition; as men devoted and dedicated to a mission which has always been held dear and sacred, to the revival of the psalmist's lyre!

#### A LAND MARK CASE

On May 6, 1966 a decision was handed down by the Tax Court of the United States. In a case between the Commissioner of Internal Revenue and Hazzan and Mrs. Abraham A. Salkov, the Court found, in essence, that Hazzan Salkov was indeed, as he had claimed to be, a Minister of the Gospel, the term used by the Government to identify a clergyman.

This was the first time to our knowledge that a major court in the United States has confirmed the hazzan's claim to the status of a clergyman. Because it is a land mark case, the Editors felt that the entire decision rendered by Judge Dauson should be published here.

46 T. C. NO. 16

### TAX COURT OF THE UNITED STATES

ABRAHAM A. SALKOV AND EDITH H. SALKOV, Petitioners, v. COMMISSIONER OF INTERNAL REVENUE, Respondent Docket No. 5892-64. Filed May 6, 1966

Held, a full-time cantor of the Jewish faith, commissioned by The Cantors Assembly of America and installed by a congregation, is a "minister of the gospel" entitled to exclude the portion of his remuneration received as a rental allowance from his gross income under Sec. 107(2), I.R.C. 1954.

Herbert S. Garten, and Sheldon G. Dagurt, for the petitioners. David T. Link, for the respondent.

DAUSON, Judge. Respondent determined the following deficiencies in the income taxes of petitioners:

| Year | Deficiency |
|------|------------|
| 1960 | \$507.81   |
| 1961 | 574 23     |

The only issue for decision is whether Abraham A. Salkov, a fulltime cantor of the Jewish faith who was commissioned by The Cantors Assembly of America and installed by a congregation, is a "minister of the gospel" entitled to exclude certain amounts received as a rental allowance from his gross income under the provisions of section 107 (2) of the Internal Revenue Code of 1954.

### FINDINGS OF FACT

Some of the facts were stipulated and are so found.

Abraham A. Salkov and Edith H. Salkov are husband and wife who reside at 2601 Manhattan Avenue, Baltimore, Maryland. They filed their joint Federal income tax returns for the calendar years 1960 and 1961 with the district directors of internal revenue at Los Angeles, California, and Baltimore, Maryland, respectively.

Abraham A. Salkov (hereinafter called petitioner) is a cantor in the Jewish faith. He was employed as a cantor on a full-time basis by the Temple Beth Am in Los Angeles from January 1960 through June 1961. Since July 1961 he has served as cantor for the Chizuk Amuno Congregation in Baltimore. During the year 1960 the petitioner received \$2,400 from the Temple Beth Am as a dwelling rental allowance. During the year 1961 he received as a dwelling rental allowance \$1,300 from the Temple Beth Am and \$1,250 from the Chizuk Amuno Congregation. The entire amounts so received were used to pay the expenses of providing a home for the petitioner and his family in 1960 and 1961.

As a cantor the principal activity of the petitioner revolves around his duties in the conduct of the Jewish liturgy. He officiates, along with the rabbi, at the following public worship rituals: the major jewish festivals,' "high holidays," 2 weddings, funerals, and the regular weekly Sabbath services conducted each Friday evening and Saturday morning. As their schedules required, either the petitioner or the rabbi, or both, officiated at morning and evening services held in the homes of deceased members of the congregation, called houses of mourning. The petitioner was solely responsible for the training of the boys in his congregation for their introduction into adult Jewish life.' In addition, the petitioner controlled the entire musical program of the congregation by providing the desired liturgical approach for the choral director' and directly supervised the work of the youth chorus.

Petitioner began his training for the cantorate under the direction of his father, who was also a cantor. From him the petitioner learned the free improvisational style used by a cantor in much of his liturgical work. He acquired his more formal choral music training at Yeshiva University, where he also studied Talmudic law and Jewish prayer.

After completing his formal training and securing his father's opinion that he was ready to enter the cantorate, the petitioner was

'Comprised of Pesach (Passover) in the spring. Shavuos (Pentecost) in early summer and Succos (Tabernacles) in the fall.

<sup>2</sup>Called Rosh Hashana (New Year) and Yom Kuppur (Day of Atonement).

<sup>3</sup>This rite, called Bar Mitzvah, occurs when the Jewish male nears the age of 13.

'Chizuk Amuno has several choirs or choruses. A professional one is used for the services held during the festivals and high holidays as well as each Friday evening. a professional and volunteer choral society presents concerts and a youth chorus is maintained. The choral director. Saul Lilienstein, has the title of Director of Sacred Music.

accepted into The Cantors Assembly of America<sup>5</sup> and was granted the following commission:

THE CANTORS ASSEMBLY OF AMERICA
To all persons to whom these presents may come
and to all congregations of the Jewish Faith
GREETINGS:

Be it known that

# REVEREND ABRAHAM SALKOV

having duly completed the studies and satisfied the requirements for entry into the Hazzan Ministry known as the Cantorate, and having met the personal and religious standards and qualifications required by the Cantors Assembly of America and the Jewish Faith for a Hazzan-Minister is hereby duly commissioned as a Cantor Hazzan-Minister with full authority to exercise his ministry in the conduct of religious services and in the performances of the sacerdotal rites of Judaism, and is hereby given all the rights, privileges and immunities appertaining to that of a

HAZZAN-MINISTER OF THE JEWISH FAITH "Our God and God of our Fathers inspire the lips of those who have been designated by Thy people, the House of Israel, to stand in prayer before Thee, to beseech and supplicate Thy Presence for them."

IN WITNESS WHEREOF and by virtue of the authority granted the Cantors Assembly of America by a Charter of the State of New York, we have caused this commission to be signed by the signatories of the Charter and our corporate seal to be affixed as of

the 23rd day of June, 1947, corresponding to

the 5th day of Tamus, 5707.

At Chizuk Amuno the selection of the congregation's spiritual leadership is controlled by the Ritual Committee with the final approval of the Board of Trustees. When Chizuk Pmuno decided it needed another canto? in the spring of 1961, the Ritual Committee contacted the Placement Committee of The Cantors Assembly of America. The Committee then processed the candidates recommended by the Assembly through investigation and interviews in order to determine their qualifications. The Committee unanimously recom-

5There are three major branches of Judaism-Orthodox, Conservative and Reform. The Cantors Assembly of America is attached to the United Synagogue of America, the parent organization of the Conservative synagogues in the United States.

6The Chizuk Amuno congregation has two places of worship, one in downtown Baltimore and the other in a residential area of the city. The congregation's senior cantor, Hazzan Weisgal, serves the former and petitioner the latter.

mended the petitioner to the Board and it unanimously approved the recommendation. The word used to characterize this process of selection (and the notification of the spiritual leader involved) is "calling." After accepting the "calling" of Chizuk Amuno, the petitioner was formally installed in his position as cantor during a regular Friday night service in which the rabbi of Chizuk Amuno "charged" the petitioner with the duties and spiritual responsibiltes of his office. Each congregation has jurisdiction over the methods by which it installs its cantors and rabbis. At Chizuk Amuno the installation procedures for both are the same.

The Jewish religion is a lay religion. It has no theologically required hiarachy having control, dominion or jurisdiction over its sacerdotal functions or religious worship. The single element of authority present in Judaism is completely juridical. It resides in the members of the rabbinate who alone may issue binding interpretations of Jewish law.

Within the synagogue there are equal pulpits for the rabbi and the cantor. Both of them wear dark ecclesiastical robes (except on certain holidays when white robes are worn) which distinguish them from the rest of the congregation. In point of time the cantor is more in the pulpit of the synagogue than the rabbi. Inscribed upon the cantor's pulpit, in Hebrew, are the words, "Sing unto him-Sing praises unto him, exult him, speak of all his wonders," which refer to the cantor in his praise of the Lord.

The purpose of a cantor while he is officiating at services is to try to express the longings of the congregation and their prayers before their Father in Heaven rather than proving virtuosity as a singer or artist. In order o be a cantor an extensive knowledge of Jewish law and tradition is required.

The bulletin published by Chizuk Amuno regularly carries an announcment on the availability of its cantors and rabbis for pastoral duties. An example of an announcement carried in the bulletin is as follows:

The Rabbis and Cantors of the Congregation are available to the members and their families for any service which they may be in a position to render.

While their calendars are sometimes filled for weeks and even months in advance, they always recognize that their first duty is to the Congregation. They visit the sick at home or in the hospital, when notified by a member of a family. They are available for counseling at hours which may be arranged by a telephone call.

The petitioner has an office in the Chizuk Amuno Synagogue for

his use. He is listed in the yellow pages of the Baltimore telephone directory under the title "Clergyman" as "Salkov, Abraham, Reverend"

In his notice of deficiency dated September 28, 1964, the respondent determined that the dwelling rental allowances paid to petitioner in 1960 and **1961** are "not exempt from income tax" but are "taxable as ordinary income."

### OPINION

To our knowledge there are no cases which have decided the precise issue before us in this proceeding.' We are thus faced squarely with a question of first impression.

Section 107(2), Internal Revenue Code of **1954**, provides that, in the case of a minister of the gospel, gross income does not include the rental allowance paid to him as part of his compensation to the extent used by him to rent or provide a home. Respondent admits that the Temple Beth Am and the Chizuk Amuno Congregation designated the amounts received by the petitioner as rental allowance and that he used them to provide a home for himself and his family. Cf. *Richard R. Eden*, **41** T. C. *605* (*1964*). Consequently, the respondent's narrow contention here is that the petitioner is not a "minister of the gospel" within the intendment of the statute. Petitioner, of course, takes the opposite view.

By definition a "minister" is one who is authorized to administer the sacraments, preach and conduct services of worship. And "gospel" means glad tidings or a message, teaching, doctrine or course of action having certain efficacy or validity. "Gospel," when used with a capital G, generally means the teachings of the Christian church as originally preached by Jesus Christ and his apostles or a narrative

The Commissioner, however, has issued several revenue rulings pertaining to section 107. One deals specifically with a cantor. It is Rev. Rul. 61-213. 1961-2 C.B. 27. which states that an individual who performs the duties of a cantor at a Jewish Community Center is not entitled to exclude his rental allowance from gross income where he is not an ordained minister of the gospel. But compare Rev. Rul. 58-221, 1958-1 C.B. 53, which allows the exclusion to an individual at a community center and temple who conducts services and performs sacerdotal functions according to the tenets of the Jewish faith where he is ordained and performs the duties ordinarily performed by a rabbi. See also LT. 3658, 1944 C.B. 71 (involving a theological seminary teacher): Rev. Rul. 63-90, 1963-1 C.B. 27 (involving teachers and administrators of religious bodies): Rev. Rul. 64-326, 1964-2 C.B. 37 (involving a traveling evangelist): Rev. Rul. 65.124. 1965-I C.B. 60 (involving unordained workers for religious organizations); and Rev. Rul. 66-90. I.R.B. 1966-18 8 (holding that individuals in executive positions in a religious denomination, which has no formal ordination, commissioning or licensing procedure. do not qualify as ministers of the gospel under section 107).

of Christ's life and teachings as exemplified by any of the first four books of the New Testament. Although "minister of the gospel" is phrased in Christian terms, we are satisfied that Congress did not intend to exclude those persons who are the equivalent of "ministers" in other religions.

Nomencature alone is not determinative.

Unfortunately the legislative history of the statute is brief and not helpful. Paragraph (2) of section 107 appeared first in the Internal Revenue Code of 1954 to clarify the discrepancy between rental allowances paid by congregations and residences actually furnished by them.8 Paragraph (1) of section 107 originated as section 213(b) (11)9 of the Revenue Act of 1927 without any explanation of the phrase "minister of the gospel." It has remained unchanged and unexplained 10 ever since.

The pertinent provisions of the Income Tax Regulations are set forth below." In short, section 1.1402(c)-5(b) (2) of the regulations mentions three types of services which are considered ministerial: (1) the ministration of sacerdotal functions, (2) the conduct of religious worship, and (3) the direction of organizations within the church, The regulations do not attempt to say what a "minister" is, but only what a "minister" does.

<sup>8</sup>**H.** Rept. No. 1337. to accompany H.R. 8300 (Pub. L. 591). 83d Cong., 2d Sess., p. 15 (1954); **S.** Rept. No. 1622. to accompany H. R. 8300 (Pub. L. 591), 83d Cong., 2d Sess., 16 (1954).

 $^9\mathbf{Sec}$ . 213. That for the purpose of this title  $^*$  the term "gross income"-

- (b) Does not include the following items, \* \* \*
- (11) The rental value of a dwelling **house** and appurtenances thereof furnished to a minister of the gospel as part of his compensation;

Only one reference has been made to this phrase since its appearance in the 1921 Revenue Act. During hearings on the Revenue Act of 1934 it was suggested that the word "gospel" be changed to "religion." The discussion was brief and no action was taken. See Confidential Hearings of the Senate Finance Committee on the Revenue Act of 1934, pp. 30-31.

- 'Sec. 1. 107-l Rental value of parsonages.
- (a) In the case of a minister of the gospel, gross income does not include (1) the rental value of a home, including utilities, furnished to him as a part of his compensation, or (2) the rental allowance paid to him as part of his compensation to the extent such allowance is used by him to rent or otherwise provide a home. In order to qualify for the exclusion, the home or rental allowance must be provided as remuneration for services which are ordinarily the duties of a minister of the gospel. In general, the rules provided in 1.1402 (c)-5 will be applicable to such determination. Examples of specific services the performance of which will be considered duties of a minister for the purposes of section 107 include the performance of sacerdotal functions, the conduct of religious worship, the administration and maintenance of religious organizations and their integral agencies, and the performance of teaching and administrative

This record abounds with proof that the petitioner spent his full time performing services of all three types, His responsibilities in officiating at weddings, funerals and at houses of mourning clearly fall within the phrase "sacerdotal functions" as applied to the liturgical practices of the Jewish faith. Both the petitioner and Rabbi Goldman with whom he serves testified at length as to the manner in which they jointly conduct the weekly religious ceremonies, festivals and high holidays. And, finally, the petitioner's training of the young men of his congregation, his overall direction of its musical program and the supervision of the youth chorus fail into the last category.

Another requirement of the regulations is that only "a duly ordained, commissioned, or licensed minister of a church or a member of a religious order" can qualify for the statutory exclusion of section 107. It is reasonably clear that the purpose of this reference in the regulations is to exclude self-appointed ministers. Certainly the duties at theological seminaries.

Sec. 1.1402(c)-5 Ministers and members of religious orders.

- (a) In general. For taxable years ending before 1955, a duly ordained. rommissioned. or licensed minister of a church or a member of a religious order is not engaged in carrying on a trade or business with respect to service performed by him in the exercise of his ministry or in the exercise of duties required by such order.
- (2) Except as provided in paragraph (c) (3) of this section. service performed by a minister in the exercise of his ministry includes the ministration of sacerdotal functions and the conduct of religious worship. and the control. conduct. and maintenance of religious organizations (including the religious boards, societies, and other integral agencies of such organizations), under the authority of a religious body constituting a church or church denomination. The following rules are applicable in determining whether services performed by a minister are performed in the exercise of his ministry:
- (i) Whether service performed by a minister constitutes the conduct of religious worship or the ministration of sacerdotal functions depends on the tenets and practices of the particular religious body constituting his church or church denomination.
- (ii) Service performed by a minister in the control, conduct, and maintenance of a religious organization relates to directing. managing, or promoting the activities of such organization. Any religious organization is deemed to be under the authority of a religious body ronstituting a church or church denomination if it is organized and dedicated to carry out the tenets and principles of a faith in accordance with either the requirements or sanctions governing the creating of institutions of the faith. The term "religious organization" has the same meaning and application as is given to the term for income tax purposes.
- (ii) If a minister is performing service in the conduct of religious worship or the ministration of sacerdotal functions, such service is in the exercise of his ministry whether or not it is performed for a religious organization.

minister must be ordained, commissioned or licensed. But there is no regulation, no test, or even a suggestion of it that the ordination, commissioning or licensing must come from some higher ecclesiastical authority. In a religious discipline having lay democratic character of Judaism and lacking any central ecclesiastical organization, this ministerial authority can be conferred by the church or congregation itself. If the statute and the regulations were so severely restrictive as to exclude ministers elected, designated, or appointed by a religious congregation, there would be a serious question in our minds as to propriety of such an exclusion under the Constitution of the United States.

Respondent maintains that Cantor Salkov is not a "minister of the gospel" because he does not perform the one function reserved to the rabbi, the only ordained minister of the Jewish religion, namely, deciding questions of Jewish law. Consequently, the respondent presses the point that the rabbi, and not the cantor, is the only Jewish equivalent of a "minister." In a technical sense the petitioner is not an "ordained" minister. He does not claim that he, like the rabbi, has the right to judge, decide and authoritatively teach Jewish law. Ordination has a restricted meaning in the Jewish faith. It is simply the testimony of a recognized religious authority that the rabbi ordained is worthy of being invested with the mantle of Jewish legal authority. A cantor does not have the authority to sit on any Jewish Court dealing with problems of divorce or real estate. Even though the rabbinate possesses the sole authority over Jewish law, we fail to see what difference this makes in determining whether the cantor is a minister. Authoritative interpretation of religious law is not a primary, much less essential element of the ministry. Rabbis have long been regarded as ministers, not because they interpret Jewish law but because they perform for their congregation the same sacerdotal function that are performed by their equivalents in non-Jewish religions. The fact that Judaism assigns this work to two classes of professionally trained and qualified men will not be used by this Court to deny the benefits of section 107 to one (the cantor) merely because other religions have merged such duties into a single group.

Respondent stresses that "duly ordained, commissioned or licensed" is a conjunctive phrase. We disagree. The words are stated in the disjunctive. The regulation does not say only "ordained." It also says "commissioned or licensed." "Commission" means the act of committing to the charge of another or an entrusting; and "license" means an official document giving permission to engage in a specific activity. We have no doubt that the petitioner meets these

requirements. He is a duly qualified member of The Cantors Assembly of America and he holds a commission as a cantor from that body. The Assembly functions as the official cantatorial body for the conservative branch of the Jewish religion in this country. Chizuk Amuno is a representative conservative congregation. Since each congregation is autonomous in its selection of spiritual leaders, the members of Chizuk Amuno, acting through their representatives on the Ritual Committee and the Board of Trustees, singled out the petitioner as their choice for the cantorate of the congregation and formally installed him in that position. Every possible procedure consonant with the sacred traditions of Judaism was employed to express in a formal and liturgical manner that the petitioner had been chosen by the Chizuk Amuno congregation as cantor and that he assumed his duties on a certain day as evidenced by a public and specific installation ceremony. To read into the phrase "duly ordained, commissioned or licensed" a requirement that the petitioner's authority to perform the sacred functions of Judaism is subject to any further commissioning or licensing would deny to members of the Jewish religion the right to structure the organization of their congregations according to the principles and tenets of their faith. Suffice it to say that in the Jewish religion the cantor is recognized as a minister eo nomine. As such, we are unwilling to fit on him the garments of Christian orthodoxy, for "if there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in \*\*\* religion." Board of Education vs. Barnette, 319 U.S. 624, 642 (1942); and see also Pate vs. United States, 243 F. 2d 99 (C. A. 5, 1957).

The brief of the respondent indicates that the petitioner has no designation as a recognized religious and spiritual official in the Jewish religion. This is not so. 12 Petitioner and persons with similar responsibilities are called by such titles as "Cantor," "Hazzan" or "Reverend." Surely these titles are not without meaning. Since

<sup>12</sup>See the "Guide to Congregational Standards" approved in 1952 by the United Synagogue of America, which is the national organization of the conservative synagogues in this country. Article 1 of the Guide reads, in part. as follows:

# B. The Congregation and Its Rabbi

### Section 1. General Principles

The relation between a Congregation and its Rabbi is that ot a religious rommunity and its chosen spiritual leader, It therefore extends beyond the stipulations of a legal agreement. Accordingly, in any contract between the Congregation and its Rabbi, and in the interpretation, performance and termination thereof, the following general principles shall be considered as part of said agreement and shall apply thereto, without express statement in the contract or

ancient times the Cantor-Hazzan has been recognized in Judaism as a spiritual official. By tradition he is a sheliach tzibbur, viz., the emissary of the congregation before the Almighty in prayer. Indicia of his official recognition in a tangible way are his pulpit and his office in the synagogue.

Regardless of the theoretical power of a Jewish layman, what in fact does Cantor Salkov do and what are his functions? He is a spiritual leader He teaches. He performs pastoral duties. He is the minister-messenger of the Chizuk Amuno Congregation, commissioned and licensed by the congregation and by The Cantors Assembly of America to officiate professionally and regularly in the sacred religious service of the Jewish people. His functions are beyond any "minister of music." He performs what is regarded as the sacerdotal functions of Judaism-the sanctification of the Sabbath and festival wine in the synagogue (compare the Christian Mass and Communion ); he elevates and holds the sacred Torah (compare the elevation of the Host); and he waves the sacred lulay (compare the waving of the palms). For long periods of both prayer and service he is the only person standing at the pulpit. At all times he and the rabbi share the pulpit, Historically and functionally he is a sui generis minister.

Hence, from the thicket of our factual and legal exploration of this issue, we emerge with the conclusion that in these particular circumstances the petitioner, a full-timed Cantor of the Jewish faith qualifies as a "minister of the gospel" within the spirit, meaning and intendment of section 107. Accordingly, we hold that the respondent erred in his determination to the contrary.

Reviewed by the Court.

reference thereto:

Decision will be entered for the petitioners.

a. A Rabbi is not to be considered and should not consider himself as having the status merely of an employer of the Congregation, but is the spiritual leader of the Congregation. called to serve the religious. educational spiritual and pastoral needs of its membership.

C. The Congregation and Its Cantor

The Cantor shall participate in all religious rites and services in the synagogue under the supervisron of the Rabbi.\*\*\*

All public announcements of religious services shall include the name of the Cantor as well as the Rabbi.

The provisions of this Guide under Article 1, subdivision B, entitled. "The Congregation and Its Rabbi," are hereby made applicable to Cantors with the exception of the provision relating to attendance at meetings of the Board of Directors or Trustees of the Congregation. (Emphasis supplied).

# A COLLECTOR'S RANDOM NOTES ON THE BIBLIOGRAPHY OF JEWISH MUSIC

ERIC MANDELL

It is almost inconceivable that only as recently as 1951 was the first extensive bibliography of Jewish music published, for the science of the bibliography of music has a long history. According to Dr. Alfred Sendrey, an early reference to Jewish music already appears in *Bibliotheca instituta et collecta primum a Conrado Gesnero* edited and augmented by Jacob Fries in 1583. During the following centuries, a good number of the bibliographers of Judaica and Hebraica did pay respect to items of Jewish music or recorded literature dealing with this subject.

Finally in 1951, the first bibliography of Jewish music of breadth and scope appeared. This is the work of Dr. Alfred Sendrey entitled, *Bibliography of Jewish Music*, and published by Columbia University Press, New York. The appearance of this volume was surely a revelation to the music librarian who often was at a loss for information on the subject of Jewish music. "It will be a surprise to most of its readers," said the great Curt Sachs who called Sendrey's book an "impressice corpus." Indeed, Sendrey's work marked a milestone in the advancement of research in the history of Jewish music.

However, the contents of the above compilation was not a surprise to this writer who through assembling a collection of Jewish music, sacred and secular, has studied the field for many years. Collecting was the only way to get a picture, even a scanty one, of a vast subject which covers more than two thousand years. I will not go into a critical detailed evaluation of Sendrey's bibliography at this time. However, it should be pointed out that a "first" of this kind cannot be without mistakes or omissions, About three fifths of the 10682 items listed refer to literature, so that only a little more than four thousand numbers are listings of music, either in manuscript or in printed form. About four thousand items, it is worth noting, represent only a beginning of a bibliographical study of Jewish music.

Sendrey himself states, "It may be left to future work to fill in all **gaps that may exist."** And they do exist! I can picture a supplement of several thousand music items that are not listed in Sendrey and were printed before the publication of his work in **1951.** Parenthetic-

ERIC MANDELL. Director of Music at Har Zion Temple in Philadelphia. lecturer. composer. conductor and musicologist. recipient of Kavod Award from the Cantors Assembly of America and founder of The Mandell Collection. one of the largest private libraries of Jewish Music in the World.

ally, Sendrey overlooked a brief, but important attempt of a bibliography of Jewish music, written in Hebrew by Mashe Gorali and published in Tel Aviv in 1950. This booklet lists only about 575 items including music and literature on the subject. Also, Sendrey apparently did not list the complete holdings of the great music libraries in Europe which relate to Jewish music, but only refers to them occasionally. Though he did work in some private collections of Jewish music in America, he missed a number of collections in the hands of composers or cantors in America and elsewhere. In fact, many volumes and sheet music editions in my library bear the notation, "NIS"-not in Sendrey, a term which might serve as the title for any supplement which may be compiled in the future.

In addition, a supplement could include the material of the Central Music Library in Tel Aviv, of the Haifa Music Library, and of the music section of the Jewish National and University Library in Jerusalem. A study of the collection of the Jewish Department of the Royal Library in Copenhagen may shed further light on the bibliography of Jewish music, and intensive studies could be made in the music library of the British Museum and in the music departments of the Bibliothèque Nationale in Paris. Searches in the music archives of Italy and Spain would certainly complement this international investigation.

Still, Sendrey's bibliography is a very important beginning for the bibliography of Jewish music. The many omissions and the number of actual mistakes should not be taken as a minimization of Sendrey's work. However, it should be stated that, generally speaking, investigations into the subject of the bibliography of Jewish music are only in the infant stage.

Sendrey notes that he omitted music which deals with the Yiddish theatre. However, he did recommend a special study of this field. Music written for Yiddish operettas and plays is of significance for Jewish culture and deserves a special treatment. There are the many so-called "operettas" by Abraham Goldfaden which were performed in various Jewish communities throughout the world and attracted a great number of certain masses of the Jewish people. A number of songs of these productions and of other composers in this field, written in folkstyle, became very popular and are still alive. Foundations for bibliographical research were laid in the book (written in Yiddish), *Yiddish Playwrights and Theatre-Composers* by Sholem Perlmutter, published in New York in 1952.

The vast range of Jewish music in its various divisions forms an international picture. As Jewish music was written in many countries, only a world traveler could attempt to compile a comprehensive bibli-

ography on this subject. Since the beginning of the nineteenth century Jewish music was printed regularly, although early printing of Jewish music began in 1518. This brief essay does not provide space to deal with this period. (See Herbert Lowenstein, *Notations of Jewish Music before 1800*, in: *Kirjath Sefer*, Vol. XIX, Jan. 1943, Jerusalem.)

The true collector is an eternal student. (And sometimes vice versa; the serious student is an avid collector!) Only a collector, driven by the quest for undiscovered territory-a collector, who has seen and actually handled thousands of items of Jewish music, will come to this conclusion: the real expert never can make the statement that he knows his subject, As a collector since my student years, I always have been aware of this fact-that any layman, any musician, any music dealer can produce material that almost defies the imagination. This experience pertains especially to Jewish music, which because of the Jews' wanderings through diverse lands, may turn up in any country, in the smallest town, in the most unexpected places. Who will not be exited to find the Lamentation on the Death of Dr. Herzl in a small London bookstore? This Hebrew elegy was published in Rakitno, near Kiev, Russia, in 1904. It was written and set to music by N, M. Jasnogorodsky and arranged for the piano by M. Melnikow, who later changed his name to Milner. (About Moses Milner see Albert Weisser, The Modern Renaissance of Jewish **Music, New** York, 1954.)

Who thinks of a Hebrew songbook, text only, printed in Bagdad in 1925? Who expects a printed lecture with the title, *Hebrew Music*, published in Cape Town in 1914? Who preserves a leaflet of the *Hatikvah* printed in Munich, Germany in 1947 for distribution in a Displaced Persons Camp? Who is familiar with the facts that the first printed music of the *Hatikuah* was published probably in the city of Breslau, Germany in 1895? Who will not be moved when leafing through a small book, Songs *and Poems from the Ghettos and Concentration Camps*, published in Bergen-Belsen in 1946? Who will not be surprised to find the former European writer, Max Brod, as a composer? Incidentally, Brood also published a booklet titled *Israel's Music* in Tel Aviv in 1951. These are only a few random notes on the bibliography of Jewish music.

Let me describe now, briefly, selected items from my collection. For some years a catalogue, arranged according to topics, has been in the making, but it is far from its final form. Further study is needed on the subject of the publishing houses of Jewish music, especially those formerly active in Europe. And here begin the difficulties which arise in collecting sheet music. Music, published in book form, often protected by covers, has a better chance to survive; but sheet music,

used by performers, will deteriorate and often, finally, be thrown away. And the presses are, partly as a result of World War II, no longer in existence. The remainder of their publications either have been destroyed or, when saved are hidden in unknown places.

Yet the present writer found a few music catalogues of the various European publishing houses. These lists provide not only valuable bibliographical material, but also titles to look for. In my card catalogue are represented, among others, the following publishing houses and their publications:

Gesellschaft Für Jüdische Volksmusik in Petersburg, active from 1909-1918, printed about 80 items of music, vocal and instrumental.

Juwal Verlags-Gesellschaft für Jüdische Musik, Berlin, active about 1923-1927, publishing house numbers going up to 180.

JIBNEH- MUSIKVERLAC, JERUSALEM- BERLIN- WIEN- NEW YORK, active about 1922-1943, catologue numbers starting with 301-420.

# UNIVERSAL-EDITION, WIEN

**also published music by** Jewish composers; a number of their items are of Jewish content, as indicated by title. Universal-Edition took over the remainder of Jibneh-Juwal and published a special catalogue under this heading.

EDITION OMANUT, ZAGREB, YUGOSLAVIA, active from 1933-1939, about 20 items only published.

COLLECTION "MIZMOR," EDITIONS SALABERT-PARIS, starting in 1932.

MUSIKSEKTION DES STAATSVERLAGES, MOSKAU, music in my library printed from 19251964.

I conclude this partial listing with the names of other publishing houses of Jewish music, all formerly in Europe and not in existence any more.

R. MAZIN & Co., LONDON.

mostly Yiddish songs( The company is still operating as a bookstore, but stopped publishing music.)

NIGUN, WARSAW (small, but important edition).

MUSIKVERLAC FÜR NATIONALE VOLKSKUNST, BERLIN-HALENSEE, published many artistic arrangements of Yiddish folksongs with piano accompaniment.

J. KAUFMANN, FRANKFURT A. MAIN AND M. W. KAUFMANN, LEIPZIG, both specilized in publishing synagogue music.

With the exception of the last three mentioned companies, all items are being arranged in my library under the name of the publishing house. Some of these editions are nearly complete, wanting are still publications from the **Gesellschaft Für Jüdische** Volksmusik in Petersburg. (The writer would like to have information where a complete set can be found.) Naturally, existing publishing houses of Jewish music cannot be listed here. But serious investigations about non-existing and active Jewish music publishing houses would be of importance for further bibliographical studies.

Often Jewish composers have arranged catalogues of their works. One of the most fascinating examples of this type is a complete listing of all compositions by the late Joseph Achron. His wife, the late Marie Achron, compiled this catalogue with 140 numbers. (This is the life work of Achron, including many musical settings in Hebraic style.)

My card catalogue is arranged according to subjects; let me list a number of them now:

- KOL NIDRE, a collection of over 100 sheet music editions, vocal and instrumental, of this famous sacred chant. (Sendrey lists only about 65 titles. My listings do not include *Kol Nidre* arrangements published in volumes or anthologies of synagague music.)
- ELI-ELI, a collection of about 60 sheet music arrangements of this popular Yiddish song, starting with an American print in 1906. Even Mischa Elman could not escape writing a *Concert Transcription* of this melody for violin and piano.
- HATIKVAH, the Jewish national anthem is represented in my library with about 40 different sheet music arrangements. Mention should be made here of the leading Israeli composer Paul Ben-Haim's choral setting and of the work of a lesser known musician of American origin, Mischa Portnoff, *Variations on the theme of Hatikvah* for piano solo, a work of thirty-one pages!

Folksongs of any nation mirror its history and culture. The collector of Jewish music, assuming that he also is a student of his particular subject, through the years acquires a good picture of the longings, the sufferings, the wanderings and finally, the fulfilled hope of the Jews. In studying the songs of the Jewish people, written in Hebrew, in Yiddish or even in Ladino, a filing of specialized topics is very helpful.

These are a few more topical sections in my library:

### The Idea of Zion

These songs express the longing for the return to Zion. They are printed in many countries. From the contemporary composers, we quote only Darius Milhaud whose song, *Hymne de Sion*, was dedicated to Chaim Weizman, published in Vienna in 1926.

#### . Israel

There are a great number of Yiddish songs dealing with the establishment of a new Israel; many of them were published long before 1948.

#### Pales **tine and Israel**

Many Hebrew songs, depicting the rebuilding of the ancient homeland were composed before **1948.** Among the modern arrangers of these songs we quote Aaron Copland, Paul Dessau, Ernst Toch, and Erich Walter Sternberg.

### Theodor Herzl in Music

These songs either deal with the founder of modern Zionism or are dedicated to him.

# Jewish Workers Songs -Jewish Wedding Music

This is a selection primarily of piano arrangements of folkdances from Eastern Europe.

Alexander Krein, the Russian composer, arranged the popular Hebrew song *Hava Nagilah* for piano as a wedding march.

### Jewish Marches

Most of the marches are arranged for piano. Mihail Jora composed *Marche Juive* pour Grand Orchestra, published in Vienna in 1931.

# Jewish History in Song

Some titles may be indicative:

Dreyfus March (1899)

Kishineff Massacre (1904)

**Der Pogrom** (1906)

The Wandering Jew (1924)

Eternal Refugee (1939)

Hitler's Downfall (1941!)

# Songs of the Jewish Partisans (1946)

Since my arrival in America, I have made special efforts to collect Jewish music printed in the United States. A small part of this collection was displayed through February and March of 1961 in the Exhibit Hall of the B'nai B'rith Building, Washington, D.C. and was

the first showing of this type in America. Special attention was given to a section, *Americana in Yiddish Songs*. The exhibition was a collection of popular sheet music that touched the lives of American Jewry during the last sixty years, recollecting such events such as the *Titanic Disaster*, the depression, and the *Triangle Fire*. B'nai B'rith printed a small catalogue. Parts of the Eric Mandell Library were on exhibit in Philadelphia, Washington, and New York.

The subject of organized displays of Jewish music deserves a special study. Mention can be made here only of the music shown as a small part of the Anglo-Jewish Historical Exhibition held in London in 1887.

The largest exhibit of Jewish music ever held was arranged by the present writer in the Free Library of Philadelphia, February-March 1947. Three hundred items were on display. Examples from the vast range of sacred and secular music were shown, including manuscripts and literature on the subject in various languages. The exhibit spanned several centuries and illustrated the printing of Jewish music in many countries. The mimeographed "Guide" lists, in addition to the displays in wall-cases, 27 showcases, illustrating the history of Jewish music from Biblical times to the present.

The Jewish Museum in New York arranged a special room for the display of Jewish music from the Eric Mandell Collection in October, 1948. This exhibit, originally intended for a short time, was shown for more than two years, without being changed. Special attention was given to the music of the synagogue, including manuscripts.

Smaller exhibitions were held on the occasion of the "Three Hundred Anniversary of Jewish Settlement in the United States of America" in the Jewish Museum in New York and in the Smithsonian Institute in Washington. Also the Curtis Institute in Philadelphia displayed Jewish art music, vocal and instrumental.

In arranging his bibliography, Dr. Sendrey did not make a special classification for "manuscripts." Rather, they are included in their respective topical sections. (Perhaps Dr. Sendrey did not intend to make intensive studies about the locations of manuscripts.) The greatest accumulation of manuscripts of synagogue music is preserved in the "Birnbaum Collection" which forms a part of the Library of the Hebrew Union College in Cincinnati; here may I draw attention to Dr. Eric Werner's article, *Manuscripts of Jewish Mwic in the Eduard Birnbaum Collection*, published in the *Hebrew Union College Annual*, XVIII, 1944. In this study, Dr. Werner especially points out the great importance of Birnbaum's musico-liturgical catalogue, listing all melodies of synagogal songs printed or written in Europe between

1700-1900. Old original manuscripts of synagogue music are hard to find today; Eduard Birnbaum did a great job of search in Europe and was lucky to acquire many of them.

A. Z. Idelsohn published a number of manuscripts in his monumental work of ten volumes, *Thesaurus Of Hebrew Oriental Melodies*. May I note here, for bibliographical purposes, that only the German version of the *Thesauraus* is complete in ten volumes. They were published between 1914 and 1932. Seven volumes have introductions in English, published between 1923 and 1933. Only five volumes, printed in the years 1922-1928, have introductions in Hebrew. (It is significant that the first volume of the *Thesaurus* was published in 1914, the year the First World War started. Volume VII, in English, appeared in 1933, the year Germany slipped officially into the hands of the National Socialistic regime!) The introductions to the ten volumes of the *Thesaurus* are a storehouse of bibliographical annotations, and Idelsohn was a reliable bibliographer.

When I left Germany in 1939, still in manuscript was the greatest anthology of synagogue music ever undertaken. The compiler was Arno Nadel (1878 Wilna, 1943 Auschwitz). Space does not permit even a very brief biographical sketch. Nadel, a man of many talents, was a creative writer and a poet, an artist, a writer on Jewish music and an arranger of Yiddish folksongs. He also composed for the synagogue. I would like to draw attention to the great anthology of synagogue music, seven heavy folios, titled by Nadel, *Compendium-Hallelujah*. He started to work on this compendium about 1923. It was finished on November eight, 1938, with a composition by the compiler, excerpts from psalm 150, for a choir of 13 voices, horn, two pianos, and organ. The original manuscript of this final composition was given to me by Nadel when I left Germany in 1939. It is still preserved in my library.

Nadel's *Compendium* was the work of collecting and a study of a lifetime. I do not know whether a complete index of the work has survived. The anthology deals with the whole cycle of the Jewish musico-liturgical year, quoting excerpts of the most important composers of synagogue music, including Eastern and Western Europe. Although he considered mostly printed works, Nadel also presented a good number of manuscripts which never were published. Nadel's own compositions, among them synagogue music and arrangements of Yiddish folksongs, are preserved in manuscript in my collection. They were passed by Nadel into the hands of gentile friends before his deportation to Auschwitz and have survived World War II. I acquired the estate from the family after the war. These manuscripts

are today documents of an attempt to write synagogue music based on traditional chants.

I also acquired the musical estate of the late Cantor Heinrich Fischer, formerly of Vienna. He was fortunate enough to escape to England in 1938, and he was also fortunate to be able to take his whole collection along. Fischer died in 1948 in Leeds, England. I bought this estate from Fischer's son. Heinrich Fischer was the last cantor of the famous synagogue Seitenstettengasse in Vienna. In his collection, besides rare prints of music, Fischer's personal scores and the synagogue's choir books are preserved.

During the night of November ninth to tenth, 1938, hundreds of synagogues in Germany were burned, and, with them, their manuscript scores, mostly kept in the choir loft, were destroyed. Only those scores survived which either were printed or whose manuscripts copies were taken out of Germany before November, 1938. So the official scores of the Berlin Congregation, printed, have survived. The published music of the Berlin Reform Congregation is also available. I have in my library manuscript copies from a number of congregations: of Vienna, as mentioned before, of Koenigsberg, East Prussia, compiled by Eduard Birnbaum, three folio volumes of synagogue music written around 1900 in Odessa, Russia, and music books used in Hungary. Among the printed scores of larger Jewish communities, I would like to mention London, Paris, and Brussels.

Sendrey compiled under the heading *Jewish Musical Life*, by place, only scanty literary information. (Names of countries or cities are arranged in alphabetical order.) Of great help for bibliographical studies would be a special research into the available scores of synagogue services, as well as into manuscript scores, listing countries and cities. This compilation also could be included in a supplement to Sendrey.

Let me now draw attention to a few manuscripts in my own library which in my opinion are of significance. They deal with synagogue music, especially with cantorial recitatives.

Manuscript Aschkenas is a folio volume of 94 pages, written on heavy ragpaper. Neither the name of the writer nor a date nor a place is indicated. The music is arranged for 3-part or 4-part choir, a cappella. The transliteration follows mostly the Aschkenasic pronunciation, indicating, nevertheless, in some places the Sephardic articulation. The 3-part arrangements are to be sung by a male choir, the 4-part settings are written for a mixed chorus. There are a good number of compositions for various synagogue services, which are, in so far as I can ascertain, not yet in print. It is well to cite for

example a 3-part setting of Kol Nidre, the famous Hebrew chant. The manuscript may have been written about 1830. The writer or copyist was a trained musician, acquainted with Italian musical terms as "Solo *Terzetto*," "*Da capo*," "*Volti subito*," and equally familiar with the writing of the titles in fine Hebrew characters.

Chasanuth Mihol Haschanah, another manuscript, is a complete yearly compendium of old original synagogue melodies, written in Munich, Germany, by the "Bass-Singer," L. Kellermann, in the beginning of the nineteenth century. According to a note in the volume, Kellermann died on August 18, 1843. Of special interest are "die Tabulaturen der Torah und Megilloth fiir die Sabbate, Fest- und Busstage." This manuscript copy was reprinted by I. Z. Idelsohn in vol. VII of the Thesaurus of Hebrew-Oriental Melodies.

At this point I would like to introduce five manuscript volumes of cantorial recitatives which this writer has titled the Mendel *Manuals*.

The size of these volumes, oblong octavo, indicates that they were used during services; the cantor sang from the copy lying on his desk. I acquired the first of these manuscripts from a New York dealer in 1947. According to a statement of the last owner, it came from the city of Heilbronn, Germany and was used there more than one hundred years ago. Of special interest is the fact that the music is written from right to left, as the Hebrew. The text is transcribed in Hebrew letters, not in transliteration. The Hebrew lettering also reveals that the writer was a fine scribe, called in Hebrew, "Sofer." He must have been an excellent musician, too; otherwise, he could not have written down the music from right to left. No name of the writer is to be found in the volume which I acquired in 1947. About ten years later, I bought four more manuscripts in oblong octavo. I recognized immediately a close relationship to the volume just described. There again was the beautiful Hebrew writing, the music running from right to left. This time, the manuscripts revealed the name of the writer and also the place. One of the four volumes was written in Esslingen, Southern Germany. The name of the writer was Mendel. (This, incidentally, was my name in Germany, where I was a cantor.) In one of the volumes is a date of the year 1849. One can assume, judging from the music-writing paper, that some of the volumes were started a good number of years earlier. The writer must have had a remarkable musical memory which enabled him to notate complete services. Together, these five manuscript volumes cover the cantorial chants for the High Holy Days, also an Afternoon Service for the Sabbath, and for the Three Pilgrimage Festivals.

I have checked the *Mendel Manuals* against the manuscripts published in Idelsohn's *Thesaurus*, and I came to the conclusion that they must have escaped the great collector, Eduard Birnbaum as well as A. Z. Idelsohn.

The *Mendel Manuals* not yet described in detail, are, in my opinion, important documents of Western-Ashkenazic Chazanuth. Any composer, who would like to employ traditional synagogue melodies of this provenance will find here a treasure of basic material. I visualize this also in terms of larger orchestral forms. May I close my brief description of these manuscripts with a short note on the writer's artistic abilities. He could not, refrain from illustrating one of the parts with pictures of musical instruments. He even made a miniature picture of a synagogue, possibly his own. In this respect, this particular manuscript may be an "unicum."

There are many more manuscripts of Jewish music in my library which, taking into consideration the nearly complete destruction of Jewish culture in Europe, are today already historical documents and important as source material in investigating a lost musical lore.

Space limits this writer to just a kaleidoscopic survey of his library, introduced by a few random notes on bibliography.

Only a combined effort of a number of bibliographers working in the main music libraries of the world, including the great depositories of Jewish institutions, can create a more comprehensive bibliography. The establishment of an international center for the bibliography of Jewish music would stimulate interest and produce studies in a much neglected stratum of Jewish culture.

Bibliography along with philosophy may be called the mother of all wisdom. And the bibliographers, with their patience, endurance, and diligence deserve a preferred place in heaven, so that they can rest and listen to the music of the spheres sung by the angels. The final "Hallelujah" in reference to the bibliography of Jewish music, is still in the far distant future.

## FROM THE INTRODUCTION TO "KOLYISRAEL"\*

Translated by: Morris LEVINSON

The Hazzan or "Sh'liah Tzibbur in Halacha

The Shulhan Aruch occupies an honored place in religious literature because it. is considered the basic book of Jewish law that codifies the religious life of the Jewish people. The Shulhan Aruch of our precepts and laws by presenting them in a clear, concise and has the explicit function of bringing order to facilitate the study abbreviated manner.

The laws concerning the Hazzan or the Sh'liah Tzibbur, are found throughout the various chapters of the Shulhan Aruch, in addition to the central chapter that deals with him alone. Those laws do not deal with the theoretical aspects of Hazzanut. Hazzanic theory has no relationship to religious law. The laws in the Shulhan Aruch pertaining to Hazzanut govern the study of that art, and the attitude of the Hazzan towards the various prayers during services on weekdays, Sabbath, festivals and High Holydays. The Hazzan occupies a major portion of the Shulhan Aruch of the Rabbi of Liadi. Many chapters in the first part are devoted to the requirements necessary for one who aspires to stand at the Amud. Laws governing the Sh'liah Tzibbur who erred, the demeanor of the Hazzan during the eighteen benedictions and the answering of "Amen." There is an entire chapter in the second part devoted to the "Shatz" who chants the Havdala. Part three contains special chapters devoted to the order of the prayers on Rosh Hashanah and the the Days of Penitence; the readings of the Torah on Rosh Hashanah; the Mussaf service and the blowing of the shofar and various other laws concerning the Festive Holidays.

Objectivity demands that we dwell, somewhat, upon the "laws" governing the profession that were never included in a Shulhan Aruch. A good Hazzan or Sh'liah Tzibbur is the soul of the synagogue. If the Hazzan is qualified; if he possesses a pleasant and cultured voice; is a sensitive musician and a master of nusah; is a serious person and an observant Jew, he is capable of being the force that will draw the congregants to the synagogue-the very religious as well as the not very observant. They will all come to the synagogue and pray together with the entire congregation. The Hazzan is the Sh'liah Tzibbur who serves as the pleading barrister for his congregation and the entire people of Israel at the tribune of the Almighty. The true Hazzan must reach down to the congregation

and inspire it. He must awaken within the breast of each congregant the sparks of holiness and repentance and raise him aloft through celestial prayer. That is the essence of the Rabbinic saying: "D' varim ha yotzim min ha-lev nichnassim el ha-lev" (that which comes from the heart finds entrance to the heart).

The spiritual stance (amidah) at the Amud is of the utmost importance in Hazzanut. Our Rabbis demanded: "Da lifne mi atta omed" (Know before whom you stand). The Hazzan must stand at the Amud with an attitude that is completely serious and pleasant; without an iota of pride but also without dejection or degradation. He should also take advantage of pauses in order to rest, renew the strength in his lungs and avoid dryness in his mouth and throat. The short pauses also enable the Hazzan to clear his mind, thereby adding lustre and beauty to his song.

Declamation (Recitative) is the foundation of Hazzanut. That is the unmetered *Amirah* or *Zogechts* of the Hazzan, without choral accompaniment, that is done with particular attention to the text and accents of the prayer, very often by improvisation. That is a sort of Hazzanic cadence that serves as a true test of the Hazzani's ability to "feel" the prayers and to instill the proper fervor into its words. It also serves as a measure of his knowledge of the proper traditional nusah as well as of his vocal ability. The recitative is of primary importance in Hazzanut. The melody occupies second place. Heartfelt and sincere thoughts can be articulated only through the medium of intimate conversation. The melody is only an embellishment. The Hazzan must therefore pronounce the words of the prayers clearly and distinctly, with his heart and soul, never allowing them to be swallowed in the flow of a melodic line.

Congregational singing is very desirable to the Hazzan. Besides adding a loftiness of spirit to the service, it aids the Hazzan in his duties, particularly during the High Holydays. Those members of the congregation who enjoy participating in the synagogue songs should not be deprived of that pleasure. It would even be worthwhile to teach them various parts of the service beforehand.

And now to the "Laws":

A. We know that prayer takes the place of sacrifices. The Hazzan, standing before the Ark, represents the image of the Kohen as he sacrificed the offering of the people. It therefore follows that his virtues should be akin those of the Kohen and that he be deservant of carrying on that holy service. He should be a modest person, pure in conduct and thought, crowned with a good name and approved of and loved by the congregation. He should have a

sweet and pleasant voice and, above all, he must be adept at reading the Scriptures and the Prophets and know the meaning of all the brachot, prayers and piyuttim of all the days of the year.

- B. The Hazzan should review the prayers and piyuttim from time to time for their meaning and melody, in order that he be ever fluent and unhestitating in their recitation.
- C. The Hazzan must not go to the Amud in soiled or torn clothing. As a matter of fact, he should possess a special garment and head-covering to be worn while officiating at prayer. He should be wrapped in a talit whenever at the amud, including evenings.
- D. The Hazzan must be more careful than the ordinary individual in observing the laws of prayer. He must never sit down but should stand in an attitude of reverence and respect, his feet together and his hands folded, the right over the left. He should not lean to either side or shake his body. look directly at any person or entertain any impure thought. His complete concentration must be directed towards his prayers so that, they may be unsullied and pure enough to absolve the congregation from its collective obligation. His prayers should be delivered with complete composure and gentleness, each word distinct and audible, in strict accordance to its meaning.
- E. When reciting the brachot, the Hazzan must be careful to stop after mentioning the Holy Name so that the congregation may answer: "Blessed by He and blessed His Name" (Baruch Hu Uvaruch Sh'mo). He should also pause at the conclusion of each "bracha" so that the congregation may answer: "Amen." He should pause whenever the congregation is called upon to interpolate, as in the "K'dusha." He must not begin "L' umatam" until after the congregation has answered: "Kadosh." During the prayers that are recited responsively, the Hazzan should not begin a new sentence until after the congregation has responded to the previous one.
- F. The Hazzan should be careful not to multiply the concluding portions of the prayers and the brachot. That is to say, he should not recite a prayer silently with the congregation to its conclusion and then repeat the last, portion aloud. He should, rather, in the silent prayers, proceed more slowly so that when the congregation has finished, he will have reached that point in the prayer which he must conclude aloud. He should also consciously try to begin aloud at the section of the prayer that is closest to the end. When concluding Yotzer Or" he should begin at "Or Hadash" or close to that sentence, in order not to weary the congregation.

- G. If the Hazzan is a Kohen and there are other Kohanim in the synagogue, he should not raise his hands in blessings, nor should he recite: "Elohenu ... barchenu, etc." He should remain silent and one who is neither a Kohen nor a Levi should stand at his side, say "Elohenu ... barchenu" softly, call out "Kohanim" and articulate the priestly benediction. When the Kohanim have finished the Hazzan should resume with "Sim Shalom," etc. Where the Hazzan is the only Kohen present, he should move once from his appointed spot when he begins to recite "R'tze," continue until "Ul'cha na-eh l'hodot." go up to the rost-urn and recite the Blessings of the Priests. Someone else should call out "Yevarechecha, etc." after which the Hazzan should conclude with "Sim Shalom."
- H. If a Hazzan should suddenly become weak and be unable to continue, another should stand in his place and begin at the point where the Hazzan stopped. If the Hazzan stopped during the intermediate prayers of the Shmoneh Esre, he who continues should commence at the beginning of the benediction during which the Hazzan stopped. If it occurred during the first three brachot of the "Shmoneh Esreh," he should start from the beginning. If during the last three brachot he begins with "R'tze."
- I. When the Hazzan reads the Torah, he should be careful not to recite even one syllable by heart, hut to read from the scroll.
- J. The Hazzan who prolongs the prayers with melody for the sake of heaven and in honor of the special day, thereby giving thanks and praise to the Creator, is to be blessed. He who lets his voice be heard for his own honor and to gain favor in the eyes of the listeners, is indecent and ugly and fit to be called "an impious hypocrite."
- K. When the Hazzan is engaged in song he should be very careful not to separate those syllables that should be joined nor to join those syllables that should be apart. He should not inordinately stress or lengthen certain syllables so that the text may lose its meaning. He should not prolong the melodic cadence at the conclusion of a prayer so that the congregation will not answer "Amen" prematurely. He should, however, so arrange his melodies, with good taste and intelligent reflection, so that they will correspond precisely with the syllables and the true meaning of the text of each prayer. He should, in any event, not prolong his singing to excess in order not to overburden the congregation.
- L. Our brothers in the Sefardic communities observe the ancient forms The Hazzan recites all the brachot, piyuttim and t'fillot aloud

and the congregation follows him softly: two prominent men of the congregation stand at the Hazzan's right and left as did Aaron and Hur at the side of Moses when he stood in prayer during the war with Amalek. The Ashkenazim do not have that custom. The Hazzan only begins and concludes. The congregation recites the prayers aloud and not in unison. Everyone must therefore be careful to keep abreast of the place in the Siddur and the procedure of the service. Those congregations that have instituted congregational singing have done well indeed for they have brought order into the cacophony and given a unified direction to the individual prayers of the many.

M. The return of the Exiles that commenced with the rebirth of the State of Israel has brought the Ashkenazic and Sefardic communities closer one to the other. It is to be hoped and greatly desired that we may learn from one another that which is good and correct according to the Halachic precepts formulated by our Rabbis in the Talmud. We hope, too, that the exchange of information may lead to the correction of many errors in our nushaot that were caused, through the years, by unknowing printers and were perpetuated inadvertantly and unthinkingly. We shall then, perhaps, become once again, one community, all members of one synagogue and users of one Book of Prayers.

#### The Laws of Sabbath:

N. It is desirable, on Friday afternoon, to read the Torah portion of the week-twice directly from the scripture and once in translation (targum). There are many who customarily read the "Song of Songs" afterward.

- 0. "Kabbalat Shabbat" is the Song of Praise to the Sabbath Queen. Its hymns are cries of rejoicing and glory. The song "L'cha Dodi" is full of the longing of the congregation of Israel for its beloved, the Sabbath.
- P. It is customary to increase the songs on Sabbath Eve and thereby to thank the Almighty for the great gift of the Sabbath.
- Q. We prolong the chanting of "V'hu Rahum" and "Barchu" at the conclusion of the Sabbath in order to lengthen the holiness at the expense of the secular. After Havdalah is chanted over a cup of wine, we escort the Sabbath Queen with songs that were composed especially for that occasion.

R. It is also customary to arrange a special feast at the conclusion of the Sabbath, called M'laveh Malkah (Escorting the Queen) during which all the songs of that special evening are sung.

#### The Lows of Rosh Hodesh:

- S. Rosh Hodesh is separate from the other days of the month. Special sacrifices were offered on that day when the Holy Temple existed in Jerusalem. Today we recite the "Mussaf" in place of those sacrifices.
- T. On the Sabbath preceding Rosh Hodesh the Hazzan announces the day of the week on which Rosh Hodesh will be celebrated.

#### The Laws of the Festivals:

- U. When the evening of a festival occurs on the Sabbath, the Hazzan does not recite the hlaariv and the Piyyut from the *Mahzor* by the light of a candle.
- V. On the morning of a festival we go to the synagogue a bit later than usual in order to afford more time for the preparation of the festival meal in the morning rather than upon returning home. The prayers in the synagogue are not lengthened so that we may emerge early and rejoice in the festival at greater length. Hazzanim who prolong the service past the noon hour should be admonished.
- W. The reason for reciting Hallel on the night of Passover in the synagogue, including the opening and closing benedictions, is that the opening b'racha is not recited prior to Hallel during the reading of the Haggadah. Hallel is recited in the synagogue so that the benediction need not be recited at home. The psalms recited at the table are not meant to be the Hallel but merely individual songs of praise. The opening benediction is therefore not then recited.
- X. The Hazzan begins with "Ha-El B'ta-atzumot" on festivals because that prayer is a reminder of the exodus from Egypt and tells us of the mightiness of His strength.
- Y. The Hazzan dons his white robe (Kitl) at the Prayer for Dew (Tal, on the first day of Pesach) and at the Prayer for Rain (Geshem, on Shmini Atzerat). The white robe is calculated to bring the Hazzan to a state of religious fervor and to arouse within his heart compassionate feelings for his fellow man and his daily needs.

The Sh'liah Tzibbur has aroused a great deal of interest in the Responsa literature. Rabbi Moshe Mintz devoted a special response to the question concerning the Sh'liah Tzibbur in his "Sefer Sh'elot Ut' shuvot L'harav Moshe Mintz, Lwow 1851" that was directed to him by the community of Babenberg. The question concerned the deportment of the Sh'liah Tzibbur, how he should be judged, the goal of prayer, order of service, the adjustment of his clothing during prayer, his concentration on the prayers, his fluency in them, his complete belief in the efficacy of his prayers, etc. Rabbi Mintz answered all the questions and he concludes with an explanation questions that were asked of him. He concludes with an explanation of how the Sh'liah Tzibbur should be judged and his relationship to the congregation. After a great deal of earnest deliberation, in accordance with Halacha, and an appraisal of the Hazzan, he confers upon the latter the responsibility of carrying out the duties of his holy office in relationship to his congregation.

The prayers of the Sh'liah Tzibbur at the Amud have always required extra preparation. There is a special supplication for the Sh'liah Tzibbur in one of the prayer hooks that the Hazzan is required to say prior to his going up to the Amud. It reads as follows:

"I beseech Thee. my God and God of my fathers. Be of assistance to me as I stand in prayer for myself and for Thy people, the House of Israel, and remove from my mind all varieties of strange thoughts and anxieties so that my thoughts be not confused. And strengthen my heart so that my devotion may be directed to Your Holy Name and my service be consecrated; that I should have only good impulses and not be ruled by the evil inclination. And let my heart love and revere Thee so that I may stand before Thee to serve and to sing in Thy name. And may the words of my mouth and the meditations of my heart be acceptable before Thee, my Rock and my Redeemer. Amen."

The editor of the anthology is the well known expert on hazzanut and cantillation, M. S. Geshury. Much of the music is the work of the late revered hazzan and teacher of hazzanim, Solomon Rawitz.

<sup>\* &</sup>quot;Kol Yisrael" is a two volume anthology of hazzanic material for the liturgical year published by the "Bilu" Synagogue and Cantorial Seminary in Tel Aviv, Israel in 1964. The Introduction is, in fact. a comprehensive review of the history and development of hazzanut.

### PIRKEI HAZZANUT

M AX WOHLBERG

It was, of course, inevitable that since the survival of our Siddur was due, in the main, to the retentive memories of the ancient Shelihei Tsibbur, variations in version would result. Even after the codes of Natronai, Saadyoh and Amram were completed, the Babel of minhagim continued because these codes remained in precious few manuscripts and were not easily accessible. Still another reason for the profusion of local customs was the productive period of the Payetanim following in the wake of Yammai, Yosi ben Yosi and Kallir. Thus we had minhagim of Roma, Roumania, Frankfort a. M., Troyes, Provence, Sepharad and its sub-divisions: Castilla, Cataluna, Aragon, the Oriental Sephardic in Constantinople, the Austrian and its branches: Bohemian, Moravian, Polish (Little and Great), Lithuania and Reisen (White Russia), etc.

Analyzing the synagogue music of Ashkenazic Europe, we are surprised at the comparatively few shinuyei nushaot (variations). Especially is this surprise justified because (1) The infusion of new music into the synagogue through the centuries is historically proven; (2) general notating of synagogue music did not begin until the eighteenth century.

The explanation of this curious phenomenon lies, I believe, in the following: (1) A strong attachment and strict adherence to traditional nusah; (2) The new melodies were applied mainly to the incidental and poetic sections of the prayer book, its structural core remaining untouched; (3) Where a violation of proper mode was threatened, the new music was altered to fit into its frame; (4) The liberal and friendly exchange of music among the traveling Hazzanim.

However, even a superficial view will reveal a distinct difference between West European and East European Synagogual music. Closer scrutiny will uncover finer deviations in Germany, Hungary and France on one hand, and in Poland, Lithuania, Ukraine and Bessarabia on the other. Due to persecutions and migrations, these variations were later transplanted into lands other than their origin.

We thus have today portions of the week-day *Shaharit* and *Minha*, the Friday evening service, the *V'shamru*, etc., in both major and minor modes. The *Yishtabah* is placed in the *Ahavah Rabbah* mode by Singer, Sulzer, Deutsch and Wodak, while Lachman, Minkowsky, Bernstein and Lewandowsky, place it in the *Magen Avot* mode.

What is, however, of even greater curiosity, is the fact that the *Adonay Malakh* itself, whose name was utilized to designate a major mode, is written in a minor mode by such men as Nisi Belzer, Rozumni, Nesvizki and Kalechnik. Weisser and Kwartin instinctively modulated from major into minor; Alman and Zemachsohn employ both modes. If this were not enough, Chagy and Schnipelisky write it in the *Ahayah Rabbah* mode.

Outside of Baer, I recall no *Adonay Malakh* in minor among German and Hungarian Cantors. The fact that its major mode was prevalent in Eastern Europe, is attested to by its use by Gerowitch, Nowakowski and Dunayevski.

Birnbaum logically suggested that a proper study of our nushaot ought to be preceded by a thorough consideration of the history of the specific liturgic portions to which they are applied.

Such a procedure, alas, is beyond our abilities, due to the lack of sufficient ancient musical material. And even this material is still awaiting scientific study.

From the material at our disposal, it is fair to assume that, for example, the nusah for the Friday evening service, as recorded in Baer, Sulzer, Wodak, etc., is the correct one. When and how the Friday evening service came to be sung in minor in the Ukraine and in part of Poland, remains uncertain. The preference in the Slovak countries for the minor was no doubt instrumental in this change. It is also probable that the minor mode first used only during Sefira or around Tisha B'Av was later carried over for the entire year. The fact remains that wherever two versions exist, one in major and the other in minor, the former is almost invariably that of Western Europe, the latter of the East.

As a further aid in understanding the variations in nusah, I venture to suggest the following hypothesis: Throughout Jewish literature we find a stress upon hakhana-preparation, anticipation. To mention but a few examples: The Three Days of Separation preceding the Revelation at Mount Sinai; the Talmudic precept--30 days preceding a Festival one is to start studying the laws pertaining thereto; the many Piyutim serving as introductions to the prayers that follow them; the numerous *Hineni Mukhan's* introduced in the 16th Century by Ari Hakodesh (Yitschok Lurie) and his followers, the Pietists of Safed.

This may explain why the chanting of the Haftarah ends on a major note, serving as an introduction to the following benedictions.

For this reason also, I daresay, the last few words of the Torah reading end on a minor note, anticipating the Haftarah which follows in the minor mode. (At first, perhaps, only the passage immediately preceding the Haftarah was ended in this manner. Later this was adopted for the ending of the other portions.)

Similarly, the **Yekum Purkun**, which is sung in major, ends in minor, introducing the minor **Mi Sheberakh**. The latter used to be concluded in major, leading us into the major **Hanoten Teshuah** and the **Yehalelu**. However, on days when it was followed by the minor **Au Harahamin** or the **Yehi Ratson**, the **Mi Sheberah** was concluded in minor

Accepting this theory, we find a ready explanation for some of the discrepancies in the subject of nusah The **Adonoy Malakh** was sung in minor mode for the evening service. Especially would this be true in congregations where the **M'khalkel Hayim**, was followed by the minor **Kogauno**.

There are, of course, numerous problems of nusah which require solutions founded on different considerations. Thus, for example, passages like the *M'khalkel Hayim*, because of their context, were often sung in minor, although the paragraphs preceding and following them were done in major. Discoveries of additional historic material, as well as thorough study of the available ancient manuscripts, will undoubtedly throw more light on this intriguing subject.

#### REVIEW OF NEW MUSIC

ADONOY MOLOCH (Psalm 97) For Cantor and Mixed Voices (S. A. T. B.) and Organ Accompaniment by Lazar Weiner. Mills Music, Inc., N. Y.

Lazar Weiner has been able, in this short piece to combine the best of traditional **nusah** and the sometime harsh dissonances of contemporary musical thought with his own personal style.

Commissioned by Temple Emanu-El in N. Y. and dedicated to Cantor Arthur Wolfson the piece will call for uncompromising accuracy with a good chorus and much strength in the cantorial line. It is strictly constructed music with the many-patterned sequences acting as a strong unifying link.

SILENT DEVOTION AND MAY THE WORDS by Walter Brenner. Transcontinental Music Publications. N. Y.

Mr. Brenner has written a delight-fully restrained organ solo for his "Silent Devotion" with beautiful registration for Pipe as well as Hammond Organ. The short "May the Words" uses an implied Ahava Rabba mode in both melody and accompaniment that may sound somewhat pseudo-oriental. but the writing is effective.

FORGET THY AFFLICTION: Introdurtion to the Sabbath *for Mixed Choir. Solo Voices and Organ* by Herman Berlinski. Transcontinental Music, N.Y.

With a text by Solomon Ibn Gabirol. written in the 11th Century, and a style of composition definitely belonging to the 20th Century Dr. Berlinski shows again that he is much attracted to this fusing of the ancient with the most contemporary and that

he has assumed as his personal **re**sponsibility the creation of grand works for the enrichment of Jewish Music, works of a religious character.

We are grateful that in his position as Organist and Choir Master of the Washington Hebrew Congregation he has singers and musicians of such professional calibre as to give him an expanded workshop in which to experiment, to create and to provide us with musical materials that take a back-seat to no one.

One might surmise from the above that "Forget Thy Affliction" is a difficult piece to perform, and it is. But it will certainly be worth the effort and when its intervals and angular lines are mastered it will be found to have a logic and concreteness that is exceptionally satisfying.

HAVA N'HALELA (A Method for the Recorder, Based upon Israel Folk Tunes) by Tzipora Jochsberger. American Zionist Council.

MELODIES OF ISRAEL (Duets and Trios for Recorders or Other Melody Instruments) Edited by Tzipora .Jochsherger. Shengold Publishers.

Both of these effective methods use composed and folk material of Israel to good purpose. It was a natural process by which this adopted melody instrument of the Israelis, through courses taught by Miss Jochsberger in her own Hebrew Arts School for Music and the Dance in New York, was linked to the present volumes in a series planned by Miss Jochsberger They are arranged for use by students taking formal lessons or studying independently. The songs can be used by teachers to create musical associations to Israeli folkways, natural surroundings, the towns and cities, the Sabbaths and holidays and the general culture of Israel.

Most of the melodies are a bit dated

for those who have been exposed through the years to Israeli *songs* but are good additions. even in those cases, to Synagogue and School Music Libraries.

YIDISHE DICHTER IN GESANG (Yiddish Poets in Song), Edited by Mordecai Yardeini and An Editorial Board. Jewish Music Alliance, N.Y.

Morderai Yardcini and the Jewish Music Alliance have made available a handsomely bound collection of poems by the great Yiddish poets of the late 19th and early 20th Centuries as set to music by a number of composers Among the poets will be found Bialik. Teitelboim, Leivik, Reitzen, Tchernirhovsky, M. L. Halpern and Peretz. The settings are by Helfman, V. Heifetz Emanuel Barkan, Low Rauch. Srhaeffer, Gelbart, Silver, Jasinovsky. Kon, Olshanetzky. Secunda and EIIstein. The majority of settings are by the Editor. Mordecai Yardeini.

Many of the arrangements are practical and among them should be found suitable material for solo voice and piano as well as some good choral settings. One is able to see in as varied a collection as this what has commonly been termed the "Jewishethnic" approach to simple arrangements of folk-character melodies as well as the great difference in their musical worth. depending upon the ability and talents of the arranger.

There are some errors in text as well as in sources; i.e., "Simple Gifts" on page 306 being attributed to Cop-

land when it is a Shaker song arranged by Copland.

It is a worthwhile collection that should be available to every Hazzan.

PRELIMINARY SERVICE FOR SABBATHS AND FESTIVALS: Composed and Arranged According to Traditional Sources by Pinchas Spiro, Published by Beth Am Synagogue, Cleveland, Ohio.

Hazzan Spiro, in his introduction to this pamphlet, speaks of its prime purpose as providing a unified and authentic version of the chanting of "Birkot Hashahar" and "P'suke D'zimra" for Junior Congregations and Bar Mitzvah candidates.

He explains each of the sections and adds that the version which is followed here belongs to the East European Tradition.

A musical analysis of the different modal chants used in each section is clear and specific and can he used to good effect when teaching the chant to either Adults or Children.

The table of contents is in Hebrew characters and each textual musical example in the body of the booklet gives two transliterations, Sefaradit and Ashkenaz. as well as the page, paragraph and *line* of the text in the United Synagogue Prayerbook for Sabbaths and Holidays.

The appendix lists original texts in Hebrew.

It is an exceptionally helpful and useful work, one which we can all use in teaching the chanting of the Preliminary Service to our congregations.

# MUSIC SECTION

Two selections in the mode for Yamim Noraim by Emanuel Kirschner comprise the Music Section of this issue. Future issues will contain a section devoted to reprinting music which is not ordinarily available to the hazzan.



