

Philology

Sephardic and Ashkenazi Codes of Jewish Law

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Over the centuries, Jews scattered throughout the world lived and developed in isolation from each other and from other peoples, and preserved the Jewish identity, which was saturated with the culture of the local population. Each Jewish community was distinguished by its customs, traditions, and diverse cultural features. Over time, the largest ethnic branches, such as Ashkenazi Jews, Sephardic Jews, and Mizrahi Jews were distinguished among which certain types of differences in Jewish laws, commandments, and customs were observed. It is widely known that the Jewish nation was saved by religion, devotion to the Torah and holy books, and keeping of laws and commandments, therefore, the study of the codes of laws that regulated the religious, social, and family life of a believer Jew, for centuries acquires a special importance. Jewish law is different and specific from other legal systems and has its origins in ancient documents. It is a whole system of religious and legal provisions. The paper deals with the sources of the Jewish law codes, the basis of the Sephardic Jewish law “Shulchan Aruch” of Rabbi Yosef Karo, and the collection of interpretations of “Shulchan Aruch” of Ashkenazi Rabbi Moses Isserles – “ha-mapah”, which reflects Jewish law following Ashkenazi practice. Karo’s “Shulchan Aruch” and “ha-mapah” introducing Ashkenazi traditions and customs along with Sephardic became a perfect Jewish legal document, obtained the universal status of Jewish law, and became completely acceptable to the Jewish community. The novelty of the current research is the study of the most common abridged versions of the law codes, the source of which is Shlomo Gantzfried’s “Kitzur Shulchan Aruch”. Rabbi Aaron Elashvili compiled a collection of similar laws in Georgian. The comparison of the Georgian version of the “Abridged Shulchan Aruch” with similar collections compiled in other languages and research of the texts revealed that the collections did not exactly follow either the first source or each other, and were compiled according to the priorities of the cultural and social features of the Jewish community for the needs of which they were created. © 2024 Bull. Georg. Natl. Acad. Sci.

legal code, Ashkenazim, Sephardim, Shulchan Aruch, ha-mapah, abridged Shulchan Aruch

Among the Jewish communities scattered around the world, the largest ethnic branches were separated over time, such as Ashkenazi Jews, Sephardic Jews, and Mizrahi Jews, who differed from each other in traditions, rituals, language, and others.

Certain types of differences in Jewish laws, commandments, and customs were attested between them [1: 315].

Over the centuries, the relationship between the Ashkenazi Jews and the Sephardic Jews was of a

different nature, which was mainly related to their residential place, social conditions, and historical context. The relationship between them was sometimes balanced and benevolent, and sometimes acute and full of conflict [2: 266]. One example of their relationship is the tension between the Georgian Jews living in Georgia and the Ashkenazi Jews who settled here in the 19th century [3: 126].

The difference between Ashkenazi Jews and Sephardic Jews is primarily based on their historical origins. Ashkenazi Jews are from Central and Eastern Europe, as well as Russia, and Sephardic Jews are from Spain and Portugal. Part of the Sephardic Jews later dispersed throughout the Mediterranean Basin. Over time, the scope of these terms expanded, and eventually, most European Jews became known as “Ashkenazi” Jews, regardless of their residential country, while “Sephardic” is used freely (especially by non-Sephardic Jews) to refer to all non-Ashkenazi Jews [4].

As the Jewish communities developed independently, many minor differences between them were observed in Jewish laws and customs. Jewish law is distinct and specific from other legal systems and has its origins in ancient documents. Later, in later centuries, the acts contained in the ancient books were developed by the Rabbis. Jewish laws are the entire system of religious and legal provisions of the Jews, which cover the spiritual, social, and family life of a believer Jew and are based on certain normative acts. Among them, first of all, of the written laws the definitions given in the Torah should be mentioned, as well as the laws that were not reflected in the written Torah, although they were given to Moses by God on Sinai. The status of the laws adopted by the sages as a result of the processing of the Torah text and those normative acts that protected the Jews from breaking the law is not inferior to them. The basic sources of Jewish laws are the Old Testament (Torah), and the Talmud, which consists of two main parts – Mishnah and Gemara. The legal component of the Jewish Talmud is *halakha* – a

collection of laws taken from the Torah, Talmud, and rabbinical literature [5:7]. Midrash – is oral teachings and the interpretation and commentary of *halakha*, at all stages of its development, and *kabbalah* – philosophical movement in Judaism. According to rabbinic literature, the Torah contains 613 laws of God, only a part of which was effective at a certain period and later lost its validity. For example, the fulfillment of many laws was possible only in the presence of the temple in Jerusalem. About three hundred laws are viable in modern religious service [6].

For the interpretation of some laws, believers often addressed the Rabbi with questions. The written questions to the Rabbis about the laws and answers to them are called *Questions and Answers* (*she'elot u'tshuvot* in Hebrew) [7: <https://www.oxfordreference.com/display/10.1093/oi/authority.20110803100416312>]. Over time, this tradition became widespread, resulting in the creation of codes of Jewish religious law based on the *answers*. Among them, the most important codex is considered to be “Shulchan Aruch”, which is still a kind of halakhic manual for believer Jews [8: <https://toldot.ru/shulhanAruh.html>].

Two greatest Rabbis of the Middle Ages, Rabbi Yitzhak al-Fasi (“Rif”), Morocco, and Maimonides, who did much to codify the laws, became one of the main authorities of Jewish law among the Sephardic Jews. At the same time in Northern Europe, mainly in Germany and France, there were various great authorities, such as Rabbi Gershom, Shlomo Yitzchak (Rashi), Asher ben Jehiel (“Rosh”), representatives of the Tosafot school and others. Their works were the basis of Ashkenazi law.

Sometime later, Rabbi Yosef Karo wrote his main work on Jewish law – Shulchan Aruch (“The Set Table”), where he first established the laws and commandments of the law. The book was first published in 1564, thus this work became the basis of Sephardic Jewish law and was a reworked version of Karo's earlier work “Beit Yosef” [9: 118].

Yosef Karo wrote in the introduction to “Shulchan Aruch” that his goal was to popularize the oral law and make it easy to use in practical use. He briefly and clearly formulated the main provisions of the book and divided it into 30 issues [10: 383]. The book has the following structure: it consists of 4 important parts, divided into many chapters and paragraphs. It contains such issues as laws of prayer and synagogue, Shabbath, holidays (first part); Kashrut laws; conversion to religion; mourning; laws relating to Israel; laws of family purity and others (second part); laws of marriage, divorce, and laws of related matters (third part); laws related to finance, financial responsibility, damages, as well as the laws of witnesses and others. Together with the comments, this is the most widespread collection of Jewish laws, which is recognized in various interpretations by all movements of Judaism [11: 329].

After Rabbi Karo had written his “Shulchan Aruch”, the great Ashkenazi Rabbi Moses Isserles (he is from Krakow, and is known as “Rema” due to the abbreviation), wrote a collection of interpretations of the Shulchan Aruch, which reflects Jewish law according to Ashkenazi practice.[12: 924]. Having been introduced to Yosef Karo's work and found its resemblance to his work, Rabbi Moses Isserles understood, that the publication would divide the Jewish community – one part would consider the data of Rabbi Karo's “Shulchan Aruch”, and the other one – of Isserles and his choice fell on Karo's book. He did not publish his own book in a completed form, though it was fundamentally important for him to focus on the differences between the two works, which were mainly caused by the Sephardic and Ashkenazi approaches of the two ethnically different authors. Rabbi Moses Isserles wrote the changes as an addition to the Shulchan Aruch and called it ha-mapah which means “tablecloth”. Ha-mapah is actually a commentary on the Shulchan Aruch, which mainly deals with cases when Sephardic and Ashkenazi customs and normative positions differ.

Rabbi Moses Isserles estimated Karo's book as incomplete since the Sephardic author neglected the Ashkenazi traditions (“Minhags”), which the Ashkenazi author considered important. Rabbi Moses Isserles took “Minhag” to a law level and considered the rejection of “Minhag” unjustified, although not all traditions were acceptable to him, therefore he declared absurd “Minhags” unacceptable [13].

Ha-mapah was first published in 1971, and all editions of the Shulchan Aruch published since 1578 include ha-mapah (given with the word: הנהג, meaning “note”) in order to present two rituals together. Isserles' “ha-mapah” inserted in Karo's text stands out from it as a semi-cursive typeface, i.e. “Rashi script”. Karo's “Shulchan Aruch” together with the “ha-mapah” addition and introducing of Ashkenazi traditions and customs along with Sephardic ones, the Jewish legal document became perfect and reached the almost universal status of Jewish law and became completely acceptable to the Jewish society [14].

Despite their different and diverse cultures and customs, Ashkenazi and Sephardic Jews demonstrate considerable similarities in terms of religious practice and generally follow the laws and commandments of “Shulchan Aruch”.

Religious differences are observed in the synagogue (prayer) liturgy: all Jews read prayers in the holy language – Hebrew, although the order of prayers and Ashkenazi Hebrew pronunciation are slightly different from Sephardic one, the synagogue cantillation (hymn/chant) is different, as well as the melodies used in chanting both the Torah and the books of the prophets. Food traditions are also different: Ashkenazi Jews have a custom of not eating rice, legumes, and the like on Passover, while Sephardic Jews do. Many Sephardic people have a custom of not eating fish and milk together. After eating meat, there should be time to pass to eat dairy products. Among them, the life rituals are also different: the slaughtering of livestock among the Sephardic Jews is different from the one of that

of “Ashkenazi” Jews, but only a halakha specialist can notice this difference. Also, Sephardic Jews have stricter kashrut rules (permitted food). Minor differences are observed in other cultural traditions as well [15], although most of them are not religious and are mainly cultural.

And finally, I present another type of collection of laws: the *Kitzur Shulchan Aruch* (Heb. קיצור שולחן ערוך – “abridged Shulchan Aruch”). This is the general name of the halakhic codes written by various authors (Shlomo Gantzfried, Raphael Baruch Toledano, Chaim David Halevi, Ovadia Yosef, and others...). All these books have in common that they are abridged versions of the “Shulchan Aruch” written by Yosef Karo. The most famous in Eastern Europe and Russia is the “*Kitzur Shulchan Aruch*”, which was published in 1864 by Rabbi Shlomo Gantzfried [16]. Due to the book’s relatively small size, ease of presentation, and accessibility, which does not require deep knowledge of the Torah, made this book extremely popular. From this book, any Jew can receive clear instructions about prayer, blessing, Sabbath and holiday laws, kosher foods, and many other obligations. The topics in the book are arranged logically and are easily searchable in different thematic sections. The commandments in the book are presented according to the traditional rules – first, the laws that are performed most often (daily) (prayer, blessing before meals), then the commandments that are performed once a week (Sabbath), the commandments that must be performed several times a year (Rosh Chodesh, fasting and holidays) and finally, commandments that are fulfilled once in a lifetime (birth, circumcision, wedding, death) [17].

There are versions of this book compiled in different languages (There are several editions in Russian [18], English-language collections, and others). It should be noted that separate laws in the collections compiled in different languages follow the first source in terms of content, although they differ from each other in terms of structure, thematic composition, and sequence. During the

research of the texts, the comparison of the “*Kitzur Shulchan Aruch*” compiled in different languages revealed that the collections did not exactly follow the similar initial edition of Shlomo Gantzfried, that is why they are not called translations and were compiled taking into account the priorities of the cultural and social features of the Jewish community, for which they were created.

Among them is the “*Abridged Shulchan Aruch*” compiled by Aaron Elashvili, which is the first work created in the Georgian language on the topics of collections of this kind of Jewish law and is an important publication for Georgian Jews in terms of religious and practical use. In the book, traces of the author’s enormous knowledge and efforts are obvious both in the transmission of the halakhas (laws and commandments) and in their arrangement and clear explanation. One part of the specific laws from the Georgian version of Aaron Elashvili in content repeats similar laws of the above-mentioned collection of Shlomo Gantzfried, although it is completely different in its composition and sequence of issues and corresponds to the “Halakha” (laws) adopted in the “Jamaat” of the Jewish community of Georgia. While compiling the collection, the author took into account the “Halakha” of the Great Gaon Rabbi Ovadia Joseph and the advice and instructions of Rabbi Refael Elashvili from the Georgian Jewish Community. As the author of the collection, Aaron Elashvili, explains, the collection contains “...*the daily life habits of a Jewish person. These rules are divided into three categories depending on their strictness. The first among them is the tasks and prohibitions of the Torah: for example, the Torah commands us to take tefillin (an inseparable attribute of the morning prayer, leather boxes with phrases from the Torah that are worn on the left arm and forehead every time on a non-holiday day); the Torah forbids us to work on Saturday; The second is the commands and prohibitions imposed by the Rabbis: for example, the Rabbis command us to light candles on Hanukkah, the Rabbis forbade us to take and move “muktseh”*

objects (money, stone) on Shabbath... The third is the customs of Israel "Minhags", "Minhags" are not prescribed by the rabbis, but are created in the course of the daily life of the Israeli people and are handed down and formulated from generation to generation." [19. Introduction].

The Georgian "Abridged Shulchan Aruch" presents laws with the following topics and titles: agenda; consecration rules; Kosher Table; Sabbath; Sabbath keeping rule; good days (Israel's Holidays); Pesach; family of Israel; among friends; rules of Abelung (first seven days' mourning); agriculture. The collection focuses on many issues, formulated in a Peculiar linguistic style. I'll name some of them as examples:

For example, the obligation to study Torah is a sacred obligation for every Jew, which is read in the collection of laws as follows: "*The study of Torah is great, because it covers all the mitzvahs (commandments), because only through the study of Torah one will be able to fulfill the mitzvahs perfectly. That is why the study of Torah comes before all the mitzvahs... Every child of Israel is obligated to study Torah, – be it poor, be it rich, be it healthy, be it weak, be it young, and be it very old...*" ("Abridged Shulchan Aruch", chapter 88).

The issue of a Jew's attitude toward his/her parents, which is presented as the fifth commandment in the Ten Commandments, is interpreted as a law in "Abridged Shulchan Aruch". It emphasizes respect and fear for parents: "*The Torah obliges us: Honor your father and mother... a person should fear his/her mother and father. ... What does fearing mean? One should not stand in the place assigned to him/her (for prayer), one should not sit in the place assigned to him/her (at the table). Do not argue with what he/she said, nor resolve the opinion that he/she expressed before him/her. ... Do not address him/her by name. Address him/her only with the words: Father! Mother! Sir! ... What does respect mean? To give them food and drink, to clothe and shelter them, to take them out (for a*

walk), to give them everything in a clear manner..." ("Abridged Shulchan Aruch", chapter 103).

The Torah calls for providing for the needy, for giving alms. Giving alms in Hebrew is called „tzedakah". When a poor person asks, he /she is helped. This opinion is expressed in the law as follows: "*Giving tzedakah is commanded by the Torah, and we must heed this commandment more than of above all other commandments. A person will never become poor by giving tzedakah, and whoever shows mercy to the poor he/she will be shown mercy from above. It is necessary to give it with a smile on the face. If he/she gives in a gruffly manner he/she loses this grace.*" ("Abridged Shulchan Aruch", chapter 89).

The Sages exhort Jews to be honest in their commercial relations with both Jews and non-Jews, which takes the form of the following law: "*...In trade, hiring, and monetary exchange, it is forbidden to deceive Israelite and non-Jew,*" ("Abridged Shulchan Aruch", chapter 108). Or the prohibition of theft and robbery: "*It is forbidden by the Torah to take by force or to steal even a small amount from any Israelite or any non-Jew...*" ("Abridged Shulchan Aruch", chapter 109).

In the Georgian collection of "Abridged Shulchan Aruch," there are not attested some topics that were widely discussed in the original and other similar collections of laws. For example, laws on the relations of Jews with non-Jews, and comments on Judaism in general. It is well known that Jews have been forbidden to marry non-Jews since time immemorial. This approach was given in a peculiar way in the laws of some Jewish communities and was reflected in the collections of laws, although in the Georgian version, these and many other issues are not discussed at all.

Based on the above, between the two main branches of Jews – Ashkenazi Jews and Sephardic Jews, who lived and developed in isolation for many centuries, the differences are mainly cultural, while the revealed religious differences are of lesser importance. Religiosity is the main and funda-

mental feature of the identity of all Jews, no matter which ethnic branch he/she is from, and brings them together, which leads to the fact that from the standpoint of religious practice, both ethnic groups are very similar and in basic matters they follow the laws and commandments of “Shulchan Aruch “. Ashkenazi Jews and Sephardic Jews are one people, with one law, obeying the commandments of

the Torah, and they represent two such branches on which the Jewish people stand firmly.

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ფილოლოგია

ებრაული სამართლის სეფარდული და აშქენაზური კოდექსი

ლ. გულედანი

ილიას სახელმწიფო უნივერსიტეტი, თბილისი, საქართველო

(წარმოდგენილია აკადემიის წევრის მ. შანიძის მიერ)

მსოფლიოში გაფანტული ებრაელობა საუკუნეების მანძილზე ცხოვრობდა და ვითარდებოდა ერთმანეთისა და, ასევე, სხვა ხალხებისგან იზოლირებულად და ინარჩუნებდა ებრაულ თვითმყოფადობას, რომელიც გაჯერებული იყო ადგილობრივი მოსახლეობის კულტურასთან. თითოეული ებრაული თემი გამოირჩეოდა თავისი წეს-ჩვეულებით, ტრადიციებითა და მრავალფეროვანი კულტურული ნიშნებით. დროთა განმავლობაში მათ შორის გამოიყო ყველაზე მსხვილი ეთნიკური განშტოებები, როგორცაა: აშქენაზები, სეფარდები და მიზრახები, რომელთა შორის ფიქსირდება გარკვეული ტიპის განსხვავებები ებრაულ კანონებს, მცნებებსა და ჩვეულებებში. საყოველთაოდ ცნობილია, რომ ებრაელი ერი რელიგიამ, თორისა და წმინდა წიგნების ერთგულებამ და კანონებისა და მცნებების დაცვამ გადაარჩინა, ამიტომ განსაკუთრებულ დატვირთვას იძენს კანონთა იმ კოდექსების შესწავლა, რომლითაც საუკუნეების მანძილზე რეგულირდებოდა მორწმუნე ებრაელის რელიგიური, სოციალური და ოჯახური ცხოვრება. ებრაული კანონი სხვა სამართლებრივი სისტემებისგან განსხვავებული და სპეციფიკურია და უძველეს დოკუმენტებში იღებს სათავეს. იგი რელიგიური და იურიდიული დებულებების მთელი სისტემაა. სტატიაში მითითებულია ებრაული სამართლის კოდექსების წყაროები, განხილულია სეფარდული ებრაული კანონის საფუძველი რაბი იოსებ კაროს „შულხან არუხი“ და აშქენაზი რაბი მოშე ისსერლესის „შულხან არუხის“ ინტერპრეტაციების კრებული – „ჰამაჰა“, რომელიც ასახავს ებრაულ კანონს აშქენაზური პრაქტიკის შესაბამისად. კაროს

„შულხან არუხი” „ჰამაჰჰას” დამატებით, სეფარდულთან ერთად აშქენაზური ტრადიციებისა და ჩვეულებების შემოღებით, გახდა სრულყოფილი ებრაული სამართლებრივი დოკუმენტი, მიაღწია ებრაული სამართლის თითქმის უნივერსალურ სტატუსს და მთლიანად მისაღები გახდა ებრაული საზოგადოებისთვის. მიმდინარე კვლევის სიახლეს წარმოადგენს სამართლის კოდექსებს შორის ყველაზე გავრცელებული შემოკლებული ვარიანტების შესწავლა, რომელთა წყაროს შლომო განცფრიდის „კიცურ შულხან არუხი” წარმოადგენს. მსგავსი კანონთა კრებული ქართულ ენაზე რაბი აარონ ელაშვილმა შეადგინა. „შემოკლებული შულხან არუხის” ქართული ვერსიის სხვა ენებზე შედგენილ ანალოგიურ კრებულებთან შედარებამ და ტექსტების კვლევამ ნათელყო, რომ კრებულები ზუსტად არ მიყვება არც პირველ წყაროს და არც ერთმანეთს და შედგენილია იმ ებრაული თემის კულტურული და სოციალური თავისებურებების პრიორიტეტების გათვალისწინებით, რომელთა საჭიროებისთვისაც იქმნებოდა ისინი.

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