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## HAZKARATH NESHAMOTH

SOLOMON B. FREEHOF, Pittsburgh, Pa.

A JEWISH legal principal can usually be traced from the Talmud (or earlier) all the way down the chain of tradition to the present time. But a custom, a Minhag, generally enters into the literature an observance already well-established among the people. Then when one attempts to trace its origin, we find that it is lost in mystery. Many of the best beloved and most universally observed of Jewish ceremonial life can hardly be traced to their origins. This is true of such popular ceremonies as the orphan's Qaddish, Jahrzeit, Bar Mitzvah, the Huppah at weddings, and the subject of this essay, Yizkor.

There is general agreement among the writers in the field of liturgy that Yizkor started in the Rhineland at the time of the Crusades and that this part of the service took place on Yom Kippur. Then the writers add that in eastern Europe this prayer for the dead was extended from Yom Kippur to the closing days of the three festivals. That is about all that any writer says about it.

Yet surely so popular a service which brings such vast groups to the synagogues, many of whom rarely come at any other time, deserves a much closer study for it greatly needs clarification. It appears in the literature among a variety of analogous memorial observances which are in some undetermined way related to it.

The early mediaeval legal compendia and books on Minhagim seem to refer to a considerable variety of memorial prayers. There was a special memorial service for the martyrs of the Crusades and of the Black Death persecutions. The clearest references to this are in the headings of the Memor lists:

(See Salfeld "Martyrologium," p. 81):

"Therefore the whole house of Israel is in duty bound to memorialize them (להזכירם) between Passover and Shavu'oth on the Sabbath closest to Shavu'oth; and also a second time on the Sabbath between the 17th of Tammuz and the 9th of Av, on the Sabbath closest to the 9th of Av, which is called 'the Black Sabbath' (שבת שחור)."

That this indeed became the established custom can be clearly seen from the recitation of the prayer Av Haraḥamim. This prayer, as its

text indicates ("the beloved congregation who gave up their lives for the sanctification of the Name") was written for the martyrs. In eastern Europe this prayer came to be recited on every Sabbath (with certain exceptions). But in Germany, where the custom originated, it was recited only on the two "martyr-Sabbaths," the Sabbath before Shavu'oth and the Sabbath before the 9th of 'Av (cf. Heidenheim, *Siddur Safah Berurah*, and Baer, *Avodath Yisrael*, *ad loc.*).

As to the memorial on Yom Kippur, Siddur Rashi #214 (speaking of the Yom Kippur) says: ופוסקין צדקה ברבים על המתים ועל החיים. אין: פוסקין צדקה בכל ארץ אשכנז רק היום לברו. Maḥzor Vitry (also on the Yom Kippur service #353) has exactly the same statement and then explains: ומה שפוסקין צדקה ביום על המתים לפי שהוא יום כפרה סליחה ומחילה להם. In other words, it is Yom Kippur which is especially suited for this memorial and therefore it is held *only* on this day.

Rokeaḥ #217 also is careful to explain that the idea of atonement makes the Yom Kippur service the only appropriate one for the Yizkor (#217): ומה שפוסקין צדקה עבור המתים ביום"כ ולא ביום"ט וכו'. Mordecai to Yoma also refers to the Yom Kippur memorial (#727): ומה שהורגלו: לידור צדקה בעד המתים ביום"כ וכו'. Maharil also speaks of the Yizkor on Yom Kippur and adds, however (at the end of the section on Ho-sh'ana' Rabba'): "Every Yom Tov when we read 'each according to the gift of his hand' (Deut. 16:17, i. e., on the last day of each of the three festivals) we memorialize the dead (מוזכרין נשמות) and say 'Av Haraḥamim.'"

Some of the texts speak of a memorial not only on the festivals, but even on *every Sabbath*. Thus Tanḥuma (ed. Warsaw) to Ha'azinu (p. 122): "Thus it is our custom to memorialize the dead every Sabbath" (שלא ישובו לגיהנם) and then he mentions also the regular Yom Kippur memorial service.

Besides all these, there seem to have also been congregational lists of people for whom money was donated so that their names be read out in memorial, although the sources do not specify just on which days the lists were read. Meir of Rothenberg (Resp. ed. Berlin #37) speaks of a man who left a Sefer Torah to the synagogue in order that his name be read. אם ירצו הספר תורה יזכירו נשמתו עם שאר נשמות. Similar bequests are mentioned in his responsa (ed. Budapest #342 and #286) (להזכיר נשמת זונתו). In fact such private bequests are mentioned earlier. Sefer Ḥasidim (ed. Warsaw #170) speaks of a righteous man who left money to the community in behalf of the dead. This custom of leaving money for names to be included in memorial lists became a fixed custom (cf. for example, the Responsa of Samuel Engel, V, 24).

All these statements reveal a complex set of customs. It is no wonder

that one writer (Adolph Gerloczi, *Jued. Litteraturblatt*, XXVII, p. 90) finds some of the texts mutually contradictory, and that most writers on the liturgy deal with the subject only in a general way.

At the outset, it is evident that the customs were in a continual state of development and explanation, and may be classified somewhat as follows: First of all, there was as mentioned the communal memorial of the martyrs who were killed in the Crusades and the Black Death, as listed in the Memor-books, to be memorialized on certain specified Sabbaths. This memorial to the martyrs can be conveniently labeled as a Liturgical Communal Memorial, since it was part of the liturgy and referred to the dead which were to be honored by the entire community.

In addition to this Liturgical Communal Memorial there developed what may be described as a Liturgical Family Memorial. This is what we commonly refer to nowadays as Hazkarath Neshamoth or Yizkor. This is a regular part of the liturgy on certain days and is a memorial, not for the dead of the community as a whole (i. e., for the martyrs) but for the dead of one's own family, whether martyred or not. This Liturgical Family Memorial is also vague as to origin and observance. In western Europe the Liturgical Family Memorial was only on Yom Kippur. In eastern Europe it was also on the last day of the three festivals.

There is also a third type of memorial which cannot be described as liturgical, namely, as a part of the prayer book incumbent upon all worshipers simultaneously. It may be described as an Individual Memorial. A man is called up to the Torah and he has a special prayer recited for his dead. This Individual Family Memorial seems to be the one carried over into the Sephardic world from the Ashkenazic. Among the Sephardim there is the custom that an individual, whether called up to the Torah or not, asks for a prayer which is to be recited before the Ark in memory or in behalf of his departed relative. This the Sephardim call Hashkavah.

In addition to these three, or as a variation of them, some communities have lists, not of the martyrs whom the communities remember, but of the family dead, and these are read at stated occasions.

All these various modes of memorial are somehow related to each other. Though the line of evolution is very vague, as is often the case with emerging Minhagim, there seems to be one thread tying them all together and that is the thread of giving charity, either in memory of the dead or in their behalf. This charity, called Matnath Yad (from Deut. 16:17) is sometimes found with the prayer for the benefactors of the community whose names were appended to the martyr-lists.

It is sometimes found with the Liturgical Family Memorial, though in the present texts of Yizkor the theme of Matnath Yad has dropped out entirely. Then, too, in some rituals Matnath Yad at certain times of the year has no direct connection with memorial at all, either communal or family.

As we attempt to find some order among all these related observances, we must look more closely at the legal compendia and the Minhagim books. Unfortunately, these texts themselves, as already mentioned, give a confused impression. Some of the texts, as we have noted, indicate that the dead are memorialized on certain special Sabbaths; some say it is to take place on *every* Sabbath; some say only on the Day of Atonement, and some say also on the last days of the festivals. The obvious explanation of such differing statements would be that the custom of memorializing was unfixed, unregulated, and therefore it varied from place to place as well as from time to time. This explanation, usually sufficient in the case of many other popular observances, is not quite adequate here because we find apparent contradiction within the *same literary source*. For example, Rokeaḥ (#217) says of Yom Kippur that we give charity in behalf of the dead *only* on this day. On the other hand, Rokeaḥ (#296), speaking of the festivals says: On all the festivals we give charity when we read the portion, "each according to the gift of his hand" (i. e., on the last day of the holiday). That this second statement is also related to memorials, we see from Maharil, who in his Minhagim in the section on Hosh'ana' Rabba' states more fully: It is a rule that on every holiday when we read the portion "each according to the gift of his hand," we recall the souls of the dead (Mazkirin) and we say 'Av Haraḥamim. Do Rokeaḥ and Maharil mean, as they seem to mean, that there was at that time a regular Hazkarath Neshamoth on the festivals as well as on Yom Kippur? Or was there some difference between the observances on the respective days? Also the heading of the various memor-collections sometimes states that the dead are to be memorialized only on two specified Sabbaths, but sometimes they call for memorializing on *every* Sabbath. Such apparent complications are found in all of the older sources, a situation which is aggravated by the firm insistence in most of these sources that the dead are memorialized *only* on Yom Kippur.

Clearly there is need to review all the available sources in order to distinguish as far as possible between various types of memorializing, between various local customs, and between the various stages of the development of the memorial observance.

## THE COMMUNAL MARTYR LITURGY

The prayer 'Av Haraḥamim, written as a memorial to the martyrs, accompanied the reading of the martyr-lists in the various memorial books in mediaeval Germany (see, for example, Salfeld "Martyrologium," pp. 175–77, note 10, where this prayer follows the list of those martyred in Worms in 1349); and as Heidenheim and Baer note, in most German congregations this prayer was recited on only two Sabbaths of the year, the Sabbath before Shavu'oth and the Sabbath before Tish'ah B'Av. Why these two Sabbaths particularly? A study of the brief liturgical notes at the head of many of the Memor-lists makes clear why this martyrs prayer was recited only on these two Sabbaths in the German usage (which was the original one). The heading on page 1 of the Hebrew text in Salfeld reads: "Sivan: The martyrs of Cologne (were slain) on the day after Shavu'oth and we remember them (Mazkirin Otham) on the Sabbath before Shavu'oth." (1096)

Also: "The martyrs of Mainz (were slain) on the third day of Iyyar and we remember them on the Sabbath before Shavu'oth."

So with the martyrs of Worms. They are to be remembered on the Sabbath before Shavu'oth.

The butchery of Rhineland Jewry (especially the large communities of Mainz, Speyer, Worms and Cologne) took place around Shavu'oth, as the dates in the Memor-lists indicate. It was not deemed proper to set the memorial on the holiday itself. To do so would disturb the joy of the holiday (which was mandatory) and therefore they fixed it on the Sabbath before the holiday. This Sabbath was suitable for memorial since it was part of the 'Omer period which was associated with the massacre of the disciples of Rabbi 'Akiba. Thus the Sabbath before Shavu'oth became set after the Crusades as the special memorial Sabbath at which the lists of the martyrs were read and the prayer 'Av Haraḥamim recited.

However, heading the lists recording later martyrs (those of the Black Death riots in 1348) an additional martyrs Sabbath is mentioned. On page 80, beginning the list of the Black Death martyrs is the following: "Therefore all the house of Israel is in duty bound to remember them (lehazkiram) between Passover and Shavu'oth, on the Sabbath nearest to Shavu'oth *and also a second time* on the Sabbath between the 17th of Tammuz and the 9th of 'Av, on the Sabbath nearest the 9th of 'Av, the Sabbath that we call 'the Black Sabbath.'"

The Black Death massacres were not concentrated within a few days, as were the massacres of the Rhineland communities in the first

Crusade. They lasted for more than a year. Thus the memorial lists do not give any day or month, as they do with the Crusade martyrs, but only the year. However, the largest massacre took place in Mainz and claimed six thousand victims. This took place in August near to Tish'ah B'Av. It would have been natural, therefore, to place a second memorial day on the Sabbath before Tish'ah B'Av, which was always solemn in mood because of the denunciatory Haftarah reading (Isa. 1).

The Memor-book calls this Sabbath the Black Sabbath (*ibid.*). So this Sabbath was in mood appropriate for a memorial Sabbath, whether or not it specifically commemorated the date of the greatest single Black Death massacre, that of the Jews of Mainz. At all events, it may well be that the custom of Jahrzeit which developed in the Rhineland may have first started with the memorial for the martyrs of the Crusades, since they were remembered in the synagogue service on the Sabbath nearest the date of their death. Be that as it may, the two memorial dates which became fixed, the first from the time of the Crusades and the second from the time of the Black Death, remained in the German Jewish liturgy as the only two Sabbaths on which (in the German rite) the martyrs prayer 'Av Haraḥamim is recited.

#### THE COMMUNAL FAMILY LITURGY

The oldest extant memorial list is the one written in 1296 by Isaac ben Samuel of Meinigen (cf. Salfeld, pp. XIII and 85). The brief introduction giving the date says also that this was the day when the community (of Nuremburg) worshiped for the first time in its new synagogue. It was natural, therefore, that this chronicler should list not only the martyrs, but those deceased benefactors who made the building possible, as well as the names of other benefactors now deceased. He then lists, also, famous rabbis and leaders (among them Rabbenu Gershom). He adds the rubric that these names shall be mentioned *every Sabbath*. Then follows a prayer for the martyrs.

This cannot mean that the martyr list was read every Sabbath; only the two special Sabbaths were dedicated to that purpose. Perhaps it means that merely the prayer be read: "May God remember the souls of all the communities who were slain, stoned, burned," etc. (cf. p. 86) and only the names of seven scholars and benefactors were to be read *every Sabbath*. If, however, the list of benefactors grew (as the list on p. 87 which has hundreds of names) it is hardly believable that such a list was read every Sabbath. Perhaps only the seven famous names were read or perhaps the names were read on their

Jahrzeit just as the Sabbath before Shavu'oth was deemed to be the Jahrzeit of the martyrs of the first Crusade.

Since now the memorial lists and the memorial prayers were extended beyond the martyrs to include the benefactors who died a normal death, it was natural that the desire should arise for members of *every* family to memorialize by name their deceased relatives who were neither martyrs nor famous leaders nor great communal benefactors. Thus the family memorial liturgy arose, namely, our present Hazkarath Neshamoth.

This service could hardly be put on the same two Sabbaths set aside for the martyrs, so for this family memorial the Day of Atonement was preferred. The chief reason was perhaps the belief bolstered by a number of midrashic passages that the dead as well as the living need atonement and deliverance (this in spite of the talmudic dictum that death itself is an atonement, Mo'ed Qaṭan 28a) and that the living can speed the deliverance of the dead by the giving of charity. Thus in all the early references to this ritual, charity by the living is mentioned in this connection. For example, Vitry (#353) speaking of the Yom Kippur service says: "And we set aside charity (Poskim Zedakah) in public for the living and the dead, since the Talmud says there is no proper fast day without charity (Berakhoth 6b)." Siddur Rashi #214 makes virtually the same statement. Both these early sources add that no charity is given for the dead except on the *Day of Atonement*.

This statement of the Yom Kippur memorial is not in contradiction to the custom of the memorializing of the martyrs on the two Sabbaths. The meaning of the statement is not that we do not memorialize the dead except on Yom Kippur (which was not so) but that no *charity* is pledged for the dead except on the Day of Atonement. The reason for this distinction between the Day of Atonement Family Memorial and the two special Sabbaths of the Martyr Memorial was that while they believed that the average dead may need the redemption through the giving of charity, the martyrs needed no redemption. Their martyrdom made them Kedoshim, "Saints." In fact there was a widespread debate as to whether it was necessary even to say Qaddish for the martyrs (cf. Responsa of Maharil #99). The long list of benefactors remembered for the charity in the Salfeld list #VII (p. 87) includes a number of martyrs. The (redemptive) gifts of the benefactors are all carefully mentioned. But in the case of the martyrs, no gift of charity is mentioned (except in one case where it is said that he left prayer books). The ordinary deceased were believed to need redemption either by their own charity or that of their descendants.



The martyrs did not need redemption. Hence the average dead were mentioned on the Day of Atonement and charity given; the martyrs were honored on the two Sabbaths and no charity was given on those two occasions.

However, as we shall see later, on certain festival days when donations were given for the support of the congregations, prayers were occasionally made for the family dead. But the statement, "only on Yom Kippur" etc., was substantially correct. Gifts by the worshipers for the dead were given *as a rule* only on Yom Kippur and not on the two martyr Sabbaths.

#### THE FAMILY LITURGICAL MEMORIAL EXTENDED

Although all the earlier sources say positively that the memorial for relatives (Yizkor) was held only on Yom Kippur, the observance spread in eastern Europe from Yom Kippur to the last days of the three festivals. It is possible to fix fairly closely when this newer custom must have begun.

Moses Isserles does not mention it at all. He speaks of Hazkarath Neshamoth only for Yom Kippur, but at the appropriate places in the *Ṭur* and the *Shulḥan Arukh*, at the end of the three festivals, he does not mention it at all. Evidently either he did not know of any such observance or, if he did hear of it, he did not approve of it. This is exactly the situation in "Maṭṭeh Moshe," by Moses Meth, the pupil of Solomon Luria. He also mentions Yizkor *only* on Yom Kippur and makes no mention of it on the three festivals. The oldest authority to speak of it is Isserles' pupil, Mordecai Jaffe, in his *Levush* (*Aṭereth Zahav* 346:3). He says that it is our custom to memorialize the dead even during the festivals (quoted by Shach to *Yoreh De'ah* 237:2; also by Ba'er Heṭev to *Oraḥ Ḥayyim* 547:5). Since the prayer books record the three festival Yizkor as the custom of Bohemia and of Poland, and since Jaffe was born and lived in Bohemia, the custom may well have started there.

However, this extended custom needed special justification since it is certainly contrary to the mood of rejoicing which must prevail on the three festivals. Even the original custom of memorializing on Yom Kippur had needed special justification. It had been necessary to prove that the dead were benefitted by the prayers of the living. But granting that such prayers in behalf of the dead were necessary or effective, it was a simple matter to justify their use on the Day of Atonement. Isserles (in *Darkhe Moshe* to *Ṭur Oraḥ Ḥayyim* 621) cites Jacob Weil, who said that we use the plural Yom Hakippurim

to indicate that the day can bring atonement both to the living and to the dead. He also cites Rokeaḥ who said that our remembering the dead on Yom Kippur helps to humble the heart.

But the extended use of Yizkor on the three festivals needed a new justification. It was no longer necessary to prove that the dead are benefitted by such prayers. This was by now long accepted as true. What was needed was to justify the recitation of memorials on the joyous festivals. It is forbidden to give a Hespel for the dead thirty days before a festival (cf. Oraḥ Ḥayyim 547). Karo nevertheless allows our memorializing on Yom Kippur; he says: "at the end of the year," even though it is within thirty days of the coming festival of Sukkoth. But how can Mordecai Jaffe justify a memorial as he does within the festival itself? Many legalists have attempted to justify it. Hirsh Kaidanover (in Qav Hayashar, chap. 86) says that the three festivals correspond to the three patriarchs and we should mention them on the three holidays. Joseph Teomim in Peri Megadim ('Eshel 'Avraham 547) says that mentioning the dead on the festival is not really so mournful as going to the grave and saying 'El Mole Raḥamim, which certainly would be forbidden. As recently as the past generation, there still was felt some need to justify the memorial on the festivals. Solomon Schick (Rashban Oraḥ Ḥayyim #294) says that after all, the last day of the holiday is not truly festive; it is only the rabbinical (calendar) addition to the holiday.

All these explanations are obviously forced. The simple fact is that the three festival memorials became an established *custom* and the custom was popularly accepted, as Mordecai Jaffe indicates as a matter of fact. Yet, in spite of the difficulty in justifying it, the very fact that it *did* become widespread, would indicate that it must have had some fairly strong roots in the past. The earlier sources give us sufficient indications as to how this newer custom must have arisen.

The earlier sources (Rokeaḥ, Yom Kippur 217, Vitry 353, etc.) which insist emphatically that in all the "land of Ashkenaz" we have Yizkor only on Yom Kippur, evidently express a strong effort to *restrict* this solemnity to this one day when it would be most appropriate. But certainly the dead were remembered on other days too. It was the widespread custom to donate or bequeath money for the memorializing of the family dead (Sefer Ḥasidim, old edition #170; new edition #397, 396; Meir of Rothenburg, Responsa edition Budapest #342, #280; edition Berlin #371). In the heading of one of the Memor-lists (Salfeld, p. 85) the congregation is directed to remember the listed benefaction *every* Sabbath. So there were many occasions during the year when individual dead were memorialized. Then what,

in relation to these numerous personal memorials, was the meaning of the first statement so frequently repeated in the basic sources, that charity is given for the memory of the dead in all of Germany *only* on Yom Kippur?

It meant simply that *public* liturgical memorial *incumbent* upon the entire congregation (of the bereaved) took place only on Yom Kippur. During the year there could be individual memorials, but these were voluntary. The Yizkor on Yom Kippur was the only regular liturgical *required* memorial.

It was natural, therefore, that there arose a desire to regularize the personal voluntary memorials and to make them, as it were, official; or, more correctly, to extend the one official family memorial beyond Yom Kippur. There was a good reason why, when this extension took place, it spread to the last days of the three festivals, for these three last days already had a special function which was akin to the Yom Kippur liturgical memorial.

The Torah reading for the last day of Passover, the second day of Shavu'oth, and Shemini Azereth was from Deuteronomy 15:19–16:17, which contains the words, "Three times a year shall all your males appear before the Lord. Each according to his gift (Ish kematnath yado)," etc. This scriptural reading made the last day of the three holidays a suitable occasion for soliciting gifts from each member ("all thy males") for the support of the congregation. On this occasion a donor could, if he wished, also have the name of his departed relative mentioned as his gift was announced. This memorializing was permitted but was voluntary. The main purpose of the gifts was the support of the congregation.

So Taniah Rabbati (#53 at the end of the Passover section) says: Our custom is to pledge gifts for the Shalosh pe'amim (the scriptural verse "three times a year," etc.) and "Ish kematnath yado"; *also* to mention the souls of the dead. The author makes a similar statement at the section of the last day of Shavu'oth (#54) and Shemini Azereth (#88). See also Maharil at the end of Hosh'ana' Rabba'; also Siddur Yavetz on the rules for the last of Passover.

These donations three times a year were called Matnath Yad from the closing sentence of the Torah reading. The same term was applied to the regular required Yom Kippur memorial service because then, too, gifts were given in memory of the dead. Since, therefore, the last day of the three holidays was called Matnath Yad, as was the Yom Kippur memorial, and since among the regular gifts to the congregation gifts could also be given in honor of the dead, it was natural when the officially required Yizkor was extended, that it was extended to these

three days, even though that created some incongruity between the memorial mood and the *joyous* spirit of the festival.

Of course, even this extension of the required Yizkor did not abolish the individual voluntary and special memorials. Some people still gave or left money to the Hēvrah Qadishah to read the names of the deceased on a Jahrzeit list, or to study Mishnah on the Jahrzeit and to say Qaddish (cf. for example, resp. Samuel Engel, V, 24).

This elaborate memorial system spread to some extent to the Sephardic communities. Two great Sephardic communities in the Ashkenazic world, namely, London and Amsterdam, have a memorial on the Sabbath before Tish'ah B'Av for the victims of the Inquisition in Spain, exactly on the same Sabbath which the Ashkenazic Jews called the Black Sabbath and had chosen for the memorial to the victims of the Black Death (Gagin, Kether Shem Tov, Vol. I, p. 671). But chiefly the Sephardim make use of the personal voluntary memorializing when a man is called to the Torah (Hashkavah).

Although the development of the memorial service is complicated and although the sources frequently seem confused and contradictory, the line of development is fairly clear. The first memorials were for the victims of the Crusades. Their names were read, the prayer Av Haraḥamim recited close to their common Jahrzeit, the Saturday before Shavu'oth. Then the next memorial was for the victims of the Black Death. They were memorialized on the Sabbath before the 9th of 'Av (The Black Sabbath). Also there were memorials for benefactors of the congregation at various times during the year. All this is clear from the Memor-lists and their introductory paragraphs. Soon there developed a regular liturgical memorial for members of each family. This was placed on Yom Kippur after the Torah reading. In addition, there were voluntary memorials at various individual Jahrzeit dates, for which gifts were given or left by will. An individual memorial prayer could be asked for during the collections of the regular gifts for the support of the congregation, gifts expected from each member which were collected on the last day of the three festivals. This collection, because of the Torah reading on that day, was called Matnath Yad, a term also applied to the regular liturgical memorial on Yom Kippur. When in Bohemia and eastern Europe the regular liturgical memorial was extended, it was naturally extended to these three Matnath Yad days, the last day of the three festivals.

The development of the various prayers used in the memorial services must be left for a later study.