

Torah Study on Christmas Eve

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A fascinating custom exists in segments of the Ashkenazic community, in particular amongst the Hasidim, whose origin is shrouded in mystery. I refer to the practice of not studying Torah on Christmas Eve. This custom is found nowhere in Talmudic or medieval rabbinic literature, and it is difficult to determine when it first came into existence.¹ However, even before attempting this it is appropriate to examine the word “Christmas” and how it is referred to by the rabbinic authors we will be examining.

As far as I can tell, the actual word “Christmas” never appears in all of rabbinic literature. The reason for this is not hard to see, for it is halakhically forbidden to mention the name of an idolatrous holiday when this name expresses the idol’s divinity and lordship.² This would, therefore, suffice for most Jews not to mention

¹ It is also not found in the *Shulhan Arukh*. Louis Jacobs, “Attitudes toward Christianity in the Halakhah,” in *Gevuroth Haromah*, ed. Ze’ev W. Falk (Jerusalem: 1987) XXX, no. 44, writes that Isserles to *Yoreh Deah* 148:12 refers to the custom “only in a very indirect way.” This is totally incorrect as Isserles’ comment has nothing to do with the issue at hand. Indeed, there is no reason to assume that he was even aware of the custom we are looking at. The uncensored text of Isserles, as found in the first edition (Cracow: 1578), reads as follows: **וכן אם שולח דורון לגוי בזמן הזה ביום ח' שאחר ניטל שקורין נייא יאר שיש להם סימן אם יגיע להם דורון**.... In this comment, Isserles is only repeating the formulation found in *Terumat ha-Desben*, referred to in note 5.

² R. Eliezer of Metz, *Sefer Yereim* (Vilna: 1881), no. 245; Mordekhai to *Avodah Zarah*, no. 809; *Shulhan Arukh*, *Yoreh Deah* 147:1–2. Cf. *Sefer Hasidim*, ed. Margaliyot (Jerusalem: 1989), no. 427, that one should even avoid saying “Michaelmas.”

Christmas.³ Of course, even without a clear halakhic prohibition, Jews were accustomed to use derogatory expressions in speaking of elements of the Christian religion. This explains why they often refrained from using the name "Jesus," although as *Haggabot Maimoniyot* points out, there is nothing wrong with saying "Jesus," and the name even appears in the Talmud.⁴

The name for Christmas in rabbinic literature is *Nittel*. Once again, it is impossible to know when this name came into being, but it is already found in a number of medieval texts.⁵ As to the

³ Contemporary halakhists have, however, ruled that it is permitted to use the word "Christmas." See R. Aryeh Ze'ev Ginzberg, *Divre Hakhamim* (Brooklyn: 1986) 217; R. Isaac Ratsaby, *Olat Yizhak*, vol. 2 (Bnei Brak: 1992) no. 159; R. Yehudah Herzl Henkin, "Hazkarat Shem Avodah Zarah ba-Zeman ha-Zeh," *Keshot* (Adar-Nisan: 5756) 4.

⁴ *Avodat Kokhavim* 5:10 (Constantinople, 1509 edition): ובכמה מקומות בתלמוד הזכיר ישו הנצרי ותלמידיו ואין אלוה הגוים יתד ממנו. (The version of *Haggabot Maimoniyot* in the Venice, 1524 edition is almost identical. Current editions are censored.) See also the Vilna Gaon's comment to *Yoreh Deah* 147:3; R. Solomon Lippman Walder in the journal *Va-Yelaket Yosef* 3 (1901), no. 206; and R. Ezriel Hildesheimer, *She'elot u-Teshuvot Rabbi Ezriel* (Tel Aviv: 1969) 207–209. However, it must be noted that although ישו appears in the Talmud, Jesus' proper name, ישוע, does not. This led some, e.g., R. Elijah Levita, *Ha-Tisbbi* (Bnei Brak: 1976) 29b, s. v. ישו, to speculate that since Jews do not accept Jesus as the redeemer (הושיע), the Talmudic sages deliberately altered his name. See also the similar explanations of R. Simeon ben Zemah Duran, *Keshet u-Magen* (Jerusalem: 1970) 4a, the anonymous *Amanah* (Isnae: 1542) 24 (Hebrew section), and the two versions of *Toledot Yeshu* in Samuel Krauss, *Das Leben Jesu nach jüdischen Quellen* (Berlin: 1902) 68, 140. (Others claimed that ישו is an acronym for שמו וזכרו.) It is Maimonides, *Hilkhot Teshuvah* 3:10 (uncensored version), *Hilkhot Avodah Zarah* 10:1 (uncensored version), *Hilkhot Melakhim* 11:4 (uncensored version), who actually refers four times to ישוע. Similarly, Abarbanel refers to ישוע on a number of occasions (other times he writes ישו). See Samuel Krauss, "Le nom de Jesus chez les Juifs," *Revue des études juives* 55 (1908): 148–151, idem., "Yeshu u-Shemo ba-Sifrat ha-Yehudim ha-Me'uheret," *Ha-Shiloah* 45 (1926): 119–130. Incidentally, a number of authors (e.g., Louis Jacobs, *A Tree of Life* [Oxford: 1984] 101) have referred to the above mentioned note of the Vilna Gaon without realizing that his entire comment is taken from the uncensored *Haggabot Maimoniyot*, which he abridged somewhat.

⁵ See Mordechai Breuer, ed., *Nizabon Yashan* (Ramat Gan: 1978) 32; *Hiddushei Talmidei Rabbeinu Yonah* (Brooklyn: 1956) 3; *Haggabot Maimoniyot* (Constantinople and Venice eds.) to *Avodat Kokhavim* 9:2; Eliezer Brizel, ed., *Sefer Agudah to Avodah Zarah* (Jerusalem: 1973) 201; R. Baruch ben Isaac, *Sefer ha-Terumah* (Venice: 1523) 9b (The uncensored version reads: ניתל וקצח ימי הזכרון קצח] שהם בשביל התלוי [העקרים שלהם. *Kol Bo* (Naples: 1490), no. 97 (The censored version

word itself, there is no doubt that its origin is the Medieval Latin *Natale Dominus*⁶ from which the French *Noel* is also derived. Nevertheless, rabbinic authors, not being aware of this, have displayed great ingenuity in suggesting Hebrew sources for the word. As Jesus was commonly referred to as “the hanged one” (התלוי or נתלה), it is only natural that some authors would have seen this as the origin of *Nittel* (ניתל).⁷ Another spelling possibility is נִיטל, which has the connotation of “being taken away.”⁸ This tied in with the notion that Jesus was killed on Christmas, which I will mention later. Since נִיטל is much more common and is also found in the earliest sources, it would appear to be the original form of the word.⁹

reads: יום אידם הגדולים; R. Aaron ha-Kohen of Lunel, *Orbot Hayyim*, vol. 2, ed. Moses Schlesinger (Berlin: 1899) 226; R. Moses of Coucy, *Sefer Mizvot Gadol* (Jerusalem: 1989), “Negative Commandment,” no. 45; R. Israel Isserlein, *Terumat ha-Desben* (Bnei Brak: 1971) *Teshuvot*, no. 195; *Piskei ha-Tosafot to Avodah Zarah*, no. 1 (uncensored version in *Hesronot ha-Shas* [Königsberg: 1860]); R. Eshtori ha-Parhi, *Kaftor va-Ferah* (Jerusalem: 1980) 33b; R. Jair Hayyim Bacharach, *Mekor Hayyim*, vol. 2 (Jerusalem: 1984) 39, quoting *Kizur Piskei ha-Rosh* (Bacharach also laments the fact that Jews referred to Christmas by this term); *Hagabot Minhagim*, in R. Eisik Tyrna, *Sefer ha-Minhagim*, ed., Shlomo J. Spitzer (Jerusalem: 1979) 13, no. 14 (regarding the authorship of these notes, see *ibid.*, 17 of Introduction). This latter source records that the practice was to read *Alenu* out loud on Christmas Eve, although normally, due to what Christians perceived as an attack against Jesus found in the prayer (= מפני הסכנה), it would be read quietly. (Although Jewish apologists always denied that there was an anti-Christian element in *Alenu*, namely, that the word וריק has the same numerical value as ישו, we know that Jews did, in fact, make this connection. See Naftali Wieder, “Be’etyah shel Gematriyah anti-Nozrit ve-anti-Islamit,” *Sinai* 76 [1975]: 1–14.) Finally, it is worth noting that *Tosafot Rabbenu Elhanan: Avodah Zarah* (Husiatyn: 1901) 1a, appears to understand נִיטל as something other than Christmas. Regarding this, see Israel M. Ta-Shma, “Yemei Eideihem,” *Tarbiz* 47 (1978): 202, no. 17.

⁶ *Dies Natali* in old Latin. See *Jewish Encyclopedia*, vol. 9, 318.

⁷ See Brizel, ed., *Sefer Agudah*, 201, no. 4.

⁸ I haven’t found any early Hebrew sources that give this derivation. However, it is attested to by the very learned Johann Eisenmenger in his notorious *Entdecktes Judenthum*, vol. 1 (Frankfurt: 1700) 560. Cf. Brizel, ed., *Sefer Agudah*, 201, no. 4, for a most implausible suggestion as to the origin of the spelling נִיטל. See also Appendix for the fanciful suggestions of R. Eleazar Fleckeles.

⁹ See Ephraim E. Urbach, *Ba’alei ha-Tosafot* (Jerusalem: 1980) 55, no. 85 (called to my attention by Dr. Ephraim Kanarfogel). R. Jacob Hazzan, *Ez Hayyim*, vol. 2, ed. Israel Brodie (Jerusalem: 1964) 329, is the only medieval source in which נואל (*Noel*) appears. Nevertheless, Brodie’s emendation of the text to read נִיטל is entirely unnecessary.

There are different practices with regard to the custom of not studying Torah on Christmas Eve.¹⁰ To begin with, it must be noted that the Lithuanian yeshivot never accepted this practice, and their sages were adamant that Torah study must continue on this night.¹¹ On the other hand, there were those, such as the Hasidic master R. Hayyim Eleazar Shapira of Munkacs (1868–1937), who in addition to not studying Torah would not receive written requests from their *Hasidim* on Christmas Eve.¹² From midnight, however, Shapira would resume his studies, and this seems to be the unanimous practice.¹³ Nevertheless, reflecting common sentiment, he believed that one should refrain from sexual intercourse for the entire night unless one's wife was returning from the *mikveh*, in which case one need only refrain until midnight.¹⁴ This opinion is in no way unusual as there are a number of other halakhists who

¹⁰ I have termed this practice a custom, since that is how it is regarded in the sources. It is a custom of great authority, to be sure, but a custom nonetheless. As far as I am aware, only R. Meir Isaacson, *Mevasser Tov*, vol. 2 (Brooklyn: 1986) no. 73, and R. Gavriel Zinner, *Nit'ei Gavriel: Hilkhot Hanukkah* (Brooklyn: 1994) 247, use the word אסור in their discussion of this issue. (This last source was called to my attention by R. Menachem Silber.)

¹¹ See Judah Elzet (Zlotnik), "Mi-Minhagei Yisrael," *Reshumot* 1 (1918): 350, regarding R. Hayyim of Volozhin, and Abraham Horowitz, *Orbot Rabbenu* (Bnei Brak: 1990), 193, regarding R. Abraham Karelitz (*Hazon Ish*). According to this last source, R. Ya'akov Kanevsky's view was more compromising. While he would continue to study, he would not use any books on this night so that the Hasidim would not suspect him of violating their practice. See also *Halikhot ve-Hanhagot mi-Maran Ba'al ha-Kebillot Ya'akov* (no place, no date) 72, where no such restriction is mentioned. I have been told by many who studied in Lithuanian yeshivot that Torah was studied on Christmas Eve in a manner no different than any other night of the year. For a recent example of Torah study on Christmas Eve serving as an anti-Hasidic provocation, see the report in *Panim Hadashot*, 2 Shevat, 5757. This latter source also reports that there was a toilet paper shortage in Jerusalem and Bnei Brak in the days preceding Christmas Eve. Since a number of Hasidim spend this night cutting toilet paper for use on the Sabbath in the coming year, there was a pre-Christmas Eve run on the product.

¹² Regarding taking *kvitlekh* from Hasidim on Christmas Eve, see also R. Hanokh Henokh Dov, *Lev Sameah be-Hadash* (Jerusalem: 1963) 156.

¹³ Numerous sources say this explicitly. It is also apparent from the opening comments of a responsum of R. Shraga Schneebalg, *Sbraga ha-Meir*, vol. 2 (London: 1976) no. 52: (אחר חצות לילה, כי הי' ניטל) בסי' ד' אור ליום ד'.

¹⁴ R. Solomon Zucker, *Zekher Zaddik li-Vrakhbah* (Kleinvardein: 1938) 31; Y.M. Gold, ed., *Darkhei Hayyim ve-Shalom* (Brooklyn: 1987) 327–328.

also urge a husband to abstain from sex with his wife for the entire night. Some even go so far as to include a woman who has just returned from the *mikveh*.¹⁵

Refraining from sex after midnight is also mentioned by a contemporary author, R. Moses Sternbuch, but for him both this and the question of studying is in the realm of *humra*. According to Sternbuch, the fact that Christians in the United States, Britain, and other Western countries do not attend church on this night in the same numbers as in pre-War Eastern Europe means that the *kelippot* are not as powerful as they once were. Therefore, Jews need not behave in any special fashion on Christmas Eve.¹⁶

Shapira and others in the Slavic lands only took note of the Orthodox celebration of Christmas in early January,¹⁷ which is in accordance with the Julian calendar. For them, the night of December 24 passed as any other night. Shapira does not say what his practice was if Christmas Eve corresponded with Friday night, but from other sources we see that some believed that the Sabbath is able

¹⁵ For those who include a woman who has just returned from the *mikveh* or do not permit her to go at all, see R. Raphael Meldola (1754–1828), *Huppat Hatanim* (Livorno: 1797) 74b; R. Isaac Hirsch Janowski, *Taharat Yisrael* (Petrokov: 1922) 197:3; R. Joshua Wolhender, *Gufei Halakhot*, vol. 1 (Brooklyn: 1980) 45 (in the name of R. Joel Teitelbaum of Satmar). See also R. Moses Stern, *Be'er Moshe*, vol. 4 (Brooklyn: 1975) no. 69, who does not urge abstinence on this night, but adds that המחמיר תבוא עליו ברכה. R. Samuel Wosner, *Shiurei Shevet ha-Levi* (Bnei Brak: 1986) 305, writes: בליל ניט"ל מותר לטבול, אך תשמש אחד הצות. However, it is not clear from this whether sex is only permitted with a woman who has just returned from the *mikveh*. See also R. Isaac Zvi Lebovitch, *Shulhan ha-Ezer*, vol. 2 (Monsey: 1989) 88b, and Zinner, *Nit'ei Gavriel: Hilkhot Hanukkah*, 261–263. With regard to Meldola, it is significant that he is Italian, and according to Isaac Samuel Reggio, the practice of abstaining from Torah study was, at one time, also common in this country. See his letter in *Ha-Shahar* 2 (1871): 433–434. However, Meldola's sources are unclear. The passage I have referred to appears under the following heading (73a): שאר הזהרות על הזווג מהר"ב ח"י [מהרב בעל חמדת ימים] בקונט' ליל אשה שאירע ליל טבילת' and reads: בליל נאד"אל לא תזדקק לבעלה באותה הלילה. צוואת ריה"ח. All of this is most strange, for neither the ethical will of R. Judah the Pious nor *Hemdat Yamim* mention anything about Christmas Eve!

¹⁶ *Teshuvot ve-Hanhagot*, vol. 1 (Jerusalem: 1992) no. 551.

¹⁷ In the twentieth century, Christmas falls on January 7 (Christmas Eve being the night of January 6).

to overcome the evil power of Christmas, thus allowing one to study as normal.¹⁸ However, this view is not universal, and there were numerous rabbis who even refrained from study on the Sabbath.¹⁹

It is most interesting that those who lived in Catholic countries saw the evening of December 24 as the time to refrain from studying Torah, despite the fact that the Gregorian calendar adjustment, which in 1582 omitted ten days from the calendar (i.e., October 5 became October 15), means that, in actuality, December 25 does not commemorate anything. Not all rabbis are aware of the calendrical innovation, but those who are point out that the entire custom is dependant not on when Christmas technically should fall but on when it is actually celebrated. Because of this, there is no absolute answer about when to "observe" Christmas. One's practice must be dictated by the prevailing Gentile custom, be it Catholic or Orthodox.²⁰

With regard to our topic, it is worthwhile to consider a passage found in the Hebrew *Megillat Ta'anit* and later recorded in the

¹⁸ See R. Shalom Perlow, *Mishmeret Shalom* (no place, no date) 27:3; Zinner, *Nitei Gavriel: Hilkhot Hanukkah*, 264. See also R. Joel Teitelbaum (not the Satmar rebbe), *Ozar Minhagei Hasidim* (Jerusalem: 1990) 120, that in Belz and Zhidachov they did study Torah when Christmas fell on the Sabbath: **שאמירת התורה שלהם הוא [!] כתפילה**. In other words, Torah study leads to *devekut*, which is not circumscribed. In addition, there are those who believe one can study as normal in the Land of Israel, since its holiness overcomes the Satanic powers of Christmas. See R. Joseph Lieberman, "Be-Inyan Leil Hagam ha-Nikra 'Nittel,'" in R. Joseph Buksbaum, ed., *Mif'al Moresbet Yabadut Hungaryah* (Jerusalem: 1986), 138–139. Cf. R. Ovadiah Yosef, *Yabia Omer*, vol. 7 (Jerusalem: 1993) 244. Along this theme, see also R. Menahem Kasher, *Ha-Tekufah ha-Gedolah* (Jerusalem: no date) 287ff.; Moshe Hallamish, "Kavim le-Ha'arakhatah el Erez Yisrael ba-Sifrut ha-Kabbalah," in *Erez Yisrael be-Hagut ha-Yebudit Bimei ha-Beinayim*, Hallamish and Aviezer Ravitzky, eds (Jerusalem: 1991) 216–217.

¹⁹ See R. Abraham Horowitz, *Kinyan Torah*, vol. 5 (Jerusalem: 1988) no. 92; Elijah Rot, *Kedosh Yisrael* (Bnei Brak: 1985) 184 (regarding the rebbe of Vizhnitz); Yehoshua Mondstein in *Moriah* 14 (Shevat: 5746) 95 (regarding the rebbe of Lubavitch); Zinner, *Nitei Gavriel: Hilkhot Hanukkah*, 263–264; Teitelbaum, *Ozar Minhagei Hasidim*, 119. See also R. Israel Veltz, *Divrei Yisrael* (Jerusalem: 1980), *Yoreh Deah*, no. 21, that R. Moses Grunwald would not study *Zohar* on a Sabbath-Christmas Eve. On the power of demonic forces on the Sabbath, see Jacob Z. Lauterbach, *Studies in Jewish Law, Custom and Folklore* (New York: 1970) 103, no. 45.

²⁰ See, e. g., R. Menahem Mendel Schneerson, *Teshuvot u-Veurim* (Brooklyn: 1987) 253–254.

Shulhan Arukh.²¹ According to this passage, one is to fast on the ninth of Tevet, although no explanation is offered for this. A number of nineteenth-century scholars, including Zunz²² and S. J. Rapoport,²³ assert that Jews fast because it was on this day that Jesus was born. They were led to this view by a comment of the twelfth century Abraham bar Hiyya, who notes that if one were to accept the Christian reckoning of Jesus' birth – which he, in fact, rejects – the ninth of Tevet coincided with December 25 in the year Jesus was born.²⁴

According to the explanation of Zunz and Rapoport, the fast is, no doubt, to be regarded as a sign of mourning for all the persecution that was committed against the Jews in Jesus' name. Although there is no mention of this explanation before the nineteenth century, it achieved a fairly wide circulation.²⁵ While it is not directly relevant to the question of abstaining from Torah study on Christmas Eve, it does show that as far as Jews were concerned, at least in recent generations, all was not business as usual in the Christmas season.

Another widespread notion in recent rabbinic literature is that the day Jesus was born coincided with the *tekufah* of Tevet. As the *tekufah* of Tevet often falls on January 6,²⁶ it is obviously only authors in the Eastern Orthodox lands that make this connection. Long before the Gregorian adjustment, Emperor Aurelius established December 25 as the winter solstice festival (*Natalis Solis Invicti*) in 274 CE, and there are a number of scholars who believe that December 25 was chosen as Jesus' birthday in opposition to or in competition with this festival. Thus, we have the correspondence

²¹ *Orah Hayyim* 580:2.

²² *Der Ritus des synagogalen Gottesdienstes* (Berlin: 1919) 126.

²³ *Iggerot Shir* (Przemysl: 1885) 202.

²⁴ H. Filipowski, ed., *Sefer ha-Ibbur* (London: 1851) 109.

²⁵ For a very complete article on the issue of fasting on the ninth of Tevet, see Sid Z. Leiman, "The Scroll of Fasts: The Ninth of Tebeth," *Jewish Quarterly Review* 74 (1983): 174–195. To the sources cited by Leiman, one should add R. Solomon Zvi Schick, *She'elot u-Teshuvot Rashban* (Munkacs: 1900), *Orah Hayyim*, nos. 1 and 209.

²⁶ In the twentieth century, three out of every four *tekufot* fall on January 6, with the other occurring on January 7. In the nineteenth century, the *tekufot* were one day earlier.

between December 25 and the *tekufah* of Tevet, which remained unaffected for those who held on to the Julian calendar.²⁷

The connection between Christmas and the *tekufah* of Tevet is so entrenched that often authors will simply refer to the practice of abstaining from Torah study on the night of the *tekufah*, omitting any mention of Christmas.²⁸ One such example is R. Moses Grunwald, who goes so far as to point out that the *gematria* of עת לעשות לה' equals שעה שתקופת טבת נופלת בו הפירו תורתך.²⁹ In other words, at the time of the *tekufah* of Tevet the rabbis make void the law by preventing one from studying Torah.

Still, it is strange that emphasis should be placed on the *tekufah* of Tevet, for often the *tekufah* falls on the morning of January 6, which means that by all rights one should abstain from Torah study on the night of January 5. Nevertheless, the majority practice is to abstain from study on the night of January 6 regardless of when the *tekufah* falls out, and only a minority refrain from study on the night of January 5.³⁰ According to this latter practice, abstention from Torah study is not connected with Christmas Eve. Rather, it is the *tekufah* of Tevet that is determinative. This is certainly very strange, for abstaining from Torah study on the *tekufah* of Tevet was due to its coinciding with Christmas, not vice versa.

It is not at all clear when the connection between Jesus' birth and the *tekufah* of Tevet began to be stressed, but it is probably no

²⁷ However, there is not complete correspondence between the winter solstice (Julian) and the *tekufah* of Tevet, which is calculated according to the system of Samuel. In the twentieth century, the *tekufah* of Tevet falls on January 6 (three out of four years), whereas Christmas in the Julian calendar corresponds to January 7. (*Avodah Zarah* 8a is usually understood to mean that the Jewish reckoning of the *tekufah* of Tevet corresponded to December 25, i.e., the winter solstice according to the Julian calendar. If this were so, how then to explain why the *tekufah* of Tevet now generally occurs one day before December 25 (Julian)? Because of this perplexity, Dr. E.J. Wiesenbergh, a noted calendrical expert, has written to me as follows: "It is not impossible that in BT AZ 8a, re. the Tekufah between the Greco-Roman red-lettered days Saturnalia and Calenda [= 1st January], Tek. Tevet stands for 24 December; seeing that some Romans commenced their Saturnalia on the 17 December.")

²⁸ See, e.g., R. Isaac Lipetz, *Sefer Mat'amim* (Warsaw: 1887) 41b; R. Abraham Sperling, *Ta'amei ha-Minhagim* (Jerusalem: 1957) 500.

²⁹ *Arugat ha-Bosem*, vol. 2 (Brooklyn: 1959) 146a.

³⁰ See Lieberman, "Be-Inyan Leil Hagam ha-Nikra 'Nittel,'" 139-140.

earlier than the nineteenth century.³¹ Indeed, as far as rabbinic literature is concerned, references to the *tekufah* of Tevet with regard to Christmas, not to mention the abstention from Torah study at this time, appear to be lacking before the mid-nineteenth century. In fact, R. Joshua Falk (1555–1614) matter-of-factly points out that the winter nights beginning with the *tekufah* of Tevet are actually specially intended for Torah study.³²

As for the reasons for abstaining from Torah study, let us turn first to R. Moses Sofer. He claims to have heard from his teacher, the famed R. Nathan Adler, that Jews are in mourning on Christmas.³³ Although he does not explain why, this is undoubtedly due to all of the suffering inflicted upon Jews in Jesus' name. The reason for abstaining from Torah study is because it causes rejoicing, which is forbidden for a mourner. This is similar to the mourning that takes place on the Ninth of Av, when one is also forbidden to study. Sofer notes that this reason would explain the widespread practice of abstaining from sex and closing the *mikveh* on Christmas Eve, as is also done on the Ninth of Av when sex is forbidden.

³¹ I have, however, found one early source that does make the connection. See the version of *Toledot Yeshu* published in Johann Jacob Huldricus, *Toldot Yeshua ha-Notsri* (Leiden: 1705) 5: ותהר ותלד לו בתקופת השנה.

³² *Perishah, Orah Hayyim* 238. It should be noted that the Zohar sees the month of Tevet as a bad time. See Zohar, ed. Margaliyot, *Bamidbar*, 259a: עד החדש העשירי דא טבת דהא כדין ימי הרעה הוו. See also Margaliyot's note, ad loc., for parallels. See also R. Hayyim Eleazar Shapira, *Sha'ar Yissakhar* (Brooklyn: 1992) 471, 477–478 (called to my attention by Dr. Louis Jacobs) and the Vilna Gaon's comment in his *Perush al Kamah Aggadot*, printed in Aharon Feldman, *The Juggler and the King* (Jerusalem: 1990) 10a (unpaginated; called to my attention by R. Samuel Flam). However, all this has nothing to do with the *tekufah* of Tevet. In addition, it was not merely the *tekufah* of Tevet but every *tekufah* which was associated with bad luck in the popular imagination. A number of superstitions are recorded with regard to them, and already in the Geonic era people abstained from drinking water at this time. See *Abudarham ha-Shalem*, ed. Wertheimer (Jerusalem: 1957) 311–312 and Wertheimer's notes *ibid.*, 413; Joshua Trachtenberg, *Jewish Magic and Superstition* (New York: 1938) 257–258, and the sources cited on 313, no. 12; Abraham Judah Klein, "Ha-Sakanah li-Shtot Mayim be-Sha'at ha-Tekufah ve-ha-Segulah le-Hishamer Mimenah be-Sifrut ha-Halakhah," in *Jubilee Volume in Honour of Prof. Bernhard Heller*, ed. Alexander Scheiber (Budapest: 1941) 86–100; and Israel M. Ta-Shma, "Issur Shtetiyat Mayim ba-Tekufah u-Mekoro," *Mehkerei Yerushalayim be-Folklor Yehudi* 17 (1995): 21–32.

³³ See also Zinner, *Nit'ei Gavriel: Hilkebot Hanukkah*, 247.

Nevertheless, Sofer rejects this approach, refers to the custom of abstaining from sex and closing the *mikveh* as a *מנהג שטות* that should be abolished, and argues that if the reason for abstention from Torah study was due to mourning this would not cease at midnight. Although it is perhaps surprising that Sofer does not further ask why according to Adler the other mourning prohibitions do not apply, he does question why those portions of the Talmud that are permitted to be studied by a mourner are not studied on Christmas Eve.

Sofer's reason for abstaining from Torah study is somewhat different. If, he says, the Jews were to study as normal until midnight and then go to sleep, it would reflect bad against them in Heaven. Satan could claim that the Jews have gone to sleep while the Gentiles are still awake and praying. Because of this, the practice was that Jews would stop studying Torah early in the evening and sleep until midnight, whereupon they would get up and study the whole night. As has already been mentioned, Sofer regards as baseless and deserving of abolishment the custom of closing the *mikveh* and abstaining from conjugal relations.³⁴

It is noteworthy that Sofer's understanding is lacking any of the mythical elements we shall see in other writers. According to Sofer, there is nothing special about Christmas Eve *per se*. Rather, his explanation is entirely utilitarian. It is also significant that he sees nothing wrong with sleeping until midnight, although it is hard to imagine that Sofer himself did not study Torah at this time. Still, even this is not impossible as it is reported that one of Sofer's leading students, R. Moses Schick, did not study on Christmas Eve.³⁵

Another explanation for the practice is offered by a nineteenth-century *maskil*, Eliezer Zvi Zweifel.³⁶ According to Zweifel, in

³⁴ *Iggerot Soferim* (Tel Aviv: 1970) sec. 2, no. 2, and see H. J. Zimmels, *Ashkenazim and Sephardim* (London: 1976) 159, for important manuscript additions to the published version of the letter. See also *Iggerot Soferim*, sec. 2, no. 3, where Sofer writes: *עמדתי על הנסיון כי אסרנו השחוק על זמן מה ובתוך הזמן הי' ימי חגם*. See also *Hatam Sofer: Derashot* (Jerusalem: 1974) 75b, where Sofer complains about Jewish merrymaking in the Christmas season.

³⁵ Veltz, *Divrei Yisrael, Yoreh Deah*, no. 21.

³⁶ See his additional notes to R. Zvi Hirsch Segal, *Likkutei Zvi* (Zhitomir: 1866) last page. (This explanation is cited by Sperling, *Ta'amei ha-Minbagim*, 500, who mistakenly identifies the source as *Likkutei Pardes*.) See also Teitelbaum, *Ozar Minbagei Hasidut*, 119.

medieval times there was an increased danger of violence against the Jews on Christmas Eve, and therefore, the rabbis ordained that no one was to come to the house of study. In fact, the Hasidic master R. Zvi Elimelekh of Dinov (1785–1841) records that terrible things did happen to Jews on Christmas Eve. For example, when various people tried to study, a dog appeared in front of their homes. He does not explain what this represented, but it no doubt is to be viewed in the context of the popular Kabbalistic identification of Jesus with a dog.³⁷ However, all this is in the realm of the supernatural and has nothing to do with the practical explanation suggested by Zweifel. Indeed, R. Zvi Elimelekh's comments are preceded by a Kabbalistic analysis of the name "Jesus," and he is of the opinion that the reason people do not study Torah on Christmas Eve – which he identifies as the time of Jesus' death – is due to the power of the *kelippah* associated with Jesus.³⁸

To return to the comments of Zweifel, it must be emphasized that whereas this approach may explain why the *bet midrash* was empty, it says nothing about the study of Torah *per se*. Since everyone was to stay at home there is no reason why they could not simply study there. If Zweifel's explanation were correct, one would have to conclude that the general populace mistakenly assumed that since one was not supposed to attend the *bet midrash*, all Torah study was to be abandoned. This is certainly a far-fetched assumption.³⁹

³⁷ See Yehudah Liebes, "Yonah ben Amitai ke-Mashiah ben Yosef," in *Mehkarim be-Kabbalah Mugashim le-Yishayah Tishby*, eds. Yosef Dan and Yosef Hacker (Jerusalem: 1984) 278ff.

³⁸ *Regel Yesharah* (Jerusalem: 1975) 24b–25a. He refers to Christmas Eve as ליל נטילתו ועיקרתו [!] מן העולם. This confirms the accuracy of Eisenmenger's assertion (see note 8).

³⁹ Alter Meir, "Al Issur Limmud Torah be-'Nittel," *Ha-Yebudi* 2 (Dec. 1936) 65, claims without any supporting evidence that the practice began in the Middle Ages before the invention of printing. At this time, the books were all kept in the *bet midrash*, and therefore, staying home was the equivalent of not being able to study Torah. However, this explanation does not explain why after the invention of printing people continued to refrain from study even in the privacy of their homes. Indeed, it is most strange that some who accept this explanation continue to abstain from Torah study, even though the danger of pogroms no longer exists. See, e. g., Teitelbaum, *Ozar Minbagei Hasidut*, 119, who is at pains to stress that the "impurity does not, God forbid, have any power on this night."

In fact, there is no need to give much regard to the explanation of Zweifel. For one, there is absolutely no evidence to support his contention. Furthermore, there is no reason why Jews would have been in more danger on Christmas than on Easter. In addition, if this explanation were correct, one would have expected the rabbis to abolish public prayer on Christmas Eve in order to ensure that people not venture from their homes. Yet there is no evidence that this was ever the case. All this leads me to doubt that "rational" considerations had anything to do with the origin of refraining from Torah study on Christmas Eve.

There is no shortage of Kabbalistic reasons offered to explain the practice. According to Habad texts, one refrains from Torah study on Christmas Eve **כדי לא להוסיף חיות**.⁴⁰ According to tradition, R. Shalom of Belz had his own reason which is as follows. The Talmud says: "Before taking leave of his fellow a man should always finish with a matter of halakhah, so that he should remember him thereby" (*Berakhot* 31a). This passage is supposed to have been interpreted by the Baal Shem Tov to mean "do not take leave of the *deveikut* of God unless you will be studying the halakhah, for only one who is studying is permitted to lose some of his *deveikut*." R. Shalom explains that although this is true on all other nights of the year, on Christmas Eve, when the *sitra ahara* is at its peak and it is crucial that the forces of darkness not triumph over holiness, rather than studying, which would mean a decrease in *deveikut*, one should instead strive for an elevated *deveikut*.⁴¹ This is a good example of

⁴⁰ *Sefer Minbagim: Minbagei Habad* (Brooklyn: 1966) 72. See also the sources listed in *Moriah* 14, 93–94.

⁴¹ Veltz, *Divrei Yisrael, Yoreh Deah*, no. 21. It is doubtful if the Baal Shem Tov would have accepted this explanation or even advanced the Talmudic interpretation quoted in his name. As Joseph Weiss has pointed out, he was a strong believer in synthesizing Torah study and *deveikut*. However, R. Shalom's view would fit in with the approach of R. Menahem Mendel of Premyslan, who believed that Torah study and exercises in *deveikut* cannot exist simultaneously, and the striving for *deveikut* is to be preferred. Thus, he writes: "But we, whose intellect is small, if we divert our attention from *deveikut* to the blessed Name, and study a lot, we will forget the awe of the Lord.... Therefore we should study little and constantly think of the greatness of the blessed Creator, in order to love and fear him." The similarity of this passage with that attributed to R. Shalom is clear. See Weiss, *Studies in Eastern European Jewish Mysticism* (Oxford: 1985) 56–68.

those Hasidic teachers who see the study of Torah and *devekut* as opposing elements. According to them, when one is studying, one cannot achieve true *devekut*.⁴² Having mentioned the Baal Shem Tov, I should also call attention to the view attributed to him that many apostates were conceived from an intercourse that occurred on the night of Christmas.⁴³

Clearly, for both the Baal Shem Tov and R. Shalom of Belz, evil powers are at work on Christmas Eve. As for the latter's rationale for not studying Torah, it is obvious that it only works for segments of the Hasidic camp, and we must remember that Sofer counseled *sleeping* until midnight. If Sofer or any other Talmudist was interested in intensifying his connection with God, the way would have been clear – namely, an *increased* study of Torah!⁴⁴ Still, the fact that there were many non-Hasidim, including well-known Talmudists, who also refrained from Torah study must show that there were other considerations involved, considerations important enough to temporarily push aside the most important Jewish activity.

As was already pointed out, the apparently unanimous opinion is that one should only abstain from Torah study until midnight. However, exactly when one should cease study is not clear. R. Abraham David Horowitz reports that in his father's house the practice was to refrain from study from the time it got dark on December 24 but on January 6 they ceased study from midday.⁴⁵ No reason is given for the difference in practice or indeed why one must "observe" both days, although the double observance is no doubt due to *sefeka de-yoma*. The reason for the lack of study is explained as follows. It is possible that one may study something which Jesus himself studied. This in turn would be of assistance to his soul, which remains in hell.⁴⁶ This notion is related to that found

⁴² This is why it is important for Teitelbaum (see note 18) to stress that for those Hasidim who do study on Christmas Eve, it is as if they are praying and thus achieving *devekut*.

⁴³ *Sefer Baal Shem Tov*, vol. 2 (Brooklyn: 1981) 43a; R. Hayyim Palache, *Yimza Hayyim* (Izmir: 1874) 72b–73a.

⁴⁴ Cf. *Iggerot Soferim*, sec. 2, no. 3.

⁴⁵ See also the various Hasidic practices recorded in Zinner, *Nit'ei Gavriel: Hilkhbot Hanukkah*, 252–255.

⁴⁶ See also Lipetz, *Sefer Mat'amim*, 41b: שלא יעמוד לו זכות תורתו.

in *Sanbedrin* 90b: "R. Johanan said: 'If a halakhah is said in any person's name in this world, his lips speak in the grave.'" This desire to prevent Jesus from receiving any benefit is so great that Horowitz reports that the practice was to refrain from study even if Christmas coincided with the Sabbath.⁴⁷

Well, if students were not to study on Christmas eve, what was there for them to do? Playing cards was certainly a popular diversion, and Gotthard Deutsch, writing in the *Jewish Encyclopedia*, says as follows: "It was also customary among the Jews to play cards on Nittel night, which was explained as being done in opposition to the solemn attention of that evening by Christians, while really it was merely a survival of the old German custom of merrymaking at this festival."⁴⁸ Although Deutsch does not mention anything about abstaining from Torah study, he presumably would also trace its origin to traditional German merrymaking. I shall have more to say about this dubious assumption later. For now I should simply note that R. Moses Sofer also mentions card playing, which he was able to abolish in his community.⁴⁹

⁴⁷ Horowitz, *Kinyan Torah*, vol. 5, no. 92.

⁴⁸ Vol. 9, 318. There are numerous sources which document Christmas merrymaking in Germany. A standard work remains Alexander Tille, *Die Geschichte der Deutschen Weihnacht* (Leipzig: 1893). Paulus Cassel, *Weihnachten: Ursprünge, Bräuche und Aberglauben* (Berlin: 1856), and Clement A. Miles, *Christmas Customs and Traditions* (New York: 1976) also contain much important information. Card playing was just one aspect of the joyful activities and is also known to have been popular in other countries. Regarding England, see Thomas K. Hervey, *The Book of Christmas* (New York: 1845) 141–142.

⁴⁹ *Iggerot Soferim*, sec. 2, no. 3. However, in this letter Sofer points out that by disallowing card playing the masses, out of boredom, were led to commit various transgressions. He therefore withdrew his prohibition as far as they were concerned. Nevertheless, the Torah scholars were not to take part in this activity but were to continue studying as normal. (Presumably, he is referring to those scholars who did not wish to follow his advice about sleeping until midnight.) The Sabbatian Wolf Eybeschuetz was also upset with those who played cards on Christmas Eve. See R. Jacob Emden's report in *Hit'avekut* (Altona: 1762) 72a: כשהגיע ליל כותי אמר וואלף רבותי ראו כל העולם אפילו גאוני ארץ מקלקלין ששוחקים בקארטין בליל הזה אבל מיר וועלין נישט אזו טוהן רק מיר וועלין מחריב זיין קליפות. See also Isaac Rivkind, "Nittel," *Di Tsukunft* 34 (1929): 841; Isaac Samuel Reggio's letter in *Ha-Shahar* 2 (1871): 433, regarding card playing in Italy; A. Eckstein, *Geschichte der Juden im ehemaligen Fürstbistum Bamberg* (Bamberg, no date) 111–112, regarding Germany (including a government attempt to stop the practice in 1767); and Ad. Frankl-Grün, *Geschichte der Juden in Kremsier*, vol. 3.

The question which now needs to be considered is when this custom originated. Because it is mainly the Hasidim who currently follow this practice, it has been recently suggested that its origin lay with the students of the Baal Shem Tov.⁵⁰ However, as will soon be seen, this view is entirely untenable for the practice clearly predates the rise of Hasidism. How much it predates it is what needs to be determined. When that is answered we will be better able to understand the true reason for the custom.

In solving these problems, it is important to collect all available authentic evidence. This means that unsubstantiated reports about this practice, such as its mention in a manuscript that is said to have been copied from another work dated 1466, must be disregarded until real documentation is available.⁵¹ Similar caution must be exercised when dealing with all second-hand reports. A prime example of this is the story that a priest asked R. Jonathan Eybeschuetz how it was that Jews abstained from Torah study on Christmas Eve when the *Mishnah* (*Avot* 1:2) says that the world stands upon three things, one of them being Torah study. Eybeschuetz explained to the priest the principle of *Minhag Yisrael Torah* and that, therefore, the fact that Jews do not study on this night is also considered a fulfillment of the Torah.⁵²

(Breslau: 1901) 46, no. 1, for a 1708 Jewish communal ordinance forbidding games of chance that, however, adds the following: "ausgenommen Wey Nachten kämen alle Jungen undt Alten frey Spihlen." The apostate Paul Christian Kirchner, *Jüdisches Ceremoniel* (Lauban: 1717) 43, claims that Jews continued playing cards and dice for fourteen days after Christmas (four days according to the 1726 Nuremberg edition, 135), because Jesus himself used to play. (Incidentally, Kirchner identifies himself as a former rabbi.) In the 1726 Nuremberg edition of Kirchner's book, there is the following comment by Sebastian Jacob Jungendres with reference to Jews playing cards on Christmas Eve: "If they show this lack of consideration it is evident that they only wish to abuse our esteemed Savior, and the Christian authorities would have great cause to prevent these insults, especially by forbidding them from playing during this time" (135).

⁵⁰ Lieberman, "Be-Inyan Leil Hagam ha-Nikra 'Nittel,'" 134.

⁵¹ See R. Issachar Dov Babad, *Ozar Yad ha-Hayyim* (Lvov: 1934) no. 88. The same author reports a tradition that R. Samuel Edels (1555–1631) did not study on Christmas eve. However, once again we are not provided with first-hand confirmation of this. Indeed, in this case the author does not even tell us where he saw this report.

⁵² Yoetz Kayyam Kaddish, *Siab Sarfei Kodesh* (Petrokow: 1923) 48a. See also R. Abraham Hirschowitz, *Ozar Kol Minhagei Yeshurun* (Jerusalem: 1970) 102–103; Sperling, *Ta'amei ha-Minhagim*, 500, no. 4; and the journal *Or Torah*

A most significant passage that does *not* mention the practice of abstaining from Torah study on Christmas Eve is found in the writings of the notorious apostate Johann Pfefferkorn (1469–after 1521).⁵³ After noting that Jews secretly read *Toledot Yeshu* on Christmas night,⁵⁴ he writes:

They believe and maintain that the lord Jesus, punished by God because of his apostasy and false teaching, has to wander in all pits of excrement or latrines throughout the world that same night [i. e., Christmas Eve]. Thus did I learn and believe unthinkingly from my youth on. When it was Christmas Eve I urinated outside the privy because of worry and fear of the hanged Jesus, for he was acting in a filthy way that night as mentioned previously.⁵⁵

A similar accusation is found some years later in the apostate Ernst Ferdinand Hess' *Juden Geissel*,⁵⁶ where he writes as follows:

Dear Christians, when we are solemnly involved and piously observing our Christmas, during which on the entire day of the twenty-fifth of December we are in church, out of solemn habit standing up in our service to God [with] prayer and thanksgiving songs, through reading and singing to God, for in this same night the *Alma*⁵⁷ according to the prophecy of Isaiah gave birth to the Christ, our Messiah, when you Jews hear the ringing of the bells [for Christmas], you utter the awful and terrible blasphemous words: "At this time the ממוזר *Mamser* crawls through all *Maschovim*"⁵⁸ (or, as they are otherwise called כסאות ואשפתות⁵⁹). That is, now the whore's son must crawl through every sewer and latrine.⁶⁰

(reprt. Brooklyn: 1991) 12a (first numbering). For another legend regarding Eybeschuetz and one regarding R. David ben Samuel Halevi (1586–1667), see Meir, "Al Issur Limmud Torah be-'Nittel," 64–65. See also Reiner J. Auman, *The Family Bondi and Their Ancestors* (no place, no date) 10.

⁵³ The most comprehensive treatment of Pfefferkorn is Hans-Martin Kirn, *Das Bild vom Juden in Deutschland des frühen 16. Jahrhunderts* (Tübingen: 1989).

⁵⁴ See Krauss, *Das Leben Jesu nach jüdischen Quellen*, 9ff.

⁵⁵ *Handt Spiegel* (Mainz: 1511). The passage appears towards the beginning of the book (there are no page numbers). I thank Dr. Hans-Martin Kirn for his assistance in translating this passage.

⁵⁶ This book was originally published in 1589. I have used the 1703 Frankfurt edition.

⁵⁷ This word does not appear in Gothic script, and I have indicated this by placing it in italics.

⁵⁸ This is Hess' transliteration of the Hebrew מושבים, which was used as a euphemism for "sewer" and "latrine" among Jews of this period. Cf. Kirn, *Das Bild vom Juden in Deutschland des frühen 16. Jahrhunderts*, 112, no. 271.

⁵⁹ כסאות also means "latrines."

⁶⁰ "Cloac und heimbliche Gemächer;" see Jacob and Wilhelm Grimm, *Deutsches Wörterbuch*, vol. 2 (Munich: 1984) col. 629; vol. 5, col. 3138; vol. 10, col. 876.

Thereby you instill in your small children a great fright, that they do not go out to the hidden chambers [privies] on this night even if they need to very badly.⁶¹

The notion that Jesus is condemned to crawl through the latrines on Christmas eve is quite significant, as will soon be seen. The closest parallel is found in *Toledot Yeshu*, where it is said that after Jesus' death he was dragged around the streets of Jerusalem.⁶² Another version of *Toledot Yeshu* has Jews trampling Jesus to death after he fell from the sky.⁶³ This version also has Jesus being placed in a latrine after his death,⁶⁴ whereas other versions have him being buried in a garden.⁶⁵ Whether the accounts of Pfefferkorn and Hess bear any relationship to the *Toledot Yeshu* stories is not clear, but presumably, a passage in *Gittin* 57a is relevant in this regard and may even be the origin of the notion that Jesus must crawl through the latrines. According to this passage, it has been decreed in heaven that Jesus is punished with boiling hot excrement.⁶⁶ As for Pfefferkorn and Hess, it is significant that neither of them make reference to the abstention from Torah study. It is clear that both of them were unaware of this practice.

Apparently, the first reference to abstaining from Torah study on a Christian holiday is by the apostate Johann Adrian in an

⁶¹ 181–182.

⁶² See Hugh J. Schonfeld, *According to the Hebrews* (London: 1937) 53; Günter Schlichting, *Ein jüdisches Leben Jesu* (Tübingen: 1982) 160.

⁶³ Dietrich Schwab, *Judischer Deckmantel* (Cologne: 1616) 34.

⁶⁴ *Ibid.*

⁶⁵ Schonfeld, *According to the Hebrews*, 52; Schlichting, *Ein jüdisches Leben Jesu*, 152. At least one version combines both accounts and has Jesus placed in a latrine in the garden. See Huldricus, *Toldot Yeshua ha-Notsri*, 88.

⁶⁶ This is the authentic reading which also appears in the Munich manuscript. The standard, censored version substitutes "sinners of Israel" for "Jesus." (I thank Dr. Sid Z. Leiman for calling this to my attention.) See also Huldricus' version of *Toledot Yeshu*, 88. It was with reference to this passage in *Gittin* 57a that R. Jehiel of Paris assumed his well-known apologetic stance — namely, that there were two men named "Jesus," and the Talmud is not referring to Jesus of Nazareth. See *Vikkuah Rabbenu Yehiel mi-Paris*, ed. Margaliyot (Lvov: 1928) 8a.

anti-Jewish tract he published in 1609.⁶⁷ In discussing the negative way Jews referred to Jesus, Adrian writes as follows (directing his words to the stubborn Jews):

On Ascension Day⁶⁸ you do not study and pretend that our Lord Christ must do penance and, as a punishment, must on this night crawl through disgusting latrines. He also has no rest except when he hears you studying. However, because you refuse to grant him such rest, therefore you do not study. In addition, you tell your children when they go to this place [i. e., the latrine] 'See that the hanged one⁶⁹ does not pull you in.'⁷⁰

This passage is important in a number of respects. To begin with, the practice of abstaining from Torah study is associated with Ascension Day, not Christmas. The reason for this date is not difficult to see. Since Jews believed that Jesus was condemned to eternal damnation, it is only natural that they would commemorate this on the day that Christians commemorated Jesus' ascension into Heaven. The special nature of this day is once again explained by Jesus having to crawl through the latrines and only through Jewish study can he be spared this. Although there are a number of Jewish texts that speak of both saints and the wicked returning to earth, particularly on the Sabbath, new moon, and Sukkot,⁷¹ I am unaware of any sources that discuss the wicked returning to earth on a yearly basis. Furthermore, it is unclear what the connection is between Jewish study and Jesus being granted a reprieve from his

⁶⁷ *Send und Warnungs-Brieff an alle hartneckige unnd halssstarrige Jüden darinn etzliche Gottslesterungen aus ihrem תפילה, oder täglichen Gebetbüchlein dess gantzen Jahrs begrieffen kürztlich beantwortet und widerleget werden* (Wittenberg: 1609). Regarding Adrian and some of the other apostates mentioned in this paper, see Martin Friedrich, *Zwischen Abwehr und Bekehrung: Die Stellung der deutschen evangelischen Theologie zum Judentum im 17. Jahrhundert* (Tübingen: 1988).

⁶⁸ The Thursday forty days after Easter observed in commemoration of Jesus' ascension into Heaven.

⁶⁹ תלי, i.e., Jesus. Referring to Jesus as "the hanged one" was common and dates back to at least the Middle Ages. Regarding its origin, see Jacob Z. Lauterbach, *Rabbinic Essays* (Cincinnati: 1951) 494ff. See also Rivkind, "Nittel," 840, no. 1.

⁷⁰ P. 29.

⁷¹ See Lauterbach, *Studies in Jewish Law, Custom and Folklore*, 110–111, no. 58; Judah Leib Zlotnik, "Me-Aggadot ha-Shabbat u-Minhageha," *Sinai* 25 (1949): 276–287, *ibid.* 26 (1950) 75–89; Israel M. Ta-Shma, *Minbag Asbkenaz ha-Kadmon* (Jerusalem: 1992) ch. 9.

anguish. Presumably, when Jesus returns to earth he is able to be helped by the study of the Jews; however, during the rest of the year when he is in hell, this study cannot neutralize his suffering. It is obvious that there is some mysterious significance to the abstention from Torah study on this day. Although Adrian has an axe to grind, one should not doubt the accuracy of his information. As an apostate, he was aware of Jewish practices and from many other examples in his book it is clear that he accurately describes circumstances in the Jewish community.⁷²

Clearly Pfefferkorn, Hess, and Adrian are writing independently of each other, although their descriptions share similar elements. The fact that none of them mention abstention from Torah study on Christmas Eve is clear evidence that they were not aware of any such practice. In truth, there is no evidence that this custom, at least on a widespread scale, can be dated earlier than these authors. The accuracy of this last sentence cannot, however, be illustrated through an examination of Jewish sources, since the fact that no Jewish texts, including such important repositories of Jewish custom as *Maharil* and *Leket Yosher*, mention this practice does not necessarily prove that it did not exist. When one remembers how dangerous it could have been had the Gentile community found out about this practice, it is obvious that an argument from silence is not valid as far as Jewish sources are concerned.⁷³

However, it can still be shown that the practice of abstaining from Torah study on Christmas Eve (or Ascension Day) was not

⁷² Nevertheless, the possibility remains that Adrian's description was based on hearsay and this is what led him to mistakenly substitute Ascension Day for Christmas. If this is true, it would support my view that the Jewish practice of abstention from Torah study on Christmas Eve was a recent – and not widespread – phenomenon. Had it been an old or common practice, Adrian never would have been able to make such a mistake.

⁷³ In these last sentences, I am anticipating my conclusion – namely, that the reason behind the practice is not “rational” and is directed against Jesus. Were Zweifel correct that in medieval times it was dangerous to go out on Christmas Eve and the rabbis, therefore, decreed that no one should come to the study hall, there would have been no reason for *Maharil*, *Leket Yosher*, and others not to have mentioned the abstention from Torah study and explained its reason. In other words, Zweifel's suggestion can be disproven by an argument from silence.

widely known in the generations before Adrian. I say this because none of the many attacks on Judaism from before this time mention the practice, something they would not have neglected had they been aware of it. Perhaps it is too much to expect Gentiles to have known about a Jewish practice which did not appear in print. However, even apostates who attacked their former religion and revealed its secrets⁷⁴ did not mention the abstention from Torah study. Clearly, they were unaware of this practice. Thus, Pfefferkorn,⁷⁵ as well as another notorious apostate, Victor von Carben (1423–1515),⁷⁶ who go to great lengths to show the anti-Christian nature of Judaism, do not mention the abstention from Torah study, something they would have jumped on had they been aware of it. This is undeniable particularly as Pfefferkorn is quick to point out all the negative things Jews said concerning Jesus.

The same observation can be made with regard to Anton Margaritha (CA. 1490–?), who published the very influential *Der gantz Jüdisch glaub*.⁷⁷ Margaritha was the son of Samuel Margalioth and the grandson of Jacob Margalioth, both of whom served as rabbi of Regensburg, and was obviously fully aware of all that went on in the Jewish community.⁷⁸ Although he is intent on showing how anti-Christian Judaism is, he doesn't mention any peculiar practices with regard to Christmas, a sure sign that he was unaware of Jewish behavior directed against Jesus. Concurrent with Adrian's work, the apostate Christian Gerson (1569–1627) published a tract of which a large part is devoted to showing how much Jews hate Christians, and yet he, too, is silent with regard to

⁷⁴ See Elisheva Carlebach, "Attribution of Secrecy and Perceptions of Jewry," *Jewish Social Studies* 2 (Spring-Summer, 1996): 115–136.

⁷⁵ In addition to *Handt Spiegel*, other relevant books he authored include *Der Juden Spiegel* (Nuremberg: 1507) and *Juden Veindt* (Cologne: 1509). (*Juden Veindt* is how the book is usually referred to; however, its full title is *Ich bin ein buchlin, der Juden veindt ist mein name*.)

⁷⁶ He authored *De vita et moribus Judaeorum* (Paris: 1511).

⁷⁷ (Augsburg: 1530).

⁷⁸ Regarding Margaritha and his book, see Josef Mieses, *Die älteste gedruckte deutsche Übersetzung des jüdischen Gebetbuchs aus dem Jahre 1530 und ihr Autor Antonius Margaritha* (Vienna: 1916). See also Stephen G. Burnett, "Distorted Mirrors: Antonius Margaritha, Johann Buxtorf and Christian Ethnographies of Judaism," *Sixteenth Century Journal* 25 (1994): 275–287.

Christmas.⁷⁹ Even in the years after Adrian the custom does not appear to have been widely known, as can be seen from the fact that it is not mentioned in the learned apostate Friedrich Albrecht Christiani's *Der Jüden Glaube und Aberglaube*.⁸⁰

The next text that is relevant to our discussion is found in the writings of another apostate, Julius Conrad Otto.⁸¹ In discussing the terrible things Jews say about Jesus, the author notes in particular: "They repeat this every year on Christmas day with their entire household, they say that Christ is the son of a whore."⁸² Had this apostate been aware of the Jewish practice not to study on Christmas Eve, he would have surely mentioned it here.

Yet immediately following this comes another important passage which is based on *Toledot Yeshu* and describes how the Jews explained the miracles Jesus performed. He was alleged to have stolen the *shem ha-meforash* from the Temple, attached it to his foot, and then flew in the air where he did wondrous things.⁸³ This led many people to accept him as a god. Finally, God had enough of Jesus and caused him to fall to the ground, whereupon the Jews pulled him through the sewers where he was soiled. This last point is important and should be seen in the original: "Zu letzt aber habe im [sic] Gott solches nit mehr zusehen wollen, sondern in [sic] gestürztzt, dass er auff die Erden gefallen, habe ihn das Jüdische Volck durch alle *moschabim*,⁸⁴ das ist, durch alle Cloaken gezogen, in welchen er also verdorben." Once again we see the connection between מושבים and sewers (or latrines), which also appeared

⁷⁹ *Der Jüden Thalmud fürnembster Inbalt und Widerlegung* (Goslar: 1607).

⁸⁰ (Leipzig: 1705). Regarding Christiani, see Elisheva Carlebach, "Converts and their Narratives in Early Modern Germany: The Case of Friedrich Albrecht Christiani," *Leo Baeck Institute Year Book* 40 (1995): 65–84. I have only mentioned texts written by apostates, for these authors would clearly be aware of Jewish practices. In addition, the texts mentioned are anti-Jewish and/or descriptions of Jewish behavior and ritual. As such, any omission is a sure sign of ignorance.

⁸¹ *Gali Razia Occultorum Detectio* (Stettin: 1613).

⁸² *Ibid.* There are no page numbers in this book, but the passages referred to appear in the middle.

⁸³ Schonfeld, *According to the Hebrews*, 39ff; Schlichting, *Ein jüdisches Leben Jesu*, 96ff.

⁸⁴ This is Otto's transliteration of the Hebrew מושבים.

in Hess, but it is clear that Otto is writing independently. Indeed, in Hess' passage it is Jesus who crawls through all the מושבים, no doubt as a punishment.

One year after the appearance of Otto's book, the apostate Samuel Friedrich Brenz also accused the Jews of anti-Christian activities.⁸⁵ His words are most revealing and should be quoted in full:

The Jews also consume much garlic, particularly on Christmas night. If one asks the reason the answer is so that the *tola*,⁸⁶ that is the hanged one, is dishonored, or so that they might stink more. They inform their servants that God has imposed upon Jesus that on Christmas night, when the Christians are more devout than on any other night, he must crawl through all the latrines....⁸⁷ In this same Christmas night the Jews are very merry [and spend their time] playing, eating, and drinking. The reason they give is that the *tola* has a better rest in the house in which they study and pray. Therefore [by not studying or praying] he is not able to crawl through the corners of these houses [but must remain in the latrines].⁸⁸

Earlier in his work Brenz claims that on Christmas Eve the Jews secretly read "*Maese thola*" (i.e., *Tôledot Yesbu*).⁸⁹ Clearly, in all of its particulars, Brenz's account is independent of any others and is no doubt the result of first-hand knowledge. Here again we see the notion of Jesus being forced to crawl through the latrines. We also have the notion, recorded by Adrian, that by studying Jews enable Jesus to receive some rest from his heavenly ordained punishment, although Adrian claims that this occurs on Ascension Day. In fact, Brenz's account is the first to combine elements previously found in Pfefferkorn, Hess, and Adrian. It is true that Brenz also adds the point that Jewish prayer can help Jesus, but it is difficult to see this as meaning Jews did not pray the obligatory evening service on Christmas Eve. Perhaps he is referring to optional prayers, such as the recitation of Psalms.⁹⁰

⁸⁵ *Jüdischer abgestreifter Schlangenbals* (Augsburg: 1614).

⁸⁶ תולה. See note 69.

⁸⁷ "Sprachhäuser"; see Grimm, *Deutsches Wörterbuch*, vol. 16, col. 2759.

⁸⁸ *Jüdischer abgestreifter Schlangenbals*, 17–18.

⁸⁹ *Ibid.*, 12. Eisenmenger, *Entdecktes Judenthum*, vol. 1, 564, claims to have observed this in practice.

⁹⁰ Johann Wulfer, *Theriaca Judaica* (Nuremberg: 1681) 91, quotes a letter by a certain Jew, whom he calls "Apella," in which the latter defends his people

It is clear that we have a number of independent and truthful reports of Jewish practices with regard to Christian holy days, in particular Christmas Eve. The fact that they disagree in certain essentials precludes one having been copied from another. Once again, it must be emphasized that the sources for these reports are apostates who must have been intimately aware of Jewish society. Of course, this does not mean that apostates are always to be relied upon in the descriptions they give of Jewish life and literature. However, in cases where there is no good reason to doubt their information it should be accepted as valid. All the more so when it is confirmed by the accounts of both other apostates as well as Jews.

Another interesting point in Brenz's treatment is his accusation that Jews would eat garlic on Christmas Eve in order to give themselves bad breath. I know of no other contemporary sources that record this practice, but there appears to be no reason to doubt it. This is particularly so since Jewish writers have confirmed that even in recent generations there were many who followed this practice. One writer reports that garlic-breath helped to discourage one from engaging in sex on this night.⁹¹

against the charge that they believed Jesus must crawl through the sewers. (As Dr. David Berger has pointed out to me, "Judaeus Apella" was a standard term for a Jew, particularly in a pejorative context. It first appears in Horace, *Satires*, I, 5, line 100. P. Michael Brown, in his edition of the *Satires* [Warminster: 1993] 149, writes: "Apella is the Roman form of a Greek name frequently borne by freedmen: its application to a Jew here may well involve a word-play relating to circumcision [Greek privative a-prefix, 'without,' + pellis, 'skin.']) However, "Apella's" entire letter rings of disingenuousness. For example, he writes: **הלא יודע לכל שהפרשו [!] ביניכם ובינינו הוה [!] שאתם אומרים שהוא חי וקיים ואנו מכחישים בדבר ואם אנו אומרים כמו שכתב המומר מודים אנו בהכרח שהוא עדיין קיים**. As I have already noted, there are, in fact, a number of texts which speak of the dead returning to earth. Apella's explanation of why Jewish children were afraid to venture into the out-house on this night is also strange. According to him, they must have picked up this practice from Christian children! Finally, Apella comments that although his explanations are satisfactory, before seeing Brenz's book he had never heard such nonsense. Needless to say, based upon the evidence so far presented it is unlikely that a German Jew at the end of the seventeenth century would be unaware of the practices Brenz describes.

⁹¹ R. Isaac Weiss, *Siab Yizhak* (Jerusalem: 1995) no. 408 (the responsum is dated 1904); R. Israel David Harfenes, *Yisrael ve-ha-Zemanim* (Brooklyn: 1987) 457. Incidentally, the association between Jews and garlic is found in a number

In fact, there may be another reason to explain the consumption of garlic. We have already seen how fearful Jews were of coming into contact with Jesus on this night. Well, it so happens that the smell of garlic was a well-tested method of keeping demons away,⁹² and it is not unlikely that this same method could have been used to keep Jesus away. It is true that the sources speak of carrying garlic or placing it in certain places in order to scare away the demons. However, this does not eliminate the possibility that people had in mind garlic's protective capability when they consumed it.⁹³

of sources which speak of the "Jewish odor." See, e.g., Joshua Trachtenberg, *The Devil and the Jews* (New York: 1983) 49–50; Salo Wittmayer Baron, *A Social and Religious History of the Jews*, vol. 11 (New York: 1967) 136. Apparently, Jews had a fondness for garlic, which is not surprising since, according to the Talmud, it should be consumed Friday night as an aphrodisiac. See *Ozar Yisrael*, vol. 10 (New York: 1913) 66. (Non-Jews would have also been aware of this for it is recorded by Johann Buxtorf, *Synagoga Judaica* [Basel: 1603] 340.) Wulfer, *Theriaca Judaica*, 90, speaks of the Jews' fondness for garlic and at the same time expresses his doubts about Brenz's report:

These statements, unless they should be proven by sound evidence of having an insulting intent, seem to me to be obvious calumnies; for I fail to see what kind of ignominy attaches to our most holy Jesus from this single practice, that they eat garlic, since it is not just on that night [that they do it]; rather, they have a habit (and one long habitual to their race) of eating garlic the whole year through, and just as much [as on Christmas eve]. It makes a far more substantial charge [to say that] they befoul their minds [mentem; read perhaps mentum, i.e., "chin" or "beard."] by this practice during the whole year than on one night only, a charge which Brenz himself does not dare to advance against them.

(In describing his first visit to a Polish-Jewish village, Heine recalled the "smell of garlic" that characterized the local Jews. See his essay "Über Polen," in Heinrich Heine, *Sämtliche Schriften*, vol. 2 [Munich: 1969] 77.)

⁹² See the sources quoted by Lauterbach, *Studies in Jewish Law, Custom and Folklore*, 105–106, no. 47. See also Sperling, *Ta'amei ha-Minhagim*, 293; Trachtenberg, *Jewish Magic and Superstition*, 299, no. 17; Isidor Scheftelowitz, *Das Stellvertretende Huhnopfer* (Giessen: 1914) 32, no. 4; and Weiss, *Siab Yizhak*, no. 408. M. L. Bamberger was unaware of the apotropaic nature of garlic and therefore dismissed the Ninth of Av practice of taking it to the cemetery, where demons are often found, as a "mistaken custom" based on a misreading of an old text! See his "Über die Entstehung falscher Minhagim," *Jeschurun* 5 (1918): 671–672. Regarding demons in cemeteries, see Shlomo Eidelberg, "Afar Kodesh: Gilgulim shel Shnei Minhagim," *Proceedings of the American Academy for Jewish Research* 59 (1993): 12 (Hebrew section). See also R. Abraham Gumbiner, *Magen Avraham, Orab Hayyim*, 519:15. See Appendix for Fleckeles' description of a different custom involving garlic at cemeteries on the Ninth of Av.

⁹³ After suggesting this explanation, I found that Weiss, *Siab Yizhak*, no. 408, gives a similar explanation. According to him, since Torah is not

Brenz's book created quite a storm when it was published, and a contemporary, R. Zalman Zvi of Aufhausen, authored his own work designed to refute all the accusations against Judaism made by Brenz.⁹⁴ R. Zalman's entire work is written in a tongue-in-cheek fashion and is a perfect example of the disingenuousness often found among Jewish apologists and participants in religious disputations. In the course of his response, R. Zalman deals with the accusation that Jews refrain from study on Christmas Eve and instead make merry. In what can probably be described as sheer dishonesty, R. Zalman denies that Jews exhibit any fun-filled behavior at this time. It is possible, he explains, that Hanukkah would fall on Christmas, and this is the reason for the Jews' merriment. R. Zalman's point is that when Hanukkah does not fall on Christmas the Jews make no changes in their pattern of study.

R. Zalman also says that since there are no business dealings between Jews and Christians on Christmas, the Jews do not have to avoid bad breath. This explains the consumption of garlic on Christmas Eve!⁹⁵ The great lengths R. Zalman had to go to in order to explain away Jewish practices shows clearly how dangerous it was for this information to get into the hands of Christians. This also explains why the practice of abstaining from Torah study was, with one exception, not mentioned in Jewish writings of the seventeenth century.

studied on Christmas Eve, people are no longer protected against the demons. In place of Torah study, garlic was substituted since it too offers protection. (It is this vulnerability due to lack of Torah study which Weiss focuses on in order to explain R. Isaac Luria's view that people should not visit a cemetery on the Ninth of Av because of fear of demons. Since Torah is not studied on this day, people are particularly vulnerable to the demons who lurk in the cemetery. It is thus not surprising that people who did go to the cemetery on the Ninth of Av were accustomed to take along garlic, as mentioned in the previous note.) Cf. Gerard Muller, *Weihnacht der Deutschen* (Karlsruhe: 1946) 44, for the Christian superstition that garlic is one of the foods given to animals on Christmas in order to spare them any bad luck.

⁹⁴ This work is contained in Wulfer's *Theriaca Judaica*. We know almost nothing about R. Zalman's life; see Raphael Straus, *Regensburg and Augsburg*, trans. Felix N. Gerson (Philadelphia: 1939) 69. Regarding the publication of this book, see Stephen G. Burnett, "Hebrew Censorship in Hanau: A Mirror of Jewish-Christian Coexistence in Seventeenth-Century Germany," in *The Expulsion of the Jews: 1492 and After*, eds. Raymond B. Waddington and Arthur H. Williamson (New York: 1994) 208–209.

⁹⁵ *Theriaca Judaica*, 9a–9b (Judeo-German section).

The exception is found in a recently published work of the German halakhist R. Jair Hayyim Bacharach (1638–1702). Entitled *Kizur Halakhot*, it is published together with his commentary on the *Shulhan Arukh* and is an index of what was contained in a larger work which has not entirely come down to us. In commenting upon the section of the *Shulhan Arukh* which discusses establishing a set time for Torah study which should never be missed, Bacharach writes as follows: “ומנהג ביטול הלימוד בליל חוגה פלוני.”⁹⁶ All we can tell from this is that in his larger work Bacharach discussed abstention from Torah study on Christmas Eve. However, whether he supported this practice cannot be inferred.

To return to the apostates, in 1616 Dietrich Schwab published his *Jüdischer Deckmantel*. In the section entitled “Von der Juden Lästung,” Schwab discusses the terrible behavior of the Jews on the holy night of Christmas.

While we Christians out of old commendable custom with great solemnity celebrate, with bells ringing, prayers, singing, thanksgiving, and have Mass and a sermon, when the Jews hear the ringing of the bells [for Christmas] they utter the startling and blasphemous words: “Now the *mamser* crawls through all *moschouim*, that is, now the whore’s son must crawl through all the latrines. On account of this banging [is heard] in the house.” They then say: “He is there,” to instill in their children and other members of the house great fear and horror, so that they do not desire to go into the latrine on this night unless they are in the most extreme need and are forced to do so. Occasionally, one loses control so that on the following day he must send the pants or shirt to the water [to be cleaned].

They are also not permitted to study or pray during the time of Christmas [Eve], which they call *Nittel*, that is, the festival of the hanged one. The reason for this is that they believe that on this night Christ is in terrible anguish [and by refraining from study or prayer] he has no rest or respite. Rather, they do nothing but curse and blaspheme Christ.⁹⁷

Schwab’s version is not only based on Hess’ version, but some of it is actually copied almost word for word. However, this does not mean that Schwab lacked first-hand knowledge of what he records.

⁹⁶ *Mekor Hayyim*, vol. 2, 256. The use of the term חוגה with reference to Christian holidays is also found in Brenz, *Jüdischer abgestreiffter Schlangenbalg*, 19. Levita, *Ha-Tishbi*, 26b, s. y. חגא, writes: חג ומועד של עובדי עבודת חגא, כוכבים ומזלות אנחנו מכנין אותו חגא, מה נאמר ומה נדבר הלא בשלנו הרעה הזאת בשמח ישראל לאיד וחגא של עז'ו ועושים החגא לחג.

⁹⁷ Pp. 30–31.

We must not forget that modern definitions of plagiarism do not apply here. Presumably, Schwab was fighting the battle of the Lord and not trying to make a name for himself. In such a circumstance, it is, no doubt, excusable to copy from the text of one who has made a compelling case. Therefore, we can assume that his description of the behavior of Jewish households on Christmas Eve is accurate.⁹⁸

Furthermore, we must remember that Hess' text says nothing about refraining from study on Christmas Eve. Schwab could have copied this from another work, but it is more likely that he is simply recording his own experiences. He also notes that Jews do not pray on Christmas Eve, an assertion which earlier appeared in Brenz. Yet as I already pointed out, it is difficult to imagine that there were Jews who refrained from prayer. Assuming the reports of Brenz and Schwab are not based on mistaken hearsay – which itself would be proof that the custom we are examining was not yet widespread and observable in all Jewish communities – perhaps these two authors are referring to optional prayers such as the

⁹⁸ This is not the case with regard to other texts that were not written by apostates and merely copied what appeared in Hess, Adrian, and Brenz. Clearly, these sources cannot be regarded as, and indeed never claimed to be, independent testimony of the practices we are examining. In fact, they usually cite the source from where they have obtained their information regarding Jewish practices on Christmas. See, e.g., Johann Praetorius, *Saturnalia* (Leipzig: 1663) 129 (on 146, he writes: "Wenn wier unsere heiligen Weyhenachten celebriren, so haben sie ihre heuligen oder heulenden Schweinachten"). See also Caspar Bertram, *In sanctum Sancti Mattaei evangelium notae* (Amsterdam: 1651) 19; Caspar Titius, *Loci Theologici Historici oder Theologisches Exempel Buch* (Leipzig: 1684) 504–505; Johann Christoph Männling, *Denkwürdige Kuriositäten* (Leipzig: 1713) 208–209. Although he does not cite a source, Salomon Glass, *Epistolae Dominicales* (Jena: 1636) 323–324, clearly copied his information from another text, probably Hess. David Christiani, *De Messia Disputationes* IV (Giessen: 1657) 61, adds a new element. He claims that the spirit of Esau has migrated into Christ, and it is this which forces him to crawl through the latrines on Christmas Eve. Although Christiani does not give a source for this idea, he no doubt was familiar with the Kabbalistic view, mentioned by Abarbanel, that Jesus was the *gilgul* of Esau. As Abarbanel further points out, this is hinted at in the letter equivalency of עשׂי and יְשׁוּעַ. See his commentary to Isaiah in *Perush al Nevi'im Abaronim* (Amsterdam: 1641) 550 (end of ch. 35); *Masbmia Yeshuah* (Amsterdam: 1648) 19d. See also Moshe Idel, "Ha-Yahas le-Nozrut be-Sefer ha-Meshiv," *Zion* 46 (1981): 81–82.

recitation of Psalms. Other possibilities are that the authors have exaggerated, that the word “pray” is being used synonymously with study, or that they are referring to public prayer.

I have already noted Zweifel’s opinion that the abstention from Torah study was because Jews were afraid to leave their homes. With this in mind the lack of public prayer on Christmas Eve would be very understandable. However, the fact remains that there is no evidence that public prayer was ever abolished on this night. Furthermore, since the early sources speak of abstaining from study *even in private*, this is probably how Brenz and Schwab are to be understood when they mention prayer, and indeed, this is the clear sense of both authors. As for Schwab’s point about Jews being fearful of venturing into the latrine on Christmas Eve, Eisenmenger claims to have actually observed this in Frankfurt.⁹⁹

From the sources I have discussed, it is obvious that the practice of refraining from Torah study has an early origin, dating back at least until the sixteenth century. The fact that it is not recorded in Hebrew literature of this time led to the notion that it is a late practice, perhaps instituted by the Hasidim. However, even before the recent publication of R. Jair Hayyim Bacharach’s commentary on the *Shulhan Arukh*, the evidence was clear as to its early existence. The difficulties this practice would have created had Christians become aware of it is obviously the reason why it was not recorded in print. It was, however, a popular oral tradition, and although the reasons behind it were forgotten in Germany,¹⁰⁰ they remained alive and well in the more superstitious atmosphere of Eastern Europe. A clear illustration of this is seen in the fact that a nineteenth century writer records what he terms a well-known reason for the practice – namely, so that Jesus does not receive any

⁹⁹ *Entdecktes Judenthum*, vol. 1, 563. See also Johann Jacob Schudt (1664–1722), *Jüdischer Merckwürdigkeiten*, vol. 2 (Berlin: 1922) 318, regarding the antics of some Jews of Frankfurt on this night.

¹⁰⁰ With regard to Germany, it is interesting to note that in the nineteenth century R. Samson Raphael Hirsch actually speaks positively about the Christmas Eve celebration, calling it an “echo of Jewish bliss,” the description of which Jews should enjoy. See Mordechai Breuer, *Jüdische Orthodoxie im Deutschen Reich 1871–1918* (Frankfurt: 1986) 90.

benefit from Torah study.¹⁰¹ It should not surprise us that this sort of explanation was advanced hundreds of years previously. What we are confronted with is none other than a deeply ingrained oral tradition.

As to the ultimate origin of the practice, it is clear that there is no proof for any of the "rational" reasons which have been offered. As we have seen, Deutsch's opinion is that any Jewish activity out of the ordinary was due to the Gentile practice of merrymaking during this time of year. However, it is difficult if not impossible to imagine that the study of Torah would be suspended so that Jews, including Torah scholars, could participate in Gentile amusements. If Jews did play cards, it was simply because they were not studying Torah, and this only begs the question of *why* Jews were not studying. The other "rational" reason that Jews were afraid to go out on this night also cannot explain the lack of Torah study. Indeed, from what we have already seen it should be obvious that the abstention from Torah study on Christmas Eve was just one of a number of Jewish practices associated with this holiday, all of which appear to be in the realm of the supernatural.

Nevertheless, H.J. Zimmels writes as follows:

The real reason for the custom seems to be the following: in the Middle Ages the Jews used to be attacked on that night, therefore the Rabbis forbade their students to attend the house of study and no lectures were held. In the course of time, however, the reason was forgotten and only the custom remained. Two facts may be quoted which support this view: (i) in some communities it was customary to shut the ritual baths on that night, which can only be explained by the fear of being attacked by non-Jewish neighbors; (ii) the custom of refraining from studying the Torah on Christmas Eve is not found among the Sephardim. All this clearly points to the reason mentioned above.¹⁰²

Zimmels offers no evidence that in the Middle Ages Jews used to be attacked on Christmas Eve, and the objections I noted previously with regard to Zweifel, who also put forth this view, obviously apply here as well. In addition, although it is unclear when the custom originated, it does not appear to have been earlier than the sixteenth century, at least not on any widespread scale.

¹⁰¹ Lipetz, *Sefer Mat'amim*, 41b.

¹⁰² *Ashkenazim and Sephardim*, 160.

As for Zimmels' proofs, it is incorrect to say that the custom of closing the *mikveh* can only be explained through fear of attack. Rather, it was because people did not have sex on that night that the *mikveh* was closed, not vice versa. We must not forget that all people were to abstain from sex, not merely those going to the *mikveh*. Clearly, non-rational reasons must be at the heart of this abstention.

In addition, it is not known how prevalent the practice of closing the *mikveh* was. Although Sofer does refer to it as a widespread practice, all of the later discussions about having sex with a woman who just returned from the *mikveh* show that it was not closed.¹⁰³ In any event, it must once again be emphasized that there is no record that any community ever abolished public prayer, and there appears to be no rabbinic text that advises Jews not to leave their homes on Christmas Eve. The Jews knew better than to wander into a Christian area during a Christian festival, but there would normally be no reason why they could not quietly walk the Jewish streets.¹⁰⁴ Furthermore, none of the apostates' texts we have looked at mention anything about Jews not leaving their homes on Christmas Eve. In fact, although there were numerous medieval decrees forbidding Jews from appearing in public during the Easter season,¹⁰⁵ I have not found any which forbid Jews from doing this during Christmas. Zimmels' second point is also inconclusive, for assuming I am correct in believing that non-rational considerations are at the heart of this practice, one would still never expect Jews in the Muslim lands to show the same sensitivity to Christmas as their Ashkenazic brethren. This explains why they would not have been receptive to the Ashkenazic anti-Christmas practices.

In short, Zimmels has provided no reason for us to disregard the assumption that the abstention from Torah study is to be explained by non-rational considerations, in particular the notion that Jesus is

¹⁰³ As far as I am aware, there is no Hasidic community that closes the *mikveh*. See also Wolhender, *Gufei Halakhot*, vol. 1, 45, that R. Joel Teitelbaum (the Satmar rebbe) refused to close the *mikveh* even though he believed that women who just returned from there should refrain from sex the entire night.

¹⁰⁴ This is noted by Schudt, *Jüdischer Merckwürdigkeiten*, vol. 2, 318.

¹⁰⁵ See, e.g., Solomon Grayzel, *The Church and the Jews in the XIIIth Century* (New York: 1969) Index, s. v. Easter; vol. II, ed. Kenneth R. Stow (New York: 1989) Index, s. v. Easter Week.

spared punishment when Jews study. The basis of this notion is not exactly clear. Eisenmenger¹⁰⁶ cleverly calls attention to a Kabbalistic source,¹⁰⁷ which based on a Zoharic passage,¹⁰⁸ declares that the wicked are spared suffering when Jews pray. Two more points are also relevant. First, the mourner's *kaddish* as well as other prayers, Torah study, and good deeds were popularly understood as a means of bringing repentance to a dead man's soul.¹⁰⁹ Second, there is the well-known ancient belief that the wicked are spared punishment on the Sabbath as well as possibly Rosh Hodesh and holidays.¹¹⁰

Presumably, the notion that Jesus is spared punishment when Jews study Torah on Christmas Eve is to be placed in the context of the beliefs just mentioned, all of which are concerned with the influence human actions have on the fate of the dead. To be sure, it is possible that there were other factors, as yet unknown, which were also influential in the development of the practice we have examined. Yet since the abstention from Torah study on Christmas Eve is just one of a number of anti-Jesus and anti-Christian practices that Jews engaged in on this night and since, I believe, all would agree that these other practices cannot be explained "rationally," there is no reason why the abstention from Torah study should be viewed any differently.¹¹¹

¹⁰⁶ *Entdecktes Judenthum*, vol. 1, 564.

¹⁰⁷ R. Nathan, *Nata Spira* (CA. 1585–1633), *Megalleh Amukot* (Fuerth: 1691) 41c.

¹⁰⁸ Margaliyot, ed., *Zohar*, vol. 1 (Jerusalem: 1984) 62b.

¹⁰⁹ See Bernard Heller, "Notes de folk-lore juif," *Revue des études juives* 82 (1926): 308–312; Zvi Karl, *Ha-Kaddish* (Lvov: 1935) 80ff.; David De Sola Pool, *The Kaddish* (New York: 1964) 101–106; Solomon B. Freehof, "Ceremonial Creativity Among the Ashkenazim," in Joseph Gutmann, ed., *Beauty in Holiness* (New York: 1970) 489; Ta-Shma, *Minhag Ashkenaz ha-Kadmon*, ch. 16; Meron Bialik Lerner, "Ma'aseh ha-Tanna ve-ha-Met – Gilgulav ha-Sifrutiyim ve-ha-Hilkhatiyim," *Asupot* 2 (1988): 29–70, esp. 64–66.

¹¹⁰ See Zlotnik, "Me-Aggadot ha-Shabbat u-Minhageha"; Ta-Shma, *Minhag Ashkenaz ha-Kadmon*, ch. 9, 16; Yaakov Hayyim Sofer, *Zekhut Yizhak*, vol. 2 (Jerusalem: 1994) no. 20.

¹¹¹ Although there does not appear to be any direct evidence pointing in this direction, it is possible that the popular German Christian perception of Christmas Eve as a dangerous time given over to demons and ghosts (see Tille, *Die Geschichte der Deutschen Weihnacht*, 173; Cassel, *Weihnachten: Ursprünge, Bräuche und Aberglauben*, 276, 287–288) had some influence on the atmosphere in the

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Appendix

Rabbi Eleazar Fleckeles (1754–1826) carried on a fascinating Hebrew correspondence with the Christian censor and translator Karl Fischer (1755–1844), even including a responsum to the latter in his *Teshuvah me-Ahavah*, vol. 1, (Prague: 1809) no. 26. Although the two men appear to have shared a genuine friendship, one must not forget that Fischer was a Christian as well as a government official. Because of this, I think it is obvious that one cannot conclude based on Fleckeles' letter that he or his teachers (who included R. Ezekiel Landau) studied Torah on Christmas Eve. The same skepticism is probably also warranted with regard to his assertion that he never heard of the practice of consuming garlic on this night.

The Fleckeles-Fischer correspondence is found in the University of Prague library, which graciously granted me permission to publish the material in the Appendix.

German Jewish community, where the practices we have been looking at are first attested. For example, as we have seen, Jews believed that Jesus' earthly punishments only occur on Christmas Eve and that, therefore, Torah study is permitted after midnight. Many also permit sex after this time, believing that the demonic forces are no longer as powerful. Perhaps the origin of all this is to be found in popular Christian superstition, which also claimed that the demonic forces are neutralized after midnight.

After this article was completed, Jeffrey Shandler kindly sent me a copy of his unpublished paper "Jewish Responses to Christmas, Old World and New: The Yiddish Evidence." Of particular relevance to this article, Shandler mentions a number of interesting Eastern European Jewish Christmas Eve superstitions that are based on the notion that demonic, impure forces are unleashed on this night.

פראג יום ד' כ"א תמוז (!) תקע"ב לפ"ק

שלום וכל טוב והצלחה תמידית להרב הגדול ר' אלעזר פלעקלש רבן של כל ישראל במדינת בעהמען! וכל אשר אהוב לאדון הרב יתברך מברכה העליונה בשבילו וממעני הישועה ישוב בריא לביתו!

הנה תמול נשאלתי מן איש נכבד על עצת אדון ו. . . מ. . .¹ להודיע דעתי אם אמת שחייתים בליל ארוכה הנקרא ניטל או ניתל וכבר קודם ליל החיא (!) אינם עוסקים בתורה, כי אם מצחקים ומשחקים ואוכלים שום דבר, כדי שלא תהיה מנוחה לאותו רשע -- אבל לא יצטרך להאריך. שאלה: אם מנהיג (!) ההוא יוסד בדת ודין תורת משה או בדת ודין תורה שבעל פה או בתקוני הרבנים? ומי אותו רשע אשר נידון בגיהנם? ולמה נקרא ניטל? ואקצר מרוב טרדה ואקוה האדון הרב ימחר להשיב לי על דבר הזה, ווייל איך וואהל מרקע וואהין דיא אבויכט געהט: והנני מוכן לטובתו תמיד בכל עת

ק' פישר

יאמר נא שלום רב לבנם האדון מאיר:

גם נשאלתי מן האיש נכבד הנ"ל, אם אני אוהב היהודים או אם אנכי מליץ היהודים? אמרתי: כל מי שמדבר אמת ואוהב צדקה והולך בדרך ישרים יהי' יהודי או נוצרי או יוני או ישמעלי הוא חשוב וראוי לאהבת, הלא נודע לכל אדם מה שאמר המלך החכם פרידריך השני? אמר: כל תושבי מדינותי יאמינו כרצונם וכחפצם וואן זיא נור עהרליכט לייטע זינד.

בעה"י יום השני כ"ו תמוז ירב"ה בשמחה"ל טיפלין
 השמים יערפו שמחה וחשק יזלו טובה וברכה לידידי וחביבי החכם השלם שמו נודע
 בעולם כבודו אומר כלם המעתיק הגדול האדון ק' פישר ושל' להגבירה ושל' לכל
 זרעו

אמריו המתוק' שמחוני שמחוני כי פה עיר טיפלין בשנה הזאת אין שמחה ואין
 גילה עיר קטנה ואנשים בה מעט וזרים לא באו הנה והגשמים יורדים בזעף יום יום
 אין יוצא ואין בא וכל הענינים הנחוגים שנה שנה סגורים ומסוגרים ולולי תורת ח' עם
 לומדי' יום יום עמסו עיני מחשבת עבי עצבות וענני התוהה.

ועל שאלת איש נכבד אה"ם [אדוני הסוב] אדוני יחי' אם נקח מועד לבאר המלות
 זרות השגורות בפי האספסוף אבל תכלה העת ותן לא תכלנה ואצלי יסוד המוסד כל
 דבר שאינו מובא בתלמוד גדול [!] ובהרי"ף והרמב"ם והרא"ש והטור לא אשיב עליהם
 דבר וחצי דבר כי הסון עם לא בינות מכל אום ואום ממציאים ומאמינים מה שלבם
 חפץ ותנה לא נמצא בספרים הנזכרים שקראו ליל ארוכה בשם ניטל ואפשר שעם הארץ
 חי' מכני' ליל ארוכה בשם ניטל נאכט בעבור שחיא בתכלית ארוכה וכבדה על האדם
 וחשבו לומר בשווערליכע נאכט ובדו מלבם ניטל נאכט ומלת ניטל מלשון נטל חול
 שאמר שלמה' או שרצו לומר עספפאנג נאכט כי לשון זו רגילה על מילדתיהן . . . ²
 איך הגי היים איין קינד עספפאנגן והעתיקו חבורים בלשון ניטל אשר בלשון המשנה
 והתלמוד פירושו נעמן עספפאנגן וקראו ניטל נאכט והוא כמו עספפאנג נאכט וזעת
 לנבון נקל. ועל מה לי להרבות באומר ודברים בלשון ההדיוטות במלות אשר חידשו
 ובדו מלבם רקים הנעדרים מכל חכמה ומדע.

ומה שנשאל אדוני ידידי יחי' אם אמת שהיהודים אוכלים ושותים ומשתקים
 בליל זה אמת ויציב ונכון כמה יהודים סוחרים יושבים אגודות אגודות בסוד
 משחקי' ומרבים בסעודה ולא ליל זה בלבד כ"א בכל חגים ובכל יום הראשון
 בכל שנה אוכלים וחוגגים במחוגת רעים ואוהבים ומשחקי'

אחרי שאינם עוסקי' במקח ומסחר ומסחר ולא כל הסוחר' ב"א אנשים אוהבי תענוגים וסעודות סריעים אבל אנשים השלימים ויודעי תורה גם ביום חגים אינם אוכלים כ"א לשובע נפשם וששים ושמיים עם בני ביתם ואין לזרים אתם. ונפלאתי הפלא ופלא אדוני חכם איך עלה על לב נבון דעת כמוהו לחשוב על שום בן דעה ובינה שיאמין אם החי יאכל ויסלא בטנו וישחק ויצחק לא תהי' לאחר מנוחה בגיהנם מי פתי חסר לב יאמין לדבר בטל כזה, אף אם החי יתן אל לבו להרבות בתפלה ותחנונים ובבכי ודמעה ויצום צומות רבות על זולתו להיות נידון בגיהנם אין תפלתו נשמעת כי מי יאמר למלך הגדול עשה כך או עשה כך באופן שדבר זה בטל ומבוטל כעפרא דארעא. ומה שכתב שאינם עוסקי' בתורה בליב ארוכה מעיד אני עלי שמים וארץ אני ורבותי וחברי ותלמידי למדנו מעולם בליב זה כשאר ליכות ומה נשתנה הלילה הזה מכל הלילות אנחנו בני ישראל נצמנו והגית בו יומם ולילה. ומאכילת שום לא שמעתי ולא ראיתי מאבותי ומאבות אבותי.

ועל דברות הראשונות אני חוזר בכל אום ולשון בארץ ערב רב עלה אתם הנוהגים מנהגים הישרים בלבותם. זכור אני בהיותי בילדותי ישבתי לכסא שופט צרק במדינת מעהרין ראיתי נשים זקנות היו מקלפות שומין כמספר שנות בניהם ובנותיהם הקטני' והניחו בתשעה באב על מצבות בבית מקברות ומי יודע החלומות וההבלים שחלמו להם וזה הדבר אשר דברתי מי יוכל לבאר ולפרש מלות ומנהגי חסרי דעת לכן כלל גדול בתורה מה שלא נמצא בתלמוד ובחרי"ף וחרסב"ם כנ"ל אין לו יסוד ואין להשיב. יום ה' חעבר כחצות היום האירו פני חומות טיפלין כי הנה באה האהובה הגבירה הנחמדה הקיסרת יר"ה והיא נושאת חן בעיני כל רואה ולא אוכל לתאר הסמוגה, וכתבתי בנחיצה כי הגיעה שעת רחיצה,

נאם ידידו המוכן לעבדו וחפץ בכבודו חק' אלעזר פלעקלס

ראב"ד בק"ק פראג

בני יחי' דו"ש ושל' לאשתו הנאהבה ושל' בניו יחיו.

שכחת אומר אפשר שלשון נים"ל מושאל מלשון אחרת ואינה לא עברית ולא ארמאית[!].