

YAAKOV Y. TEPPLER

Birkat haMinim

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Mohr Siebeck

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Yaakov Y. Teppler

Birkat haMinim

Jews and Christians in Conflict in the Ancient World

Translated by

Susan Weingarten

Mohr Siebeck

Yaakov Y. Teppler, born 1955; BA (History and Education), MA (History), 2004 PhD (History) University of Tel Aviv; Head of the History Department at Beit Berl College, Israel.

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Kfar Saba/Beit Berl College, July 2007

Ya'akov [Yanki] Teppler

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Abbreviations

AJ	Antiquitates Judaicae
AJS	Association for Jewish Studies
ANRW	Aufstieg und Niedergang der römischen Welt
BJ	Bellum Judaicum
BJRL	Bulletin of the John Rylands Library
BT	Babylonian Talmud
CBQ	Catholic Biblical Quarterly
CCCM	Corpus Christianorum Continuatio Mediaevalis
CCSL	Corpus Christianorum Series Latinae
CSEL	Corpus Scriptorum Ecclesiasticorum Latinorum
DJD	Discoveries in the Judaean Desert
EJ	Encyclopaedia Judaica
GCS	Die Griechischen Christlichen Schriftsteller der ersten drei Jahrhunderte
HTR	Harvard Theological Review
HUCA	Hebrew Union College Annual
IOS	Israel Oriental Studies
ICC	International Critical Commentary
JBL	Journal of Biblical Literature
JE	Jewish Encyclopaedia
JECS	Journal of Early Christian Studies
JJS	Journal of Jewish Studies
JQR	Jewish Quarterly Review
JSJ	Journal for the Study of Judaism
JT	Jerusalem Talmud
JTS	Journal of Theological Studies
LCL	Loeb Classical Library
MGWJ	Monatsschrift für Geschichte und Wissenschaft des Judentums
NHL	Nag Hammadi Library
NT	Novum Testamentum
PAAJR	Proceedings of the American Academy for Jewish Research
PG	Patrologia, Series Graeca
PL	Patrologia, Series Latina

PSBA	Proceedings of the Society of Biblical Archaeology
PTS	Patristische Texte und Studien
REJ	Revue des Études Juives
SC	Sources Chrétiennes
SCI	Scripta Classica Israelica
TL	Theologische Literaturzeitung
TU	Texte und Untersuchungen zur Geschichte der altchristlichen Literatur
VT	Vetus Testamentum

Introduction

The idea for this book was first proposed to me by my teachers at Tel Aviv University, Professor Joshua Efron and Professor Aharon Oppenheimer, after I had become acquainted through my studies with many questions about the beginnings of Christianity in the Land of Israel.

The book is called *Birkat haMinim*/the Blessing of the *Minim*, after the twelfth blessing of the prayer called the *Shemoneh Esreh*/Eighteen Blessings, and it centres on the question of the identity of the people who were called '*minim*.' Apart from the discussions of *Birkat haMinim* itself in the Talmudic sources, there are more than three hundred further sources which deal with these same *minim* without any direct connection with the blessing. These passages are mostly scattered over different parts of this literature, from the Mishnah, through the Talmudim and up to the later *midrashim*. It is clear that the particular characteristics of each genre, including the question of when they were written or edited, produce a wide spectrum of possibilities of identification, together with some difficult methodological problems.

After I became acquainted with the subject, I was surprised to find that there was no modern research which covered all the possibilities and all the subjects arising from the sources, in spite of the fact that there are many articles dealing with various different aspects of the subject. Up to now, most scholars have concentrated for the main part on one of two important components: the question of the original version of the *Birkat haMinim*, or the problem of the identity of the *minim* themselves. The first question has been dealt with mostly by scholars researching the liturgy and its different versions. Here the revelations of the Cairo Genizah have provided a gold mine of research opportunities. Indeed, the study of the liturgy in general, and versions of the *Shemonah Esreh* in particular, got a strong impetus after this discovery. The second question, the identity of these *minim* who appear so often in our sources, was also influenced by the discoveries of the Genizah, but to a lesser extent. Thus two quite different and separate fields of research developed around these questions, one belonging to the discipline of research into the liturgy in all its aspects, and the other part of the research into the history of the period of the *tannaim*.

From the outset it was assumed that the problem of the *minim* in all its aspects must be related to the perception of Christianity in Jewish eyes, as it was constructed during the Yavneh period in particular, and as it crystallized later during

the second and third centuries. Indeed, research into the period of the *tana'im* as a decisive and formative period in Jewish history has produced several fascinating and complex ramifications, including that bearing on the identity of the *minim*. A very good example is the research into the phenomenon now known as 'gnosis', and its links to the question of the *minim*, following the hints of this connection going back to the earliest source, the Mishnah. Another example is the question of the meaning of the term *Sifre minim*/the books of the *minim*, which has also been researched a good deal. Such questions and others have occupied thinkers and scholars ever since the beginning of the Enlightenment, and fascinating books have been written about them. But there has been no research which deals with the question of the *minim* in general, and almost no research into their relationship with the complex questions which arise from research into the texts of *Birkat haMinim*.

The central question running through this work is the question of the identity of the *minim* in relation to Christianity. A review of research on this question revealed that it was usually impossible to spotlight specifically Christian elements, since the tendency of scholars was to deal with all the source texts without differentiating between the early and the late, or between Palestinian or Babylonian versions. This tendency brought the discussion to a dead end, for the term *minim* was not a frozen description, but one which developed: its original meanings changed. The *minim* of the beginning of the second century are not necessarily the same *minim* as those of the third or fourth century. The distance between the Land of Israel and Babylonia also influenced these definitions, as did local differences in the political and religious circumstances.

Birkat haMinim was still recognised as relating to Christianity by the Jewish rabbinical commentators of the Middle Ages such as Rav Sa'adiah Gaon, Rashi and the Rambam. Thus the foundation was laid which has guided most of the scholars who have dealt with the identity of the *minim*, in spite of the fact that Jewish apologetics of the later Middle Ages attempted from understandable motives to hide the anti-Christian polemic in both the Talmudic literature and the *siddur*/prayer-book.

I have therefore chosen to begin this research with a chapter which deals with the complex question of the text of *Birkat haMinim*. This blessing appears in prayer-books and fragments from the Genizah in dozens of different versions, but there is no extant version in the Talmudic literature, apart from certain allusions. According to the main tradition (BT Berakhot 28b-29a) the blessing was written by a person known as Shemuel haQatan in the study house of Rabban Gamaliel at Yavneh. It is called a blessing because it is an integral part of the *Shemoneh Esreh* prayer, and because it ends with the characteristic close of a blessing: Blessed are You – the Lord etc. However, the central element in it is a curse directed at the *minim* (in other versions we find: Christians, *meshumadim*/apostates, slanderers, the wicked, sinners, *zedim*/the arrogant and also *malkhut*

zadon/the kingdom of arrogance, and other variants in different combinations). Unlike the other eighteen blessings in this prayer, the story of the construction of *Birkat haMinim* is presented as a *baraita*, which includes the obligation to say it as a whole, as well as a ban on making mistakes when reading it. These stress the great importance of this blessing, and its special status.

The central question is, therefore: who were the subjects of this blessing? Who were the *minim*? However, before dealing with this question it was necessary to examine the earliest versions in order to establish whether the original blessing was directed only against the *minim*. The different versions I have already noted raise further possibilities. Some of the early versions also include a curse against *malkhut zadon*/ the kingdom of arrogance. What is this kingdom? Does this mean the Roman Empire? And if the Christians are the only subject of the blessing of the *minim*, was this directed at the first Christians, or did those who wrote it direct it against internal Jewish dissidents? Does it refer to Jewish-Christian sects or was it also a response to pagan manifestations? These questions and many others arise after reading the hundreds of source passages, and the basic question in this study is therefore the problem of the earliest version of the text and the identification of its purpose, and hence also the question of the identity of what the *minim* stood for: i.e., who were the *minim* of the period of the Mishnah? The answer to this question is, of course, inherent in the examination of all the sources related to this period.

According to our main source, *Birkat haMinim* was constructed in the Yavneh period, after the time of the Second Temple. At this time the Jews of the Land of Israel were living under Roman rule. Under pressure of events and circumstances, against the background of the deterioration of relations between Judaea and Rome, desperate popular longings for revelation and redemption on the model of the books of the biblical prophets created or sharpened religious and social phenomena within Jewish society. The end of the Second Temple period was witness to the formation of many sects, parties and trends. Among these Christianity was born.

The crisis of the destruction of the Temple and the fall of Jerusalem, followed by the upheavals of the Diaspora revolt and finally the bloody events of the Bar Kokhba revolt and the subsequent repressive Roman legislation, created fracture points in the variegated society of Palestine and its surroundings. The early Christians and the Jews saw in these events critical watersheds of formative changes. In a lengthy process, the Jews who had created the new religion of Christianity in the belief that it was the fulfilment of the goals of the prophets separated and were separated from the population which had developed and formed the Oral Law which they defined as the only possible alternative after the destruction of the Temple. In this process, these Jews defined themselves and were defined anew.

The ramifications of Christianity at its beginnings are quite unclear. The books of the New Testament, which do not usually describe historical reality

but a theological purpose, hint very vaguely at internal dissensions which accompanied this formative stage in the history of the new religion. The pointed and deliberate contact with Hellenistic culture and its branches, and the outreach of Christianity to this rich and varied space created divisions on the one hand, but solidarity on the other: towards the end of the first century characteristics of Christian identity are beginning to appear. There is already a central stream branching out at the edges into the pagan Hellenistic world. All this complex texture, from Paul (originally a Hellenistic Jew) to Justin Martyr (originally a Hellenistic pagan) is in dispute with Judaism.

Judaism too encountered a similar problem in her contacts with the Hellenistic surroundings within the processes of self-formation and definition. Thus the two religions find themselves moving further and further away from each other, and in the space created between them there appear the more esoteric beliefs of Jewish converts and sympathisers, Christian converts – both circumcised and uncircumcised – and secret creeds influenced by different beliefs from Iran to Egypt. A Christianity professing belief in two divine authorities (the Father and the Son) is joined by further dualistic beliefs. Gnostic doctrines blossom, and send their influence all over the ancient east, including to curious Jews. These, or some of them, will later be added to the first definitions of the *minim*, and they will also be included under the ever-widening up-dated aegis of *Birkat haMinim*.

From its text, we may surmise that when it was written, *Birkat haMinim* was a curse directed against some group which must have comprised at least one of these sects. The blessing is built as a request, like the middle group of blessings in the *Shemoneh Esreh*, and ends with praise of God, who is supposed to fulfil these requests. It takes a sharply categorical position, including a request for God's harsh intervention against danger and enemies within or without – or both – presumably as a result of the problems and frustrations of the time. All this belongs to the complex situation after the destruction of the Temple, a time when processes of renewal and re-formation were taking place within Judaism, in the well-known context known as the Yavneh period. From the time of Rabban Yohanan ben Zakkai and his successors, there is a demand for decisions on complex and burning issues in order to construct a new norm. This means rooting out the deviant and those suspected of undermining the foundations of this new construct, as well as creating a 'fence around the Torah' to divide Jews from those others who define themselves – relying on Jewish Torah and prophets – as *Verus Israel*.

As already noted, there is wide agreement among scholars that *Birkat haMinim* relates to the stage when Christianity separated from Judaism. However, there is disagreement on many other questions. For example, how can we characterise the stage of separation and when exactly did it take place? It is clear that the separation of Christianity from Judaism took place in stages, so that another question arises in respect to the point of no return – if we can call it that. The sources are

full of allusions to trends and sects at one stage or another between Judaism and Christianity, and there is no incontrovertible decision which makes a real distinction between these stages. This question, it would seem, is in the background of research, waiting to be solved. The solution, if found, would throw further light on the whole complex of fundamental problems around the beginning of Christianity.

Birkat haMinim is a convenient starting point for studying these problems. But it also needs to be studied thoroughly and critically for its own sake. This blessing underwent more changes than any other blessing. We do not know its origins, or its earliest version. We have already noted that the Babylonian Talmud, which describes the story of the 'construction' of *Birkat haMinim*, does not provide the contents of the blessing. The prayer-books which have come down to us do not help to determine what the early version consisted of with any certainty. Changes in time, place and circumstances, new definitions of the enemies of Israel, and internal or external censorship made their mark on this subject, which could be sensitive and even dangerous in certain conditions. The Cairo Genizah shed light on hundreds of years of world history and revealed, among other things, earlier, previously unknown, versions of prayers, including versions of the *Shemoneh esreh* with different versions of *Birkat haMinim*.

This blessing was almost always at the centre of the polemic between Judaism and Christianity. The argument began with the crystallisation of Christian communities in the second century, and its echoes in both Jewish and Christian writings. From the time of the *tannaim*, around the time when *Birkat haMinim* was probably first constructed, and the parallel Christian period, when the first fathers of the church were active, there is also Christian evidence for the polemic which accompanied the separation of Christianity from Judaism. Justin Martyr from Flavia Neapolis [Shechem], wrote a polemical work against Judaism in the middle of the second century CE, where he mentions several times that the Jews curse the Christians in their synagogues. This is the first evidence of its sort from the Christian side, and we may presume that it is a roundabout mention or allusion to *Birkat haMinim*.

From Justin on, the polemic branched out in further directions, some of which influenced or followed each other. After Justin, we find evidence of polemics in the church fathers where we can identify allusions to possible links with *Birkat haMinim*. These allusions are to be found chiefly in Irenaeus, Tertullian, Origen, Epiphanius and Jerome. It is particularly important to know how far we can use both the earlier and the later Christian evidence to shed light on the problem of the original version of *Birkat haMinim*, and also whether this material can contribute to understanding the terms *minut* and *minim* at the time of the construction of the blessing under discussion.

Epiphanius and Jerome lived and wrote mostly during the second half of the fourth century. In the period after them, there were world-wide upheavals:

the Christianisation of the Roman Empire, its division and fall, the decline of the Jews of Palestine and the flowering of Babylonian Jewry. All these may or may not have affected the polemics between Judaism and Christianity, but the evidence for this is extremely scarce.

The Babylonian Talmud, and especially the *midrashim* of the early Middle Ages, are scattered with hundreds of mentions of the *minim*, and it is necessary to examine their reliability. Apart from the Talmudic sources, a little further evidence of the Jewish world has survived from this time, some of it important for the subject of *Birkat haMinim*, including the earliest prayer-books of which we have copies. As already noted, in the Cairo Genizah there were versions of *Birkat haMinim*, and, together with the first prayer-books of the period, the problem of the early versions was sharpened.

Thus research into the development of the early versions of the blessing is the first part of this study. The intention is to examine all the spectrum of possibilities and to reduce this as far as possible, thus laying the foundations for a tentative reconstruction of what may have been the prototype for *Birkat haMinim*.

This investigation is linked to further research goals. The text of the blessing must have been influenced by the circumstances of the time when it was constructed, thus our second chapter is devoted to establishing the time-span and the particular circumstances of the construction of *Birkat haMinim*.

Identification of the basic characteristics of the original version of the blessing leads to the question of the identity of its objects, and above all, to the question: who were the *minim*? In clarifying this question I have taken in to account hundreds of source passages, the majority of which are scattered about the various works of the rabbinic literature, with a few in Christian literature, especially in the works of the early fathers of the church. The discussion is centred on the clarification of the identity of the 'original' *minim*, those against whom this blessing which is a curse was constructed, and after whom it was named. In other words, our debate will concentrate on the *minim* and the phenomenon of *minut* from the time of Rabban Gamaliel of Yavneh up to the time of Rabbi Judah haNasi at the end of the second century CE. This is the second part of the study.

Integration of the two parts of the study – the part that deals with the versions of the blessing and that which investigates the identity of the *minim* – is essential. Reconstruction what may have been the early version, insofar as is possible, or at least parts of it, will allow me to centre the study on the identity of its subjects.

The various mentions, as we have noted, in hundreds of source passages, have been organised not only as sections of sources (i.e., according to time, place and tendencies) but also by the spectrum of characteristics related to the problem of identifying the *minim*, including *halakhot*, opinions and customs. These are divided into subjects such as prayer customs and liturgical changes; laws of pu-

urity and impurity; sacred writings and canonisation; contacts, negotiations, and even discussions of the number of divine powers, as well as many others.¹

The study is entitled *Birkat haMinim*, the Blessing of the *Minim*, and it is thus made up of two main parts, as this title implies: the blessing and the *minim*. It is my hope to provide a modest contribution to research into these two subjects.

¹ Because of the large number of subjects discussed in this study, the main details of the history of research and the major studies will each be discussed in the relevant chapter.

Chapter 1

The Problem of the Original Text of the *Birkat haMinim*

The Earliest Evidence

The story of the construction of *Birkat haMinim* by Shemuel HaQatan at the request of Rabban Gamaliel of Yavneh is only to be found in the Babylonian Talmud.¹ There the blessing is already called by this name. The contents of the blessing do not appear in the story of its construction, or in any other Talmudic source. In the source In the Babylonian Talmud, the story appears as a *baraita* within a general description of the ordering of the *Shemoneh Esreh* prayer² which is itself part of a more general discussion of this prayer. In the Jerusalem Talmud there is a parallel discussion,³ but there is no trace at all of the story of the construction of *Birkat haMinim*. The blessing is also mentioned in other places in the Jerusalem Talmud where it is identified by its close: “humbles the arrogant” [*makhnia zedim*],⁴ so that we can presume that the close is most probably the oldest extant phrase from the text of *Birkat haMinim*. Other phrases are not certain, not to mention the complete text, which does not appear anywhere in the rabbinic literature. In addition, in spite of the well-known and understandable influence of vocabulary and concepts from the Bible on the different versions of *Birkat haMinim* known to us from later periods, it has not been possible to find a specifically biblical textual basis for *Birkat haMinim*.⁵

¹ BT Berakhot 28b-29a. The censored editions have *Birkat haTzadugim*.

² Analysis of this source, its problems and its heroes, see below Chapter 2, p.73ff.

³ JT Berakhot iv, 7a.

⁴ JT Berakhot ii, 5a; v, 9c. In JT Berakhot iv, 8a it says: “[the blessing of] the *minim* was already constructed by the sages in Yavneh.”

⁵ Isaiah 1:28: “And the destruction of the transgressors and the sinners shall be together.” (The structure of three verses [26-28] is parallel to the conceptual structure of blessings in the *Shemoneh Esreh* prayer. This parallel, and other similar ones, are brought in BT Megillah 17b. But in spite of this, we cannot determine with any high degree of probability that the ‘destroyer of the transgressors’ was included in the original blessing, at least in the light of the fact that the frequency of the appearance of this phrase in the earliest versions we have is extremely low); Malachi 3:19-21 [4:1-3]: “For, behold the day cometh...and all the proud [*zedim*], yea and all

The story of the ordering of the *Shemoneh Esreh* prayer in the presence of Rabban Gamaliel at Yavneh is mentioned once more in the Babylonian Talmud,⁶ but without mentioning Shemuel HaQatan and without a description of *Birkat haMinim*. Following this, in the same source, there is a discussion of the structure of the prayer and the rationale behind the order of the blessings, as it says: "Since judgement was passed on the wicked [*resha'im*], the arrogant [*zedim*] perished and the *minim* were included with them". The function of this sentence was to demonstrate the rationale behind the order of the blessings, between the eleventh blessing, about justice [*Birkat haMishpat*], and the blessing which follows it, *Birkat haMinim*. And in this source too there are one or two words from the original blessing: the arrogant [*zedim*] were certainly part of the wording of the blessing. This wording, as we noted, appears in the close of *Birkat haMinim* in the version in the Jerusalem Talmud, as well as in almost all the early versions of the blessing. As for the *minim* and the wicked, it is probable that these words, and especially *minim*, appeared in early versions, but we cannot determine the order of appearance or their position. Similarly, the combination of the *minim*, the wicked and the arrogant also appears in the discussion in the Jerusalem Talmud on the order of blessings in the prayer.⁷

This situation is no different in those places in the Babylonian and the Jerusalem Talmudim where the prayer called *Havinenu*,⁸ a shortened form of the *Shemoneh Esreh*, is cited.⁹ In these versions of *Havinenu* there is a single sentence which is a shortened form of *Birkat haMinim*: "Lift up (or stretch forth) Your hand against the wicked,"¹⁰ but we cannot presume that this sentence or any part of it is quoted verbatim from the original text of *Birkat haMinim*.

The only slight hint or allusion to *Birkat haMinim* in tannaitic sources is to be found in the Tosefta, and there is nothing there to show us what might have been the original version of the blessing, or even part of it. The Tosefta is discussing the six or seven blessings which were usually added to the eighteen blessings on public fast days, and writes as follows: "The seventh blessing: Somchos

that do wickedly, shall be stubble...and ye shall tread down the wicked; for they shall be ashes under the soles of your feet." (tr. RV. All translations from the Hebrew Bible are taken from the RV unless otherwise specified); Isaiah 66:24 etc.

⁶ BT Megillah 17b.

⁷ JT Berakhot ii, 5a; iv, 8a and parallel in JT Ta'anit ii, 65c.

⁸ *Havineinu* (lit.: Give us understanding): BT Berakhot 29a; JT Berakhot iv, 8a.

⁹ The BT distinguishes between the shortened form *Havinenu* and what is called the *Tefillah qetzarah* (i.e., another shortened form of the *Shemoneh Esreh*); q.v. BT Berakhot 30a. For a discussion of this, see: *Sefer HaEshkol*: (ed. S. Lieberman), Hilkhot Tefillah 34a, (Jerusalem, 1984), p. 92.

¹⁰ This is also a paraphrase of Isaiah 19:16: "In that day the Egyptians shall be like women, trembling and terrified because the Lord of Hosts will lift His hand against them." (tr. New JPS, adapted), and cf. Zechariah 2:13 (RV 2:9): "For I will lift My hand against them." (tr. New JPS).

says: brings low the haughty¹¹ [this is *Birkat haMinim* (*sic*)].¹² Where is it said? Between the blessing of redemption and [the blessing of] healing the sick etc.”¹³ The intention is not clear, especially if we presume that the mention of *Birkat haMinim* as it appears in the Vienna manuscript is integral to the text of the Tosefta, even though it does not appear in the Leiden and Ehrfurt manuscripts or in the first printed edition. In the parallel discussion in the Mishnah,¹⁴ which is the basis for the discussion in the Tosefta, there is no mention of ‘brings low the haughty’ or *Birkat haMinim*, nor does this appear in later parallels in the Babylonian or Jerusalem Talmudim.¹⁵

Birkat haMinim is once again not mentioned in later sources,¹⁶ except in a very few sources, which can tell us little, if anything, about the elements which might have made up the text of the blessing. Thus, for example, there is a mention in Midrash Tanhuma, but it is of no use to us.¹⁷ This is also the case with even later mentions, such as Midrash Numbers Rabbah,¹⁸ and Midrash *Panim Aherim*.¹⁹ In this work, *Birkat haMinim* is not mentioned by name, but in a rather strange story put in the mouth of Haman. In this story he relates to the blessing and cites

¹¹ This is the name of the blessing which apparently the same Somchos added in addition to the six blessings which are added on a fast day, and in all of them disagreed with the ending found in Mishnah, Ta’anit ii, 4: “That hast compassion on the land”. (tr. Danby). See S. Lieberman, *Tosefta KiFshutah*, v, *Seder Mo’ed*, (Newark, 1963), p. 1073.

¹² This is found in the Vienna MS. and is missing in the rest.

¹³ Tosefta, Ta’anit i, 10 (Lieberman, ed. p. 326).

¹⁴ Mishnah, Ta’anit ii, 4.

¹⁵ BT Ta’anit 16b-17a; JT Ta’anit iv, 65d, and see Lieberman *Tosefta KiFshutah*, loc. cit., p. 1074; there is a further mention in Tosefta, Berakhot iii, 25 (ed. Lieberman, p. 18): “Eighteen blessings ... including the *minim* because of the *perushim*”. This is parallel to the discussions in JT Berakhot ii, 5a; v, 9c on the number of blessings in the *Shemoneh Esreh* which I will discuss below, p. 74f.

¹⁶ An attempt has been made to find a link between *Birkat haMinim* and a non-Talmudic source, the inscription from Ein Gedi: B. Binyamin, ‘*Birkat haMinim* and the Ein Gedi inscription’, *Immanuel* 21 (1987), pp. 68-79. In my opinion there is no connection either in vocabulary or in content between the blessing and the inscription.

¹⁷ Tanhuma *Vayiqra* iii (ed. Buber p. 2): “Our rabbis taught us that someone [who is leading the prayers] in front of the Ark and makes a mistake [and did not say the blessing which curses the *minim*, when they make him repeat it, for our rabbis said that if someone is in front of the Ark and makes a mistake] in all the blessings they do not make him repeat it, but in *Birkat haMinim* they make him repeat it even if he does not want to.” This is a late passage which does not appear in the printed (1522) edition from Constantinople. (The date of Tanhuma is problematic, but it does not seem to be before the 9th century: see L. Zunz, *Die gottesdienstlichen Vorträge der Juden historisch entwickelt*, [Frankfurt a.m. 1892², repr. Hildesheim, 1966], p. 247; G. Stemmerger, *Introduction to the Talmud and Midrash*, [Edinburgh, 1996²], p. 305.)

¹⁸ Parashah 18 in the Vilna edition. This Midrash does not have a critical edition but there is a MS. (Oxford Bodl. 147 and 2335).

¹⁹ Version B, Parashah 3. In the collection *Sifrei de-Aggadata al Esther*, (ed. Buber, Vilna 1886, on the basis of an Oxford MS. of 1470. See Stemmerger, [above, n. 17], p. 321).

its close ‘humbles the arrogant.’ Haman here is said to object to the fact that “they said that we are the arrogant.” This is a problematic version, and the order of prayer attributed to the worshippers is not familiar,²⁰ but this Midrash closes the circle of our survey of the sources which mention *Birkat haMinim* or relate to it directly. None of these sources include the text of the blessing, only single words or phrases here and there, and here too we need to distinguish between different types and different periods.

It is no accident that all the scholars dealing with *Birkat haMinim* have chosen to cite the words of the scholar who laid the foundations for the study of the liturgy, Ismar Elbogen: ‘No benediction has undergone so many textual variations as this one... It is most doubtful that we will ever be in a position to recover its original text.’²¹ This statement is a faithful reflection of the situation in the prayer books. Here we find so many different versions of *Birkat haMinim*²² that in most of the prayer books we have today there is almost no starting point or support for clarifying the earliest version of the blessing. The multitude of textual versions²³ and rites also makes it very difficult to identify the links and developments between them, and attempts at this have not succeeded or been accepted,²⁴ in particular those of Jewish legal authorities [poseqim] or halakhic interpreters.²⁵

Two difficulties sum up what has been said up to now. On the one hand, the text of the blessing is not extant in any of our sources, including those where *Birkat haMinim* is mentioned by name or by its close, while on the other hand the texts we do have are found in different versions scattered over many prayer books, with the earliest of these written at too late a period to be of use to us. But within these very difficulties, in my opinion, we should be able to find a solution to the problem of the earliest versions, albeit a partial solution, but a solid one.

²⁰ S. Krauss, ‘Zur Literatur der Siddurim: christliche Polemic’, A. Marx and H. Meyer (eds.), *Festschrift für Aron Freimann*, (Berlin, 1935), pp. 128-129.

²¹ I. Elbogen, *Der jüdische Gottesdienst in seiner geschichtlichen Entwicklung*, (Hildesheim, 1962⁴), p. 51. This quotation is taken from the English edition: id., *Liturgy: A Comprehensive History*, (trans. R.P. Schneidlin), (New York-Jerusalem 1993), p. 45.

²² For a wide-ranging comparative survey of the versions of *Birkat haMinim* in prayer books from the Middle Ages on, see: D.Z. Hillman, ‘Text of the 12th Benediction (Birkat haMinim)’, *Zefunot* a/2 (1989), pp. 58-65 and the Response and Additions of I.Y. Weiss, ‘Comments on Text of the 12th Benediction’, *Zefunot* a/3 (1989), p. 68.

²³ Especially in the case of later versions. See: Seligman Baer, *Avodat Yisrael*, (Rödelheim, 1868); A. Berliner, *Randbemerkungen zum täglichen Gebetbuche (Siddur)*, (Berlin, 1909), pp. 52-53.

²⁴ L. Finkelstein, ‘The Development of the Amidah’, *JQR* 16 (1925-1926), pp. 1-43; 127-170.

²⁵ L. Jacobs, ‘Praying for the Downfall of the Wicked’, *Modern Judaism* 2 (1982), pp. 297-310.

The way to a partial solution of the problem of the earliest version is first of all an informed and organised investigation of the oldest versions we have, which are found in the earliest prayer books in the Cairo Genizah. Following this, we shall compare and match these texts as far as possible to the vocabulary and phrases found in the Talmudic sources.

Birkat haMinim in the Earliest Prayer Books and in the Cairo Genizah

It is generally agreed that Rav Natronai bar Hilai, the Ga'on from Sura, was the first to record the order of the prayers,²⁶ according to a responsum of this Babylonian ga'on to a question put to him by the community of Lucena in Spain.²⁷ The responsum is extremely brief, and contains mostly the closures of the blessings. The full text of *Birkat haMinim* is not extant in Natronai's responsum, but the blessing is mentioned under its Talmudic name.²⁸ At the top of the fourth page of the manuscript there is a fragment of a sentence: "And with *Birkat haMinim* there are those who close with 'who crushes the wicked and those ...'" For our purposes, Rav Natronai is certainly quoting words from versions of the blessing which were known in his day. We may posit 'versions' in the plural, because even from this fragment of text we can understand that there was a further possibility for the beginning of the closing sentence. (We know of another version which has "who crushes enemies.")

The text of the prayers themselves appears for the first time only in the work called *Seder Rav Amram Ga'on*, Rav Amram Ga'on's prayer book, after Rav Natronai's successor at Sura. The writing of this work is attributed to the ninth century, when Rav Amram lived, but it looks as if the version which has come down to us has been edited and changed. The manuscripts on which the critical edition was based²⁹ are no earlier than the fourteenth century, so that the prayer book attributed to Rav Amram is far from being the original.³⁰ The text of *Birkat*

²⁶ L. Ginzburg, *Geonica*, I, (New York, 1968²), p. 123; I. Elbogen, (above, n. 21), p. 274.

²⁷ Ibid., II, pp. 114-121.

²⁸ "And he stands during the Prayer (*tefilla*) and says nineteen blessings together with *Birkat haMinim* (sic)" *loc. cit.* p. 116.

²⁹ E.D. Goldschmidt, *Seder Rav Amram Ga'on*, (Jerusalem, 1971), (in Hebrew).

³⁰ I. Elbogen, (above, n. 21), p. 275; S. Assaf, *Tequfat ha-Ge'onim ve-Sifrutah*, (Jerusalem, 1955), p. 184; J.N. Epstein, *Seder Rav Amram Ga'on Siduro u-Mesadrav*, (Berlin, 1929), pp. 122-141; D. Goldschmidt, 'Prayer books,' *EJ*, vol. 13 (1972), p. 985; R. Brody 'The Enigma of Seder Rav Amram', in: S. Elizur *et al.* (eds), *Knesset Ezra: Studies Presented to Ezra Fleischer*, (Jerusalem, 1994), p. 22.

haMinim in *Seder Rav Amram*, with the different readings in the various manuscripts, is as follows:

For the apostates (for the informers [*malshinim*³¹]) let there be no hope (if they do not return to Your Covenant)³² and the *minim*³³ (and all the arrogant [Ms. M]); and let the *notzrim* and the *minim* [Ms. O] perish in an instant (thus M and S; be consumed in an instant: (O) and all the enemies of Your people (S); and all our enemies: (M); and all our enemies and those who hate us (O) be speedily cut down and the kingdom of arrogance be speedily uprooted and crushed and humbled speedily in our days. Blessed are You the Lord who crushes the wicked (enemies: O) and humbles the arrogant.³⁴

The manuscripts of *Seder Rav Amram* have a different version of almost every term in the blessing. The oldest manuscript, as already noted, is from the fourteenth century. Not only is this very late, but we also have no way of ascertaining which of the manuscripts is the most faithful copy of the original.³⁵ *Seder Rav Amram*, then, cannot be used as an authoritative source, except in comparison to other early prayer books and in particular the texts found in the Cairo Genizah.

The prayer book of Rav Sa'adiah ben Joseph of Fayyum,³⁶ another Ga'on of Sura, was written in Babylonia about a hundred years after Rav Amram's time, apparently because of a request from the Jewish community in Egypt.³⁷ The prayer book is based mainly on one manuscript,³⁸ but it is agreed that this reflects Sa'adiah's text and probably dates to the third decade of the tenth century.³⁹ The text of *Birkat haMinim* in the prayer book of Rav Sa'adiah is as follows:

³¹ Thus in the British Museum MS. Or. 1067, henceforward Ms. M.

³² This addition is only to be found in the Bodleian in Oxford (Neubauer's catalogue no. 1095), henceforward MS. O.

³³ Thus in the MS. of the Jewish Theological Seminary in New York, Sulzberger collection no 4074, henceforward MS. S.

³⁴ For the convenience of the reader the different textual versions of *birkat haMinim* are cited in this chapter in English translation. The Hebrew texts are to be found in Appendix A. Translation of Hebrew terms follows the translation of the Authorised Daily Prayer Book of the United Hebrew Congregations of the Commonwealth, commonly known as Singer's Prayer Book, with the new translation of I. Jakobovits *et. al.* (London, 1890, rev. 1990), p. 82.

³⁵ This is in spite of Goldschmidt's attempt to sketch the genealogy of the manuscripts of *Seder Rav Amram*. See: (above, n. 21), Introduction, p. 18.

³⁶ The critical edition: I. Davidson, S. Assaf, B.I. Joël, (eds.) *Siddur Rav Sa'adiah Gaon*, (Jerusalem, 1970, in Hebrew). The original name was *Qitab al-salwat wa-a-sabih*. Henceforward the Siddur of Rav Sa'adiah.

³⁷ S. Assaf, in the Introduction to the Siddur of Rav Sa'adiah, p. 24; Ginzburg, *Geonica*, (above, n. 26), p. 166.

³⁸ Oxford MS. Hunt. 448, Neubauer catalogue no. 1096.

³⁹ Assaf bases this on the signature, built from the last letters of the closing blessings, as follows: Sa'id ben Yoseph Aluf, in other words, the prayer book was compiled before Rav Sa'adiah was appointed as Ga'on. *Loc. cit.* p. 22. On the authenticity of the text, *loc. cit.* p. 30.

For the apostates let there be no hope and let the kingdom of arrogance be speedily uprooted and crushed in our days. Blessed are You, Lord, who crushes the wicked and humbles the arrogant.

The versions we have of *Birkat haMinim* in the different copies of *Seder Rav Amram* are longer and more detailed than the text of the blessing in the single manuscript of the prayer book of Rav Sa'adiah, but, as we have seen, it is difficult to demonstrate the closeness of the former to their ninth-century source. Thus it is hardly far-fetched to relate to the text of Rav Sa'adiah as one of the earliest sources for *Birkat haMinim* in the prayer books which have come down to us, if not the earliest.⁴⁰

It is generally agreed that we should include the 'Order of Prayers for the Whole Year' of Maimonides [the Rambam] among the earliest prayer books. This collection of prayers, which is not really a prayer book, is included in the Rambam's *Mishneh Torah*, at the end of the book called *Sefer Ahavah* (the Book of Love), and it includes the *Shemoneh Esreh* prayer and other blessings. This is the text of the twelfth blessing in the Rambam's order of blessings:⁴¹

For the apostates let there be no hope and may all the *minim* perish in an instant and the kingdom of arrogance be uprooted and crushed speedily in our days. Blessed are You, Lord, who crushes the wicked⁴² and humbles the arrogant.

We should note that the editor of the critical edition himself took care to include his readers in his doubts as to whether the Order of Prayers was indeed written in the time of the Rambam.⁴³ However, we have no other texts, or conclusive evidence for this doubt, other than the version which appears in the earliest Yemenite prayer books. It is accepted that Yemenite Jewry was heavily influenced by the Rambam and took on his versions of prayers,⁴⁴ and indeed the Yemenite version is almost completely identical to that of the Rambam.⁴⁵

The problem of how far the earliest prayer books are faithful to their sources is also relevant in the case of the widely inclusive prayer book attributed to Rabbi

⁴⁰ The texts of the prayers and *piyyutim* in the Siddur of Rav Sa'adiah which were found in the Cairo Genizah are sometimes different from the Oxford manuscript, but they do not include a text of *Birkat HaMinim*.

⁴¹ Critical edition: E.D. Goldschmidt, 'Maimonides' Rite of the Prayer According to an Oxford Manuscript', (Hunt. 80; Neubauer 577), *Studies of the Research Institute for Hebrew Poetry*, 7 (1958), p. 199.

⁴² Thus the MS. In a correction above the line, according to Goldschmidt MS. A(1), the term 'enemies' (*oy'vim*) appears as a correction or editing above the line.

⁴³ *loc. cit.* P. 188.

⁴⁴ *loc. cit.* p.185.

⁴⁵ The Yemenite version is: "The *minim* and the betrayers [*moserim*] shall perish in an instant..." See the Yemenite prayer books: *Tiklal Etz-Chayim*, (Jerusalem, 1894); *Tiklal Kadmonim*, (Jerusalem, 1964).

Simhah ben Shemuel, generally known as *Mahzor Vitry*.⁴⁶ The compiler came from the same circle as Rashi⁴⁷ in the eleventh century, but this inclusive festival prayer book underwent a number of changes and editions, and it would seem that the printed version is not earlier than the thirteenth century.⁴⁸

There is as yet no critical edition of the *Mahzor Vitry*. Apart from the printed edition, the liturgical scholar Daniel Goldschmidt has published a further manuscript (the Reggio MS.)⁴⁹ which he sees as more original than the printed version.

Birkat haMinim according to the two known versions of the *Mahzor Vitry* runs as follows:

<i>Hurwitz edition</i>	<i>Reggio MS.</i>
[...] hope and [may] all [...] perish in an instant	[...] let there be no hope and [may] all [...] perish in an instant
and enemies of your people Israel be speedily cut off and humble all [...] speedily in our days	and enemies of your people the house of Israel be speedily cut off [...] speedily uproot and crush and destroy and humble all our enemies
Blessed are You, Lord, [who] crushes enemies and humbles [...]	Blessed are You, Lord, [...]

Among the versions discussed so far, we can see a certain similarity between the short versions of Rav Sa'adiah and the Rambam, and between the longer version found in the *Seder Rav Amram* and the *Mahzor Vitry*. It is true that Rav Sa'adiah and the Rambam were active near each other – Rav Sa'adiah was born in Egypt, and it was to the Egyptian community that he sent his prayer book, while the Rambam was also active in Egypt. We also know that the *Seder Rav Amram* influenced the *Mahzor Vitry*. However, after examining the texts and seeing the

⁴⁶ S. Hurwitz (ed.), *Machsor Vitry*, [handschrift im British Museum (Cod. Add. No. 27200-27201), (Nürnberg, 1923)].

⁴⁷ I. Elbogen, (above, n. 21), pp. 276-277.

⁴⁸ A. Berliner, 'Beiträgen,' in: S. Hurwitz, *Einleitung und Register zum Machsor Vitry*, (Berlin, 1896-1897), p. 171; And see D. Goldschmidt, *Mahzor Vitry EJ* 11 (1972), pp. 736-737.

⁴⁹ E.D. Goldschmidt, 'Le texte des Prières du Manuscrit Reggio du Mahzor Vitry', *REJ* 125 (1966), pp. 63-75; esp. p. 66 with the text of *Birkat haMinim*.

links between the different versions of the earliest prayer books known to us, we should not be in a hurry to come to definitive conclusions about the text of *Birkat haMinim* between the tenth and thirteenth centuries. The most that we can say is that it is possible to identify a common origin for all of them.

A certain amount of help can be found from a totally different direction, one which is much less congenial. This is the well-known episode of the first example of Christian polemic with Talmudic texts, known as the Paris dispute. It began with the apostate Nicholas Donin, and was held under the aegis of the pope and the royal court, and ended in the burning of the Talmud around the year 1240.⁵⁰ This was the first time that the Christian world acknowledged the Talmud and its literature officially using the help of Jewish apostates, which was to become a well-known system later. Donin collected passages which were problematic or debatable from the Christian point of view from Scripture and the prayer book and sent them to the pope, and they were added to a letter from Pope Gregory IX sent in 1239 to the bishop of Paris.⁵¹ Among the passages in Donin's collection is a complete text of the *Birkat haMinim* translated into Latin. Here is the text of the blessing in the indictment, paragraph 30:

For the apostates let there be no hope and may all the *mynym* perish in a moment and all enemies of Your people Israel be cut off, and the kingdom of arrogance be uprooted and crushed and defeated and humbled, all our enemies speedily in our days. Blessed are You, Lord, who crushes enemies and humbles the arrogant.⁵²

The indictment does not state where this version of *Birkat haMinim* is taken from, but in comparison with the early versions we have examined so far we can see the resemblance to the Jewish Theological Seminary manuscript of the *Seder Rav Amram*, and the almost total resemblance to the version in the *Mahzor Vitry*, especially the Reggio manuscript. (*Mahzor Vitry* was in use in northern France and was certainly the nearest which Donin could have obtained. In any case, Donin's version fills in the gaps in *Mahzor Vitry*.) We do not know how thorough Donin's work was, but it can be assumed that if he had known a number of dif-

⁵⁰ Demonstration of the different possibilities: C. Merchavia, *The Church Versus Talmudic and Midrashic Literature (500-1248)*, (Jerusalem, 1970), p. 248 (in Hebrew).

⁵¹ For a description and analysis of the whole episode: S. Simonsohn, *The Apostolic See and the Jews*, (Toronto, 1988-1991), p. 22; S. Grayzel, *The Church and the Jews in the XIIIth Century*, (New York, 1966), pp. 29-30, and Appendix A, pp. 339-340.

⁵² Here is the Latin original according to MS. 16558 in the Bibliothèque nationale in Paris: *Conversis non sit spes et omnes mynym (infideles) in hora disperdantur, et omnes inimici gentis tue Israel discindantur, et regnum nequiciae eradicet et confringas et conteras et declines omnes inimicos nostros velociter in diebus nostris; benedictus tu Deus frangens inimicos et declinas impios*. This was first published by I. Loeb, 'La Controverse de 1240 sur le Talmud', *REJ* 3 (1881), pp. 50-51; I have used the translations of J. Rosenthal, 'The Talmud on Trial', *JQR* 47 (1956), pp. 162. See also: Merchavia, (above, n. 50), pp. 278-279; *Infideles* is the translation added in the source for the Hebrew word *mynym* brought as such.

ferent customs, he would not have left out any versions which were more sharply or clearly aimed against the Christians, if he had known of them.⁵³

There can be no doubt that Nicholas Donin cites a version which was in use before the great disputes (Paris, Barcelona, and Tortosa) and before the beginning of the succession of burnings of the Talmud and works of Jewish law. Thus we can easily suppose (albeit with all due caution) that the version from the Paris collection belongs to a period before there was censorship and state bans on certain passages from laws and prayers which were subjects of dispute.

Obviously Donin's version strengthens the status of the text which appears in the *Mahzor Vitry* as the version which was widespread and well-known in France, as well as the versions close to it in Spain and other places.⁵⁴ However it does not detract from the status of versions current in other places, in our respect mostly in Egypt, for it is reasonable to presume that the latter were no earlier. The importance of this hypothesis is that it does not detract from the importance of the prayer book of Rav Sa'adiah, as one of the earliest sources (among the prayer book versions), if not the earliest. However, we should not leave the wider text of the *Mahzor Vitry* out of our consideration, even though this is the latest of the early prayer books (and includes portions from the *Seder Rav Amram*).

These two versions of the text, the short version of Rav Sa'adiah, and the long version of Rabbi Simhah of Vitry (which is similar to the version by Donin included in the papal letter) do not cancel each other out, as there are no substantial differences between them in the most important wording. The two versions of the text, of course, do not represent the earliest version of *Birkat haMinim*, but, as the earliest versions from the prayer books which have come down to us, we can extract from them a single common denominator in order to connect to the hints we do have. The common structure which arises from our discussion is thus as follows:

For the apostates let there be no hope⁵⁵

⁵³ It is important to note that the word 'notzrim' does not appear. See Merchavia, (above, n. 50), pp. 279-280.

⁵⁴ It should be noted that this is almost identical to the version from Worms at the end of the 12th century. See: E.D. Goldschmidt, 'The Mahzor of Worms', i.d., *Studies*, (above, n. 41), p. 10. Similarly Seligman Baer demonstrated that an almost identical version was in front of Rabbi Yaakov ben Asher, the writer of the *Arba'ah Turim*. See: Baer, *Avodat Yisrael* (above, n. 23), p. 95. The text of *Birkat haMinim* does not appear in the *Tur*, (*Orah Hayim*, § 118), but it says there that there are 29 words, which is very close to Donin's version.

⁵⁵ This opening is common to all the prayer books discussed, except for the British Museum MS. of the *Seder Rav Amram* (M), which has "for the informers" [*la-malshinim*]. The opening "for the informers" took the place of the opening "for the apostates" in the later prayer books, especially from the 16th century on. But it should be noted that "for the informers" appears in a number of fragments from the Cairo Genizah as well as, not instead of, "for the apostates." See on this: Y. Luger, *The Weekday Amidah in the Cairo Genizah*, (Ph.d Thesis, Bar-Ilan University, 1992), pp. 154-155, 285 n. 13.

And may the *minim* perish in an instant⁵⁶
 And the kingdom of arrogance be uprooted and crushed speedily in our days⁵⁷
 Blessed are You, Lord, who crushes enemies and humbles the arrogant.⁵⁸

So far our survey of the textual versions of the earliest prayer books. The question which now needs to be discussed is how close this archetype we have extracted from our survey is, to what is said to be the earliest version created in the Land of Israel. Most of the versions which we have discussed so far belong to what is called the Babylonian rite, which was widespread in the Middle East and North Africa and even reached the Yemen. *Seder Rav Amram* as we know it today certainly represents the Babylonian rite.⁵⁹ There are those who see the version of Rav Sa'adiah as the Land of Israel rite influenced by Babylonia, especially with respect to the *Shemoneh Esreh*.⁶⁰ The version called 'the Land of Israel rite' was found in the late Middle Ages particularly in the Balkans, to a certain extent in Italy, and to a lesser extent in France and Ashkenaz.⁶¹ However, the big question is what was the real nature and origin of this 'Land of Israel rite.' It seems reasonable to think that the 'Land of Israel rite' reflects the version which was created in the Land of Israel, and that this preceded the Babylonian rite,⁶² and may indeed be the original version, or at least near to it. However things are not quite so simple. The clearest and earliest authority for the existence of two different versions of the *Shemoneh Esreh* prayer is to be found by comparing the structure of the prayer and the order of the blessings as they are presented in the Babylonian Talmud (Megillah 17b) and the Jerusalem Talmud (Berakhot ii, 4d.).⁶³ However,

⁵⁶ This is missing in the prayer book of Rav Sa'adiah Gaon. It is present in the Rambam's *Order of Prayer*; and in *Seder Rav Amram* in the Jewish Theological Seminary's MS. S. (The British Museum MS., apparently the earliest of the three, has the *notzrim* and the *minim*.) The term is absent from the two versions of the *Mahzor Vitry*, but the sentence "and all [...] will perish in an instant" is present, so that the almost identical structure of the blessing in *Mahzor Vitry* and Donin's version allow us to posit the existence of the term *minim* filling the gap.

⁵⁷ The "kingdom of arrogance" is rubbed out in the *Mahzor Vitry*, but it can be supplied by comparison with the other versions.

⁵⁸ The close is the same in all versions, except for some substitutions of 'wicked' for 'enemies'.

⁵⁹ L. Finkelstein, 'Development', (above, n. 24), p. 142.

⁶⁰ Finkelstein, 'Amidah', (above, n. 24), pp. 142-143, defines it as Egyptian rite, while Mann claims that the *Siddur* of Rav Sa'adiah is Babylonian rite. See: J. Mann, 'Genizah Fragments of the Palestinian Order of Service', *HUCA* 2 (1925), p. 269.

⁶¹ I. Elbogen (above, n. 21), pp. 277-278.

⁶² Cf. J. Heinemann, *Prayer in the Period of the Tannaim and the Amoraim*, (Jerusalem, 1984), p. 46 (in Hebrew).

⁶³ In the continuation of this passage on page 5a, we find the Jerusalem Talmud version of the prayer *Havineinu*, but it is not clear whether we are entitled to deduce from this the structure of blessings 14-16, i.e. whether *Tzemah David*, the blessing for the offspring of the House of David, is a blessing in its own right, or whether it is included in the blessing before it, for two or three blessings are abbreviated in one shortened sentence.

the complete text of the blessings is not found in either of these places; there are only explanations of the nature and order of the blessings. The absence of the blessings in their entirety lessens to some extent the force of the early authority in the Talmudim, but this is not enough to spoil the fact of the existence of two versions of the prayer.

We know more about differences in *halakhot*⁶⁴ between Babylonia and the Land of Israel than we know about the different rites of prayer. When it comes to the basic authority for prayer rites there was a definitive difference: there were eighteen blessings in the Land of Israel rite but nineteen in the Babylonian rite, and there is evidence for particular closures of blessings and different phraseology. We also know of the existence of separate communities, Babylonian and Palestinian, both in the Land of Israel itself, as well as in Syria and Egypt.⁶⁵ The major part of the evidence on these communities is from the time of the Ge'onim, and in any case, the evidence is no earlier than the Muslim conquest of Palestine (634 CE). We do not know the exact nature of the version used by worshippers in the Land of Israel before the seventh century – if there was an exact version – just as the later developments of this text are shrouded in mystery.

The Land of Israel underwent upheavals and repressive legislation which were a detrimental influence, but these did not reach the large Babylonian centres. One example of this is the law of the emperor Justinian, published in the mid-sixth century (Novella 146), which forbade the teaching of the Mishnah and may well have also interfered with prayer.⁶⁶ A further example of this is to be found in the statement of Rav Yehudai on the ban on prayer, which is cited by Pirqoi ben Baboi,⁶⁷ evidence which is dated by Jacob Mann to the time of Heraclius' conquest of Palestine in the years 614-628 CE.⁶⁸

The scholar of the history of the liturgy, Joseph Heinemann, determined that the Land of Israel rite had been forgotten by the time of the Crusaders, except in Egypt, where it was preserved.⁶⁹ Heinemann based his claim on the evidence of

⁶⁴ Q.v. *Sefer ha-Hilukim*, (ed. M. Margoliouth, Jerusalem, 1938). In the introduction to this edition there are references to these differences between the Babylonian and Jerusalem Talmudim: pp. 15-16.

⁶⁵ Margaliouth, *loc. cit.* pp. 11-12; and especially M. Gil, *A History of Palestine (634-1099)*, (Cambridge, 1992), p. 527.

⁶⁶ A. Linder, *The Jews in the Roman Empire*, (Detroit, 1987), pp. 402-405.

⁶⁷ L. Ginzberg (ed.), *Genizah Studies (Ginzei Schechter)*, vol. 2, (New York, 1928), pp. 551-552; B.M. Lewin, 'From the Remains of the Genizah', *Tarbiz* 2 (1931), p. 383; On Ben Baboi see *id.*, *loc. cit.* p. 398; J.N. Epstein, *Studies in Talmudic Literature and Semitic Languages*, I, (Jerusalem, 1984), pp. 258-264 (in Hebrew).

⁶⁸ J. Mann, 'Changes in the Divine Service', *HUCA* 4 (1927), pp. 253-254; Z. Baras 'The Persian Conquest and the End of Byzantine Rule' in Z. Baras, S. Safrai, Y. Tsafrir, M. Stern (eds.), *Eretz Israel from the Destruction of the Second Temple to the Muslim Conquest*, I, (Jerusalem, 1984), p. 348 (in Hebrew).

⁶⁹ Heinemann, (above, n. 62), p. 24.

the manuscripts which were found in the attic of the Ezra synagogue in Fustat (Old Cairo), known as the Cairo Genizah. And indeed, research into the rite identified as belonging to the Land of Israel, began only after the first publications of the Genizah discoveries,⁷⁰ which included fragments of prayers, including versions of the *Shemoneh Esreh*. It was on the basis of their differences from, and similarities with the ancient authorities that some of these were defined as exemplifying a 'Land of Israel rite.'⁷¹ The questions which arose from the publication of the Genizah and which related to the basic problems of research into the different versions of prayers in general, included clarifications of the nature and status of this 'Land of Israel rite' which was discovered in the Genizah. Research into this mostly examined the mutual influences between the two rites which were both found in the Genizah. One of the questions which arose was whether the version which is defined as purely Land of Israel preceded the Babylonian versions which were also found in the Genizah, and whether this was indeed the earliest version. All this precedes our discussion of the texts which were found in the Genizah and the many problems which arise from this discussion. Questions like these, with suggestions for solutions, were raised by Louis Finkelstein as early as 1925.⁷² Finkelstein used the Land of Israel rite, as discovered in the Genizah, as a basis for his reconstruction of the original text of the whole *Shemoneh Esreh* prayer, comparing the versions of the oldest prayer books and weaving a connection between them. However, this long and detailed discussion, and its conclusions, is far from being persuasive. Recently Yehezkel Luger published his research into the versions of the *Shemoneh Esreh* prayer found in the Cairo Genizah. Luger sums up the arguments and the doubts in the scholarly literature about the identification of the Genizah version with the Land of Israel rite. He notes that it has been known for some time that many of the manuscripts found in the Cairo Genizah in fact reflect the Babylonian custom. He also points out that those manuscripts which were published at the beginning of Genizah research, and which have definite signs of belonging to the Land of

⁷⁰ S. Schechter, 'Genizah Specimens', *JQR* 10 (1898), pp. 655-659; I. Lévi 'Fragments de Rituals de Prières', *REJ* 53 (1907), pp. 231-241; I. Elbogen, 'Die Tefilla für die Festtage', *MGWJ* 55 (1911), pp. 426-446, 586-599, published fragments of the *Amidah* prayer for festivals; A. Marmorstein, 'The Amidah of the Public Fast Days', *JQR* 15 (1924-25), pp. 409-418; J. Mann, 'Genizah Fragments', (above, n. 60), pp. 269-338; S. Assaf, 'Mi-Seder ha-Tefilla be-Eretz Yisrael', Y. Beer (et. al. eds.), *Festschrift in Honor of B. Dinaburg*, (Jerusalem, 1949), pp. 116-131.

⁷¹ It should be noted that in Schechter's paper there is not a word about identifying the version he has of the prayer with the Land of Israel rite. The first to relate to this in detail was Jacob Mann, who demonstrated the characteristics of the Land of Israel rite and thus presented Schechter's version as Palestinian. *Ibid.*, p. 295.

⁷² L. Finkelstein, (above, n. 24).

Israel rite, are in a minority in comparison to the total of the versions which have been found in the Genizah and published.⁷³

This trend to a multiplicity of versions, and even a mixture of versions, in the fragments found in the Cairo Genizah is not surprising. The Genizah does not provide a common denominator of place, time, subject or content, or any other clear common denominator, except for the fact that the Genizah was active as a repository for manuscripts written in Hebrew for hundreds of years, and its findings shed light on unknown periods and different subjects from the life of Jews in the Middle Ages. Documents of different sorts and strange kinds piled up in the Cairo Genizah, from near and faraway countries. In the collection are numerous pieces of evidence for the rites and customs of different Diaspora communities, including documents which have been copied, edited, corrupted and adapted from one rite or custom to another, and from one Diaspora community to another. And indeed the range of finds of prayers as described here, and seen in far more detail and depth in Luger's study, certainly reflects this situation. Thus we can see how necessary it is to examine the different versions of texts from the Genizah with the utmost care, if only because there are unique versions with similar characteristics and certain common denominators. On the other hand, we must not exaggerate the importance of these finds for the subject of this research.

The texts of *Birkat haMinim* found in the Cairo Genizah have been catalogued by Luger into three main types: Version A and Version C reflect the Babylonian rite, and version B reflects the Land of Israel rite.⁷⁴ Luger found that classification of the versions of *Birkat haMinim* into these three types sometimes corresponded with the parallel classification of the rest of the blessings in the various manuscripts, but not always.⁷⁵ Thus our discussion will concentrate on comparing the two most important versions of the text from the Genizah: the Palestinian and the Babylonian. In honour of the first scholar to publish the Genizah, we shall use

⁷³ Y. Luger, (above, n. 55).

⁷⁴ *Ibid.*, pp. 150-151. Luger made a thorough examination of the boxes of prayers from the Taylor-Schechter collection at Cambridge, especially Box H, bringing comparative material from a number of other Genizah fragments in the New Series (NS), the Additional Series (AS) as well as some fragments from the Adler collection and elsewhere. See Luger, *ibid.*, pp.154-158 and footnotes in pp. 283-287.

⁷⁵ In MSS. T-S K27.33, H18.3, K27.18, and Schechter, all the blessings reflect the Land of Israel rite according to the accepted yardsticks which are as follows: a structure of eighteen blessings; without the Babylonian 15th blessing, *Tzemah David*; the typical Land of Israel closures, etc. (MS. H18.3 was published by S. Assaf, 'Mi-Seder', (above, n. 70) pp.116-117). In MS. 8H9.12 *Birkat haMinim* belongs to Version B, but most of the other blessings are classified as the Babylonian Version A. In MS. 8H24.5 (published by Mann, 'Genizah Fragments', (above, n. 60), pp. 306-307), *Birkat haMinim* is nearer to Version B and the rest of the blessings to Version A and C, which are the more Babylonian versions.

Schechter's Palestinian (II)⁷⁶ version as the basis of our discussion, together with Luger's Version A, which reflects the Babylonian prayer rite.

Land of Israel
[Palestinian] rite

For the apostates let there be no hope

and the kingdom of arrogance speedily

may they be uprooted and
crushed and humbled in our
days
and the *notzrim* and the
Minim perish in an instant

(and all enemies of Your
people and their oppressors
be cut off

and crush the yoke
of the non-Jews from upon our necks)

Blessed are You, Lord,

[who] crushes the wicked and

humbles the arrogant

Babylonian rite

For the apostates let there be no hope

(if they do not return to Your *Torah*⁷⁷)
and may the dominion of
arrogance be speedily uprooted in our days⁷⁸)

and the *notzrim* and the *minim*
perish in an instant

may they be blotted out of the Book of Life
and not inscribed with the righteous⁷⁹
Blessed are You, Lord, [who] humbles the

arrogant

⁷⁶ S. Schechter, 'Genizah Specimens', (above, n. 70), p. 657.

⁷⁷ Not in the Schechter version but present in other versions.

⁷⁸ Not in MS. 8H24.5, H18.3, but this line is present in most of the texts of versions A and C, as well as in the earliest prayer books.

⁷⁹ Psalms 69:29. A later addition (*contra*: K.G. Kuhn, *Achtzehngebet und Vaterunser und der Reim*, [Tübingen, 1950], p. 18). The sentence appears in very few MSS.

It is essential to discuss these two versions⁸⁰ side by side, since we have no way of deciding which is the earlier or preferable version, apart from a small and very limited degree of priority to be given to the Land of Israel rite, simply because this has been identified as the Land of Israel rite, together with the references in the Jerusalem Talmud.

The opening “for the apostates let there be no hope” is the same in all the versions, as is the close “humble the arrogant,” with one difference: in the version characterised as the Babylonian (Version A)⁸¹ the phrases “crushes the wicked” or “crushes enemies” are added, so that the short version in “Blessed are You, Lord, who humbles the arrogant” has been accepted as an identifying characteristic of the Land of Israel rite.

In the body of the blessing the most outstanding phrase is the very meaningful line “may the *notzrim* and the *minim* perish in an instant,”⁸² which is to be found in many manuscripts in both the Land of Israel and the Babylonian rite. The line which relates to the kingdom of arrogance which usually appears in the version characterised as Babylonian and is not usually present in Version B, is to be found in the Schechter MS. (K27.33), which is almost entirely characterised as Palestinian, as well as in the short Version C.

Simply comparing the versions of the text is not enough by itself to lead to a definitive conclusion as to the precedence of one or other particular version among those surveyed here. There is some rationale in making a distinction according to the length of the text: in other words it is more likely that shorter texts are likely to be earlier texts, if only because of the theory that it is more usual to add and not to reduce in this sort of case (apart from those cases where there is internal or external censorship which removes one or more parts). The textual version attributed to the Babylonian rite (Luger’s version A) is usually longer in the body of the blessing. For example, we find different sorts of additions to the curse put on the kingdom of arrogance: the phrase usually added is: “may it be uprooted and crushed and humbled etc.” Another example of an addition is:

⁸⁰ It is not my intention here to repeat Luger’s discussion of the comparisons between the versions, but to discuss our subject only. Moreover, the comparison is between the different types of these versions. There are differences such as the addition of a *vav* conjunctive, words written *plene* or not, and other tiny differences which are noted in Luger’s work when he compares all the different manuscripts. These small differences are not of concern to us here.

⁸¹ Luger brings a third type which is characterised by a short text: “For the apostates let there be no hope and may the kingdom of arrogance be uprooted and crushed speedily in our days. Blessed are You, Lord, who crushes the wicked and humbles the arrogant.” Only a minority of MSS. have this short version and within the versions of the *Shemoneh Esreh* prayer they are closer to the Babylonian rite. *Ibid.*, pp. 150-151.

⁸² Sometimes with tiny changes as described by Luger, (above, n. 55), pp. 152f. However the pairing of “*notzrim* and *minim*” is consistent in many of the manuscripts found in the main collections, the Taylor-Schechter and the Adler. Cf. A. Marmorstein, ‘Amidah’, (above, n. 70), pp. 415-417.

“may all enemies of Your people and their oppressors be speedily cut off and crush the yoke of the non-Jews from upon our necks etc.”

On the other hand, the shortest version of *Birkat haMinim* also occurs in the Genizah,⁸³ in a context which includes blessings with Babylonian characteristics. However, this short version does not include the Babylonian additions noted above, and in particular, the line with *notzrim* and *minim* is noticeably absent. While we may easily explain the absence of *notzrim* from the short version (or any other) by censorship,⁸⁴ it is harder to come to the same conclusion on the absence of the term *minim*, which is included in the very name of the blessing in our sources, both in the Babylonian and the Jerusalem talmudim.

Comparison of the Genizah versions shows that the commonest terms and phrases are: apostates (*meshumadim*), kingdom of arrogance (*Malkhut Zidon*), *notzrim* and *minim*,⁸⁵ humbles the arrogant. These, then, are the main categories of the objects of the curses in *Birkat haMinim*. Among them only the category *notzrim* and *minim* together, and in particular the term *notzrim* alone, do not appear in the versions of the blessings in the oldest prayer books we have discussed above – except in one of the manuscripts of *Seder Rav Amram*.⁸⁶ The absence of the term *notzrim* from the earliest prayer books does not need too much explanation. This could have a number of causes, above all the existence of censorship. To this we may add the geographical distance of the place of finding the Genizah from the places of publication of the ancient prayer books we have discussed, and the differences in cultural and religious environment between them. These factors sometimes dictated completely different rules for what was allowed or forbidden in sensitive and problematic texts like *Birkat haMinim*. Not only the earliest prayer books, in particular those from Western Europe, have been examined on this question, but also, as noted above, Nicholas Donin’s version of the text. This apostate would not have omitted a version of *Birkat haMinim* which included the term *notzrim* if he had found such a version, for the presence of this term would have served as a better foundation for his accusations, and he would not have needed to deal with less comprehensible or convincing terms (apostates, kingdom of arrogance, *minim* etc). The latter key-words also appear, as we have noted, in the earliest prayer books surveyed above.

In the light of all that has been said above, we now need to analyse the structure of the blessing as it appears from a comparison of the Genizah versions with the structure of the blessing (the archetype) in the earliest prayer books and in Donin’s version, as follows:

⁸³ See previous note.

⁸⁴ Luger (above n. 55), p. 155.

⁸⁵ The phrase itself needs clarification, as well as each term by itself. See below.

⁸⁶ MS. Oxford Bodleian A.

<i>Combined version in the earliest prayer books</i>	<i>Combined version in the Cairo Genizah</i>
For the apostates let there be no hope let all the <i>minim</i> perish in an moment	For the apostates let there be no hope (if they do not return...) (and may the dominion of arrogance be speedily uprooted... in our days)
and may the dominion of arrogance be uprooted and crushed speedily in our days	and may the <i>notzrim</i> and the <i>minim</i> perish in a moment
Blessed are You, Lord, who crushes enemies and humbles the arrogant	Blessed are You, Lord, who (crushes enemies/ the wicked) and humbles the arrogant

Comparison of the versions demonstrates that there is no essential difference in the *structure* of the prayer between the earliest prayer books and the Genizah finds. And where there is a difference from the pattern which emerges from the above comparison, even individual documents (Genizah fragment or a particular prayer book), are liable to be important, and perhaps no less so than the normative types. The most outstanding example is actually in the minimalist version of *Birkat haMinim* in the Genizah, which is absolutely identical to the blessing in the prayer book of Rav Sa'adiah Ga'on. As noted in the discussion of the earliest prayer books, there is reason to suppose that the version of the *Shemoneh Esreh* prayer in the prayer book of Rav Sa'adiah is the earliest of all the extant prayer books. It is true that the structure and text of the prayer in the prayer book of Rav Sa'adiah has Babylonian characteristics, but this does not necessarily counteract the possibility that this version reflects the earliest rite. However, this does cast some doubt over the reasonability of the supposition that the Land of Israel rite – or at least what is known of it in the version from the Ge'onic period – is the earliest rite, or at least near the earliest. This is indeed the epitome of the problematics of analysing the various rites, for a definitive decision as to the precedence of one of the versions is simply not possible, given the problems of the mutual influences and the question of where each prayer was actually used. The version of the *Shemoneh Esreh* prayer in the prayer book of Rav Sa'adiah, as we have noted, tends towards the Babylonian. However, the version of *Birkat haMinim* within this prayer, according to Rav Sa'adiah, is minimalist, which is a rare phenomenon in the Babylonian rite, while its close (Blessed are You, Lord, who humbles the arrogant) is in fact generally characteristic of the Land of Israel rite.

In summary, Rav Sa'adiah's version, as noted, is important for our subject, and its importance is confirmed by the finding of versions very close to it in the Genizah. However, we need to explain why key words which appear in the long Babylonian version, as well as in the Palestinian version, do not appear in Rav Sa'adiah's version. Does the term apostates, which appears in the earliest short version, also relate to the category of *notzrim* and *minim* which is found in the long version? And this is when the validity of this question springs from the question whether it is indeed possible to determine that the *notzrim* and the *minim* are an indispensable part of the blessing.

The *minim*, as a basic datum for every discussion, gave the blessing its name and probably gave rise to the presence of this phrase in the earliest version of the blessing. However, the addition *notzrim* both by itself and as doublet of *minim* needs discussion and clarification. The question is, therefore, whether we can be content with the minimalist version of the text, which contains the key words, apostates (*meshumadim*), kingdom of arrogance (*malkhut zadon*), together with *minim*, or whether the doublet *notzrim* is also necessary. For we cannot avoid the existence of *notzrim* (together with *minim*) in the great majority of the versions of the blessing in the Cairo Genizah. The absence of the term *notzrim* from the prayer books we possess has already been discussed, and the reasons for it are clear, but for all that, one of these versions (including *notzrim* and *minim*) is extant among the manuscripts of the *Seder Rav Amram*. However it is possible that this manuscript reflects the textual version of the rite of Muslim Spain, where naturally there was no Christian censorship, just like Egypt, North Africa and the Land of Israel during the Muslim period.

Comparison of the Geniza textual versions with the versions of the earliest prayer books leads to the conclusion that the Geniza versions are the oldest we have, above all because the manuscripts of the prayer books are dated generally to the late Middle Ages (11th-14th centuries) apart from the prayer book of Rav Sa'adiah Ga'on, as far as we know. Even though we cannot refute the hypothesis that the manuscripts of the prayer books are copies of older sources, it is also not possible to prove it. In general, as we have noted, it is not possible to characterise Genizah finds exactly with regard to their source and their date. However, the resemblance in content and phraseology between these documents and the prayer books demonstrates their connection to a prototype, which was at least current in the Islamic world and in Babylonia, and later moved to Spain. This may indeed have been as part of the original *responsum* of Rav Amram. There is also, as we have noted, the addition of the term *notzrim*, which is most significant for determining that the Genizah textual versions are earlier than the versions of the first prayer books.

Over all, the discussion so far hovers the most important proviso of all: we are not able to relate several of the textual versions we have examined to any period earlier than the eighth or ninth century in spite of the fact that the story of

the writing of *Birkat haMinim* is attributed by the Talmudic source to the study house of Rabban Gamaliel of Yavneh, six or seven centuries earlier. It is true, as noted, that these texts are the fullest and oldest we possess, even if they are hundreds of years later than the oldest or original version (or versions) – if there was such a thing – but the text of *Birkat haMinim* in the versions known to us is not very far from the earliest versions, and certainly not as distant as distance of the years between them.

The main question is how we can make a retrospective analysis of the common structure and text of all the versions we have discussed so far. In other words, how is it possible to find links of content and subject to periods as early as the tannaitic period when we are unable to go back further than the fourth and fifth centuries CE – which are also very early in relation to the period under discussion up to now. For this discussion too, the added term *notzrim* is the most central in our attempt to examine retrospectively the version known from the oldest texts. Other key words – *minim* and arrogant (*zedim*) are found in Talmudic texts discussing the blessing, and we shall relate to them later; the opening “for the apostates” (*la-meshumadim*) which characterises almost *all* the openings in the mediaeval versions has no known precedent, and we shall therefore devote a separate discussion to this term; while for the phrase “the kingdom of arrogance” there are logical and historical explanations which we shall present below. Indeed, it is only with the term *notzrim* that it is possible to begin with a careful step into the Byzantine era. For it is only this term, which is known to us and mentioned in its Hebrew form from the Byzantine period, which allows us to draw a logical pathway from the eighth and ninth centuries CE in the direction we want, and above all to examine whether the common occurrence of the term *notzrim* in the Genizah versions hints at the existence of this important term in earlier versions, or in the original version of *Birkat haMinim*.⁸⁷

First of all, we must relate to the nature of the term *notzrim* in the mediaeval versions of the text. There can be little doubt that, by the end of the first millennium CE, the Hebrew term *notzrim* was commonly known and related to the Christian world in general. We may assume this with a reasonable amount of certainty, for Jewish-Christian sects of one sort or another had now ceased, or if there were any left, they belonged to the fringes of society and did not leave any known mark of dissension. Therefore it is easier to understand the object of the curse, *notzrim*, in the mediaeval versions, including the Genizah versions, as simply ‘Christians.’ On the other hand, when it comes to the term *minim* in the

⁸⁷ Several scholars have already assumed this. They include: R. Wilde, *The Treatment of the Jews in the Greek Christian Writers*, (Washington DC, 1949), p. 119; W.D. Davies, *The Setting of the Sermon on the Mount*, (Cambridge, 1964), p. 276; J.T. Townsend, ‘The Gospel of John and the Jews’, in A. Davies (ed.), *Antisemitism and the Foundations of Christianity*, (New York, 1979), pp. 72-97; M. Simon, *Verus Israel*, (Oxford, 1986, tr. H. McKeating), p. 236.

Genizah versions (which in its earlier form is the main subject of this book) its nature is not clear at all, and moreover, as we have seen, this term appears as a doublet or supplement to the term *notzrim*.

The ruling opinion among scholars about the identity of the *minim* in the first centuries CE sees them above all as Jewish-Christian sects⁸⁸ although this is also a possible explanation of the meaning in Hebrew of the term *notzrim*. This is the main difficulty of the combination *minim* and *notzrim* in the Genizah texts, and it is essential to discuss this, for the simple reason that there may be a connection between this combination and earlier versions or the original version. We also need to know whether this combination appeared in the earliest version just as it appears in the Genizah version.

We assume that the Genizah documents reflect periods from the ninth century onwards, in other words from the peak of the period of the *ge'onim*, who were the teachers of their generation in Babylonia and laid down *halakhah*. We also assume that the prayer rite which included *notzrim* and *minim* was already in existence by the ninth century at least, if not earlier. Thus, supposing that the text of blessings did not usually change except in cases of external or internal censorship, and knowing that in the Babylonian institutions, as in the Land of Israel, Egypt and other places in the Middle east and North Africa, cursing the *notzrim* by name would not have been a problem, then the question is sharpened: why was the term *minim* added to *notzrim*, or *notzrim* to *minim*?

It is possible that the answer is much simpler than the questions, but we must not leave any possibilities unexamined, if only to cut down the possibilities in our research into the older forms of the blessing.

Thus we must ask first of all, who the *minim* were considered to be in the time of the *ge'onim*, and how far this influenced the versions of *Birkat haMinim* of their time, and *post factum*, how this will influence the limiting and centring of our discussion of the earliest version. However, before this we must examine a further source from the time of the *ge'onim*, the *piyyutim*.

Traces of Versions of Birkat haMinim in the Early Piyyutim

A further kind of source which comes into question in our attempt to reconstruct the wording of the earliest versions of the blessing, or phrases from it, are the early *piyyutim*, which are poetic forms of prayer. It is not known when poets began to write these works,⁸⁹ apart from the fact that the first *piyyutim* were created

⁸⁸ See below: p. 169, n. 160.

⁸⁹ We do not mean to relate here to the very early works which apparently preceded the Destruction of the Temple, such as the different forms of *hoshannot*: Heinemann, (above, n.62),

in the Land of Israel⁹⁰ after the crystallisation of the fixed prayers.⁹¹ Thus we must take into consideration a possibility that has not yet been demonstrated, that the *piyyutim* were written close to the fixing of the permanent prayers. How close we cannot know, and there is no evidence of *piyyutim* very close to the period of the tannaim.⁹²

The *piyyut* is written as a poetic addition to a prayer⁹³ and is called by the names of the different prayers.⁹⁴ It is reasonable to suppose that the first *piyyutim* were written for the central prayers, and in particular for the body of the blessings of the *Shemoneh Esreh*, [*Amidah*] the most important prayer. These *piyyutim* are called '*qerovot*.'⁹⁵ Among the three classes of *qerovot* – *qidushta*, *shivata*⁹⁶ and *qerovot* for weekdays – our interest lies mainly in the last-mentioned. In most of the *qidushtot* and *shivatot* there is no *piyyut* related to *Birkat haMinim*,⁹⁷ for this is absent from the versions of the *Amidah* for Sabbath and festival.

The function of the *piyyut* is to beautify the prayer, so that in many cases the poets [*paytanim*] made use of scriptural verses and expressions for poetical ornamentation of the blessings. In and around this decoration appear words or

p. 88; A. Mirsky, *Makhtzavtan shel Tzurot ha-Piyyut*, (Tel Aviv-Jerusalem, 1969), pp. 3-6 (in Hebrew).

⁹⁰ A.M. Habermann, *A History of Hebrew Liturgical and Secular Poetry*, I, (Ramat Gan, 1972), p. 23 (in Hebrew).

⁹¹ E. Fleischer, 'Piyyut', *EJ* 13 (1988), p. 574, although there is no clear knowledge when the prayers became permanently fixed.

⁹² A certain hint of the early beginnings of the *piyyut* may be found in Mishnah, Ta'anit ii, 3. See A. Mirsky, 'Yesod Kerovah,' id., *HaPiyyut*, (Jerusalem 1991), pp. 86-87 (in Hebrew).

⁹³ See the comprehensive explanation of E. Fleischer, 'Inquiries into the Pattern-Formation of the Classical Hebrew Genres of the *Piyyut*', *Tarbiz* 39 (1970), p. 249. (in Hebrew).

⁹⁴ M. Zulay, *Eretz Israel and its Poetry*, (Jerusalem, 1995), p. 68, (in Hebrew).

⁹⁵ *Qerovah* in the singular. The source for this name is from the Aramaic word *qerova*, which means a cantor who leads the prayers in front of the Ark. The *piyyutim* were called after the person who took on this function because the leader of the prayers only prayed in front of the Ark during the *Shemoneh Esreh* prayer. See Zulay, (above, n. 94), p. 80; M. Jastrow, *Dictionary of the Targumim, Talmud Babli, Yerushalmi and Midrashic Literature*, (New York, 1985), p. 1413. It was said of Rabbi Elazar ben Rabbi Shimon that he was '*qerov* and *poietes*' (from the Greek ποιητής): Leviticus Rabbah 30:1, (ed. Margaliouth), p. 690. Also see: J. Yahalom, *Poetry and Society in Jewish Galilee of Late Antiquity*, (Tel Aviv 1999), pp. 35-36 (in Hebrew). For a general explanation of the *Qerova* see: H. Brody und K. Albrecht, *Die neuehebräische Dichterschule*, (Leipzig 1905), pp. 113-114.

⁹⁶ *Piyyutim* intended for the *Amidah* prayer on Sabbaths, festivals and New Moon. See M. Zulay, *loc cit*.

⁹⁷ Here too there are exceptions, such as the *piyyut* for *Tu biShvat* when it falls on a weekday which has a *qerovah* which includes the *Birkat haMinim*. See below, p. 38. There are also *qerovot* for other different events, but I did not find any texts relevant to our subject. There is a list of the various *qerovot* in E. Adler (et. al.), *J. Schirmann's Bibliography of Studies in Hebrew Medieval Poetry 1945-1978*, Cumulative Index, (Beer Sheva, 1989), pp. 342-343 (in Hebrew). On the *qerovot* for festivals, see: L. Zunz, *Die Synagogale Poesie des Mittelalters*, (Frankfurt am Main, 1920; repr. Hildesheim, 1967), pp. 65-66.

sentences from the blessings in the fixed prayers, for this is the goal of the poetical creation – to relate to a certain blessing. Thus in the *piyyutim* related to the *Amidah* prayer there are important words,⁹⁸ fragments of sentences or whole sentences from the textual versions of *Birkat haMinim* which were current during the time of the poets who wrote the *piyyutim*. According to custom, the close of the blessing from a particular prayer will usually appear at the end of the *piyyut* related to it. These words, sentences and closes are obviously the centre of our interest in this field.

In the absence of any other evidence, it is generally accepted that the earliest *qerovot* known to us are those of the *paytan* Yannai,⁹⁹ in other words from the classical period of the *piyyut*.¹⁰⁰ However, among the *piyyutim* of Yannai there are no *qerovot* linked to *Birkat haMinim*. There is also no evidence of *qerovot* on *Birkat haMinim* in other *paytanim* of the classical period of the *piyyut*. *Qerovot* on the *Shemoneh Esreh* are found among the material from the Cairo Genizah and these appear to be among the earliest *piyyutim* of this sort in our possession. Their number in general is not large, but they are not uncommon among the Genizah fragments.¹⁰¹ It should also be taken into account that the study of the *piyyutim* in general is beset by a number of difficulties,¹⁰² and these include the *qerovot*, in spite of the relative simplicity of their texts. It is also very difficult to determine the age of the *qerovot* from the Genizah, although they look relatively early.¹⁰³

Thus, the question of the importance for this study of the *piyyutim*, and in particular the *qerovot*, to the *Shemoneh Esreh* is dependent on many factors. This is not the place to deal with all of them. We can, by analogy, ask the question of why we should need the language of the *qerovot* when we possess textual versions of prayers and blessings themselves. It is possible that a decision on the subject with which we are dealing is to be found in the evaluation of the function of the *piyyutim* in general, and the *qerovot* to the *Shemoneh Esreh* in particular. If these were written only to decorate the prayers, then it is possible that their contribution to the study of the early textual versions of the prayers and blessings will not be great. But if *piyyutim* and *qerovot* were written as substitutes for

⁹⁸ S. Elitsur, 'The Emergence of the Weekday *Qerobot*', *Jerusalem Studies in Hebrew Literature*, 5 (1984), p. 166, (In Hebrew).

⁹⁹ A. Mirsky 'Yesod *Qerovah*' (above, n. 92), p. 86. Mirsky notes that the degree of development and complexity of Yannai's *qerovot* make necessary, in his opinion, the theory that there were *qerovot* prior to Yannai, but these are unknown. See the extensive note in Fleischer, 'Inquiries', (above, n. 92), p. 248, n 2.

¹⁰⁰ The *paytan* Yannai lived sometime between the fifth-seventh centuries. See: M. Zulay, *Piyyute Yannai (Liturgical Poems of Yannai)*, (Berlin 1938), p. xvii (in Hebrew).

¹⁰¹ E. Fleischer, *Hebrew Liturgical Poetry in the Middle Ages*, (Jerusalem 1975), p. 197. (in Hebrew)

¹⁰² S. Elitsur, 'The Emergence', (above, n. 98), p. 165.

¹⁰³ E. Fleischer, *loc. Cit.*

prayers, perhaps even to circumvent bans on prayers,¹⁰⁴ then their contribution would be more significant. Since it is not possible to decide finally on this, we must take into account the possibility of some sort of contribution.

The value of the *qerovot* to the *Shemoneh Esreh* to this study must be analysed, therefore, in comparison to the findings we have made in the study in relation to the versions of the *Birkat haMinim* found in the earliest prayer books we possess, and in particular in comparison with the versions of the blessing which were found in the Genizah. Obviously the importance of the prayer book versions and the fact that the texts of the blessings themselves were found in the Cairo Genizah is far greater than the importance of those *piyyutim* which include just words or sentences from the blessings. Thus we shall attempt to find if there is anything in the *piyyutim*, and particularly in the *qerovot*, which might confirm or perhaps even contradict the theories which arose from studying the versions of the blessings in the earliest prayer books or the versions which were found in the Genizah, or which might shed light on one or other of these questions.

A central problem in the study of the *piyyutim*, which also came up in the discussion of the different versions of *Birkat haMinim* found in the Genizah,¹⁰⁵ is that there is no way of dating the evidence. Here we will cite the list of the problems relating to the *piyyutim* set out by Ezra Fleischer: in general, they have no fixed content; the copies – if that is what they are – were careless and there was a very large substitution of *piyyutim*.¹⁰⁶ These problems make it even more difficult to attempt to classify the *piyyutim* and *qerovot* we possess chronologically, in particular in comparison with our limited ability to date the fixed versions of the prayers.¹⁰⁷ Thus it is very difficult to lay a sound methodological basis for examining the *qerovot*, especially when we are talking about an attempt at a chronological analysis. However, in spite of these difficulties it would seem that we can at the very least relate to the terminology of the blessings, and perhaps even characterise parallels of the types of *qerovot* to the types of the versions of the blessings which we have examined in the earliest prayer books and in the Genizah.

The spectrum of methodological problems makes it difficult to organise the order of discussion and analysis of the *qerovot*. Thus we shall present here the relevant *piyyutim* according to two sorts of relations which have arisen from our analysis of the fixed prayers: the first sort are the *qerovot* and the *piyyutim* which are similar to the texts of the earliest prayer books, and the other sort are those works which are similar to the texts found in the Cairo Genizah.

¹⁰⁴ See on this: A. Linder, *The Jews*, (above, n. 66), pp. 403-405.

¹⁰⁵ See above, p. 13ff.

¹⁰⁶ E. Fleischer, 'Piyyut and Prayer in Mahzor Eretz Israel: The Genizah Codex', *Kiryat sefer* 63 (1990), p. 207. (In Hebrew). Fleischer also notes that there were other cases too.

¹⁰⁷ And as we have seen, this very limited capacity is seen in the dating of the blessings from the earliest prayer books. The versions found in the Genizah are almost impossible to date.