Ruth Langer

Investigation into the Early European Forms of the Śidduq ha-Din

1 History

The concept of justifying God’s judgement at the time of death by the recitation of appropriate biblical verses appears in tannaitic literature, apparently as a *novum*. *Sifre*, in its commentary on Deut 32:4, records the following teaching regarding the Hadrianic persecutions in the early second century:

When they arrested Rabbi Ḥaninaben Teradion, ... they told him that it had been decreed that he should be burned with his book [Torah scroll]. He recited this verse: ‘The Rock – His deeds are perfect!’ [Deut 32:4a] They informed his wife that it had been decreed that her husband should be burned and that she should be killed. She recited the verse: ‘A faithful God, never false, true and upright is He.’ [Deut 32:4b]. They told his daughter that it had been decreed that her father should be burned and that her mother should be killed and that she should be enslaved. She recited this verse: ‘Wondrous in purpose and mighty in deed, whose eyes observe all the ways of men, to repay every man according to his ways and with the proper fruit of his deeds.’ [Jer 32:19] Rabbi reflected: How great were these righteous people that in their hour of trouble, they were able to summon these three verses of ‘ṣidduq ha-din’ (justifying the judgement), unlike any others in the Scriptures. The three of them justified the judgement with full intentionality ...

*(Sifre Devarim 307; b’Avod. Zar. 17b)*

The term ṣidduq ha-din carries several overlapping valences in ongoing Jewish practice. Here, it obviously speaks to martyrs’ own verbal acceptance before their deaths of their personal fate. The model for Jewish martyrdom, however, came to be another victim of these persecutions, Rabbi Akiva, who recited *shema*’ (Deut 6:4) rather than the verses discussed here. In rabbinic tradition, ṣidduq ha-din also refers to the ritual recitation upon receiving bad news of the blessing *

© 2018 Ruth Langer, published by De Gruyter.

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 4.0 License.
this blessing and the Babylonian Talmud explicitly connects it with receiving news of one’s father’s death (*bBer. 59b*), but without this specific title.¹ This blessing later becomes associated with the ritual of tearing one’s clothing as a gesture of mourning, and a preference for this application apparently underlies the restriction on expressing *ṣiddiq ha-din* before a person has actually died.² Finally, *ṣiddiq ha-din* becomes the name of a liturgical text (or a cluster of such texts) that have at their core precisely the verses mentioned in this *baraita*. This prayer is our focus here. Although the evidence is scanty, there are signs that the prayer underwent not insignificant transformations as it took on the forms found in medieval liturgical manuscripts.

By the time of the Rishonim, this prayer is presumed as one of the few fixed elements of European funeral liturgies, recited in conjunction with burial itself and preceding the burial *qaddish*. Evidence does, however, suggest that this may have been a fairly new custom, even at the time of Rashi. When we look at geonic sources, we see that the prayer’s appearance in the *Seder Rav Amram Gaon* is a later addition, appearing in two different versions in two manuscripts.³ Sa’adya similarly does not mention the *ṣiddiq ha-din* in his prayer-book and is dismissive of the recitation even of *qaddish* at a burial.⁴ Robert Brody notes that the Babylonian Geonim knew of the prayer only from the questions that they received about it;⁵ their answers, therefore, do not really relate to the text of the prayer itself and sometimes show uncertainty about its precise liturgical context. This applies to Rav Naṭronai’s more detailed responsum about the mode of its performance on a minor holiday that looks only to mishnaic precedents and permits the prayer on those days only if it is recited in unison, rather than as a call and response (whether of the same words or of a refrain is not clear).⁶ Similarly, an anonymous geonic responsum suggests that

² Evel Rabbati 3.1.
⁶ Responsum 118. This was widely cited. See, for example, the Meiri to *b.Mo’ed Qat. 27b*. 
this is a prayer recited after returning from the cemetery and that each hazzan recites it however he wishes. The text suggests that this is somehow connected to the birkat avelim or perhaps to the additions to the birkat ha-mazon recited in the house of mourning, or perhaps to the Mishna’s prescription of a liturgy that requires standing and sitting. Support for Brody’s assertion is Rav Haya Gaon’s claim not to know the custom of reciting this prayer at all, and his presumption that any earlier geonic discussions of it were referring to the custom of their questioners, somewhere outside of Babylonia.

Genizah sources support this picture. While there are numerous fragments with the header ‘ṣidduq ha-din’, most of these are piyyuṭim on the general theme of our prayer that could function as eulogy texts as well, with little or no connection to our more fixed liturgical text. Andreas Lehnardt perhaps overreads the evidence when he points to these piyyuṭim, some composed in Babylonia, as proof that the ṣidduq ha-din was recited there (as a fixed liturgical element) by the end of the geonic period. I think it is also questionable, without specific evidence, to presume as he does that the prayer had its origins in the Land of Israel just because it seems not to have originated in Babylonia. As we shall see, the style of the prayer and the variations in its actual text and performance suggest a late and not particularly authoritative origin. See Peter Lehnardt’s article in this volume for the history of this prayer in Italy, a point of possible origin for it in this form, although, especially because of

---

7 Newly Discovered Geonic Responsa and the Writings of Early Provencal Sages, ed. by Simcha Emanuel (Jerusalem; Cleveland: Ofeq Institute, 5755), p. 78, #68.
9 A query posed to Maimonides suggests that this conflation of ṣidduq ha-din and dirges (qinot) was customary before the burial in the courtyard of the synagogue in Alexandria. (Shuṭ Ha-Rambam #161) According to searches in 2010 of the catalogues of the Friedberg Genizah Project and the Institute for Microfilmed Hebrew Manuscripts (and a check of all the fragments listed), one fragment, MS Philadelphia University of Pennsylvania HB Genizah NS12, begins with the opening line of our prayer, ... הָעָזָר תְּמוּנָה בְּכָל פָּעֻלוּ, but the rest of the text appears to differ significantly and offers a refrain כלְּרוֹר אָבָנָה בְּשַׁבֶּה תָּוֶל הֵל. Another version of this text may appear in the badly preserved fragment, MS Paris – Collection Jacques Mosseri II, 268.2. Another fragment, MS Paris Collection Jacques Mosseri IV, 157/1 contains a text beginning כלְּרוֹר הָעָזָר רְשָׁמָת יָבְלָה that has the literary structure that seems to underlie our text (see below). It does not, however, contain any parallel language. A text that consists primarily of a collection of verses contains significant parallels in language, but essentially because its verses appear also in our text. See MS Cambridge University Library Or. 1080.9.2 and MS Manchester, John Rylands University Library MS A 53.
the poetic additions it attracted there, that version subsequently became much more elaborate there than anything known elsewhere in Europe.

Discussions among the Rishonim frequently address whether this prayer may be recited on semi-festive occasions, like at burials during the intermediate days of festivals and on minor holidays when public mourning is forbidden as inconsistent with the joyfulness of the day. One of the most widely cited traditions surrounding this prayer recalls that when at an actual funeral during the intermediate days of a festival, someone protested that the prayer should not be said, Rashi himself recited the *ṣidduq ha-din* as well as the *qaddish* following it, giving the explanation that the *ṣidduq ha-din* is neither an act of eulogizing nor otherwise something destructive of the festive nature of the day; it is fundamentally no more than praise of God and acceptance of the heavenly judgement. Recitation of *qaddish*, even in its special funeral form, was at best a secondary issue in these halakhic discussions; the rabbis understood it to function as a response to the recitation of verses in this prayer and not to be an independent act of mourning. In other words, in Rashi’s late eleventh-century France, people knew a *ṣidduq ha-din* preceding burial whose essential element was its biblical verses, but they were unsure whether to consider its recitation an act of mourning. Other texts, unfortunately not associated with any datable figure, indicate that the Jews of Mainz did not follow Rashi’s precedent, or perhaps, that Rashi was acting counter to their precedent. While we could simply attribute this to the typical, local nature of Ashkenazi *minhag*, the very fact that Rashi had to determine the French *minhag* suggests that recitation of this liturgy was itself a fairly new custom.

---

12 One wonders whether Rashi’s move was pastorally motivated, to avoid distress in the midst of a funeral itself. It was not, however, treated as such in subsequent halakhic discussions.
13 Shu”t Rashi 189:2; Sefer Ha-Orah II, p. 146; Mordekhai, Mo’ed Qat. 838, and numerous parallels.
14 Rosh, Mo’ed Qat. 3.87 documents the various different customs about how this prayer was or was not recited on minor holidays. He notes a difference between Mainz and Worms that appears also in Sefer Ma’ase Ha-Geonim, ed. by Avraham Epstein, Schriften des Vereins Mekize Nirdamim 3. Folge, Nr. 3 (Berlin: Mekize Nirdamim, 1909) p. 49, #58.
15 There was, similarly, some attempt to allow the recitation of the prayer only for important people on these minor holy days. See Sefer Ha-Roqueah, Hilkhot Avelut, #316. R. Yiṣḥaq Ghiyyat indicates that the custom in Spain was not to recite it at all, for drawing the line between different sorts of people (simple people and Moshe Rabbenu) is not legitimate in this situation (Hilkhot R. Yiṣḥaq Ghiyyat, Hilkhot Evel, p. 241). His real concern here is, however, that on these minor holidays, when *taḥamun* is not recited, one also does not recite, at the Sabbath afternoon service, the verses of *ṣidduq ha-din* recited in memory of the Sabbath afternoon death of Moses. This becomes his precedent for establishing the Spanish custom. Naḥmanides rejects this and rules according to Rashi (Torat Ha-Adam, Sha’ar Ha-Sof, ‘Inyan Hoṣa’a, ed. I. Melzer, Zikhron
How was this text performed? Medieval manuscripts are typically very sparing in their instructions for the performance of the texts they record. All versions of the prayer open with the verse, Deut 32:4, that which Rabbi Ḥanania and his wife divided between them. All but the latest French manuscripts indicate that this verse is to function as a congregational response between the other lines. That this instruction is lacking elsewhere may mean only that the scribal tradition omitted it, not that the community performed the prayer differently. One unique Sefardi manuscript (S2) divides the prayer over different stages of the burial process. Two sections of it are recited in the home of the deceased as a liturgical accompaniment surrounding the mourners’ tearing of their clothes before leaving for the cemetery, that is, in a context that all acknowledge requires a ṣidduq ha-din. The remainder is recited at the cemetery before the burial itself. Qaddish follows the burial. Because the liturgy in this manuscript also contains a different content and organization of the lines, we cannot presume that the other two Sefardi exemplars represent the same practice.

There is evidence for significant variation as to where, and hence when, our text is recited. The Tosafist, R. Shimshon of Sens, locates the ṣidduq ha-din in the Mishna’s sede bokhim, a field where the funeral procession customarily halts before the burial at some distance from the grave for people to say farewell to the deceased and to recite this prayer. As the Mishna did not know of the ṣidduq ha-din, we have to assume that this reflects R. Shimshon’s own French reality of the twelfth-thirteenth century.16 This is confirmed in the responsum of a R. Meshullam, presumably of the Rhineland Kalonymide family, and several generations earlier, who presumes that reciting the ṣidduq ha-din requires setting the bier down in the street (that is, in an open place), something forbidden on minor holidays. On these days, therefore, one may recite the prayer only for a very prominent person.17 Apparently in response to this ruling, the Worms community recited the prayer on minor festivals while walking to the cemetery, that is, without setting down the bier, allowing them to recite qaddish at the cemetery itself.18

In contrast, the Rosh and R. Yeruḥam report that Ashkenazi and French Jews recite ṣidduq ha-din and qaddish after forming lines following the burial,
a point at which others (Sefardi Jews?) only recite gaddish (presumably having recited the šiddug ha-din before the burial, but they are not explicit on this point). This is not confirmed, though, by the ruling of their near contemporary, an exemplar of the French rites, R. Yaʿaqov ben Yehuda Ḥazzan of London, who instructs ‘that before they bury the deceased, they stand around him and the Ḥazzan recites ...’. He proceeds to indicate the text, complete with congregational responses of Deut 32:4. The burial follows immediately, suggesting that the locus of this ritual is the graveside. The Ramban’s discussion in his Torat Ha-Adam is not particularly helpful on this point, as he is trying to integrate all his received sources into what is probably a new instruction for his community rather than reflecting on actual custom. In his Orḥot Hayyim, Aharon Ha-Kohen of Lunel, born in Narbonne but exiled to Spain after 1306, describes our prayer as one that the community recites to the mourner in his home immediately after the death, as well as one that is recited during the procession to the grave within the cemetery. Apparently this was the custom of Narbonne. It is plausible that some version of this custom is that reflected in S2. This mélange explains why the Ṭur begins his discussion of this question saying, ‘All these things are dependent on minhag (custom), and therefore each and every place should follow its own custom.’

1 The text

The liturgical composition beginning with Deut 32:4 and entitled ‘šiddug ha-din’ appears in relatively stable and mature forms by the time we can docu-

---

19 Rosh, Mo’ed Qat. 3:86; Rabbenu Yeruḥam, Sefer Toldot Adam we-Ḥavah, Netiv 28, part 2, p. 221d.
20 ‘Eṣ Hayyim, ed. by Israel Brodie (Jerusalem: Mossad Harav Kook, 1962), Hilkhhot Evel, ch. 6, p. 394.
21 Sha’ar Ha-Evel, ‘Inyan Ha-Hathala #46. He suggests the following order for all the customs (without geographical or chronological distinction) that he has listed: after the burial, they go to a place near the cemetery called ‘the place where the family stands’ where the community arranges itself in lines of ten opposite the mourners, petitions for mercy for the deceased, and recites gaddish; then they move to the place where they do the ‘standing and sitting’ and recite brief words of šiddug ha-din during its seven iterations; then they go to a place nearby designated for eulogies and dirges; then to the city square (or the synagogue if a village lacks a square, or to the mourner’s home) where they recite the birkat avelim over a cup; and finally to the home of the mourner to comfort him.
22 Hilkhhot Evel 5. 11. See also the Kol Bo #114 which presents the recitation while walking to the grave as a regional custom; others recite qinot or hashkavot.
23 Yore De’a §376.
ment the medieval European rites. Peter Lehnardt’s article in this volume presents the Italian materials, and I will not enter into them here. Given the focus of this volume, the centre of this discussion will be the rites of medieval Greater Ashkenaz, which I identify as Western Ashkenaz, that is, the Rhineland, Northern France,24 and Eastern Ashkenaz, that is, the ‘Canaanite’ rites, initially of Bohemia and eventually of Poland. These cannot be understood properly, though, without comparison with other rites. Our primary point of comparison will be Spain, although I found only three manuscripts from there, all from the fifteenth century, that contained the prayer. No manuscripts including this prayer of identifiable provenance appear to have been preserved from the medieval Romaniote or non-European rites.25

There is no consistency in any rite as to whether this prayer appears in the siddur or maḥzor, or where it appears, if it does, although it frequently appears along with other lifecycle rituals and/or the prayers in response to a bad dream (הבדת והלאם) and birkat kohanim. Two possible reasons suggest themselves: the total omission of the prayer perhaps reflects a hesitancy to include death-related rituals in siddurim; the inconsistency in its location likely comes because death rituals were introduced into the European siddur after its basic organization had become standardized.26

Clearly, the texts represented in these various rites are related. The western, Rhineland Ashkenazi text, like the rite itself, is extremely stable. The earlier manuscripts already present the prayer as it appears in later prayer-books.27 The only significant variation in the order of its lines is recorded in a comment in a manuscript from Worms that notes the variants in nearby Cologne. We, however, lack any manuscript directly reflecting this custom. In

24 I do not include French manuscripts dated after the fourteenth century because of the final expulsion of that community by the end of that century.
25 A text essentially identical to our Sefardi base text appears in the 1527 Venice printing of the Aleppo siddur (facsimile edition: Siddur Tefillot Kefi Minhag Q"Q Aram Ṣova [Jerusalem: Yad Ha-Rav Nissim, 2007]), pp. 771b–72a. However, this prayer does not appear in either of the surviving manuscripts of this rite. MS Cincinnati Hebrew Union College 407, NLI f 18689 (1410) does include death-related rituals on a folio that may be a later addition at the end, but these begin with a prayer titled birkat ha-shurah directed to the mourners (and followed by the burial qaddish) but not a sidduq ha-din. It is possible that the inclusion of this prayer in the 1537 Venice printing results from Sefardi influence.
26 This organization generally follows that of the Seder Rav Amram Gaon. Ṣidduq ha-din does appear in manuscripts of this text, but in varying forms that are recognizably those of later European rites. See the edition of Daniel Goldschmidt (Jerusalem: Mossad Harav Kook, 1971), II:#156, pp. 186–7.
27 See for instance, Seligman Baer’s Seder ‘Avodat Yisrael (Roedelheim, 1868 and many reprints), p. 586.
Worms itself, line five precedes line four, but these two lines have the same opening word, making this a less significant variant than many. Moving first westwards, we see that all the exemplars of the Northern French rites have a totally different text for line four, a line beginning with the address to God as ha-ṣur (‘the Rock’) in continuation of the theme of the opening lines. Like the Sefardi rites, this rite in most exemplars uniquely clusters toward the end those lines that explicitly echo the Mishna’s blessing of ṣiddiq ha-din (but with a different order and an additional line: 7, 9, 6) and concludes only with a single verse. Jer 32:19 (line 11) usually appears earlier in the composition, and the two Ashkenazi verses (lines 12 and 1328), not mentioned in the baraita, do not appear at all. That this organizational logic appears in Spain, but nowhere else in Ashkenaz, is consistent with the development of local customs in Europe and their tendencies, like linguistic dialects, to blend at the boundaries.29

This also suggests that the precedent for this prayer that shaped all the European rites was received as a model, more than as a fixed composition. While many individual lines appear in essentially identical form from one European rite to another, their order, and which of them are included, varies. Indeed, when we look to the eastern Ashkenazi rite, we see a wide variation, particularly in the second half of the prayer, from a list of verses identical to that of the Rhineland, to lists with significant re-orderings and omissions (though no additions). The Sefardi rites do contain a number of lines identical to the Ashkenazi text, but also include lines that do not at all appear in Ashkenaz, and variants of parallel lines. They also omit altogether the verse recited by Rabbi Ḥanina’s daughter! Nevertheless, even the lines that do not appear in Ashkenaz fit the literary pattern of this prayer. This variation in the order of the lines means that the meanings communicated by the composition as a whole are not fully consistent from one rite or even sub-rite to another.

What is more consistent are the literary characteristics of the prayer. Following their opening verse, all continue with a poetic rephrasing of it, appearing in France and Ashkenaz as: 

28 This is particularly surprising because line 13, Job 1:21b, is itself a justification of the Divine judgement, although it may also be noted that this verse’s language does not inform the rest of the prayer in any way in any of the versions.

29 Although we frequently lack sufficient information to establish the provenance of a manuscript, this conclusion is also supported implicitly by the data gathered and presented in my articles, ‘Sinai, Zion, and God in the Synagogue: Celebrating Torah in Ashkenaz’, in Liturgy in the Life of the Synagogue: Studies in the History of Jewish Prayer, ed. by Ruth Langer and Steven Fine, Duke Judaic Studies 2 (Winona Lake, Indiana: Eisenbrauns, 2005), pp. 121–59; in the appendices of my Cursing the Christians?: A History of the Birkat HaMinim (Oxford; Oxford University Press, 2012); and in a forthcoming article on mapping medieval rites.
The lines, with the exception of two in Ashkenaz (3, 5) and one in Sefarad (8), consist of four rhymed stichs, with the rhyme frequently being more a word play emphasizing the theme than anything more complex. Some lines – all those unique to either Ashkenaz or Sefarad, including line 4 where France and Ashkenaz differ – have proper rhymes rather than repetition or plays on the same word (Ashkenaz 4, 7; France 4; Sefarad 6, 9 11), and two lines lack any rhyme (Sefarad 5, 10). That these lines are those not shared by various rites only underlines the degree to which they do not represent the prayer’s native pattern and may suggest that they are later additions. The list of lines not shared does not, however, include others where the characteristic rhyming pattern is present. Beyond issues of rhyme, there is no metre of any sort. Our exemplar line, like many but not all others, ends with a biblical citation, and many also incorporate earlier in the lines biblical language directly or barely altered, but interspersed liberally with non-biblical phrases. In general, this composition does not approach or even try to imitate the literary standards of a top-flight payyeṭan.

The different traditions, in their own ways, apparently elaborated on a core group of lines, each of which they treated independently. Several lines appear in both places in virtually identical language: אָדָם אֶבָּר שֶׁנֶּה יִדְיָה (‘Whether a person lives a year …’) appears as line 6 in Ashkenaz and 12 in Sefarad and is the line on which the Italian poet, Amittai elaborated; דִּי וּמִתְנָה (‘True Judge …’) appears as line 9 in Ashkenaz and 13 in Sefarad; כֹּל נַפֶּשׁ כֹּל (‘The soul of all the living is in Your hand …’) appears as line 10 in Ashkenaz and 7 in Sefarad. Line 8 in Ashkenaz (ךיטפשמקדציכ'הונעדי, ‘We know, Eternal, that Your judgements are just …’) appears in Italy and in one Sefardi manuscript (S2). Line 3 in Sefarad, beginning לעפורה is a clear cognate to Ashkenazi line 2, beginning לעופלכבםימתרוצה. These lines also all fit the basic poetic model described above. Thus, just over half of the Ashkenazi poetic text is identical to just under half of the Sefardi one. Yet, the degree of difference in what is identifiably the same prayer also indicates the freedom that accompanied the basic model.

30 See Peter Lehnardt’s essay in this volume.
31 5/9 vs. 5/12 of the lines that are not fully biblical verses.
2 Meanings

When we turn to the content of this prayer, we need to ask how it functions as *ṣiddiq ha-din*. While some of its themes obviously fit this context, others do not. The opening verse describes God as a God of judgement, and variations on this language of *mishpat* echo throughout Ashkenazi lines 8 and 9 and Sefardi line 6. A more common theme expresses that God is absolutely in charge of the world, including the action of decreeing life and death. This appears in Ashkenaz, lines 2, 3, 5, 7, and 10, in Sefardi line 4 and 9 (plus Ashkenazi cognates 3 and 7), as well as in several of the biblical verses. The opening verse also describes God as *ṣaddiq*, righteous, that is, decreeing judgement justly, and this specific language echoes in the introductory words of Ashkenazi lines 4 and 5 as well as in lines 8, 9, and 10. In the Sefardi text, this language begins lines 4, 5, and 6 (as well as in Ashkenazi cognates 7, 7a, and 13). The connection between declaring God a *ṣaddiq* and God’s deeds as *ṣedeq* on the one hand and the human action of *ṣidduq* on the other lies in the human recognition of God’s qualities of justice. The explicit language of *din* (judgement) echoes less frequently here, appearing primarily in variations on the language of the rabbinic blessing *barukh dayyan ha-emet* (‘blessed is the true Judge’) in Ashkenazi lines 6, 7, and 9 and Sefardi cognate lines 12 and 13. That this ends the prayer, in Sefarad and France, emphasizes the importance of the allusion in this particular setting. That the Ashkenazi texts scatter the language throughout (except in E3) is more surprising.

What becomes more interesting are the moves beyond a simple acceptance of divine judgement in the prayer. A death has occurred, and it must be accepted. But is this the end of the story? These texts in the forms here examined were all functioning in a wider medieval Christian context with its deep concerns about the fate of a person after death. We know that later funeral prayers, most notably the *El male raḥamim*, also pray most explicitly for a good afterlife for the deceased. Does any of that occur here?

Resurrection of the dead is of course an ancient theme in rabbinic theology and liturgy, and it is here alluded to in the ends of Ashkenazi lines 2 and 6 (= Sefardi 3 and 12) and the beginning of Ashkenazi line 5.

Of more immediate implication, though, is the emphasis throughout this prayer on God’s mercy and willingness to forgive. This theme operates on four levels. First, it operates simply as part of the *ṣiddiq ha-din*, declaring human assurance that God has already acted with justice regarding the deceased; in this sense, it is still simply a praise of God’s qualities, that which various sages found acceptable even on minor holidays. Second, this same language may also operate as a prayer for the deceased, asking God to be merciful and forgiv-
ing in the ultimate divine judgement about this person’s fate. There is an ambiguity in the grammar of this prayer that allows many of its phrases to be read as petitions rather than as statements of praise. Third, the prayer embeds within it overt petitions that God turn this mercy also to the still-living community, a theme that has nothing directly to do with the deceased. Finally, the Sefardi text turns to members of the living community, reminding them how to access this justice and mercy for themselves.

The first two levels are self-evident, implicit in almost every element of the prayer, especially the shared ones, and need no discussion. The third and fourth, however, provide an important key to the history of the text. The petition on behalf of the living community is particularly evident in Ashkenaz in:

- the second half of line 3: תושס הנב לגו תעשה, ורוכפת הנעך כשתיךبيب (‘act out of gracious lovingkindness for us, and through the merit of the one who was bound like a ram’ [i.e., Isaac], listen and act’);
- line 4: ותומך וא תול ואת אבות בני, ותל ראו משילוחו והרומוס (‘please have pity and mercy on parents and children, for Yours is the mastery of forgiveness and mercy’);
- the French version of this line: הבטנא苁רומוסו והRSpecתומעטועטועטועטויו, ותל ליה תדשה הרומוס (‘peer down from the heavenly heights and save the least of the peoples, for with You, Eternal, are righteousness and mercy’);
- the second half of line 5: תולילך וכרוניא למדתא, וריתי ויא עיןך עלייה פוקותא, ותל ראו הרומוסו והרומוס (‘God forbid that You erase our memory; may Your eyes be looking over us, for Yours is the mastery of mercy and forgiveness’);
- line 10’s petition: ויבא תע פלתא צאי יד התאמר למלאך הרחק יד (‘have mercy on the remnant of the flock of Your hand, and say to the angel [of destruction], let your hand be weak!’).

Only the last of these examples has a direct parallel in Sefarad line 7, but that rite contributes its own list in:

- the second half of line 6: עלילך יהוה רחמים, ותל מעשיש דיי (‘His mercy will yearn for us, for we are all the work of His hands’);
- line 8: צער תמים המול רחמים, וששה ברוחמים, ראובך על בני מחרפתום. ובם נא בתשא עמים, ותל איה עמים (‘Perfect Rock, have mercy from on high and act in mercy, like parents have mercy on children. Withdraw Your wrath from the innocent Nurslings and those sealed with Blood [martyrs]; look please to the least of the peoples, for You are full of mercy; and give comfort to the mourners’).
Finally, we find only in Sefarad a set of themes that takes this one step further, giving direction to the living community on how to live their lives to encourage divine mercy for themselves after their deaths. Line 9 encourages the living to perform acts of ḥesed, lovingkindness, and line 10, similarly, to pursue ṣedaqa (justice, particularly economic justice) because ṣedaqa tašil mi-mawet (acts of economic justice, ie, charity, save one from death).

The preponderance of lines expressing the petition for the living community, without parallels between the rites, strongly suggests that these are additions to the original and hypothetical Vorlage. We can argue that they may well reflect the theological needs of the Jewish communities of the High Middle Ages living in Europe. Their introduction reflects an interest in gaining some control over the individual's fate after death, an area of theological competition with Christians.

This reconstruction also helps explain the halakhic move to restrict the recitation of this prayer on minor festivals.32 Where the original prayer was solely a praise of God's justice in the face of the current experience of death, appropriate for recitation even on minor festivals, with these additions it becomes instead a voice of worried concern over the fate, both of the immediately deceased and of the living. The prayer thus ceases to be one of praise, and becomes, as the Shibbolei Ha-Leqet declares in his Italian context, 'full of words that sorrow a person's heart' with the purpose of 'breaking a person's heart and reminding him of his own day of death, in order to humble his inclination.'33 Such a proactive, petitionary prayer is no longer a simple praise of God that may be recited on days when public acts of mourning are prohibited.

3 Appendix

3.1 Critical presentation of Medieval European texts from Ashkenaz and Sefarad

These critical tables use two base texts, the earliest western Ashkenazi text and the Sefardi text that gives the clearest basis of comparison with the other two of similar dates. I do not note differences in spelling, abbreviations, or errors in the transcription of verses, where the intended word is obviously the

32 As discussed by Lehnardt, ‘Tzidduq ha-Din und Kaddisch’, p. 29.
33 ‘Inyan Ḥanukka, #192, ‘Rules of Eulogy, Sidduq Ha-Din and Sustaining the Mourners on Hanukkah; Hilkhot Semaḥot #13’, ‘Rules of the Sidduq Ha-Din that is Recited over the Deceased and the Days on which is is Appropriate to Recite It.’
same. Because of the variation in which lines individual manuscripts include, I indicate the order of the lines and which lines are included separately after the list of manuscripts for each rite. Each manuscript is indicated by its cataloging in its home library as well as by its film number in the Institute for Microfilmed Hebrew Manuscripts at The National Library of Israel (NLI). While there are numerous variants for the text of each line, these are almost entirely those characteristic of orally transmitted or scribal texts and do not change the meaning of the lines or their form except in error. The variations in the order of the lines is much more significant. For ease of comparison, I have divided the critical notes themselves between the three main Ashkenazi subrites and have designated the texts accordingly.

3.1.1 Ashkenazi rites (Western, Northern France, and Eastern)

34 Deut 32:4.
3.1.1.1 Western Ashkenaz

Except in the Worms and Cologne rites (W6), all the manuscripts include all the lines, in the order listed in the base text.

W1. MS Vatican – Biblioteca Apostolica ebr. 329, NLI f 11636 (13c., Western Ashkenazi rite, calendar begins with mahzor 264, year 995 = 1235 CE), ff. 172b–75b = base text with the exception of the French version of line 4.

W2. MS Paris – Bibliothèque Nationale héb. 644, NLI f 11540 (calendar begins with 1264), beginning missing, f. 166a begins in middle of line 7; no significant variants beyond spelling.

W3. MS London – British Library Add. 27556, NLI f 6091 (13–14c.), f. 85a–b, with a few errors in the original manuscript corrected in the margins perhaps by the original scribe and not included in the variants here.

W4. MS Vatican – Biblioteca Apostolica ebr. 336, NLI f 373 (14c., Western Ashkenazi), ff. 40b–41a.

35 Jer 32:19.
36 Ps 92:16.
37 Job 1:21b.
38 Ps 78:38.
3.1.1.2 France

All the lines of this sub-rite appear in the Western Ashkenazi sub-rite and vice versa, with one exception. Instead of the Ashkenazi line 4 (צריך כבל דכרי) this rite’s fourth line continues to echo the opening verse and reads: הלבר והקדצה’הךליכו מחרהוהקדצה’הךליכו. One manuscript also lacks line 8 entirely, and none include lines 12–13, both biblical verses. The order of the lines in the second half of the prayer is also different, with two of the earlier witnesses showing more variety, especially in the placement of line 11 (a verse of Siddiq ha-din), which in this rite tends to be clustered with line 10 instead of presented as a biblical verse concluding the prayer. Lines 9 and 6, with which this sub-rite concludes in five of six exemplars, are those that contain the most specific language of Siddiq ha-din. F1, F2, F3, and F4 call for the recitation of this prayer in an open space outside the cemetery, with the assembled gathered around the deceased, while F5 explicitly places the prayer when the casket has reached the grave but before the burial.
F1. MS Oxford – Corpus Christi 133, NLI f 39535 (12c.), ff. 328b–30a. This text calls for the assembled to repeat line 1 (Dt. 32:4) as a refrain after each line.

F2. MS Sassoon 535, NLI f 9278 (12c.), ff. 145a–146a, Maḥzor Vitry. This text calls for the assembled to repeat line 1 (Deut 32:4) as a refrain after each line.


F4. MS Paris – Bibliothèque Nationale 632, NLI f 31298 (13c.), ff. 71b–72b. This text calls for the recitation of this prayer in the square outside of the cemetery itself by a community that gathers around the deceased. The assembled repeat line 1 (Deut 32:4) as a refrain after each line.

F5. MS Oxford – Bodleian MS Opp. 759, NLI 17724 (13–14c.), ff. 60b–61a. The text calls for a communal response after the first line, but it is not clear what they respond.

F6. MS Moscow – Russian State Library, MS Günzburg 728, NLI f 48037 (14–15c.), ff. 130b–131a. This text is an addition to the original prayer-book and is not well preserved. Too many words are illegible to identify precise textual variants.
Orders of the lines

F1: 1, 2, 3, 4 (French text), 5, 6, 8, 7, 9, 10, 11, 14  
F2: 1, 2, 3, 4 (French text), 5, 8, 10, 11, 7, 9, 6, 14  
F3: 1, 2, 3, 4 (French text), 5, 8, 10, 7, 9, 6, 11, 14  
F4: 1, 2, 3, 4 (French text), 5, 10, 11, 7, 9, 6, 14 (no line 8)  
F5: 1, 2, 3, 4 (French text), 5, 8, 10, 11, 7, 9, 6, 14  
F6: 1, 2, 3, 4 (French text), 5, 8, 10, 11, 7, 9, 6  

3.1.1.3 Eastern Ashkenaz

This sub-rite adds no content to that found in the Western Ashkenazi texts. There is, however, significant variation from one manuscript to another in the order of the lines and sometimes also in what is included. Only one (E6) is fully identical to the western model.

E1. MS Vatican – Biblioteca Apostolica ebr. 323, NLI 372 (13–14c., calendar begins with 1295), ff. 110b–112a

E2. MS Jerusalem – Schocken Institute for Jewish Research 13160, NLI 74219 (1306), no folio numbers, but follows the Purim blessings.

E3. MS St. Petersburg – Russian National Library Evr. I 143, NLI f 51934 (Reel 15), (14–15c., middle Ashkenazi), 2b–3b. This manuscript consists of five folios from the additions made to the end of a siddur.
E4. MS St. Petersburg – Russian National Library Evr. IV 1, NLI f 69479 (1480), ff. 55a–56a, following the wedding blessings

E5. MS Hannover – Kestner-Museum MS 3953, NLI f 69252 (15c.), partial text on recto of folio apparently added at the very end of the prayer-book, verso is blank.


Order of the lines
E1: 1, 2, 3, 6, 7, 8, 9, 10, 5, 4, 11, 12, 13, 14
E2: 1, 3, 2, 6, 10, 7, 8, 4, 5, 11, 12, 13, 14 (no line 9!)
E3: 1, 2, 3, 5, 10, 11, 7, 9, 6, 12, 13, 14 (no lines 4 or 8)
E4: 1, 2, 3, 5, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14
E5: 1, 2, 3, 4, 7, 6
E6: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14

3.1.2 Sefarad

ךדוק הדן

הзор זמרים פעל כל דרכיו ממשתפ את אמוןיה ואת צדיקיוןintoshוה

הזור זמרים פעל כל דרכיו ממשתפ את אמוןיה ואת צדיקיוןintoshוה

לברך זיו במשתפתיון. חנוך נוהים צדיקי בדנים

הזור פעל מי אמר לה ממעתיו. הכל מרעון פעל. כי הוא מורד שיאל

ועל

ץדם זכר לכל משמעי החסיד לכל אחרишעה. שילו בבל תפוצת ערש.

מי אמר לה ממעתיו.

ץדם זכר אם ברךינו על. כי הוא הנכראה צדיק תמיום. כר פעל.

ץדם אתנוריין איש לחסונה פסמי יגן.

ץדם ממשתפ כל דרכינו. ארמה אראתייון. משא פסמי אדם לפנינו. עלינו

יימה חולמי. כי כלננו משעה ידוי

נפש כל כי ביכר. צדם מלאה ימעך. יהם פלטת צא יזר. הצאמר דלמאך

ךזר יזר.

הזור זמרים השומת מפורמים. מעשה בראשם. קצבת על גבם מפורמים.

עזרו רוגליו משללי תמיום, מחקו דמים. הבת נא בקשת עמיום.

כי אחר זלא רוגלי. לאользоватן את שדיהם.

וז הוא זכר כל הזולות ואפסנו ויושע חסך כל כי אן חבר מיאל נעלם

ונעמה על עזיל עולם.

וז הוא לקהל כלosophיון. כי אן לפנינו מעשה פסם. אשרי אדונ רורך צדקה.

تراجع.bottom margin
S1. MS Nimes 13, NLI f 04418 (14c. siddur), ff. 184b–186a, = base text. The prayer here precedes an extensive and elaborate series of additional burial prayers, including an additional prose siddiq ha-din.

S2. MS Montreal – Elberg 24, formerly MS Sassoon College 24 (299), NLI f 9293 (14c.), ff. 179–82. This text divides the prayer over various stages of the pre-burial process as follows:

Lines 1, 2, 3, 4, 13, followed by the instructions: הקורין כלא היריבים לברה

Lines 6, 14, 8, followed by the instructions: ע”ד כה הזומ’ בהח חמה שבית

קברות פとに

Lines 7, 7a, 12, 10, 9, followed by the instructions: הקברות את התמיד

(Lines 5 and 11 do not appear; a line not found in the other manuscripts follows line 7)

S3. MS Oxford – Bodleian MS Opp. Add. Oct. 18 (Neubauer 1133), NLI 16594 (14c., Catalonia), ff. 251a (2–3), 251b (3), 251a (4). The prayer appears here in a larger context of burial liturgies, preceding the hashkava.

Order of the lines: 1, 2, 3, 4, 5, 6, 8, 7, 9, 10, 11, 12, 13