

# “A Persecution was Decreed”

## Persecution as a Rhetorical Device in the Literature of the Ge'onim and Rishonim.

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Cover illustration:

Shpoḥ ḥamatkha from the Darmstadt Haggadah,

Middle Rhine area, probably second quarter 15<sup>th</sup> century.

The tableau beneath the text depicts the Seder table. It is an adaptation of the Last Supper theme.

## Introduction.

Within the Jewish religious world, it is frequently said that the haftarah, the liturgical reading of the prophets, came into being as substitute for reading the Torah<sup>1</sup>. At some unspecified time in history, religious persecution was initiated against Judaism by an unspecified authority. This authority outlawed the liturgical reading of the Torah within the service. The Jews reacted by replacing the reading of the Torah with a parallel reading from a prophetic text. Reading through secondary literature on the history of Jewish synagogue worship, one finds that the theme of persecution as the stimulus for change in the liturgy is repeated fairly often, for different features of the liturgy, for instance for the Shema in the Kedushah and the Shema in the morning berakhot. The source texts for these ideas can mainly be found in halakhic texts from the time of the Ge'onim (Babylonia, 6<sup>th</sup> – 11<sup>th</sup> century) and the Rishonim (Western Europe, 11<sup>th</sup> - 15<sup>th</sup> century). The theme entered modern discourse mainly via research on the development of the Jewish liturgy in the first half of the 20<sup>th</sup> century<sup>2</sup>.

Twentieth-century researchers, such as Elbogen, Mann and Idelsohn, typically combed medieval Jewish texts for “facts” that could be used to create an understanding of the development (mainly the *when* and *how*) of Jewish liturgy. Whether one can read Jewish traditional texts as a source of factual history in this sense is a topic that is now fiercely debated<sup>3</sup>. In this thesis, I will not ask the question whether the material reflects factual history. It is quite possible that some of the texts refer to events that really happened. Most of the texts do not give any historical details, although some do. When details are given, these could possibly be interpreted as “proof” of the factuality of the text. However, the details could equally well have been created by writers with a political agenda that has now been forgotten. For instance, writers living in the time after the Arab conquests may have had their own reasons to write negatively about the Persian times preceding their own.

The main question I will try to answer in this thesis is whether medieval halakhic texts on liturgical issues that introduce repression as a theme can be described as sharing a common “topos”, a standard theme, ready for the writer as a rhetorical argument that can be used in a certain area of discourse.

In his important book on medieval European literature, Ernst Robert Curtius describes the importance of Greek and Roman rhetoric for the development of European literature. In his view, the “topos” plays a central role<sup>4</sup>.

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<sup>1</sup> While writing this thesis, I asked my friends whether they knew this story. About half did. See, for example, the Google results for “haftarah persecution syrian.”

<sup>2</sup> However, when one looks up this period of history in scholarly texts on the development of the liturgy, one generally finds that it is regarded as a doubtful story [Elbogen 1993] page 143; [Idelsohn 1932] page 139

<sup>3</sup> [Goshen-Gottstein, 2000], introduction; [Schwartz, 2002]

<sup>4</sup> [Curtius, 1948] page 77ff.

Medieval writers could use a spectrum of themes handed down by classical writers as part of the art of rhetoric, to prove their point or develop their story. The traditional word for such a theme in English is “commonplace”, or “gemeenplaats” in Dutch. Because these words developed a negative connotation in modern times, Curtius introduces the term “topos”<sup>5</sup>. In later literary theory, after Curtius, the term topos is often used more freely for a theme that can be found repeated in literary works, even when the laws of rhetoric are not explicitly used by the author<sup>6</sup>.

When I say that the theme can be described as a topos, I am not implying that Jewish halakhic writers were explicitly trained in, or used, classical rhetorical techniques to produce their works. As far as I know, Ashkenazic writers such as Rashi were not classically trained and did not possess formal knowledge of classical rhetorical techniques. However, modern historical research on martyrological literature reveals the extent to which Jewish writers in northwest Europe were informed about Christian thinking. Information on the classical rhetorical system was available in Arabic and probably within the reach of Jewish writers living in the Iberian Peninsula. It is not impossible and may even be likely that basic knowledge about the rhetorical system was available to these Jewish writers. But because, as far as I know, we lack factual knowledge about the rhetorical training of rabbis in medieval Europe, I will not make any claims in that area.

In the first chapter of this thesis, I describe and analyze earlier research on the theme of repression in the liturgy. In the second and third chapters I attempt to answer the question whether or not the repression theme is used as a topos by analyzing several instances of the theme in the literature of the Ge'onim and Rishonim. Here I try to answer the question whether the theme of repression is used by halakhic writers as a rhetorical device to “solve” *analogous problems* in relatively *unrelated* areas of the service<sup>7</sup>. In the second chapter, I present versions of the topos that are related to the Shema. The third chapter examines versions of the topos relating to the Kedushah of the Lesson, the “Eighteen Mentionings”, Blowing the Shofar, reading the haftarah and the response in the Kaddish.

I am aware of the fact that, by ordering the versions and describing the relationship between them, I am creating a kind of ahistorical pseudo-chronology. Although it is possible to date Jewish medieval literary works in a conventional general way, it is virtually impossible to date individual fragments, due to the way the copying process worked. I hope the reader understands that the ordering of the material is my work, for my own rhetorical purposes. It is quite likely that the material can be ordered in other, better ways by those with more knowledge in this field.

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<sup>5</sup> An example of a classical topos still used in literature and poetry is the experience or visibility of God in nature. For the use of rhetorical devices in Talmudic literature, see [Lieberman 1950], “Rabbinic interpretation of scripture.”

<sup>6</sup> E.g. the Jew as rich, Jews ruling the world.

<sup>7</sup> Metaphorically speaking: “The topos is an adjustable spanner in the hands of the halakhic mechanic.”

In the fourth chapter of the thesis, I broaden my scope and try to answer questions about the literary function of the topos. In that chapter, I describe how, in my view, the topos relates to current ideas about the canonization process of the siddur in medieval Europe<sup>8</sup>. A second theme is the way that the persecution topos reflects current ideas about the relationship between Jews in the Ashkenazic world and their Christian environment.

The final chapter is reserved for the conclusions of my research<sup>9</sup>.

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<sup>8</sup> For the Ge'onic literature in relation to the synagogue service, see [Hoffman 1970].

<sup>9</sup> In this thesis I will limit myself to examples from the area of liturgy. The topos of explaining change as instigated by suppression is not limited to this field; it found its way into other areas of halakha that will not be part of this thesis. See Lieberman, 1973 6:147, where he argues that a certain change in the wording of the Miun document was instigated to limit danger during the Hadrian persecutions.

# 1 State of Research

## 1.1 *Jacob Mann*

In 1927, Jacob Mann published an extensive article in the Hebrew Union College Annual on the influence of repression on synagogue liturgy. In the article, Mann argues that “conditions imposed by the powers of the state<sup>10</sup>” in Mishnaic and Talmudic times had an important influence on the shape and contents of the synagogue service. In times of persecution, decrees imposed on the Jews by the state made it impossible to organize and hold religious services as usual. When the Christian Byzantine and Zoroastrian Sassanid empires imposed their will on the Jewish communities, time-honored traditions had to be set aside. However, the pressure that was put on the Jewish communities generated a form of creativity through which new forms of prayer evolved or parts of the service were reordered. Mann uses Ge’onic responsa, Geniza fragments and medieval quotations from older material to prove his point that, in the inconsistencies in the service and the repetition of certain features and phrases, we can see the fingerprint of repressive governments.

Although Mann’s article complies with the standards and methodology current at the time it was written, the method used by Mann in this article can now be seen as problematic. Mann writes with a total belief in the power of reasoning and introspection to recreate historical facts. By interpreting his texts in line with his main theme, choosing material that fits his ideas and laying aside other material, Mann weaves a web of logic over his material. Hypotheses that are barely proven on one page become hard facts on the next. In the first part of his article, for instance, Mann argues that the Midrash text called “Tanna debe Eliyahu” should be dated after 454 and before the end of the fifth century, originating in Babylonia. His argument is based mainly on allusions to possible historical facts throughout the text<sup>11</sup>. He then uses this “fact” as a starting point for his analysis of medieval texts referring to Tanna debe Eliyahu, fixing the time of the events described in that text to the years around 454, placing them in the Babylonian world.

The fact that other scholars, on the basis of the same text, have argued for a different date and place is of no consequence to Mann. He knows that his text may be corrupt and even uses an argument from silence to prove that the original version of the work must have contained a fragment he needs for his thesis<sup>12</sup>, a fragment lacking in the version we have today. The possibility of the text being corrupt may have restrained other scholars from using details from it to prove its date<sup>13</sup> and place of origin, and hence from basing a whole chain of logic on that text.

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<sup>10</sup> [Mann 1927] page 243

<sup>11</sup> [Mann 1927] page 302-310

<sup>12</sup> [Mann 1927] page 248, note 7: “All these passages, quoted by R. Benjamin, were evidently in his copy of S.E.R. (Sefer Eliyyahu Rabba, part of Tanna debe Eliyaahu, AR.) but were omitted by later copyists.”

<sup>13</sup> For modern views on date and place of the work, see [Stemberger 1992], page 332-333.



Mann was aware that it is possible to take a different view of the same texts, seeing them as rationalizations, explanations of features of the service that have no other literary or halakhic basis. However, he regards such a view of his thesis as unduly critical:

*The question frequently arises whether they are not post eventum explanation of liturgical features that could not be accounted for otherwise and therefore the general hypothesis having been due to שעה השמך was conveniently advanced as their reason. Yet this general and oft repeated tradition of changes in the liturgy because of religious persecutions seems to be well grounded and it would be hypercritical to dismiss it altogether as unhistorical<sup>14</sup>.*

## **1.2 Judah Bergmann**

In 1928, Judah Bergmann<sup>15</sup> published an article in *Monatsschrift für Geschichte und Wissenschaft des Judentums* in which he took another approach to the same problem. It is exactly this aspect, the fact “that the tradition is general and oft repeated”, that disqualifies it in his eyes as historical fact. He writes:

*Gerade das Stereotype ist neben dem Wunderbaren das Merkmal, an dem wir die Legende erkennen und mit diesen Hilfe wir zwischen dem Historischen und Sagenhaften einer Erzählung zu unterscheiden vermögen<sup>16</sup>.*

Bergmann differentiates between stories that contain “factual history” and those containing “legends”. Historical tales are unique, whereas legends can be recognized by stereotype and miracles.

In his article, he states that the frequent mentioning of times of persecution as the basis of change in the liturgy can be described as a legend. It is not part of official historical memory but of the story-telling folk culture of Judaism. It serves to explain events where historical sources are silent:

*Die Legende entstand überall aus dem Bedürfnis des Volkes, das Unverstandene zu erklären und das Dunkle aufzuhellen; einmal aber entstanden, wanderte das Legendenmotiv durch Zeiten und Länder und wurde in gleicher Form von verschiedenen Ereignissen erzählt<sup>17</sup>.*

In contrast to Mann’s view, Bergmann believes the material in the Ge’onic and medieval texts should not be approached as remnants of factual events. They should

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<sup>14</sup> [Mann 1927] page 245. See also page 259.

<sup>15</sup> [Bergmann 1928] In this article, he does not quote Mann directly. It is unclear whether Mann’s article, published the year before, was available to him at the time.

<sup>16</sup> [Bergmann 1928] page 449

<sup>17</sup> [Bergmann 1928] page 456. Bergmann’s ideas about folk culture are related to similar ideas in Romanticism and were probably influenced by contemporary political developments in Europe.

not be scoured to reveal Jewish history, but should be seen as legends, stories (“Wandersagen”), roaming through Jewish literature<sup>18</sup>.

In my view, Bergmann is basically correct in his criticism of Mann, in the sense that the recurrence of the theme of repression for several unconnected aspects of the service seems to disqualify it as a historical source. I doubt, however, whether the term “legend” leads to clarity in this area. Several definitions of this term were in use in the first half of the 20<sup>th</sup> century and it is difficult to know what Bergmann had in mind. A modern folklorist's professional definition of “legend” was proposed by Timothy R. Tangherlini in 1990<sup>19</sup>:

*Legend, typically, is a short (mono-) episodic, traditional, highly ecotypified historicized narrative performed in a conversational mode, reflecting on a psychological level a symbolic representation of folk belief and collective experiences and serving as a reaffirmation of commonly held values of the group to whose tradition it belongs.*

One can argue that the stories mentioned in this thesis fall within this definition in the sense that they “reflect on a psychological level a symbolic representation of folk belief and collective experiences and serving as a reaffirmation of commonly held values of the group to whose tradition it belongs.” However, most of the texts are not “ecotypified”, as there is hardly any definition of place or time. Furthermore, in their present context, they cannot be seen as belonging to conversational narrative<sup>20</sup>. It is possible that the theme did function in day-to-day conversational narrative. But in the context that they have come down to us, it seems more helpful to characterize the theme in another way: as a topos.

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<sup>18</sup> Compare this with the introduction to Ginzberg, *Legends of the Jews*.

<sup>19</sup> [Tangherlini 1990] page 385. See this article for other definitions.

<sup>20</sup> The version that my friends know about the development of the haftarah, told and retold in the synagogue, can of course be typified as a legend within this definition.

## 2 The Shema

The Mishnah tells us right at the start that the correct practice is to say the Shema twice daily, once in the evening and once in the morning<sup>21</sup>. According to the ḥakhamim, we should say the Shema in the morning within three hours of sunrise. In the evening we should say the Shema between the time that stars become visible and midnight. According to Bet Hillel, one says the Shema as one finds oneself at that moment; there is no relation to the act of getting into or out of bed. “Standing up or lying down” should be read as a time-frame definition.

The Mishnah mostly follows the halakha according to the house of Hillel, and even makes a point of telling us a story about Rabbi Tarfon<sup>22</sup>, who endangered his life by insisting on saying the Shema according to the halakha of the house of Shammai. By lying down on the road to say the Shema, he made himself vulnerable to robbery and even murder. The Mishnah seems to tell us that keeping the halakhah according to the house of Shammai is not only halakhically wrong but can even lead a person into mortal danger<sup>23</sup>.

There is a contrast between the way the reading of the Shema is described in the Mishnah and the way it has been practiced from at least medieval times, and indeed the way we read the Shema today. Instead of twice daily, we read the Shema four times on a weekday. In addition to the reading during Shaḥarit and Aravit, it is read during the Birkat Hashaḥar<sup>24</sup> and in the personal night prayer, on retiring. On a Shabbat, depending on the minhag of the community, one or two extra readings are added, bringing the total up to five or six. The opening line of the Shema is read in the Musaf Kedushah and, in many communities, in the ceremony of taking the Torah scroll out of the Ark<sup>25</sup>.

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<sup>21</sup> For Hebrew texts and references, see Appendix 1.

<sup>22</sup> Berakhot 1:3

<sup>23</sup> Berakhot 1:3 R. Tarfon said: I was once walking by the way and I reclined to recite the shema in the manner prescribed by Beth Shammai, and I incurred danger from robbers. They said to him: you deserved to come to harm, because you acted against the opinion of Beth Hillel (trans. Soncino.)

<sup>24</sup> In the Ashkenazic ritual, only the opening line of the Shema is read. Other rituals, (Minhag Sefarad and others) add the first part of the Shema.

<sup>25</sup> The Shema during the Torah service is, as far as I know, not discussed in early texts and it seems that such a minhag did not exist at the time. In late medieval texts, Masehet Sofrim 14:4 (He who says the Maftir with ‘prophets’ says the Shema, etc) is understood to imply that the Shema should be said while taking the scroll out of the Aron. The service was, as I see it, adapted to follow this interpretation. In The Netherlands, only Reform communities follow this practice. In Seder Avodat Yisrael page 223, Baer says that the minhag belongs to the communities of Poland and some Ashkenazic communities. From there it seems to have spread to the US, where it became a normal feature of the Reform siddur.

## 2.1 The Shema in the Shaḥarit Kedushah

### 2.2 Pirkoi ben Baboi

The oldest text known to “problematize” saying the Shema more than twice daily is a text written in the form of a long letter by an otherwise unknown person named Pirkoi ben Baboi to the Jews of Egypt. The text is understood to have been written in the time of the Ge'onim and is generally dated to the eighth century.

Pirkoi ben Baboi's letter can best be characterized as a propaganda text. Its purpose is to convince the readers of the great authority and value of the Babylonian Talmud and hence of its keepers and interpreters, the Ge'onim. The text is highly rhetorical and beautifully written.

In the text, the liturgy receives special attention. Adding even a letter to the words of praise to God (as described by the sages) is forbidden, as is speaking about Ma'ase Hekhalot in public<sup>26</sup>. In the same context, Pirkoi talks about the Shema. When a person speaks to a king, he should refrain from saying more than necessary. A person who does not stick to the question he is supposed to ask, or just weaves words together, including praise in a question or asking a question while praising the king, will be pushed aside. This applies all the more when one is speaking to God.<sup>27</sup>

*The more so for saying the Shema between “Holy” and “Yimlokh” (in the Kedushah) for which it is not the time nor the place where the sages, may their memory be a blessing, enacted (tiqqenu) it.*

The Mishna teaches (in its interpretation of the Torah) that the Shema should only be said twice and even saying the opening line of the Shema counts as saying the full Shema:

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<sup>26</sup> [Mann 1920] page 130. The Kedushah is the part of the service that is most infused with the spirit of Ma'ase Heḥalot. Maybe we should read Pirkoi's admonition against speaking about Ma'ase Heḥalot as a general reservation on his part about reading the Kedushah.

<sup>27</sup> פירקוי דבן באבוי

Fol. 3 recto=l.c., p521

ואפילו אדם לפני אדם כמותו שנוזף אותו ומישים אותו טפש כל שכין זה שאומרים שמע בין קדוש לוימלוך שאין הוא לא עתו ולא מקומו שתיקנו חכז"ל מפני שלא תיקנו חכז"ל לקרוא קרית שמע אלא שחרית וערבית בלבד מן המשנה ומן התלמוד אם אתה אומר שמע פסוק ראשון שהוא או עיקר קרית שמע (פסוק ראשון הוא) [ד]אמר רב יהודה אמר שמואל שמע יש' יי אל' יי אחד זו היא קריית שמע שלרבי יהודה הנשיא ועוד תנו רבנן שמע יש' יי אל' יי אחד זו היא כונת הלב רב' ר' מאיר אמר רבא הלכה כרבי מאיר ועוד כל שכין זה שאומרים פעמים באהבה שהוא כמגיס דעתו כלפי מעלה ומתרעים (ואומד שאנו אומרים פעמים בכל יום שהוא כמגיס דעתו כלפי מעלה) ואמ' ר' יהושע בן לוי בעשרין וארבעה מקומות בית דין מגידים ואחד מהם מגיס דעתו כלפי מעלה שאפילו אנו עוסקין בתורה שהיא חיי העולם הבא ביום ובלילה אסור לנו לחזיק טובה לעצמינו שלא ברא הקב"ה אותנו אלא לכבודו שכך כתוב כל הנקרא בשמי וגו' תדע לך שכן היא ותקנת שמד הוא שאין אומרים שמע (בן) [בין] קדוש לימלוך אלא בתפילת שחרית של שבת בלבד אבל במוספין ובמינחה וכל ימות השבת אין אומרים. עד עכשיו אין אומרים בארץ ישראל קדוש ושמע אלא בשבת או בימים טובים בלבד בשחרית בלבד חוץ מירושלים ובכל מדינה שיש בה בבליין שעשו מריבה ומחלוקת עד שקיבלו עליהם לומר קדושה בכל יום.

*If one says Shema - the first verse -, one says the essence of the Shema. Rav Jehudah said in the name of Shmu'el 'Hear o Israel etc.' That was Rabbi Yehudah Hanasi's recital of the Shema (Ber 13a).*

Before reading the Shema in the Musaf Amidah, we say: "From this place may he turn in mercy and be gracious unto a people who, evening and morning, twice daily, proclaim with constancy the unity of his Name, saying in love, Hear, etc." For Pirkoi this is not only a wrong habit but blasphemy: "familiarity with heaven" (מגיס דעתו כלפי מעלה). Pirkoi draws a comparison with the well-known story about Honi. In the Talmud<sup>28</sup>, Honi is described as a person who brings God to do his bidding by drawing a circle and, while standing in the middle, threatening God that he will not leave the circle until God makes it rain. In modern accounts of the story, Honi is often described as a theurgist<sup>29</sup>, performing a magical rite. However, this seems not to be the vision of the Talmud. In the last part of the account in the Talmud, Shimon ben Shetaḥ rebukes Honi and tells him that if he were anybody else (possibly, anyone less righteous), he would be excommunicated. Shimon ben Shetaḥ compares the relation between Honi and God as similar to the relationship between a child and its father. The person saying "twice in love" is not likely to be as righteous as Honi, which presumably makes that person, acting like a child in the presence of God, liable to excommunication<sup>30</sup>.

*And the more so for somebody who says: 'Twice in love' that (really) is 'familiarity with heaven' and (even) rebelliousness! While R. Jehoshu'a ben Levi says (Ber. 19a): In twenty-four places (in the Mishnah reasons are given for ) a bet din to excommunicate (a person) and one of them is familiarity with heaven.*

Although it is not in line with Talmudic halakha, the Shema is obviously said more often than twice daily. Pirkoi states that Babylonian Jews especially like to say the Shema more often and gives a reason:

*Let it be known to you that this is as (it really should be) and it is an enactment out of a persecution (to do otherwise) because we should only say the Shema between "Kadosh" and "Yimloh" (in the Kedushah) of the Shaḥarit prayer of the Shabbat. Until now, "Kadosh" and "Shema" are only said in Eretz Yisrael on the Shabbat and feast days and then only on Shaḥarit, except for Yerushalayim and in every city where Babylonians live, who rebelled and made a division until they got the right for themselves to say the Kedushah on each day.*

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<sup>28</sup> Talmud Bavli Ta'anit 23a

<sup>29</sup> See for instance, Phillis Gershator: "Choni and his Magic Circle."

<sup>30</sup> Magic and mysticism in Jewish tradition share common ground. Some parts of our tradition that we now regard as magic (such as writing amulets) used to be seen as practical mysticism. The magical and the mystical share a common vocabulary. It is possible to read Honi's act as magical and thus bordering on the mystical. Standing in the middle of a circle and seeking God's presence may be read by Pirkoi as a parallel to the mystical act of seeking entrance to God's palaces.

Pirkoi does not explain what is meant by an “enactment out of persecution” or *taqanat shmad*. No time or place of religious persecution is given. A distinction is made between Eretz Yisrael and the Babylonian practice. In Eretz Yisrael one says the Shema in the Kedushah only on special days. Pirkoi reserves the word “merivah” for the Babylonians, possibly comparing their behavior to that of the rebellious people in the desert. From Pirkoi’s words, it is clear that in his opinion, the Shema should basically not be said more than twice a day. Originally it was not said in the Kedushah and it should certainly not be said daily in the Shaḥarit Kedushah. It is because of the endorsement by the authorities (*tiqqenat*), that insertion in the Shaḥarit Kedushah is acceptable, even correct. Saying the text more often places one in the category of those that could be excommunicated.

### 2.3 Sar Shalom

For Pirkoi ben Baboi it is clear that the Shema should basically be said twice daily. Saying the Shema more often could border on blasphemy. He calls the Shema in the Kedushah an enactment of a time of persecution (*shemad*), without giving any details or making clear what that means. Pirkoi accepts the saying of the Shema in the Kedushah because it is sanctioned by the ḥakamim. The persecution he mentions is a neutral explanation of its origins and seems to have no value in itself.

In *Seder Rav Amram Ga’on*, in the text on the Kedushah, we can find two teshuvot on the subject of the Shema in the Kedushah, one by Natronai, the other by Sar Shalom. The latter is of special interest to this research because it reflects the “persecution” theme.

In an introduction to the text on the Kedushah in *Seder Rav Amram Ga’on*, the heavenly liturgy is described. Israel is compared favorably to the angels because it is given more opportunities to praise God than the angels. Israel is not imitating the angels. On the contrary, the angels say the Trisagion following Israel<sup>31</sup>. After that explanation, two teshuvot are introduced, one by Rav Natronai, the other by Sar Shalom, both describing the correct earthly minhag for saying the Shema in the Kedushah.

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<sup>31</sup> סדר רב עמרם גאון סדר תפילה

מתיבי, חביבין ישראל לפני הקב"ה יותר ממלאכי השרת, שישאל אומרים שירה בכל שעה שירצו, ואלו מלאכי השרת אין אומרים שירה אלא פעם אחת ביום, ואמרי לה פעם אחת בשבת, ואמרי לה פעם אחת בהודש, ואמרי לה פעם אחת בשנה, ואמרי לה פעם אחת בשבוע, ואמרי לה פעם אחת ביובל, ואמרי לה פעם אחת לעולם. ולא עוד אלא שישאל מזכירין את השם לאחר שתי תיבות, שנאמר שמע ישראל ה' אלהינו ה' אחד +דברים ו', ד' + ואלו מלאכי השרת אין מזכירין את השם אלא לאחר שלש תיבות, שנאמר קדוש קדוש קדוש ה' צבאות מלא כל הארץ כבודו. ולא עוד אלא שאין מלאכי השרת רשאים לומר שירה למעלה עד שיאמרו ישראל שירה למטה. שנאמר ברוך יחד ככבי בקר ויריעו כל בני אלהים +איוב ל"ח, ז' +. תיובתא דרב חננאל אמר רב. אימא אחת אומרת קדוש ואחת אומרת קדוש קדוש ואחת אומרת קדוש קדוש קדוש ה' צבאות מלא כל הארץ כבודו. והא איכא ותשאני רוח ואשמע אחרי קול רעש גדול ברוך כבוד ה' ממקומו. ההוא אופנים הוא דקאמרי לה. ואי בעית אימא כיון דאיתיהיב רשותא, איתיהיב. ועמו ישראל ממליכין שמו ואמרינן ה' ימלוך לעולם ועד.

In his teshuvah, Rav Natronai states that the minhag is as the minhag of the two Yeshivot of Babylonia<sup>32</sup> and one should say the Kedushah following their example. Anybody adding to this minhag is changing the way it was taught by the Ḥakhamim of old. Rav Natronai seems to state that the authority of the sages is reason enough in itself to follow their example, any other reason being superfluous.

In a *teshuvah* quoted in the name of Sar Shalom, rosh yeshivah in Mata Mehasia (probably a suburb of Sura<sup>33</sup>), in *Seder Rav Amram Ga'on*, we find for the first time the use of "persecution" as a theme, not only explaining but even endorsing the use of the Shema in the Kedushah. Sar Shalom tells us that the Shema in the Kedushah has a positive value in itself, at least when said within the framework set out by the Ḥakhamim.

Sar Shalom's first concern is to explain that saying the Shema in the Shaḥarit prayer is not the custom of those who know the right way<sup>34</sup>:

*And rav Sar Shalom, the head of the Yeshivah of Mata Mehasia (Sura), sent the following: To say in the prayer (Amidah) of the Shaḥarit, on Shabbat or on feast days or on Yom Kippur "Twice..." is not the custom in the Yeshivah and in all of Babylonia, only (to say it) in the Musaf prayer and on Yom Kippur also during Ne'ilah.*

It is interesting to note the contrast between Sar Shalom and Pirkoi ben Baboi. In the eyes of Pirkoi, the culprits seem to be the Babylonians, primarily in Jerusalem but also in other cities where they live in Eretz Israel, or possibly elsewhere, who insist on saying the Shema in the Kedushah of the daily Shaḥarit. Sar Shalom, by excluding his *Yeshivah*<sup>35</sup> and Babylonia, seems to make it a minhag of people elsewhere, those that follow other minhagim not approved by the Babylonian Ḥakhamim.

<sup>32</sup> סדר רב עמרם גאון סדר תפילה

והכי שדר רב נטרונאי ריש מתיבתא דמתא מחסיא. כך מנהג של שתי ישיבות לומר בקדושת כתר אז בקול רעש גדול, וממוקם מלכנו וכו'. ובמוסף של שבת ושל יום טוב ושל יום הכפורים ובנעילה אנו אומרים פעמים וכו', ולהיות לכם לאלהים. אבל בראשי חדשים ובחולו של מועד אין אנו אומרים.

ואלו שיש ביניכם שנראין כמדקדקין וגורעין ומוסיפין, לא יפה הם עושים, שמשנין ממנהג שתי ישיבות. ומנהג שלנו אין משנין ממה שאמרו חז"ל בתלמוד בין בשבתות בין בימים טובים. ואי מיקלענין למקום ואמר חזן מאי דלא דמי, מסלקינן ליה.

<sup>33</sup> Encyclopedia Judaica, part 14, page 888.

<sup>34</sup> סדר רב עמרם גאון סדר תפילה

ורב שר שלום ריש מתיבתא דמתא מחסיא שדר הכי. לומר בתפלה של שחרית בשבתות ובימים טובים וביום הכפורים "פעמים", אין מנהג בישיבה ובבל כולה, אלא בתפלת מוסף בלבד, וביום הכפורים אף בנעילה. מפני שכשנגזרה גזרה על שונאיהן של ישראל שלא לקרות ק"ש כל עקר, היה אומר אותה ש"ץ בהבלעה בעמידה בכל תפלה דשחרית, בין בחול בין בשבת. כיון שבטלה הגזרה והיו פורסין את שמע כתקנה ומתפללין בקשו לסלקה כל עיקר שהרי חזרה ק"ש למקומה, אלא אמרו חז"ל שבאותו דור נקבע אותו במוסף שאין בה ק"ש. ולמה קבעו במוסף, כדי שיתפרסם הנס לדורות. לפיכך במוספין הוא דאומרה, בתפלת שחר אין אומרו שהרי קרו ק"ש כתקנה.

<sup>35</sup> According to Rav Sherira Gaon, Sura was identical to the town of Mata Mehasia. (Igeret Rav Sherira Ga'on 87.)

Comparing Pirkoi and Sar Shalom, we are confronted with two different minhagim that are described as “Babylonian”. It is not totally clear how one can fit the two versions together. Pirkoi tells us the correct minhag is to insert the Shema in the Shabbat *Shaharit* Kedushah. However, the Babylonians in Jerusalem, he says, insist on inserting the Shema *daily* in the Shaharit. Sar Shalom tells us that the Babylonians (both in the Yeshivot and elsewhere in Babylonia) say the Shema inserted in the Musaf, therefore only on Shabbat. It seems unlikely that the Babylonians living in Eretz Israel had a different minhag from their brethren in the Babylonian world. Maybe both Pirkoi and Sar Shalom wanted to make the “wrong” minhag the habit of the “outsider”, persons outside the scope of their public, whose behavior is frowned upon anyway.

In the body of the Teshuvah, Sar Shalom ties the repression of the reading of the Shema to an event in a past that is not defined. No historical time frame is given, no text is quoted, the Ḥakhamim are anonymous. Sar Shalom does not use the term “shemad” (persecution) but “g<sup>e</sup>zerah”, a word with a wider meaning. This word generally denotes a decision or verdict by those in power and, in an evil sense, a persecution by foreign governments<sup>36</sup>. In our text the two are used more or less as synonyms<sup>37</sup>.

*Because when a verdict was decreed over the (haters of) Yisrael, not to read the Shema at all,*

*the Shaliaḥ Tzibur (at the time) would say it (the Shema) unnoticeably merged in the Amidah of each Shaharit prayer, both on a weekday and on a Shabbat.*

*When the verdict was renounced and the Shema was read<sup>38</sup> as it was enacted and they wanted to remove it totally, because the saying of Shema returned to its right place anyhow,*

*but the Ḥakhamim of that generation said “let’s fix it in the Musaf in which there is no reading of the Shema.”*

*And why did they fix it in the Musaf? So that the miracle would be known (famous) to the (coming) generations.*

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<sup>36</sup> Jastrow, lemma גזרה in this context: “decree, edict, divine dispensation; (in an evil sense) persecution by foreign governments. In martyrological literature it developed the meaning of ‘pogrom’.”

<sup>37</sup> But compare, for instance, Unetanne Tokef, where it is God’s verdict.

<sup>38</sup> “Pores” lit. “spread out or “break.” This is the verb generally used in the Talmud in connection with the reading of the Shema. [Elbogen 1993] explains it as originating from the responsive reading of the Shema, split, as it were, between the Shaliaḥ Tzibur and the community. However, this interpretation of the term is disputed. See Elbogen, page 24, and specially note 24, page 392ff. In the last barakhah after the Shema in the Ma’ariv, God is asked to spread out (pores) the tabernacle of peace over the world. I suppose that makes “split” an unlikely translation in the same context.



*therefore one says it during Musaf services, in morning service one does not say it, because they read the Shema as it was ordained.*

The Shema can be seen as a statement by the reader, proclaiming God King of the world. By outlawing the reading of the Shema, Sar Shalom implies, the worldly king asserts his power symbolically against that of God. Israel has to make a choice whose authority has primacy: God's or the worldly ruler's.

Israel's leaders react by finding a way to circumvent the primary purpose of the persecution<sup>39</sup>. The persecutors may *think* they have succeeded in curtailing Israel. However, God's kingdom is still proclaimed, albeit in a way that can only be heard by Israel and God. A miracle has happened: the king of flesh and blood is shown to be powerless in the eyes of Israel. This miracle is worth publicizing and remembering<sup>40</sup>.

When we compare the previous text with this one, we see a difference in attitude. In the previous text and in other Talmudic and Ge'onic texts, the persecution does lead to change, but the change is not described as positive in itself. In this text, a negative event, religious persecution, is turned into a positive experience. Israel has shown its perseverance and, by implication, God His Kingship. The reading of the Shema in the Kedushah changes from an erroneous habit to a positive act of religious faith. What happens is described as a miracle and reading the Shema in the Musaf publicizes this miracle.

The text gives an explicit reason for placing the Shema in the Kedushah of the Musaf. Placing it in the Shaḥarit, for instance, would mean saying it twice in the same service. The full Shema (the Shema proper, complete with Berakhot) is not said in the Musaf.

The previous texts date from the period of the Ge'onim, when the first layer of canonization of the synagogue service took place<sup>41</sup>. In this chapter and the following ones, we will see this theme repeated time and again in texts of the Rishonim, in the minhag books and halakhic literature that represent the next major layer of canonization of the service. From the time of the Ge'onim, any serious commentary on the siddur will repeat this teshuvah, with varying degrees of literalness.<sup>42</sup>

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<sup>39</sup> In this text it seems that Sar Shalom departs from accepted halakhah by implying that the shaliaḥ tzibbur can say the Shema for the congregation. However, it is possible that in his time, the Shema in the Kedushah was already repeated by the congregation. That would make his account of history less likely, but it makes sense in a halakhic way.

<sup>40</sup> The event obviously lacks plainly visible divine intervention. Some of the many later versions introduce the notion of God's Kingship into the story (compare Maḥzor Vitri 138.) I have taken that idea as the focus of my interpretation.

<sup>41</sup> See: [Hoffman 1970]

<sup>42</sup> See for an (incomplete) list: [Mann 1927] page 256, note 28.

## **2.4 The structure of the topos**

Sar Shalom's account of the persecution that leads to a change in the service can be described as a short story in four parts.

1. The first part tells us that a campaign of persecution is proclaimed over Israel. The enemy of Israel is anonymous and no time frame is given. The persecution consists of a ban on reading the Shema, one of the main parts of the service.
2. The Shaliaḥ Tzibur (apparently on his own initiative) reacts to the ban by replacing the suppressed part of the service with a new element, the recital of the Shema in the Kedushah.
3. The persecution ends, though again no time frame is mentioned. The service could be changed back to its original form.
4. The alteration in the service is retained by the Jewish authorities. The authorities' action is explained by referring to the event as a miracle, worth publicizing.

Some of the examples I will quote in the rest of this thesis are short, sometimes no more than a single line. However, others can be described as a short story. I will try to show that, where this is the case, we can recognize the same four-part structure. In more abstract terms the structure is as follows:

1. The first part tells us about a crisis. A campaign of persecution is proclaimed over Israel. The persecution consists of a ban on a certain undisputed part of the service (e.g. the Shema, the reading of the Torah.)
2. The second part is a reaction to this crisis. Israel reacts to the ban by replacing the suppressed part of the service with a new element. Generally, the new element is a now widely accepted feature of the service for which no clear halakhic basis is available in the literature of Ḥazal, for instance, the Shema in the Musaf Kedushah, or the night-time Shema.
3. The crisis ends.
4. The reaction is placed in a larger time frame and the meaning is explained to the public. The alteration in the service is kept in place. Often, but not always, publicizing of the miracle is given as the basic reason. In some versions of the topos, the time frame is the "story time" (Sar Shalom, "Why did they fix it to the Musaf, etc."). In other versions, it is "our time" (R. Natan<sup>43</sup>, "Therefore, it is not upon us to make changes.")

In the course of this thesis, I will describe, where appropriate, how concrete instances of the topos relate to this structure.

## **2.5 Sefer ha-maḥkim, The Kedushah in the Shaḥarit**

An interesting variation on Sar Shalom's Teshuvah can be found in the influential text called "Sefer ha-maḥkim", written in thirteenth century France by R. Natan ben R.

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<sup>43</sup> Par. 2.6

Yehudah. It is a small treatise, mainly on issues of prayer. It is quoted in later literature but a printed edition was first published in 1909.

R. Natan writes about the Shema in the Kedushah<sup>44</sup>:

*...because one time the wicked nation decreed not to read the Shema and they affixed it to<sup>45</sup> the Tefillah, and when the persecution ceased it was done as of old, they removed it from the Yotzer prayer (Shaḥarit)<sup>46</sup>, within which the Shema was read. But they were not willing to remove it completely to commemorate the grace of the Place. And I heard that the enemies understood that they were saying it in the Kedushah of Yotzer prayer and they cancelled it from there because there were enemies with them all the time of the prayer, and they affixed it to the Musaf Kedushah which can be said the whole day and they could say it as they needed.*

In the first part of this text we are told that the “wicked nation” (possibly referring to the Roman/Christian world) decided to outlaw the reading of the Shema. The Jews (no specific authority within the Jewish world is named) reacted by affixing the Shema to the Tefillah. A possible interpretation of his words would be that it was affixed to the Kedushah both in the Shaḥarit and the Musaf Amidah. When the persecution ceased, it was taken out of the Shaḥarit, but remained in the Kedushah of the Musaf. This is in line with the opinion of Sar Shalom. However, the difference between the first part of R. Natan’s description and the version given by Sar Shalom is that in the Responsa text, the Shaliḥ Tzibbur is credited with inventing the change and the ḥakhamim are responsible for retaining it. R. Nathan uses an abstract personal noun to describe both events.

The second part of the text starts with the words “and I heard”, suggesting a different source. Here a slightly different interpretation is given. During the repression, the Shema was added only to the Kedushah in the Shaḥarit Amidah. The persecution then had a second phase in which the “enemies<sup>47</sup>” understood the way they were being tricked. The Shema was then taken out of the Shaḥarit and moved to the Musaf Kedushah, where it stayed, even after the repression ended.

R. Natan’s interpretation is rather complex. A possible interpretation of his words is that he knew various traditions and wanted to reconcile them. Another possibility is

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<sup>44</sup> ספר המחכים

שפעם אחת גזרה אומה הרשעה שלא לקרוא קריית שמע וקבעוה בתפלה וכשנחדל השמד חזר הדבר ליושנו, סלקוה מתפלת יוצר שקראו בה קריית שמע ולא אבו לסלקה מכל וכל כדי לזכור חסד המקום, ואני שמעתי שהבינו אויבים שהיו אומרים אותה בקדושת יוצר ובטלוח משם שהיו אויבים עמהם בכל עת התפילה וקבעוה בקדושת מוסף שהיא כל היום והיו יכולין לומר לרצונם

<sup>45</sup> Literally, “on.”

<sup>46</sup> See [Elbogen 1993], page 16. The entire Morning Prayer is sometimes called “Tefilat Yotzer” after the first berachah of the formal service, Yotzer Or.

<sup>47</sup> R. Natan could refer to enemies in the sense of apostates. The problem with this interpretation is that apostates would understand that the Shema could be affixed to the Musaf Kedushah as well as to the Shaḥarit Kedushah.

that he saw the removal of the Shema from the Shaḥarit Amidah, while it was retained in the Musaf, as illogical and added the second opinion to provide an explanation. Whatever the story, the final minhag agrees with the one described by Sar Shalom: the Shema is said in the Kedushah of the Musaf, not in the Shaḥarit Kedushah.

The last two texts attempt to explain why the Shema should be said in the Musaf Kedushah. Obviously, the other versions of the Shema also lack a solid basis in the Mishnah and Talmud. We will find that the idea of persecution as an explanation for the saying of the Shema travels along with us, explaining all versions of the Shema in daily prayer, except for the Shema during the Torah service.

In the rest of this chapter, we will see the development of this theme, which is used not only for the Shema in the Kedushah of the Musaf, but as an explanation for other versions of the Shema in the liturgy, and eventually for other minhagim related to the Kedushah. In the next chapter I will show examples of its use not for the Shema and the Kedushah, but for other features of the service.

## **2.6 *Sefer Shibolei Haleket, the Shema in Morning Berakhot***

The first part of *Sefer Shibolei Haleket*, a work by R. Tzedakyah ben R. Avraham Ha-Rofe (Rome, 13<sup>th</sup> century, a member of the Anavim family) deals with halakhot on Tefillah. It is arranged thematically, following the order of the service. After writing about Torah study in the morning, he turns to the saying of the Shema.

The Shema in the morning berakhot is introduced by a text that starts with the words, “At all times let a man revere God in private as in public, acknowledge the truth, and speak truth in his heart.” This is generally read as a meditation “exhorting the worshipper to inward religiousness.”<sup>48</sup> R. Tzedakyah gives another explanation. For him, it is an introduction to the Shema said in private as a crypto-ritual<sup>49</sup>, originating in times of repression<sup>50</sup>.

*... And R. Benyamin, my brother (may the Merciful guard him and bless him) wrote that it is the right thing to say in concealment because what Abba Eliyahu wrote was only about the generation of the persecution when they decreed not to read the Shema, and they could not be*

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<sup>48</sup> [Hertz 1941]

<sup>49</sup> There is an extensive literature on crypto-Jews. Daily prayer in the secrecy of the bedroom did play an important role in crypto-Judaism. See [Gitlitz 2002] page 445 ff for moving accounts. About “Méndez”, a person put on trial in Mexico in the early 17<sup>th</sup> century, it was told that “in his undershirt [he] would go to the window of his room and thrust his head outside and face east, moving his lips as if he were praying some secret thing, and rolling his eyes upward until the whites showed.”

<sup>50</sup> ספר שבולי הלקט ענין תפילה סימן ו

ור' בנימין אחי נר"ו כתב שראוי לומר בסתר שלא אמרו אבא אליהו אלא כנגד דורו של שמד שגזרו שלא לקרוא את שמע ולא היו יכולין להיות יראין בגלוי על כן הזהירם וזרזם לקבל עליהם עול מלכות שמים בסתר. תדע לך שכן הוא שאומר וחיבין אנו לומר לפניך תמיד שמע בכל יום כו' ומיחדים את שמך פעמיים באהבה ואומר שמע ישראל כו'. ועל כן אומר ברוך המקדש שמו ברבים לפי שבשעת השמד אין שמו מקודש ברבים אלא בסתר על כן אין לנו לשנות.

*Godfearing in public. Because of that, he warned them and urged them to take upon them the yoke of the Kingdom of Heaven in secret. Know that it is right, because he is the one who says: "And it is our duty always to say the Shema before You, twice daily etc" and proclaim the unity of Your name, twice in love, and say: 'Hear Israel' etc." And therefore he says: "Blessed is the one who sanctifies His name in public", because in the time of the persecution His name was not sanctified in public but in concealment. Therefore it is not upon us to make changes.*

The second half of the text seems to refer to Sar Shalom's teshuvah. However, it is not the Shema in the Musaf Kedushah but the Shema in the Morning Berakhot that is explained as a leftover from the time of persecution. The principal heroes of the time were not the Shliḥe Tzibur but the individuals who said the Shema in silence and concealment. Because *he urged them*, it ended up in the morning benedictions, right at the beginning of the service.

R. Tzedakyah quotes a text by his brother Benyamin, a text that is, as far as I know, no longer extant. Abba Eliyahu is the name generally used for the writer of Tanna debe Eliyahu. However, the meaning of this reference is a subject of discussion.

At the end of chapter 19 (ed. Friedmann, traditional version, chapter 21) of Eliyahu Raba<sup>51</sup>, we find a paragraph that relates to the prayer before the Shema, setting it in the context of both the kingdom of Rome and the Persian kingdom. The two kingdoms are described as apparently strong, but vulnerable in the longer term. The text calls on the reader to meditate, in the concealment of his heart, on his own mortality and on the power of the Eternal One, who created the eternal heavens, in contrast to the power of these temporal kingdoms<sup>52</sup>.

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<sup>51</sup> אליהו רבה (איש שלום) פרשה יט

ד"א העטופים ברעב, אין רעב אלא דברי תורה, שנאמר הנה ימים באים נאום ה' והשלחתי רעב בארץ וגו' (עמוס ח' י"א), מיכן אמרו, יהא אדם למד תורה באימה וביראה ברתת ובזיע, יסתכל כל אדם בעצמו, וידע שלאחר שעת יתה ישא עיניו לשמים ויאמר, מי ברא כוכבים ברקיע ונתן לו מקום לכל אחד ואחד, דרך ומסילה לכל אחד ואחד, כמה מגדלים בנתה מלכות רומי, מי גדען והשליכן לארץ, כמה מגדלים בנתה מלכות מדי, מי גדען והשליכן לארץ, מי בעט בו במגדל ראשון, ונתן ראשו במקום אחד וגופו במקום אחר ועשרים ואחד מיל בין זה לזה, שנאמר לבך יהגה אימה [וגו'] (ישעיה ל"ג י"ח), מיכן אמרו, יהא אדם ירא שמים ומודה על האמת ודובר אמת בלבבו, בכל יום ויום ישכים ויאמר, רבון כל העולמים לא על צדקותינו אנחנו מפילים תחנונינו לפניך וגו', ואומר בעת ההיא אביא אתכם ובעת קבצי אתכם כי אתן אתכם לשם ולתהילה בכל גויי הארץ בשובי את שבותיכם לעיניכם אמר ה' (צפניה ג' כ'). סליק פירקא.

<sup>52</sup> The description of both the Roman and the Persian (Median) kingdoms as fallen would make a date in Islamic times more probable for this fragment of the text than the early date Mann proposed.

Mann<sup>53</sup> was aware of the fact that there is no direct reference to persecutions in the text but postulates that the version of the text of Abba Eliyahu known to R. Benyamin contained extra historical information not available to us. "All these passages, quoted by R. Benyamin, were evidently in his copy of S. E. R. (= Sefer Eliyahu Raba, A.R.) but were omitted by later copyists." Mann makes the missing text in Sefer Eliyahu Raba the cornerstone of his analysis of the text about repression of the Shema. In his view, Sefer Eliyahu Raba is definitely Babylonian in origin and the repression it supposedly describes should be dated to around 454. Consequently he dates Sefer Eliyahu Raba slightly later.

However, in my view, it is quite possible that R. Benyamin's version of the Eliyahu Raba was similar to ours. Whatever the basic meaning of the text in Eliyahu Raba, one can interpret the words at the end of chapter 19 in the light of Sar Shalom's teshuvah. R. Benyamin may be assuming that the reference to the two great (and wicked) kingdoms is a reference to persecutions, *forcing* people to meditate on God's Kingship in silence, i.e. to say the Shema in silence. R. Benyamin, as it were, merges the topos with the text in Eliyahu Raba and uses the result as a rationale for the Shema in the morning benedictions.

When we compare our text to the four parts described earlier, we see the following. In the first part (1) R. Tzedekyah tells us a campaign of persecution was decreed, forbidding the saying of the Shema. To recite the Shema is to speak of the fear of God in public. Israel reacts (2) by hastening to say the Shema in private. (3) is lacking in this text, as the end of the persecution is not mentioned. In (4) a rationale is given for not changing the service now. Because of the example of saintly heroism of our fathers, who persisted in saying the Shema in concealment, it is not for us to leave out the Shema in this part of the service.

## **2.7 *Ra'ahavyah, the night-time Shema***

The last version of the Shema that needs explanation is the Shema recited at night, when lying down. Commentaries generally repeat the question first asked in the Mishnah, about the time for saying the Ma'ariv. It was customary in medieval Europe to say the Ma'ariv in summertime in the evening, before dark. The Ra'ahavyah (R. Eliezer ben R. Yoel Halevi, born around 1140 in Mainz) brings up the question why we say the night-time Shema, and starts by giving the conventional answers, citing the text of the Yerushalmi and several commentators<sup>54</sup>. He explains that older

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<sup>53</sup> In [Mann 1927], note on pages 247-248. Almost a century has passed since Mann's pioneering work. We have learned how little we know about the ancient history of Judaism and often shy away from the certainties of our masters, tending to be more cautious when trying to date a text. In this thesis, I will not even try to give a date for Sefer Eliyahu Raba. As far as I know, the text that Mann knew for certain as having been part of the book simply does not exist. Even if it were part of the work, it still would not be enough to date the whole text.

<sup>54</sup> [Ta Shma 1999] page 311ff describes the medieval debate on the Shema in the Ma'ariv. Because of the late sunset in northwestern Europe, the Ma'ariv service was often held before stars were visible. That creates a halakhic problem. Either the Shema in the Ma'ariv is said too early and is invalid, or, if the early Shema is seen as valid, the status of the nighttime Shema becomes problematic.

commentators understood the original custom to be that the evening prayers (the Amidah, the Shabbat evening Kiddush, Havdalah and even the weekday evening prayers) were said early, before dark, but that the Shema was said at the appointed time, when stars become visible.

Then R. Eliezer brings up an objection to the conventional explanation and writes<sup>55</sup>:

*But I don't understand how that can be because if they were praying and made Kiddush then they should have said the Shema! And also, if they had made Havdalah, they should have read the Shema that is according to the words of the Yerushalmi that insist on this: "Why do we read it (the Shema) in the synagogue, etc."*

*Therefore (it is not far-fetched) to say that (you can) pray with the Shema (say your prayers, including the Shema) in the synagogue while still day and on your bed when the stars have come<sup>56</sup>.*

In R. Eliezer's view, one has to stick to the rule. You have to say the evening Shema *before* you make Kiddush and before your evening prayers. Either it is night-time or it is not. The conventional explanation cannot be correct.

As a solution, he tells us that he heard (anonymously) that when the Yerushalmi talks about the Shema in the synagogue, it might not be referring to the Shema in the Ma'ariv, but to another custom that existed earlier and was a parallel to the Shema in the morning benedictions. The Shema in the morning<sup>57</sup> benedictions is said after a prayer containing the word "Ashre." The Minḥah opens with a quotation from Psalm 84<sup>58</sup> that contains the same word. R. Eliezer seems to imply that this is a remnant of a custom of inserting the Shema here, at the start of the Minḥah service.

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ראבי"ה ח"א - מסכת ברכות סימן א 55

והמאחרים לקרא ק"ש ולהתפלל בלילה ת"ע מיחזי כיוהרא, שכל העושה דבר ואינו צריך נקרא הדיוט כדאיתא בירושלמי דמכילתין פ"ב. אך למי שהורגלו בפרישות גם בשאר דברים לדידהו לא מיחזי כיוהרא. וגם דבר זה פירשתי בתשובה של סוכה. וראיתי בפר"ח דקיימא לן דקריאת שמע בשעת צאת הכוכבים. ובירושלמי בתחלת מסכת תני הקורא קודם לכן לא יצא ידי חובתו א"כ למה קורין אותה בבית הכנסת א"ר יוסי אין קורין אותה בשביל שהיא חובה אלא כדי לעמוד בתפלה מתוך דברי תורה. לדברי ירושלמי מתני' דברכות בק"ש שעל מטתו עכ"ל. ובפ' תפלת השחר כתוב בפר"ח ראינו לרבתינו הגאונים שפירשו של שבת בערב שבת, ומסקנא שאומרים קדושה על הכוס, ש"מ שמתפלל מבעוד יום תפלת ערבית. ולרבותא נקט של שבת בערב שבת א"נ של מוצאי שבת בשבת וכ"ש בחול לחול. ותפלה בלבד מתפללין אבל ק"ש לא היו קורין עד צאת הכוכבים. ואנו לא סבירא לן הכי, דכי היכי דהוי מצלי ומקדשי קרו נמי ק"ש וכן כשמבדילין קרו ק"ש, וכן לשון הירוש' מוכיח א"כ למה קורין אותה בב"ה וכו'. לפיכך אינו דבר [רחוק] לומר שמתפללין עם ק"ש בבית הכנסת בעוד יום ועל מטתו בצאת הכוכבים [עכ"ל]. ויש שאמרו שהירושלמי לא מיירי בק"ש אלא כמו שאנו אומרים בשחרית אשרינו שאנו משכימים ומעריבים ואומרים פעמים שמע ישראל ה' אלהינו ה' אחד וכן היו נוהגים אז נמי לומר קודם תפילות המנחה כשפותחים באשרי יושבי שמע ישראל ה' אלהינו ה' אחד ועומדים ומתפללים ובשעת השמך תיקנו כן שלא ירגישו בקריאת שמע והיו יריאים לקרותו כדינו .

<sup>56</sup> At this point in the text, the redactor inserted "[עכ"ל]" ("end of quote"). It is unclear to me what quotation has ended here. My impression is that there is a problem in the text that needs clarification.

<sup>57</sup> See par. 2.6

<sup>58</sup> Psalm 84:5

*And there are those that said that the Yerushalmi is not dealing with the reading of the Shema (itself) but with (a minhag parallel to) what we do when we say "Ashrenu" in the Shaḥarit (morning benedictions) because we say "early and late, twice every day Shema Yisrael, etc. is said." And that was what they used to do then too, to say before the Minḥah prayer when they opened (the service) with "Ashre Yoshve, etc. (Psalm 84:5)" (they used to say) "Shema Yisrael, etc." and then stand and pray.*

R. Eliezer closes with our topos. This Minḥah version, to which he assumes the Yerushalmi is referring, was moved from the Minḥah to the night-time prayers. The original purpose (as R. Eliezer interprets the Jerushalmi) of the Minḥah Shema was to be able to pray, using the words of the Torah (לעמוד בתפלה מתוך דברי תורה). R. Eliezer writes that the people were fearful to say the Shema in the correct way. The persecution explains why the night-time Shema should be said in the concealment of one's sleeping quarters.

*And in the time of persecution it was enacted that way so they won't notice the saying of the Shema, because they were fearful to say it according to the (religious) law.*

If my readings are right<sup>59</sup>, R. Benyamin in the previous text explained the Shema in the morning benedictions by saying it could have originated in times of persecution. R. Eliezer's interpretation, unlike R. Benyamin's, is based on the assumption that the Shema in the morning benedictions is an older minhag, analogous to the custom of saying the Shema before the Minḥah. Repression brought the latter custom to an end, whereupon this version of the Shema moved to the night-time.

Just as in Shiblei haleket, the persecution makes it dangerous or even impossible to say the Minḥah Shema in public. A decision was made to say it in private, probably in this case in the privacy of one's own bedroom. By using the word "enacted" (tiqqenu), rabbinical authority is implied, neutralizing the fact that saying the Shema at night has only weak halakhic support.

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<sup>59</sup> My teacher, Leo Mock, has a different interpretation for this commentary. In his view, what R. Eliezer means is that there used to be a Minḥah version of the Shema that came into existence during a time of persecution, together with the version in the Morning Berakhot that we still have in our Siddur. The Yerushalmi, says R. Eliezer, talks about this Minḥah version of the Shema. The halakhically valid version of the Shema is the "regular" Shema in the Ma'ariv. The nighttime Shema should only be said by pious people who have taken this mitzvah on themselves.



### 3 Other parts of the service

In the previous chapter, the persecution topos was primarily linked with the Shema in the Kedushah of the Musaf and then used to explain nearly all versions of the Shema in public and private worship. However, the theme of repression is not only used to account for changes in the way the Shema is said, but also in discussions concerning the Kedushah of the Lesson, the “Eighteen Mentionings”, the blowing of the Shofar, the haftarah and the language of the Kaddish. In this chapter, I will demonstrate the use of the topos in these parts of the prayer service.

#### 3.1 *Sefer Likutei haPardes meRashi, the Kedushah de-Sidra*

As the topos describes a relationship between the Shema and the Kedushah, it is not surprising to find that it became associated with the Kedushah and was also used to explain a version of the Kedushah itself. Unlike the other versions of the Kedushah, the Kedushah de-Sidra (the Kedushah of the Lesson) is not part of the Shema or Amidah but stands on its own. It is recited towards the end of the service, after reading the Torah. Its structure is somewhat different from the other versions of the Kedushah. The opening lines from Isaiah 59:20, 21 and the closing lines from Exodus 15:18 create a messianic context. An Aramaic paraphrase of the Trisagion is part of the text.<sup>60</sup>

The Kedushah de Sidra is mentioned once in the Talmud. The Mishnah tells us that Rabban Gamliel said in the name of R. Joshua that the world was cursed after the

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<sup>60</sup> [Elbogen 1993] (page 55) writes “The origin of the Kedushah is most obscure” and, although research is shedding some light on this area, there is still no definitive explanation of its origin. Elbogen’s opinion that the Kedushah originated in Babylon and came to Eretz Israel around 800 is generally seen as outdated. Several versions of the Kedushah can be found in the Hekhalot texts. Ideas about the date and place of origin of the Kedushah seem to parallel the shift of ideas about these texts in recent times. [Reif 1993], page 49 points to the connection between angelology and the Kedushah and explains that “Various angels in a number of heavens are involved in the liturgy and the impression given is, as it is in later mystical liturgies of the merkavah type including the Kedushah (Trisagion), that humans are following the angelic example. The composition of such texts in fact constitutes evidence that angels are being credited with the kind of ideal liturgical behaviour that would presuppose their original recitation of such formulae”. [Elior 2004] goes a step further. For her, the Kedushah is part of the memory of the lost Temple in the synagogue service (page 13). It is part of the corpus of teachings and traditions handed over by the Tzedukim, the secessionist priests, that came to be incorporated in Jewish life. It is precisely the lack of proof for the Kedushah in Talmudic literature that in her view shows that the sources of the Kedushah lie elsewhere (below, see Kedushah in the index of her book, page 293). The angelic liturgy, described in the Kedushah, centers on the Trisagion as said by the angels. We human beings enact the heavenly ritual on earth, creating a vertical axis from earth, via the heavens, to the Throne of Glory. In that sense, the Shema (said twice daily by the angels) is part and parcel of the Kedushah. If Elior is right, the nexus of the halakhic discussion is actually how to validly incorporate in the service an element that originated outside the scope of “Rabbinic/Talmudic” Judaism. Seen in that light, the question of the origin of the Kedushah is obviously far beyond the scope of this thesis. For the angelic liturgy, see: [Schäfer 1975] page 36ff.

fall of the Temple. In the Gemara in Sota 49a<sup>61</sup>, Rava adds that the curse gets worse from day to day. The anonymous speaker in the Gemara asks how it is that the world, that is deteriorating daily, still stands. He gives the Kedushah of the Lesson and the words "Yehei Sheme Raba" from the Agadah as the sole reasons the world is preserved.<sup>62</sup>

As the next text on repression that I will analyze is quoted in his name, it is interesting to see how Rashi explains the Gemara. Rashi tells us that it is a mitzvah for everybody, the educated together with the uneducated, to busy oneself with the Torah daily. This text with its "in-line" Aramaic translation gives both experts and laymen the chance to read a portion of the Torah and Prophets daily and, by reading the translation with it, to acquaint themselves with the text. Although Rashi does not say so explicitly, he might be implying that it is exactly this, the layman together with the Talmud student busying themselves with lofty words of Torah and praise of the Lord, that keeps the world from deteriorating.

Sefer Likutei haPardes is a commentary on the siddur, compiled by Rashi's pupils in the century after his death. The text has the format of a teshuvah and gives an explanation for the Kedushah of the lesson that is different from Rashi's commentary on the Talmud. It links our topos to the Kedushah de-Sidra<sup>63</sup>:

*You asked why the Kedushah de-Sidra is said. Once upon a time, the wicked kingdom decreed that Israel would not say the Kedushah and the informers (lit. messengers) of the kingdom would sit (in the synagogue) until the prayer was done and then would go away. And afterwards they (Israel) entered the synagogues and started with the Ge'ulah prayer and said verses of compassion and included the Kedushah in-between so that (the words) would not depart from their mouth.*

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תלמוד בבלי מסכת סוטה דף מט עמוד א<sup>61</sup>

רשב"ג אומר משום ר' יהושע: מיום שחרב בהמ"ק אין וכו'. אמר רבא: בכל יום ויום מרובה קללתו משל חבירו, שנאמר: (דברים כח) בבקר תאמר מי יתן ערב ובערב תאמר מי יתן בקר, הי בקר? אילימא בקר דלמחר, מי ידע מאי הוי? אלא דחליף. ואלא עלמא אמאי קא מקיים? אקדושה דסידרא ואיהא שמיה רבא דאגדתא, שנא': (איוב י) ארץ עפתה כמו אופל צלמות ולא סדרים, הא יש סדרים - תופיע מאופל.

<sup>62</sup> It is not totally clear what is meant by "Yehei Sheme Raba" of the Agadah. Be'er Sheva (Rabbi Yissachar Dov ben Yisrael Lezer Parnass Eilenburg, Poland ca. 1550) interprets it to mean the Kaddish de Rabbanan. Rashi does not explain. Because it is somewhat outside the scope of this thesis, I will not offer an explanation. See par. 3.7 for the response of the Kaddish.

ספר ליקוטי הפרדס מרש"י דף טז עמוד א, ב<sup>63</sup>

וששאלתם למה אומרים קדושה דסידרא פעם אחת גזרה מלכות הרשעה שלא יאמרו ישראל קדוש' והיו יושבין שלוחי מלכות עד שמסיימין התפלה והולכין (ב) ואחר כך היו נכנסין לבתי כנסיות והיו פותחין בגאולה ואמרו פסוקי דרחמי וכוללין קדושה באמצע כדי שלא תסתלק מפהם.

נראה לרבי שסדר הקדוש' שאנו אומרים בתוך ובא לציון בבקר בשעת השמד תיקנוה שגזרו המינין בהם שלא לענות קדושה באגודה אחת בתוך שמנה עשרה ברכות ולאחר שעה שכבר הלכו משם האורבים היו אומרים מקראות הללו של קדושה לייחד את השם

*It is seen by Rabbi (Rashi) that the Kedushah that we say included in "And a redeemer shall come to Zion" (the Kedushah de-Sidra) was enacted in a time of persecution in which the heretics (minim) who were in their midst (bahem) decreed on them that they were not allowed to answer the Kedushah united together (ba-agudah echat), during the eighteen prayers (the Amidah) but after the time the agents provocateurs went away from them, they said those Bible verses of the Kedushah to proclaim the unity of the Name.*

The topos here is provided twice.

The explanation of the Kedusha de-Sidra opens by telling us that "a persecution is decreed." In this text, written in medieval Western Europe, "the wicked kingdom" probably denotes the Roman/Christian world. The informers sent by the wicked kingdom would sit and wait until the prayers were finished and the congregation left for home. After the informers left, the congregation would return to say their prayers, starting with the "ge'ulah" prayer. In the context, this is probably not the third berakhah of the Shema but the introduction to the Kedushah de-Sidra: "ובא לציון גואל"<sup>64</sup> that could be understood as a reaction to Christianity. The savior has still to come. The reason given, "so that (the words) would not depart from their mouth," echoes Rashi's previous explanation. It is important to say and study the words of Torah.

In the second part, the "minim" are named as the persons who decreed that the Kedushah could not be said together. In Talmudic literature "min" generally means "sectarian", "heretic" or "infidel". In that sense, Rashi could point to discussion within the Jewish fold. However, the censors in Christian Europe understood the word to include "Jews-Christians" and would have changed it to Samaritan or Sadducee<sup>65</sup>. It is not entirely clear what Rashi meant by "minim." However, in this context I propose "Christians", mainly because this makes sense. It is not clear what other group could be denoted in 11<sup>th</sup> century France.

Rashi may be reflecting on times when Jews and Christians still prayed together, until this was outlawed by the Christian church, which put agents provocateurs in the synagogue to make sure Jews and Christians would not say the Kedushah together. The use of "bahem" (in them) instead of "alehem" (on them) might point in the same direction.

It is interesting to note the use of the words "באגודה אחת", translated by me as "united together". The primary meaning of "agudah" is "bundle" and "agudah ehat" is often

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<sup>64</sup> [Hertz 1941] page 202, Baer, Seder Avodat Yisrael, page 127.

<sup>65</sup> Jastrov, page 776. However, [Simon 1948] interprets "Minim" as Christians, depending on the context, and so does Daniel Boyarin in [Boyarin 1999] page 152 and Peter Schäfer in [Schäfer 2007] e.g. page 42.

used in Agadic literature to describe the bundle of lulav and etrog, the “four species” or “arba’a minim.”<sup>66</sup>

Rashi uses the term “agudah eḥat” in other places too. In his commentary on Devarim 33:5 he explains the word “assembled” in: “Then He became King in Yeshurun, when the heads of the people assembled the tribes of Israel together<sup>67</sup>” as “when they are ‘bundled together’ and there is peace between them, God will be King, and not while there are divisions (maḥlokot) between them.”<sup>68</sup> If Rashi indeed uses “agudah echat” as a reference to “minim”, the question could be asked whether Rashi still recognizes Christianity as a form of Judaism and means that messianic times will only come when Judaism and Christianity are reunited.

In Christian tradition, the Trisagion, the central part of the Kedushah and the Sanctus, is seen as a symbol of God’s threefold nature. The implication could be that the Christians outlawed the pronouncement of the Trisagion by Jews because the Jews see the text, together with the “united response”, as a statement of God’s unity. Israel reacts by patiently waiting for the informers to go away. The decree is not explicitly revoked, nor is a reason given for us to continue the minhag. However, the text ends with a positive reason for the minhag. The unity of God’s Name is proclaimed yet again.

Although the Talmudic text is not explicitly quoted, the two could be interpreted together in the sense that the text in Likutei haPardes implies that it is not the emphasis on “Jewish Learning”, as seen in Rashi’s commentary to the Talmud, that sustains the world, but that the liturgical proclamation of God’s unity is essential for the continued existence of the world after the fall of the Temple.

The “Unity of the Name” is of course generally seen as the primary significance of the Shema, linking this version of the topos with the one told in the name of Sar Shalom.

### **3.2 Sefer ha-minhagot, the “Eighteen mentionings”**

Another element of the service not related to its main parts is the short prayer “Blessed is the Lord for evermore, Amen, and Amen” that follows the Shema in the daily Ma’ariv. Because God’s Name is mentioned eighteen times, both medieval and modern writers on the liturgy generally see this as a replacement for the Amidah. However, various reasons are given why the Amidah would need replacement<sup>69</sup>. In Sefer ha-Minhagot (R. Asher ben Sha’ul of Lunel, 12<sup>th</sup>-13<sup>th</sup> century, southern France) we find the following<sup>70</sup>:

<sup>66</sup> E.g. Talmud Bavli Suka 34b אמת יהא אתרוג עמהן באגודה אחת

<sup>67</sup> וְיִהְיֶה בְּיִשְׂרָאֵל מֶלֶךְ בְּהִתְאַסֵּף רְאִשֵׁי עַם יִחַד שְׁבִטֵי יִשְׂרָאֵל

<sup>68</sup> רש"י דברים פרק לג פסוק ה

דבר אחר בהתאסף בהתאספם יחד באגודה אחת ושלוש ביניהם הוא מלכם, ולא כשיש מחלוקת ביניהם:

<sup>69</sup> See [Elbogen 1993] page 87, 88.

<sup>70</sup> ספר המנהגות (ר' אשר מלוניל) דף ט עמוד א

והאי דנהיגין לומ' ברוך יי' לעולם אמן ואמן שיש בו י"ח אזכרות (ואע"פ שבטל השמד) משום שגזרו שמד על ישראל שלא יתפללו תפלת ערבית ועל כן תקנו לומ' י"ח אזכרות ואע"פ שבטל השמד לא בטלה התקנה. גם שמעתי

*And (the reason) why there are people who are accustomed to say "Blessed is the Lord for evermore, Amen, and Amen", in which the name [of God] is mentioned eighteen times, [and although the persecution has ended] because a persecution was decreed over Israel not allowing them to say the evening prayer, and therefore they enacted (taqanu) the Eighteen Mentionings. And although the persecution was renounced they did not renounce the enactment (taqana).*

*I heard this too, that the fact we say in the Kedushah Rabbah "To be to you for a God" in the Shabbat Musaf is because they decreed a persecution, not to read the Shema. They stood up (against it) and enacted that they should read the first verse of the Shema and the last, and this way they did during each weekday prayer and on Shabbat, and when the persecution was renounced they renounced saying (Keriath Shema and the last pasuk and so they were doing in all weekday prayers and on Shabbat) this in all prayers but they put it at rest (left it in place) in the Shabbat Musaf and Yom Tov prayer to publicize the matter, and they said it to give thanks to the Lord for the renunciation of the persecution.*

The text of R. Asher has two parts. When describing the evening service, R. Asher ben Sha'ul first describes the habit of some to start the Shema before nightfall. He then describes the prayer "Blessed is the Lord for evermore, Amen, and Amen" as a minhag of some people, probably implying that it was not his minhag. Though the subject is not related to the Shema in the evening prayer, R. Asher ben Sha'ul then quotes a tradition, related to Sar Shalom's teshuvah. One difference between the previous versions and R. Asher's words is that he tells us that the Kedushah quotes the first and the last line of the Shema<sup>71</sup>.

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זה שאנו אומר'י בקדושה רבה ולהיות לכם לאלהים במוסף של שבת לפי שגזרו שמד שלא לקרות קרית שמע עמדו תקנו שיקראו (ב)פסוק ראשון של קרית שמע ו(ב)פסוק אחרון, וכן היו עושין בכל תפלות החול ובשבת וכשבטל השמד בטלו לומר' (קרית שמ"ע ופסוק אחרון וכן הי"ו עושין בכ"ל תפלות החול ובשב"ת) כן בכל התפלות והניחו אותה בתפלת מוסף של שבת ושל יום טוב לפרסם הדבר ולהודות ליי' על ביטול השמד אינון אמרין בנימוסין אינון.

<sup>71</sup> It is interesting to note that R. Asher introduces the teshuvah with the words "I heard", implying that he heard it taught but did not see it in writing. It is a revealing detail that tells us much about the way traditions were handed down from teacher to pupil in High Medieval Europe, where books were still rare. In Elbogen's view ([Elbogen 1993] page 88), the "Eighteen Mentionings" had a Babylonian source. We know from the Talmud that the Amidah in the Ma'ariv is considered optional. It is certainly not impossible that the "Eighteen Mentionings" were originally created as a replacement for the Amidah in the evening prayers. If that is indeed the case, then a Babylonian origin is unlikely. The origin would then probably lie in the lands that followed minhag Eretz Israel, where the term "Shemone Eshrei" ("eighteen prayers") was in use. The Babylonian Amidah, like ours, had nineteen prayers.

### 3.3 Blowing the Shofar

In the Mishnah, masekhet Rosh Hashanah, we find the following text<sup>72</sup>:

*The person who passes before the Teva (the person leading prayer) on the Yom Tov of Rosh Hashanah – the second (saying the Musaf prayer) blows (the Shofar). And at times when the Hallel is said, the first (leading Shaḥarit) reads the Hallel.*

This Mishnah describes two elements of the service seemingly of equal status, but tells us to handle them differently. The Hallel should be read in the Shaḥarit service, while the Shofar is blown in the Musaf service. The Gemara wants to know the source of the difference.

*Gemara: What is the difference (between) the second one and the sounding of the horn? (You must say), because of (what it says in Proverbs 14:28), "In the multitude of people is the king's glory". But if that is so, Hallel should also be recited by the second because "in the multitude of people is the king's glory"! However - because the zealous come early for the performance of religious duties. Then let the blowing of the Shofar be performed by the first too, because the zealous come early for the performance of religious duties! — R. Yohanan said: It was changed at time of persecution.*

The Gemara first tries to find a source for the difference (asmaḥtah) in a verse from Proverbs. As also happens nowadays, people arrive late for the service. Blowing the Shofar and saying the Hallel in the Musaf service later on in the day would guarantee that more people are present. However, that argument is rejected because it does not explain why the Hallel is said in the Shaḥarit. If this argument were valid, one should say Hallel in the Musaf service too, instead of in the Shaḥarit. The Talmud introduces the general principle that because the zealous come early to do the mitzvot, it is honorable to say the Hallel early. That explains why the Hallel is said early in the day, but fails to explain why blowing the Shofar is done differently. The answer for what is seen as an exception is given in the name of R. Yoḥanan: It was changed because of persecution.

It is interesting to compare this text to the parallel in the Talmud Yerushalmi. To explain the blowing of the Shofar in the Musaf, the Yerushalmi tells us<sup>73</sup>:

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<sup>72</sup> תלמוד בבלי מסכת ראש השנה דף לב עמוד ב

משנה. העובר לפני התיבה ביום טוב של ראש השנה - השני מתקיע, ובשעת הלל - הראשון מקרא את ההלל. גמרא. מאי שנא שני מתקיע - משום +משלי יד+ דברב עם הדרת מלך, אי הכי הלל נמי נימא בשני משום דברוב עם הדרת מלך! אלא: מאי שנא הלל דבראשון - משום דזריזין מקדימין למצות, תקיעה נמי נעביד בראשון, משום דזריזין מקדימין למצות! - אמר רבי יוחנן: בשעת השמד שנו.

<sup>73</sup> תלמוד ירושלמי מסכת ראש השנה פרק ד דף נט טור ג/ה"ה

רבי יעקב בר אחא בשם ר' יוחנן מפני מעשה שאירע פעם אחת תקעו בראשונה והיו השונאים סבורין שמא עליהן הם הולכין ועמדו עליהן והרגום מיגו דאינון חמי לון קראיי שמע ומצליין וקוראין באוריתא ומצליי ותקעין.

*...Rabbi Ya'akov bar Aha in the name of R Yohanan: Because of something that happened. Once upon a time the Shofar was blown in the first (prayer, during Shaḥarit) and the haters (of Israel) thought that they would be coming after them and they stood up against them and killed them. But since they see us reading the Shema and praying (the Shaḥarit Amidah) and reading the Torah and praying (the Musaf) and then blowing the Shofar – they say: 'they are busy with their religious duties'.*

In the Yerushalmi version, Israel is not the passive victim of a decree by an unknown and unreachable authority; it either has power of its own or is perceived as possessing power. Blowing the Shofar in the early morning is seen by the people in whose midst Israel lives as a call to war and they react to this violently, killing many Jews. Israel does not want to make its neighbors angry, so it shifts the blowing of the horn to the Musaf service. Now the non-Jews can see Jews in the synagogue, busying themselves with prayer, not with preparations for war. The sounding of the Shofar now comes at midday and is no longer a threatening surprise. The Yerushalmi version of the story is quoted by the Tosafists ad locum.

Rashi, in his commentary to the passage in the Babylonian Talmud, gives the story a twist, however, bringing it closer to our topos<sup>74</sup>:

*Enemies decreed that they would not blow the Shofar, and they were spying on them, all six hours, until the end of the period when one is allowed to say the Shaḥarit. That's why they moved the blowing of the Shofar to the Musaf-services.*

Rashi places the story in the same framework as our topos. It was forbidden to blow the Shofar. In line with what we read about the Shema, informers were placed in the synagogue, spying on the people. The informers waited until the end of the six-hour period allowed by the halakhah for saying the Shaḥarit, and then left, thinking they had succeeded in enforcing the ban on Shofar blowing. However, the Jews reacted by moving the blowing of the Shofar to the Musaf service, because then the informers could not stop them.

The version in Machzor Vitry is still more complete<sup>75</sup>:

*The person who passes before the Teva (the person leading prayer) on Rosh Hashanah, the second (saying the Musaf prayer) blows (the Shofar). R. Yohanan said: It was changed at a time of persecution. Because it was decreed over Israel that they would not blow the Shofar*

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<sup>74</sup> רש"י

בשעת השמד שנו - אויבים גזרו שלא יתקעו, והיו אורבין להם כל שש שעות לקץ תפלת שחרית, לכך העבירוה לתקוע במוספין.

<sup>75</sup> מחזור ויטרי סימן שמז

והעובר לפני התיבה בראש השנה. השני מתקיע. א"ר יוחנן בשעת השמד שנו. שגזרו על ישראל שלא לתקוע בראש השנה ומארבים להם כל זמן תפילת השחר עד שש שעות. לכך תקנו תקיעת שופר במוסף. וכשבטלה הגזירה לא זזה ממקומה.

*on Rosh Hashanah. And they were spying on them, all six hours, until the end of the period when one is allowed to say the Shaḥarit. That's why they moved the blowing of the Shofar to the Musaf-service. But when the decree was renounced, it did not move from its place.*

The context here is a simple statement of the correct order of the service. Unlike in the Talmud context, here the problem in the text (Hallel versus Shofar) is not described. R. Yoḥanan's words are given as a story. Persecution here is not so much a rhetorical device as a topos in a more general sense, a theme to be used generally as an embellishment within a literary work.

### **3.4 Two texts on Reading the Haftarah**

Elijah de Levita (1469-1549) says in his lexicographical work "Tishbi" that in the time of the Syrians<sup>76</sup>, reading from the Torah was banned,<sup>77</sup> and the reading from the Prophets was introduced as a substitute. The idea that the practice of reading the haftarah originated during a persecution has, in our times, become part of "common knowledge" to people acquainted with the Jewish service. This is the more remarkable because most modern texts (including Mann) on the liturgy tell us that this is at best a dubious theory. Elbogen writes "There is no ancient evidence for this assumption, and it has been properly countered with the argument that the Syrians could, with equal malice, have also prevented the reading of the Prophets."<sup>78</sup>

In this thesis, I will review two texts that talk about traditions related to the reading of haftarah in connection with persecution. Although both texts talk about the haftarah, they describe events with two different elements of the service repressed. In the older text, dating back to Ge'onic times, it is actually the reading of the haftarah that is outlawed, not the Torah service. In the second text, we read about repression of the reading of the Torah, leading to the development of the haftarah.

The first is a Ge'onic teshuvah, an answer to a question. It is printed in Brody's edition of the Teshuvot of Rav Natronai Ga'on about the haftarah after the Torah reading in the Minḥah service on Shabbat<sup>79</sup>.

*And (concerning what) you asked (me): what is the (correct) 'Maftir with a prophet' during Minḥah on Shabbat? During the first generations, when they were reading Torah during Minḥah on Shabbat, they would read Isaiah as maftir, and all (readings) from the comfort-texts that are*

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<sup>76</sup> The Seleucid Empire (323 - 60 BC). Antiochus IV Epiphanes issued decrees after 167, forbidding religious practices, and this led to the Maccabean revolt.

<sup>77</sup> See [Elbogen 1993] page 144.

<sup>78</sup> [Elbogen 1993] page 143.

<sup>79</sup> תשובות רב נטרונאי גאון - ברודי (אופק) תשובות פרשניות סימן תו ושאלתם מהו המפטיר בנביא במנחה בשבת. בדורות ראשונים כשהיו קורין במנחה בשבת היו מפטירין (בישעיה) [בישעיה] נביא וכולן בנחמות שבישעיה, ולא היו מוסיפין על י' פסוקין. וגזרו פרסיים שמדא שלא להפטיר, וכיון שסילקו[הו] סילקוהו.



*in Isaiah, and they did not add more than 10 verses. Then did the Persians decree a persecution not to read the maftir. And when they removed (the reading from the service) they removed it (definitively).*

In our modern liturgy, a haftarah from the prophets is only read during the Minḥah on fast days<sup>80</sup>. On Shabbat, no haftarah follows the Minḥah Torah reading. However, this question is asked by a person who, presumably, is in the habit of closing the Minḥah Torah service with a reading from the Prophets. Natronai also knows about the minhag to close the reading during Minḥah with a short reading from Isaiah, but tells us that it is something from the past.

This text, written in the early Islamic period, is, as far as I could find, the only text that gives explicit details of the persecution, which is described as Persian in origin. This was the ruling power before the Arab conquests<sup>81</sup>. However, the persecution did not lead to a positive change in the liturgy. No new minhag was added, no miracle to be remembered; the haftarah in the Minḥah was simply cancelled.

Our second text describes a different event and is from Abudraham (Spain, 13<sup>th</sup> century). Here the context is the halakhot pertaining to the reading of the haftarah, or more specifically, to the minimum length of the text to be read as a haftarah<sup>82</sup>.

*After one has rolled (closed) the Sefer Torah one reads the haftarah that has to have a reference to the subject of the parashah of the day. And why do we read a haftarah from the prophets? (It is) because it was decreed on Israel not to read from the Torah. And against seven (persons) that should be called up to read from the Torah, - and we don't read less than three verses for each one – they enacted (taqanu) to read 21 verses from the prophets and not less. But when the subject is complete in less than twenty-one verses as is the case with the haftarah "Shuvah" that is small, there is no need to read more.*

The origin of the Maftir is unknown, but it is clearly an ancient custom. The oldest description can be found in the Christian New Testament, in Luke 4:16ff. Jesus comes to Nazareth and on Shabbat enters the synagogue as is his habit. He is

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<sup>80</sup> E.g. Jonah on Yom Kippur.

<sup>81</sup> The study of Judaism in the Persian world is rapidly developing. See [Elman 2007]. The relationship between Jews and Persians was generally far better than the relationship between Jews and the Roman world. During the time of Saphur I (241-73) and especially under the influence of his priest Kerdir, non-Zoroastrians were persecuted. In general it seems that these persecutions were not aimed at eradicating Jewish beliefs, but rather were directed at Jewish practices, such as burying the dead instead of letting corpses be eaten by birds, or using fire in what the Zoroastrians viewed as an unholy situation, such as a Shabbat meal.

<sup>82</sup> ספר אבודרהם

שחרית של שבת ד"ה

ואחר שגוללין ואחר שגוללין ספר תורה קורא ההפטר וצריך שיהא בה מענין פרשת היום. ולמה מפטירין בנביאים לפי שגזרו על ישראל שלא יקראו בתורה וכנגד שבעה שהיו עולין לקרות בתורה ואין קורים פחות משלשה פסוקים עם כל אחד ואחד תקנו לקרות כ"א פסוקים בנביאים ולא יפחות מהם, ואם נשלם הענין בפחות מכ"א, כגון הפטרת שובה שהיא קטנה, אינו צריך לקרות יותר.

handed a scroll with the book of Isaiah, from which he reads. This passage in Luke is generally understood as referring to the haftarah, although it does not explicitly state that a reading from the Torah precedes the reading from the Prophets. In both Abudraham's text and in the text from Luke, the Prophet Isaiah is read. In a way, that supports Natronai's claim that originally only Isaiah was read, always supposing that the service described in Luke is indeed a Minḥah service.

By connecting the reading of the haftarah to the reading of the Torah, our text explains why a minimum of twenty-one verses of the Prophets have to be read. Elbogen<sup>83</sup> tells us that the haftarah was originally short, and no fixed number of verses was prescribed. The Tosefta<sup>84</sup> even speaks of haftarot of only four or five verses, and even of one that has no more than a single verse. The Talmud<sup>85</sup> speaks of twenty-one verses, but Sofrim<sup>86</sup>, surprisingly, has twenty-two. In our text the minimum is set (though not absolutely) to twenty-one, equal to the minimum length of a Torah portion.

This text gives us no further details about the repression. No time or place are given, nor is its end described or an explicit reason given why the reading of the haftarah should be retained. Possibly by the 13<sup>th</sup> century the persecution topos was already so much a commonplace that all readers understood without further details that commemoration must be part of it.

### **3.5 *Sefer Shibolei Haleket, Response in the Kaddish in Aramaic***

The last text I would like to introduce is again to be found in *Sefer Shibolei ha-Leket* (R. Tzedakyah ben R. Avraham Ha-Rofe)<sup>87</sup>. In the chapter on the Kaddish, R. Tzedakyah relates one of the stories about R. Jose entering the remains of the city of Jerusalem. In this story, to be found in Talmud Berakhot 3a, R. Jose goes into a ruin (possibly part of the Temple complex) to pray. On leaving, he meets Eliyahu, who reprimands him for this dangerous act. When R. Jose tells Eliyahu that he heard God's voice lamenting the fate of his children, Eliyahu teaches R. Jose that three times a day, when Israel goes into the synagogue or Beth Midrash to pray and says "May His great name be blessed" (*yehei shemo hagadol mevorakh*), God himself will participate in the service and answer: "Happy is the king who is thus praised in this house! Woe to the father who had to banish his children, and woe to the children who had to be banished from the table of their father."

In contrast to this Talmudic tradition, told in the name and with the authority of the prophet Eliyahu, the response line in the Kaddish is in Aramaic, not Hebrew<sup>88</sup>. Consequently, R. Tzedakyah tries to find a valid reason for us to deviate from the

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<sup>83</sup> [Elbogen 1993] page 145

<sup>84</sup> Tosefta Meg. 4:18

<sup>85</sup> B. Meg. 23a

<sup>86</sup> Sofrim 14:1

<sup>87</sup> See par. 2.5

<sup>88</sup> Traditionally, the story refers to the Kaddish. However, I am not certain whether this really is what the Talmud refers to. In Berakhot 21b the same line is quoted in a context that refers to the Tefillah, the Amidah.

example given with prophetic authority. His first explanation, told in the name of an anonymous Ga'on, talks of jealous angels disrupting Hebrew prayer. Most angels lack knowledge of foreign languages and can be deceived by speaking Aramaic<sup>89</sup>. Then Tzedakyah gives another explanation in the name of his brother<sup>90</sup>.

*... And R. Benyamin, my brother (may the Merciful guard him and bless him) wrote that originally the saying was in the Hebrew language, as we said above: "every time that Israel entered a synagogue or a study house they answered with 'amen, yehei shemo hagadol mevorakh'", etc. And in several places in agadah I found this expression. But in a period of persecution it was decreed that they should not say "shemo hagadol mevorakh." And so, it became customary to say it in the Aramaic language, so that the enemies would not recognize it. And although the persecution was abolished, they did not want to let things go back to the way it was originally, in the Hebrew language, so that the miracles and wonders would not be forgotten and to give publicity to this thing.*

It is not easy to see how this can have any real life setting. By late antiquity, Hebrew was already primarily the language of scholarship; as a living language it was probably only spoken in rural areas around Jerusalem, with Aramaic and Greek used as the languages of the marketplace. An outside informer would probably understand Aramaic better than Hebrew, while a baptized Jew working as an informer might understand both. However, anybody with a minimal knowledge of Western Semitic languages would probably understand the relation between "yehei shemo hagadol mevorakh" and "yehei sheme rabba mevarakh."

In this version of the text, we once again find the full four-part structure that we found earlier. (1) Repression by an unidentified force makes a certain feature of the service illegal, in this case praising God as the ruler of the world and asking for the speedy arrival of messianic times. (2) This is replaced by something else, a well-accepted feature of the service, although lacking a halakhic basis. In this case, the Hebrew response is replaced by the Aramaic line with the same meaning. (3) The persecution is ended; no time frame or details are given. (4) The minhag is retained to make the miracle public.

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<sup>89</sup> See also: [Yahalom 1996].

<sup>90</sup> ספר שבולי הלקט ענין תפילה סימן ה  
ור' בנימין אחי נר"ו כתב שתחילת אמירתו היתה בלשון עברי כמו שאמרנו למעלה ולא עוד אלא כל שעה שישראל נכנסין לבתי כנסיות ולבתי מדרשות ועונין אמן יהא שמו הגדול מבורך כו' ובכמה מקומות מצאתי באגדה נמצא בלשון הזה. ובימי שמד גזרו שלא יאמרו שמו הגדול מבורך. לכך הנהיגו לאמרו בלשון ארמי שלא היו האויבים מכירין בו ואע"פ שבטלה השמד לא רצו להחזיר הדבר לישנו בלשון עברי כדי שלא ישתכחו הנסים והנפלאות וכדי לעשות פומבי לדבר.

## 4 The Theological Function of the Topos

In the last two chapters we have seen detailed analyses of texts from the literature of the Ge'onim and Rishonim, with the topos recurring throughout these texts to explain various halakhic problems.<sup>91</sup> The idea that some degree of repression is the force behind a mechanism that can change the service is first seen in the Talmud (blowing the Shofar) and the Ge'onic responsa literature (reading the Shema in the Kedushah, reading the haftarah in the Minḥah service.) However, most of the examples of the topos in rabbinical literature date from the time of the Rishonim. In many cases, the historical claims made in the texts are not founded on an unbroken chain of traditions. In this chapter I will try to describe in a more general way how such topoi function within the liturgical context and in the context of the Jewish world in medieval Europe, specifically in the 10<sup>th</sup> - 13<sup>th</sup> century.

### 4.1 *Ge'onim and Rishonim*

The small corpus of text I analyzed in the previous chapters shows a slight difference in character between the texts by Pirkoi<sup>92</sup> and R. Natronai Gaon<sup>93</sup> on the one hand and the texts originating from the period of the Rishonim together with the text by Sar Shalom on the other. The two Ge'onic texts primarily give reasons for limiting the halakhah that is the focus of the text. The boundaries set by the authorities should not be overstepped. The Shema that originally entered all forms of the Kedushah should now be limited to the Musaf. Originally the Minḥah service on Shabbat had its own haftarah, but now this was abolished.

In contrast, Sar Shalom's text and the texts from the time of the Rishonim seem to reflect a different attitude. The persecution is countered by the determination of the Jews not to give in. R. Tzedakyah says we should say the Shema in the morning benedictions: "Know that it is right...because in the time of persecution His name was not sanctified in public but in concealment. Therefore it is not upon us to make changes."<sup>94</sup> About reading the Response in the Kaddish in Aramaic, he says: "And so, it became customary to say it in the Aramaic language ... so that the miracles and wonders would not be forgotten and to give publicity to this thing."<sup>95</sup> In *Sefer Likutei haPardes*, Rashi is quoted as saying that the purpose of saying the Kedushah of the Lesson is to "proclaim the Unity of the Name."<sup>96</sup> The Eighteen Mentionings are said to "give thanks to the Lord for the renunciation of the persecution."<sup>97</sup>

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<sup>91</sup> This chapter can best be seen as "work in progress." In the context of this thesis, I cannot claim to present a complete picture, either of the history of the liturgy or of the way Jews in the Christian world envisioned and described themselves.

<sup>92</sup> Par. 2.2 The Shema in the Shaḥarit Kedushah.

<sup>93</sup> Par. 3.4 Reading the haftarah.

<sup>94</sup> Par. 2.6

<sup>95</sup> Par. 3.5

<sup>96</sup> Par. 3.1

<sup>97</sup> Par. 3.2

In Sar Shalom's Teshuvah on the Shema in the Kedushah, we read the phrase: "And why did they fix it in the musaf? So that the miracle would be known (famous) to the (coming) generations."<sup>98</sup> If this phrase is authentic and not a gloss, it could be the source of the "positive" feeling expressed in the texts by the Rishonim.

In the rest of this chapter, the main emphasis will be on these later texts, where a "positive" feeling is expressed.

## **4.2 Halakhah and Minhag**

In his book on early Franco-German ritual and custom<sup>99</sup> and in his article on the same subject<sup>100</sup>, Ta Shma describes the impact of the introduction and spread of the Talmud and its approach to halakhah in Europe. He explains that before the introduction and spread of Talmudic literature in Europe, the synagogue service was mainly guided by rules of custom. Halakhah in the early Middle Ages was still predominantly an oral tradition (in the literal sense of the word) with rules taught by parents to children, teachers to pupils. The synagogue service was an offspring of both minhag Eretz Israel and Babylonia, as developed in and adapted to life in Europe, each community cherishing its own variations and local customs.

Ta Shma describes how, from the tenth century on, when the Talmud was first introduced in Europe, it grew to be the standard for decisions on matters of practical halakhah. Through its study by individuals and later in Yeshivot, the gap between the received oral halakhah and the halakhah as described in the pages of the Talmud became clear to its students. The ḥakhamim reacted in one of two ways. Some of the ḥakhamim wanted to abolish the orally received halakhah and replace it with the rules and regulations they thought the Talmud prescribed, which were perceived as of a higher order than the orally received traditions. However, the majority of the writers on halakhic matters wanted to retain as much as possible of the traditional halakhah, but wanted to harmonize what they had received with the framework of rules laid down by the discussions in the Talmud. This is the primary object of much of the halakhic literature and minhag books written by the Rishonim. In this literature, we find echoes of ancient customs that are sometimes rejected as being too far from the standards set by the Talmud and the Ge'onic teachers, but are sometimes retained and harmonized.

Although Ta-Shma says in his introduction that medieval writers either chose to change their halakhah in accordance with the Talmud, or to harmonize their minhag to the standard set by Ḥazal, it seems to me that in many cases both happened together. Ancient minhagim were harmonized with Talmudic traditions but at the same time choices were made as to what to retain and what to discard, leading eventually to the canonization of the service as we know it today.

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<sup>98</sup> Par. 2.3

<sup>99</sup> This chapter is based on the work of Ta Shma as described in [Ta Shma 2002] and the introduction to [Ta Shma 1999], page 13 ff.

<sup>100</sup> [Ta Shma 2002]

It is quite possible to view our topos in this light. Many of the examples of the persecution topos can be found in a context where a received custom needs a halakhic basis, or the minhag as received cannot be explained by Talmudic traditions. For instance, the Kedushah, apart from the Kedushah de Sidra, lacks any Talmudic halakhic basis.

The texts on the various forms of the Shema are part of halakhic discussions on the origin of the Shema in its various forms. The basis for saying the Shema, according to the Mishna, is the injunction to say the text twice daily, in the evening and in the morning. Other versions of the Shema, outside the scope of the Mishna, need an extra *raison d'être* to fit into this pattern. The discussion on the night-time Shema is part of a greater but related discussion on the validity of the Shema in the evening prayer in the Synagogue, when said before sunset<sup>101</sup>.

The texts on the Kedushah of the Lesson and on the “Eighteen Mentionings” are, once again, parts of a larger halakhic discussion that tries to define the correct form of the service. The “Eighteen Mentionings” lack Talmudic support. The importance of the Kedushah de-Sidra is mentioned once in the Talmud but not given a halakhic basis. By linking it to the topos, its halakhic basis is strengthened and given extra meaning.

Of course, nobody within the Jewish world would argue that reading the haftarah should be abolished. However, there are no exact details for the reading in the various services and a straightforward halakhic basis is lacking. The Ge'onic text on the haftarah that is introduced in this thesis explains why the haftarah of the Minḥah should *not* be said. The text from Abudraham explains why 21 verses should be said, in relation to the Shaḥarit Torah reading. In this way, it creates a basis for the minhag as actually practiced.

It is probably safe to say that the Kaddish, with its many repetitions throughout the service, is one of the most important prayers in the prayer book. However, there is no clear halakhic basis for the repeated reading of the Kaddish in the service. Our topos features in a discussion on the halakhah around the Kaddish and, more specifically, tries to explain why the text is said in Aramaic, while the Talmud (where it mentions it at all) tells us we should say it in Hebrew<sup>102</sup>.

The topos, as described in this thesis, is a rhetorical argument that is meant to clarify the basis for a variety of minhagim.

### **4.3 *Passive resistance***

Contemporary research on the relationship between Judaism and the surrounding Christian world in Talmudic times has shed new light on the place of martyrdom in Jewish and Christian religious thought. To take one example of the substantial literature on the subject, Boyarin's<sup>103</sup> book on martyrdom in Talmudic literature uses

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<sup>101</sup> [Ta Shma 1999] page 311ff

<sup>102</sup> Par. 3.5

<sup>103</sup> [Boyarin 1999]

Christian and Talmudic accounts as the basis for an investigation of the relation between, and self-definition of, the two religions developing in parallel at the same time.

A change of perspective is also evident in the investigation of medieval Jewish literature. In 19<sup>th</sup> and early 20<sup>th</sup> century historical literature, Jewish accounts of medieval persecutions were generally taken as proof of the fact that Jewish life in medieval Europe consisted of perpetual misery<sup>104</sup>. However, in contemporary historical literature, those same texts tend to be read differently, less as factual accounts of historical events than as literary works that should be analyzed to reveal the ideas of the people who created them. Through them, we can see the development of ideas and the theology of Judaism in relation to the non-Jewish world.

Contemporary historical literature emphasizes that Jews in Talmudic times and in the medieval world were aware, at least on a basic level, of the habits and thoughts of their Christian neighbors<sup>105</sup> and vice versa. Jewish accounts of martyrdom, dying for the holiness of God's Name, can be seen as a form of self-definition, sometimes even mimicking the terms used by the Christians in whose midst the Jews lived. For instance, the death of Christian crusaders and Jewish martyrs are idealized as examples of the pinnacle of religious behavior<sup>106</sup> and sometimes even described in the same terms.

It is interesting to contrast our texts with texts written around the same time that tell stories about the persecutions during the first crusade. The stories and poems told about the first crusade speak about pogrom-like events. Our topos describes persecutions of another type, religious repression by the government. However, the word used to describe the repression and the "pogroms" in the Hebrew texts generally is the same, *gazar* or *gezerah*.

The texts about the events in the Rhineland at the time of the first crusade are known for their descriptions of heroic martyrdom. Our texts in contrast do not advocate heroic action or death as a martyr. On the contrary, the picture painted could best be typified using a modern term, as a kind of non-violent resistance<sup>107</sup>.

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<sup>104</sup> [Marcus 2002] page 149 speaks about: "The cliché of constant persecution."

<sup>105</sup> [Marcus 2002] page 162 gives an example of a habit taken from Christianity, describing the cult of death that developed in Ashkenaz during the medieval period, derived from the Christian monastic practice of compiling and reading necrologies. The books compiled in monasteries were called *Libri memoriales*, hence development of the name "Memorbuch." There is a fairly large literature on martyrdom in Judaism. Shalom Spiegel [Spiegel 1967] was one of the first to draw attention to the meaning of the accounts of martyrdom. Recent studies include [Cohen 2004], who in my view is often correct in reading the martyrological accounts of events during the first crusades as highly ironic. As noted before by others, he sometimes overdoes his psychological analyses.

<sup>106</sup> [Marcus 2002] page 165

<sup>107</sup> During the war, Rabbi Yitschak Nissenbaum coined the term "Kedushat HaChayim" for a form of resistance, passive or active, aimed at saving one's life instead of sacrificing it. "This is the hour of Kiddush HaChayim, and not of Kiddush Hashem by death. The enemy demands the physical Jew, and

In Sar Shalom's responsa, for instance, outlawing the Shema is countered by the fierce stance of the Shaliaḥ Tzibur, who inconspicuously merges the Shema with the Kedushah. In Sefer Shibolei Haleket a similar reaction is advocated. The reaction to outlawing the Shema here is "taking up the yoke of the Kingdom of Heaven in secret."

The text from Likutei haPardes<sup>108</sup> seems to connect persecution with Christianity. It talks about the "wicked kingdom" and "heretics." Passive resistance in the text from Likutei haPardes means going back to the synagogue after the informers have left. A prayer is said that emphasizes that "a redeemer shall come to Zion", thereby probably stressing that a Redeemer is still to come. The purpose of the Kedushah, according to this text, is "proclaiming the Unity of the Name", possibly seen as a statement countering Christian belief in the Trinity.

Non-violent resistance can in this context literally mean waiting in the synagogue. The text from Maḥzor Vitri on blowing the Shofar states that the spies waited in the synagogue until the sixth hour had gone by and the time for Shaḥarit was over. The Jews reacted, the text implies, by waiting half the day to finally blow the Shofar during the Musaf service.

Even when reading the Torah is forbidden, Abudraham tells us, the correct reaction is not outright resistance but simply to read a piece from the Prophets instead. When proclaiming the greatness of God's Name in Hebrew is forbidden, it is still said, translated into Aramaic.

This form of passive resistance is not described as a reaction based on cowardice. It is Israel's task to proclaim God's Unity and Kingship in the world. The aim of the persecution is to withhold Jews from fulfilling their task. But by slightly changing the liturgy, a new situation is created in which the old task can be performed. It is even seen as a miraculous act that needs to be publicized, i.e. an act with universal implication, only possible through God's personal intervention. Inserting the Shema in the Kedushah is a feat, Sar Shalom tells us, that must be proclaimed: "So that the miracle would be known to the (coming) generations." The "Eighteen Mentionings" were retained in the service "to publicize the matter and to give thanks to the Lord for the renunciation of the persecution." Again, in the text on the response to the Kaddish, the Aramaic version is retained "so that the miracles and wonders would not be forgotten and to give publicity to this thing." In spite of religious repression, it is still possible to uphold Jewish ritual, unify God's Name or praise His Holiness, albeit with God's personal involvement and help. The success of the passive resistance in a sense proves God's greatness.

Neither the memorbooks and Jewish prose and poetry from the time of the Crusades nor our texts promote active resistance by outwardly directed force. The

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it is incumbent upon every Jew to defend it: to guard his own life." See [Schindler 1990] page 61 and 164.

<sup>108</sup> Par. 3.1 the Kedushah of the Lesson



memorbooks describe the heroism of Jews who, rather than desecrate God's Name, take their own lives and the lives of their loved ones "for the sanctification of God's Name." Violence is, as it were, directed inward<sup>109</sup>.

One can, for instance, compare the repression topos with the story first told by Rabbi Isaac ben Moshe of Vienna in *Or Zarua*, and since told and retold, about the composition of the liturgical poem *Unetaneh Tokef*<sup>110</sup>. *Unetaneh Tokef* is nowadays seen as much older than the early eleventh century, the time R. Amnon is supposed to have lived. Yuval proposes a date in the fifth century<sup>111</sup>. Eric Werner even sees resemblances to a Christian hymn from the same time<sup>112</sup>. The story itself, as Yuval points out, is a good example of the way Judaism adapts Christian motives and themes to describe its relation to its sister-religion. For instance, he points to the

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<sup>109</sup> It is interesting to compare the image of the European Jewish male ideal as described by Boyarin [Boyarin 1997] to the ideal that is painted by our text. Boyarin starts with Freud's description of his father's conduct when faced with outright anti-Semitism. When his hat is kicked from his head, Freud's father reacts (to Freud's horror) by stepping off the sidewalk into the gutter to pick up his hat and then carries on his way. Our texts, although they are about half a millennium older, seem to promote a similar path of action.

<sup>110</sup>

ספר אור זרוע ח"ב - הלכות ראש השנה סימן רעו

מצאתי מכתב ידו של ה"ר אפרים מבונא בר יעקב. שר' אמנון ממגנצא יסד ונתנה תוקף על מקרה הרע שאירע לו  
ז"ל

מעשה בר' אמנון ממגנצא שהיה גדול הדור ועשיר ומיוחס ויפה תואר ויפה מראה והחלו השרים וההגמון לבקש ממנו שיהפך לדתם וימאן לשמוע להם ויהי כדברם אליו יום יום ולא שמע להם ויפצר בו ההגמון ויהי כהיום בהחזיקם עליו ויאמר חפץ אני להועץ ולחשוב על הדבר עד שלשה ימים וכדי לדחותם מעליו אמר כן ויהי אך יצוא יצא מאת פני ההגמון שם הדבר ללבו על אשר ככה יצא מפיו לשון ספק שהיה צריך שום עצה ומחשבה לכפור באלקים חיים ויבוא אל ביתו ולא אבה לאכול ולשתות ונחלה ויבואו כל קרוביו ואוהביו לנחמו וימאן להתנחם כי אמר ארד אל ניבי אבל שאולה ויבך ויתעצב אל לבו ויהי ביום השלישי בהיותו כואב ודואג וישלח ההגמון אחריו ויאמר לא אלך ויוסף עוד הצר שלוח שרים רבים ונכבדים מאלה וימאן ללכת אליו ויאמר ההגמון מהרו את אמנון להביאו בעל כרחו וימהרו ויביאו אותו ויאמר לו מה זאת אמנון למה לא באת אלי למועד אשר יעדתי לי להועץ ולהשיב לי דבר ולעשות את בקשתי ויען ויאמר אמנון אני את משפטי אחרון כי הלשון אשר דבר ותכזב לך דינה לחתכה כי חפץ היה ר' אמנון לקדש את ה' על אשר דבר ככה ויען ההגמון ויאמר לא כי הלשון לא אחתוך כי היטב דברה אלא הרגלים אשר לא באו למועד אשר דברת אלי אקצץ ואת יתר הגוף איסר ויצו הצורר ויקצצו את פרקי אצבעות ידיו ורגליו ועל כל פרק ופרק היו שואלין לו התחפוץ עוד אמנון להפך לאמונתו ויאמר לא ויהי ככלותם לקצץ צוה הרשע להשכיב את ר' אמנון במגן אחד וכל פרקי אצבעותיו בצידו וישלחהו לביתו הכי נקרא שמו ר' אמנון כי האמין באל חי וסבל על אמונתו יסורין קשין מאהבה רק על הדבר שיצא מפיו. אחר הדברים האלו קרב מועד והגיע ר"ה בקש מקרוביו לשאת אותו לבית הכנסת עם כל פרקי אצבעותיו המלוחים ולהשכיבו אצל ש"צ. ויעשו כן ויהי כאשר הגיע ש"צ לומר הקדושה וחיות אשר הנה א"ל ר' אמנון אמתן מעט ואקדש את השם הגדול ויען בקול רם ובכך לך תעלה קדושה כלומר שקדשתי את שמך על מלכותך ויחודך ואח"כ אמר ונתנה תוקף קדושת היום ואמר אמת כי אתה דיין ומוכיח כדי להצדיק עליו את הדין שיעלו לפניו אותן פרקי ידיו ורגליו וכן כל הענין והזכיר וחיותם יד כל אדם בו ותפקוד נפש כל חי שכך נגזר עליו בר"ה. וכשגמר כל הסילוק נסתלק ונעלם מן העולם לעין כל ואיננו כי לקח אותו אלקים ועליו נאמר מה רב טובך אשר צפנת ליראיך וגו'. אחר הדברים והאמת אשר הועלה ר' אמנון ונתבקש בשיבה של מעלה ביום השלישי לטהרתו נראה במראות הלילה לרבנא קלונימוס בן רבנא משולם בן רבנא קלונימוס בן רבנא משה בן רבנא קלונימוס ולימד לו את הפיוט ההוא ונתנה תוקף קדושת היום ויצו עליו לשלוח אותו בכל התפוצות הגולה להיות לו עד וזכרון ויעש הגאון כן:

<sup>111</sup> [Yuval 2003] page 229

<sup>112</sup> [Werner 1959] page 252-255

three-day gap between the moment of Amnon's death in the synagogue, when his body is taken away to the heavenly Yeshivah, and his reappearance in a night-time vision to R. Kalonimus ben Moshe, an obvious parallel to the three days between Jesus' death and resurrection. It is possible to read the story about R. Amnon's martyrdom in a way that parallels our topos; it provides a basis for a well-loved feature in the liturgy that lacks a halakhic basis. *Unetaneh Tokef* serves as an introduction to the Musaf Kedushah in the ritual of the High Holy Days. Amnon's insistence that he would rather die than be seen yielding in public to the pressure put on him by the bishop (he could, for instance, have tried to flee to save his life) can be contrasted with the atmosphere of passive resistance our topos seems to advocate. What would the writers who used the topos have urged R. Amnon to do? Maybe they would have said something like: "use your creativity, and wait for the right time to act."

Hence one could see the topos as a reflection of an internal discussion, a discussion within Judaism on the best way to react to religious persecutions, either "in the mind to suffer" the repressions of Judaism or to make the choice to "take up arms" and kill oneself rather than compromise one's religious pureness by giving in to outside pressure.

## Conclusion

The intention of my investigation was primarily to show how topical elements are used in halakhical literature as a rhetorical device. Many of the instances of the repression topos are found in the liturgical discussions of the Rishonim and reflect a process of harmonization of received liturgy to the halakhic standards of the day. Using arguments based on literary analysis, I hope I have demonstrated that the repression topos is often used retrospectively to give a pseudo-historical backing to elements of the liturgy that are otherwise difficult to justify.

A large body of secondary literature has developed around the martyrological texts that can be found in the Talmudim and in the literature of the early second millennium. This literature shows Jewish awareness of Christian liturgy and symbolism. Symbols and themes are borrowed from Christianity and sometimes used as a form of parody, revealing the process of self-definition by Jews in a non-Jewish environment.

The contrast between the martyrological literature and the reaction to religious persecution as illustrated by the repression topos can be viewed as echoing a discussion within the Jewish world about how to respond adequately to an environment generally considered hostile.

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