LITURGICAL CONFLICT BETWEEN BABYLON AND PALESTINE AS REFLECTED IN THE DAILY MORNING SERVICE OF SEDER RAV AMRAM

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Introduction

The foundations of the Jewish liturgy go back well before the time of Rav Amram. While the institution of the worship service as we know it is a Rabbinic creation, the roots of the liturgy extend to the earliest literary strata of the Bible itself. The topic of worship played a major role in the discussions of the Tannaim and Amoraim, and the basic core of the service had long been standardized before the time of the Geonim.

Yet, curiously, there is no evidence of a standard prayer book until the late ninth century. This earliest written codification of prayers was the work of Rav Amram Gaon of Sura (869-881). Though we have various responsa dealing with isolated problems of synagogue liturgy, no one so far as we know preceded Rav Amram in attempting a comprehensive standardization of worship. The result of Rav Amram's effort was sent to a community in Spain, whence its influence spread throughout Europe.

It is noteworthy that the next known Siddur, that of Saadya, was compiled not long afterward. Apparently for centuries no one edits a Siddur, and then, suddenly, within fifty years there are two. Shortly after Saadya, the Karaite, Qirqisani, saw fit

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to edit his own order of prayers, and he knew of yet another Rabbanite Siddur, this one a recent Palestinian arrangement. Rav Amram did more than order the first Siddur. In a sense he exemplified his age by ushering in a literary period of Siddur compilation.

This study examines the circumstances which prompted Rav Amram's work. As a Gaon, Rav Amram was an outstanding architect of his age, who, by virtue of his position as Gaon, sought to adjust Jewish practice to a changing historical and cultural environment. An understanding of his Seder implies a prior comprehension of that changing environment.

As the recording of the Seder apparently broke a time-honored tradition of leaving the Oral Law in its oral form, it will be necessary to examine the background for that tradition. Since the prime historical fact facing Rav Amram was the revival of a strong Palestinian Rabbanite community and the correlative birth of independent Jewish communities throughout the Diaspora, this study must give an account of these new centers of Jewry and their relationship to Babylon. Out of this historical background will emerge the challenge which prompted Amram's historical response.

There are four known manuscripts of Seder Rav Amram.[1] The oldest is Codex British Museum 613, dating from the fourteenth to the fifteenth century. In 1426 there appeared the Codex 1095 of the Bodleian Library,

Oxford; and a third manuscript, the Codex British Museum 614 is merely a copy of this one. Finally there is the Codex Sulzberger of the Jewish Theological Seminary, which was completed in 1516.

The oldest manuscript, also recognized as the least reliable, was the basis for Coronel's edition of the Seder in 1865, reprinted in Jerusalem in 1965. The best known edition is that of Frumkin (Jerusalem, 1912), who followed the Bodleian Manuscript. In 1951, David Hedegard compiled a scientific edition of the first part of the Seder employing all the manuscripts.

In this study reference has been made to the three basic manuscripts as they appear in the Hedegard Seder, plus the running commentaries provided by both Hedegard and Frumkin.

Chapter I

The Problem of the Oral Law

Seder Rav Amram, the first known order of prayer, is remarkable not only for what it initiated, but also for what it apparently abrogated: the well known practice of prohibiting the writing down of Oral Law. Amram's decision thus to break with this stricture is of such significance that the motivations which impelled him to write his Seder cannot be understood without first fathoming the reasons for the interdiction against committing the liturgy to writing.

The decision to leave the Oral Law in its oral form was an ancient one, dating back at least to the Tosefta. We are there told:[2]

מכאן אמרו כותבי הרכות כשורפי תורה

Marx cites this in regard to the fact that we have no complete order of prayers until Amram, concluding, "Der Grund dafür liegt natürlich in dem bekannten, schön in der Tosefta citierten Verbote der Niederschreibung von Segenssprüchen."[3] This Tosefta passage however, can hardly be considered the source of the practice, but rather the first literary notice of an already established custom, the foundations of which

must be sought elsewhere. When these underlying causes are determined, we may then comprehend why it should be Amram who chose to inaugurate a radically different practice. In other words, what in Amram's situation impelled him to part with such a prevailing tradition?

The best discussion of the practice of maintaining the Oral Law in unwritten form is found in Kaplan's thorough summary of the problem. He notes the theories of Weiss, Geiger, Luzatto, and Margolis and Marx.

> It remains now to list some of the reasons advanced by modern historians to explain the prohibition under discussion. a) /Weiss/ the aim was to keep the laws free of a possible imprint of finality. By retaining the laws as a subject of oral study, an opportunity for their modification and changes, not excluding their ultimate abrogation was reserved. b) /Geiger/ being of post-mishnaic origin, the interdiction is a comparatively late invention. It was a measure designed as a precaution against heretical interpolations, or against the smuggling of whole works of similarly questionable character into the academies. c) /Luzatto/ It was prompted by something like a caste spirit. It sought to keep the study of the Law within the limited circles of worthy and competent scholars. d) /Margolis and Marx/ the objection to committing the oral law to writing had a mystical ground, as "the feeling had been that there was to be but one written Torah."[5]

Kaplan concludes: "It should be observed that all these theories are pure conjectures. They are neither documented nor are they substantiated by direct evidence of any sort."[6]

Ginzberg provides another answer to the problem.

Without attempting to explain the reason for the genesis of the law, he holds that it originally applied to the Oral Law in its entirety, and that later, "when the exigencies of the times made it absolutely necessary," the Talmud alone was written down, though the prohibition continued in force with regard to the rest of the Oral Law. However, "here and there, a disciple of the early Geonim transgressed the regulation and indulged himself to the extent of keeping a 'secret roll' for his own private use."[7] Nowhere, unfortunately, does Ginzberg define the "exigencies of the time" which prompted the Talmud's codification in writing; nor does he explain why some of the disciples allowed themselves to transgress the prohibition. The fact that tradition does not speak pejoratively of the makers of "secret rolls" implies that their motives were quite understandable, even praiseworthy, rather than personal aberrations or individual indulgences.

However, Ginzberg's introduction of the "secret rolls" into the discussion is crucial,[8] and Kaplan, attempting to formulate his own theory, begins with a consideration of these scrolls. Why, he asks, was part of the Oral Law apparently recorded and then promptly "secreted and withdrawn from view?"[9] He reaches the conclusion that the Oral Law is to be divided into Talmud and Gemara, Talmud being the theoretical give

and take of academic discussion, and Gemara being the concrete decisions which result from it. "Every Gemara is a consequent of a preceding Talmud."[10] It was the "inexhaustible, largely hypothetical" category of Talmud to which the prohibition applied, not to the practical Gemara thereby formulated.[11] In fact, Gemara had to be written down to facilitate its execution. The ban against writing down the Oral Law thus amounted to "rejection in principle, concession for practical purposes."[12] Since the written word was seen as basically unreliable, delivering only the shell but withholding the kernel, the rabbis agreed to write down only the concrete body of applicable law called Gemara. Thus was the Gemara per se codified in writing and thus did the early disciples write secret scrolls, as aids to their memory, that they might never err in legal decisions.

But Kaplan's theory also leaves certain vital questions unanswered. That the written word was seen as delivering only the shell he deduces from a responsum found in the genizah:[13] משנו שבשהגלמוד יוסף לפני כהו ונושא ונותן בפפר ההלכה ויודע כהו לאורך ימים ושנים ומה תת-שלמא מאין מה מתברר לו ומה מתשכח ממנו ומאיר עיניו ומאזן לו פנים בהלכה אלמלא פרנסה כמה אשתקעלן לנתיב In other words, we are to believe that the prohibition against putting the Oral Law into writing derives from the fear that the written word would be invested with such sanctity that further debate in the academies would be limited. The historian sees this as a somewhat fanciful post-facto explanation, rather than a valid

historic reason. Did the writing down of the Mishnah stifle debate among the Amoraim? Are the Yeshivot of today denied academic discussion, because Oral Law has long been recorded?

Moreover, Kaplan's basic division is open to question. If, as he maintains, the Gemara was written down because of practical necessity, why was the prayer Gemara not circulated for public use until as late as Amram? Until then only isolated responsa were issued. The fact that the hazzan in Diasporan communities frequently recited all the berakhot in the morning, so as to free the people from the obligation, testifies to the fact that the people were ignorant of the liturgical halakhah. Surely here was Gemara of immediate relevance to the daily life of the people. We would expect it to be set down in written form. Yet Yehudai Gaon allowed prayer books only for Rosh Hashanah and Yom Kippur, and then only for the hazzan.[14] Even by R. Natronai's time, the individual worshipper had no written Siddur.[15] Apparently practical necessity was not the only criterion on which the recording of halakhah depended.

Above all, Kaplan does not explain why the scrolls containing the Gemara were described as "hidden." Perhaps the answer lies in the very existence of these "hidden" scrolls. Not only are their authors not chastised by the colleagues; but they thenselves seem unaware of the fact that they were transgressing the law. Indeed,

they may have regarded their secret scrolls as falling within the limits of the law. It seems probable that any culpability lay not so much in the actual writing down of Gemara as in circulating it publicly in written form. Obviously the secret scrolls were no secret to fellow scholars of the academy, who (like Hai Gaon, as cited above by Ginzberg) quoted from them. They were secret because they were carefully kept from the public, and it was this that was demanded by the prohibition against the random recording of Oral Law.

To some extent Geiger and Luzatto recognize the reasoning involved. The interdiction was indeed bound up with the fear of heresy and the desire to restrict Torah interpretation to competent, trustworthy scholars. But who was the heretic, and who the orthodox scholar? Obviously the application of such labels is a highly subjective process. The Amoraim would have considered heretical anyone who taught in opposition to the academies; and presumably these "heretics" would have hurled like counter-charges at their Amoraic opponents. The Geonim protected the Oral Law from the Karaites and denounced them as heretics, while the Karaites, much as the Minim of Talmudic days, saw themselves as the true Israel.

By Amram's time there were many heterodox groups from whom the halakhah might be secreted. The Jewish world was not monolithic, despite Gaonic attempts to

make it so. Though the Geonim regarded themselves as the only legitimate interpreters of Talmud, there were others who must have resented their claim. That these were the object of the ban against halakhic circulation is entirely plausible. Certainly the Karaites were among them. But the foremost such group was indeed Rabbanite, albeit Palestinian, and therefore insistant upon its own right to act as interpreters of tradition. However, they had only the Palestinian Talmud; they lacked the all important Babylonian Talmud. This deficiency was the object of the ban against recording Oral Law publicly.

An explanation of the general problem of Oral Law in Gaonic times and of the specific one of Amram's Seder, is tied to the relationship between the two leading Rabbanite communities, the long time center in Babylon, and the new challenger with old claims in Palestine. The growing rivalry between the two factions must now be shown, as must their relative position in Rav Amram's time. It will then become evident that Amram saw their new position as demanding the abrogation rather than the continuation of the ban against recording Oral Law.

Chapter II

The Center in Babylon

The history of the Babylonian Jewish community during the Gaonate is well known, in contrast to that of the rest of the Jewish world at the time. For purposes of this study, but a few of its salient features require investigation: the relationship between the two chief academies, Pumbedita and Sura; and their relationship to Palestine and the rest of the Diaspora.

Since 750 the Baghdad oriented Abbasid Caliphate had governed a far-flung, heterogeneous Arab world. The Caliph, as a highly centralized ruler, championed a strictly orthodox Sunnite doctrine of Islam. Jews in the Arab world naturally reflected this arrangement. Instead of the Caliph, they had a recognized political head, the Exilarch, and what in modern terminology one would consider the chief religious authority, the Gaon. Sunnite Islam found its Jewish counterpart in Gaonic Judaism.

Academies had existed in Baghdad almost since its founding.[16] With the Abbasid move there from Damascus, it was natural that the Jews would look to the vicinity of Baghdad for their guidance. Thus had the

already prominent Sura risen to even greater heights, and thus did Rav Amram Gaon find himself occupying the foremost position in the Jewish world from 869 to 881.

But the many elements of such a large and diverse realm were not easily held together. By Amram's time, both the Arab world at large and its Jewish microcosm were threatened by serious schisms.[17] In 830 the Caliph Maimun, perhaps hoping to govern his vast empire through coalition support, had ruled that ten members of a religious body constituted a legal movement.[18] The Karaites had already followed the example set by their Shiite Moslem counterpart and had renounced the authority of the official orthodoxy, and now within the orthodox Rabbanite world itself there arose a rival to Sura: Pumbedita. In 842 Rabbi Paltoi became the first of the Geonim from Pumbedita to issue teshuvoth to outlying communities.[19]

Rabbi Paltoi's action had more than theoretical importance. The right to interpret tradition and issue teshuvoth involved very practical considerations. As we learn from Seder Rav Amram -- as well as from Nathan HaBabli and R. Nehemiah[20] -- this privilege was a lucrative one, involving monetary compensation for each question submitted. Though after 926 Pumbedita was to reach parity with Sura in the division of these monies, in Amram's time Sura still received two-thirds and Pumbedita but one-third.[21] This however was already a

considerable compromise on Sura's part, one which testifies to the extent to which the once monolithic Gaonate had been dissolved into two feuding parts.

Sura's claim to distinction was based on its glorious history. Founded by Rav himself,[22] it later became the home of none other than Rav Ashi, chief compiler of the Babylonian Talmud. "This great distinction of the Babylonian academies of having maintained the continuity of the tradition from the Biblical to the Gaonic time is a subject frequently referred to by the Geonim."[23] It was Sura's contention that just as the Bible could be understood only through the Mishnah, so comprehension of the Mishnah required the Gemara of Babylon. And who but the inhabitants of Sura, the academy wherein that Gemara was born, could be trusted with the task of interpreting the Talmud?

Palestinians, however, recognized another source of authority. The Yerushalmi was a viable alternative to the Babli, and it probably did not cease to be considered authoritative in Palestine until the Crusades.[24] But political fortune favored the Babli, so that, (through the doctrine of Oral Law), the Babylonians scrupulously guarded it and the discussions it prompted against interpretation which the Geonim regarded as illicit.

Thus at the same time that the two academies disputed the right to interpret the Babli, world Jewry

at large saw a segment of its leaders cast doubt on whether the Babli was the only authoritative text. The clash of Palestinian and Babylonian claims is evident from a glance at the literature of the day. Much invective was hurled by the Babylonian academies at their Palestinian challengers.

> /In the Responsum collection Shaaray Tzedek/ we find...dissensions between Babylonian and Palestinian Rabbis...Such expressions are used in the Shaaray Tzedek against the B'nei Eretz Yisrael which point to unfriendly relations between the Babylonians and the Palestinians, the former appearing to consider themselves as standing on a higher plane than the latter. Paltoi Gaon employs there (63b) very sharp language against the Palestinians saying ישראל בני ארץ גרועי. Similar anti-Palestinian expressions, especially against the Talmud Yerushalmi, we find among the Geonim, for example, by Sherira Gaon...and Hai Gaon.... Hence the maxim of the earlier medieval rabbis: "We follow the Babylonian authorities to the exclusion of the Palestinian Talmud."[25]

Ginzberg is of the opinion, "In the Gaonic time the superiority of the Babylonian Talmud was acknowledged even in Palestine."[26] At the same time he asserts in his introduction to the Yerushalmi, "Never did the Yerushalmi pass from its position of priority in Palestine."[27] Both statements are probably correct. While the Palestinians continued to insist on the validity of their own Talmud, they were also forced eventually to pay lip service to the Babli. By that time the field of halakhah was so intertwined with the study of the Babli that any legal dispute had to be adjuticated with reference to it. That is why the

Ben Meir controversy revolved around it,[28] and also why copies of the Babli were in great demand throughout Europe. The Palestinians differed only in their claim that the Yerushalmi was also authoritative.

It will become evident that Rav Amram lived at the height of this controversy, at a time when Palestinian influence throughout the Diaspora was challenging the spiritual hegemony of Babylon. It is surprising therefore to find Amram referring to the Yerushalmi so often, especially since, according to Ginzberg, "Most of the Geonim never used the Yerushalmi at all, and those who did use it did so...by accident."[29] Not one Gaonic responsum before Saadya mentions the Yerushalmi.[30] Though some of its customs were apparently practiced in Sura, Ginzberg points out, "This shows nothing about the influence of the Palestinian Talmud on Sura. Rather Sura was founded by Rav, and thus customarily followed many of his practices. Rav was a student of Rabbenu Hakodosh, and was attached to the customs of Palestine."[31] Even Saadya never quotes the Yerushalmi in his halakhic books.[32]

The case is similar with Amram. Ginzberg summarizes:

> Most of the quotes are Aggadic and all of them except one come from Berachot, even though there are a multitude of halakhic decisions (on Shabbat, Yom Tov, fasts, Yom Kippur, mourning) in Seder Rav Amram about which he had ample opportunity to employ the Palestinian Talmud. We therefore doubt whether he dipped into the Palestinian as

> did the sages of Kairuan and so many of the early scholars of Spain and Germany....Even if R. Sherira Gaon says, "This is the opinion of Rav Amram even though not based on the gemara, and he received it from the Talmud of Eretz Yisrael," certainly he did not mean to say that Rav Amram based his words on the Yerushalmi, but rather that they were part and parcel of the scholarly environment whose source could not be found in the Babylonian Talmud, and that some of them had been deduced originally from the Yerushalmi.[33]

In fine, Amram quotes the Yerushalmi only ten times;[34] his references are entirely aggadic, and some are apparently later additions; the rest he took without realizing their Palestinian origin.[35]

Far from accepting the Yerushalmi as authoritative in his Seder, Rav Amram, like the Geonim before him, stood intransigently opposed to it. He was intent on maintaining the priority of Babylon despite the growing intensity of Palestine's claims. It was in the face of these claims that he wrote his Seder.

Chapter III

The Center in Palestine

Most popular histories of the Jews have very little to say about palestine in the Gaonic period. It was Babylon, not Palestine, that occupied the chief place in the Jewish world of the time. It is Babylon also on which the interest of scholars has been focused. But the fact that our Palestinian sources are meagre does not necessarily imply that Jewish life had ceased there, but merely that the political situation was not amenable to the keeping of extensive literary records.

The fact is that despite the end of the patriarchate in 425, Jewish life in the academies never ceased. The harsh Byzantine rule reached a peak in the late sixth and early seventh centuries.[36] It was succeeded by the comparatively mild rule of Islam (conquest 628-636). The change of conditions apparently spurred migration to Palestine,[37] particularly from Babylon, the greatest Islamic Jewish realm, and by Ben Baboi's time (about 800) there was already a large population of new Babylonian settlers.[38] Mann surmises that throughout this time the academies carried on continuous activity,

first in Tiberias from the time of R. Yohanan, and later in Jerusalem after the Arab conquest.[39]

Sometime around 500,[40] Mar Zutra reached prominence in Palestine. He is of significance because he is the only native Babylonian in the Gaonic period to become head of a Palestinian academy.[41] He founded a dynasty which held sway for ten generations, with Pinhas, the last of line, ruling around the beginning of the ninth century. Mar Zutra's dynasty was succeeded by that of Ben Meir. Ben Meir himself ruled in the tenth century, but he had several ancestors who preceded him in his position, so that the year 800 seems to be the turning point in Palestine's development, marking both the end of a Babylonian dynasty, and, at the same time, the beginning of a native Palestinian rule.[42]

During the three centuries between 500 and 800 the relative decline in Palestinian prominence, the emergence of a Babylonian house in Tiberias, the increasing persecutions of the Byzantines and the subsequent Moslem takeover led to great instability in the Jewish community. Among the many diverse elements in the population were the so-called Avelei Tzion, the origin and platform of whom deserve attention.

The earliest mention of these Mourners of Zion is to be found in the Pesikta Rabbati, whose author probably settled in Palestine after leaving his native

Italy, and joined them.[43] By that time it was already a known movement, and therefore its origins must date from at least the early eighth century. The activity of these Mourners was marked by "asceticism, spending their days in fasting and lamenting over the destruction of the Temple, and in praying for its restoration and the advent of the Messiah."[44]

Exactly who they were remains a mystery. That they were not proto-Karaites is evidenced by the fact that one of their leaders was Ahai of Shabha, who moved to Palestine after having been passed over in a dispute for the Gaonate in favor of Natronai, Ahai's secretary.[45] The Mourners, like Ahai, must have been Rabbanites, though Palestinian political tribulations, like Ahai's personal disappointment, gave sufficient reason for both to dislike that form of Rabbinic Judaism represented by the Babylonian Gaonate.

In all likelihood, the Mourners represented a common sentiment in Palestine. Like so many others, they yearned for a restoration of Palestinian autonomy and based their Judaism on a fervent Palestinian nationalism. They were opposed by the pro-Babylonian party, with its emphasis on the Babli as the prime legal document, and Aramaic as the official legal language. The Nationalists regarded the Yerushalmi as equal to the Babli; they championed a revival of Hebrew, in opposition to Aramaic, the Babylonian tongue.

With the ascension of Mar Zutra the Babylonian party became dominant, and remained so, particularly after the Moslem conquest, until about 800. Nationalist opposition, centered in such groups as the Mourners, finally toppled Mar Zutra's family and installed the forebears of Ben Meir. Strained relations eventually culminated in the calender controversy of Ben Meir and Saadya.

Before turning to the various disputes which preceded Ben Meir's outright challenge of Gaonic dominance, the very existence of the Nationalist group must be documented. It is generally assumed that Judaism was split into two groups alone: Rabbanites and Karaites. We shall demonstrate that the Rabbanites themselves were not a homogeneous party; that beside the Gaonic pro-Babylonian group, there existed a pro-Palestinian faction with alarming strength, particularly in the time of Rav Amram.

Such nationalistic sentiment is clearly indicated as early as the second half of the seventh century in the composition of Sefer HaMaasim. This work Ginzberg concludes, "teaches us that when it was composed, the Palestinians had only one Talmud and that was the Yerushalmi."[46] It was through the medium of Sefer HaMaasim that the teachings of the Yerushalmi and other Palestinian halakhah found its way to the Geonim.[47]

Of great importance is the fact that we have two

recensions of this valuable work. One edition was composed at the beginning of the Islamic period, while the other dates from about two hundred years later. Their differences as summarized by Ginzberg are instructive.

> The old version is entirely based on the Palestinian Talmud while there is not the slightest hint that this author had ever seen the Babylonian Talmud. But the author of the second version concentrated completely on the Babylonian Talmud. Hence we see that it was not the persecution of Christianity that elevated the Babylonian Talmud and brought the Palestinian Talmud to its decline.[48]

Indeed it was not. The decline of the Yerushalmi came about as a direct consequence of the Moslem conquest of Palestine. The dominance of Baghdad brought with it the supremacy of Gaonic influence, which had already begun to take hold in the coming of Mar Zutra and the establishment of his house in Tiberias. It seems plausible that the first edition of Sefer HaMaasim was the work of a Palestinian who witnessed the shift in power toward Baghdad and sought to record Palestinian customs for posterity. Two hundred years later, with Ben Meir's family in control and the Palestinian forces in ascendance, a pro-Babylonian scholar rewrote Sefer HaMaasim so as to protect the status quo which he respected as correct against nascent Palestinian nationalism. It is not coincidental that during the same period in which the revision was under way, R. Jehudai Gaon saw fit to chastise the Palestinians about "habits and mitzvoth which

they customarily followed even though they were opposed to the halakhah, according to false customs, and had not been received from him."[49]

While this pro-Babylonian author was attempting to preserve the status quo with his revision of Sefer HaMaasim, the opposing party had written its manifesto, Massekhet Soferim. Abraham Schechter declares, "In the eighth century, the spiritual forces in Palestine set out to retrieve their lost prestige, to manifest once more to their Babylonian opponents their ability to produce original literary creations...the result was the Massekhet Soferim....the first attempt to summarize and standardize the various traditions of Palestinian Jewry."[50] Schecter is undoubtedly referring to some of those false customs against which Jehudai Gaon railed.

Most interesting is the connection between Massekhet Soferim and Ahai of Shabha's Sheeltot. There seems to be a definite correlation of material in the two works.[51] This becomes readily understandable if our hypothesis about Ahai's relation to a resurgent Palestinian nationalist party is borne in mind. Ahai had good reason to oppose the Babylonian Gaonate, and developments in Palestine gave him his opportunity to do so. From the point of view of the Palestinians, Ahai had something invaluable to offer. By this time the Babli was universally accepted as a valid source

of halakhic decision. A revived Palestine could never claim that both Talmuds were valid. The Palestinians were of course masters of the traditions of the Yerushalmi, but the prohibition against recording the Oral Law had prevented their access both to the Babli and to the long tradition of post Talmudic decisions based on it. If the Palestinians wanted to achieve independence, they needed above all to wrest the right of halakhic interpretation from the exclusivity of Babylonian authority. The sharing of the prerequisite halakhic information was Ahai's contribution to Palestinian nationalism.

Analysis of the Sheeltot makes this clear. It has already been stated that Ahai was passed over for the Gaonate, in favor of Natronai, R. Ahai's secretary;[52] that he then proceded to Palestine where he led a group of nationalist Mourners and wrote his Sheeltot. That it was written after his departure from Babylon is evident from the linguistic peculiarities of its style.[53] This is Ginzberg's conclusion, although, as he points out, "the work is based exclusively on the Babylonian Talmud, and the Palestinian Talmud is absolutely ignored in it."[54] In fact, "There is not the remotest proof that R. Ahai used the Yerushalmi."[55] Hence Ginzberg concludes, "The Sheeltot have the purpose of introducing the Babylonian Talmud to the Palestinians. At the time of R. Ahai, we may be sure that copies of the Talmud were

not too plentiful, and therefore it was his aim to extract verbatim a considerable portion of it."[56]

It is evident from the attitude of the Babylonian authorities to the Sheeltot that the Palestinians readily seized upon Ahai's work as a means of acquainting themselves with standard Babylonian halakhah so as to claim the requisite knowledge to interpret halakhah themselves, and thus to usurp the claim of Babylon to be the sole authority.

To begin with, the Halakhot of R. Aba, a disciple of Yehudai Gaon does not even mention the Sheeltot.[57] One might object that this is an argument from silence, since we have so few fragments of the work extant. But how are we to explain the fact that the Sheeltot, which Ginzberg calls "the most important product of Gaonic times"[58] is not mentioned, and perhaps is even studiously ignored, by every Gaon except Hai?[59] And Hai is hardly indicative of general Gaonic opinion, since by his day, "the Palestinian Gaonate was a fait accompli. Throughout the Diaspora, including even Germany, Jews began to show great respect for the Geonim of Palestine, sending them their questions and receiving their responsa."[60]

Of the Diaspora authorities,[61] it is Alfasi who never refers to it, but Alfasi was always closely connected with Spain and Spain was the one area where Babylonian authority maintained its control. Rashi on

the other hand had a high regard for the Sheeltot, often copying complete sentences from it, and referring to its author as "Gaon." But Rashi represented the Franco-German center which made considerable use of the Yerushalmi and had long had strong ties with Palestine through intermediaries in Kairuan and Italy. The Italian Nathan, the author of the Arukh, also mentions the Sheeltot frequently, and Nathan as an Italian was most closely related to the revival of Palestinian independence. In the middle of the ninth century, R. Paltoi, the Gaon of Pumbedita, saw fit to write, "They who devote themselves to a study of the halakhot not only do not act properly, yea, it is forbidden to do it, for they diminish the Torah."[62] It could very well have been the study of the Sheeltot that he had in mind.

Ginzberg explains the writing down of the Sheeltot by saying that there was no prohibition against writing down Oral Law in Palestine.[63] We can well understand now why there was no prohibition there. The prohibition was a Babylonian vehicle for denying requisite halakhic knowledge to would-be usurpers of the right to interpret. Above all, the interdiction was to include the Palestinians, who for their part, far from admitting the validity of the prohibition, actually depended on its being broken in order to gain their independence. Through Ahai's Sheeltot such independence was achieved.

It may now be said with certainty that from the beginning, a pro-Palestinian party in Palestine objected to Babylonian usurpation of authority. Many groups shared this attitude, the Karaites representing the extreme periphery of the movement, but bona fide Rabbanites being included as well. Among the latter were various groups known as Mourners of Zion. Massekhet Soferim and the Sheeltot provided ammunition for these charges. The ultimate challenge was not to come until the calendar controversy of Ben Meir, but a mid-way maturing point was reached in the literary renaissance of the ninth century.

It was only natural for the nationalists to choose Hebrew as their mode of expression. What other language had such claims on the minds and hearts of Palestinians? Ginzberg states,

> ...the Gaonic literature par excellence is after all Halakhic in character and purport...Even after the decay of the Palestinian academies, it was in the Holy Land that the study of the Bible and the cultivation of the Haggadah were carried on zealously. The Massorah is a product of Palestine in the time we are considering, the greater number of the later midrashim originated there, and there also we must look for the beginnings of the Piyyut and of neo-Hebraic poetry.[64]

In other words, if halakhah were the province of Babylon, Palestine could still claim antecedent rights to Hebrew and its related literary endeavours. Early payyetanim like Yose ben Yose, Yannai, and Kalir helped initiate the movement in the early seventh century.

The great midrashists, grammarians, and massoretes completed it and brought it to fruition.

Its political import was not lost on the Geonim. Since it was common to insert the piyyutim in the liturgy, the Geonim guarded the prayers against any additions and insertions. Jehudai opposed any insertion in the Amidah, and Natronai went on record against two of Kalir's poems specifically.[65] Nahshon Gaon (881-889) warned, "We never allow anyone familiar with piyyutim to officiate in the synagogue."[66] Quite expectedly, we find no Geonim taking part in the Hebrew revival until Saadya, but Saadya's familiarity came from his unique background, and his desire to try his hand at Hebrew disciplines was due to the fact that by his time, a Hebrew renaissance was a fait accompli which could no longer be denied.

A word should be said about the Karaites who formed part of the nationalist group and shared notably in its literary creativity. Their existence as a distinct sect can be dated to the second half of the eighth century,[67] about the same time as Ahai's journey to Palestine. They seem then to have moved gradually to Palestine where Gaonic presence was not quite so immediate,[68] and kindred disenchanted spirits might be found. They were strong enough in Jerusalem two generations before 920 to pose a threat to Ben Meir's two immediate ancestors.[69] Yet despite their internecine rivalry with Palestinian Rabbanites, both of these two parties stood

united on the question of Babylonian supremacy. The Karaites no less than the Rabbanites yearned for a revival of Hebrew. Graetz points out that they began the study of philology, Bible exegesis, and philosophy.[70] Baer thinks they actually had hopes of instituting Hebrew as a uniting language of world-wide Jewry.[71]

The point of interest here is that the Karaites' literary creativity was just another feature of a massive nationalistic revival, harking back to the Bible, Hebrew and the Holy Land, as opposed to Babli, Aramaic and Babylon. The Karaites were the extremists of the nationalistic group, denying the validity of the Oral Law altogether. But this major difference should not blind us to the similarities of the two parties. Both shared the desire to overturn Babylonian hegemony, and both participated in the intellectual ferment of the day. Though both were rivals for control of the Palestinian nationalist movement, that very rivalry testifies to the existence of the movement.

One of the best illustrations of the ongoing conflict between Babylonians and Palestinians is the calendar controversy, which smoldered for centuries before actually flaring up during the Gaonate of Saadya. Since Hillel's patriarchate in the middle of the fourth century, the right to determine the calendar had been considered a prerogative of Palestine.[72] This allowed

the Palestinians to decide when the Jewish communities of the world would observe the festivals. Its symbolic significance was even greater since this was the one function which had always represented authority. The Palestinian Gaonate insisted that theirs was the sole right to fix the calendar every year.[73]

The Babylonians' attitude to this claim seems to have varied. According to Mann, a Genizah gragment "enables us to state definitely that in 835 C.E. Babylon was dependent on the fixing of the calendar by the president and members of the Palestinian academy."[74] But in 835 a curious visit to Palestine occurred. "For some unexplained reason, the Babylonian scholars found it necessary soon after 835 to acquire in Palestine a thorough knowledge of the calendar rules and thereby become independent."[75] The supposition that they came to find out how the calendar was fixed, is indeed questionable, since the rules were common knowledge; it was the authority to apply them which the Babylonians lacked. This the Palestinians would certainly not have granted willingly. What then prompted the journey, and why did it take place in 835?

Once again, the date is the key issue. It was just shortly before 835 that the new dynasty of Ben Meir was installed. Before that the pro-Babylonian regime of Mar Zutra had been in control. Since Palestine had

always held the right to fix the calendar, it must have been extremely difficult for the Babylonians to attain the prerogative, but as long as Babylonians occupied the chief positions in Palestine, there was no fear that Palestinian authorities would use the right to further their own independence from Gaonic control. With the dynastic change however, and the dominance of the nationalist party, the situation was altered. Accordingly, and official journey to Palestine had to be undertaken to reach some kind of agreement with the new regime. Apparently, attempts to find a long term settlement failed, and the matter remained in doubt for a few decades.

Meanwhile, political developments in the Arab world were broadening the schism between Palestine and Babylon. In 868 in Egypt -- 878 in Syria -- the Tulunides threw off the yoke of Baghdad supremacy and no doubt expected their Jewish subjects to do likewise. The Palestinians, we may assume, were only too anxious to follow suit. The Babylonian response was not long in coming. R. Nahshon, Gaon of Sura (874-882), became the "first Babylonian Gaon to occupy himself with the calendar problem."[76]

Finally, of course, the crisis reached its climax in Ben Meir's open challenge to Saadya. This, too, was prompted by political developments. Though

the Tulunides were gone the Fatimids presented a far more serious challenge. Though the details of the controversy need not concern us here, it is interesting to note that Ben Meir claimed none other than Yehudah HaNasi as his ancestor.[77] Sura had long contended that its right to interpret stemmed from the venerable founder of that academy, Rav Ashi himself. Certainly there could be found no more fitting geneology to counter the Babylonian contention than one traced back to the author of the Mishnah himself.

Though Ben Meir was not wholly successful in that the calendar remained a Babylonian prerogative, the force of the Palestinian demand was not entirely lost upon Saadya. Liturgically, he was forced to incorporate a good deal of Palestinian custom into his Siddur. He even initiated Hebrew piyyutim and Biblical grammar as part of his work and thus legitimized the Hebrew renaissance movement. Eventually, Palestinian authorities began even to apply the term Gaon to themselves, and by the time of Hai, the title was accepted even by Pumbeditan authorities.

If, as Abraham Schechter says, "The purpose of the heads of the Palestinian academies was to throw off the yoke of Babylon and to protest against the monopoly of the Gaonate in Babylon,"[78] this goal was eventually realized. Rav Amram lived at the height of the literary

revival, in the midst of the rising calendar controversy, and during the Tulunide revolt. The Palestinian threats to Babylonian authority must have been of immediate concern to him, particularly when he viewed the alarming increase of Palestinian influence in the rising young Diasporan Jewish communities. Before turning to his Seder, which the situation evoked, a survey of this Palestinian influence must be made.

Chapter IV

The Communities in Egypt and Kairuan

As the spirit of fervent nationalism matured in Palestine, rivalry with the Babylonian academies increased. In practice the major area of conflict was liturgical custom, but theoretically the source of contention was the diversity of tradition emanating from the rival academies: Sura and Pumbedita on one hand, focusing on Aramaic and the Babli; and Tiberias-Jerusalem on the other hand, concentrating on the Yerushalmi and Hebrew.

The course of the struggle fluctuated with the political fortune of the Arab world. In the early years of the Gaonate, Abbasid control encompassed the whole area of the Mediterranean. But Arab solidarity never extended much below the surface. Just as local Arabs everywhere struggled continually for independence, so Jewish subjects in each land yearned for the attainment of autonomy. These Diasporan nationalists looked naturally to Palestine for an ideological alternative to the Gaonate, but as long as Abbasid rule remained a political reality, no outward symbol of rebellion was possible.

In 639 the Arabs conquered Egypt. We know very little about the early years of their rule.[79] By 750, however, there were to be found in Egypt Jews from both Babylon and Palestine, forming the nucleus for two separate communities. Of the two, a Babylonian party, led by a Jew from Baghdad seems to have taken the upper hand.[80] Spiritual influence emanated from the Babylonian Geonim, while the Gaonic academies benefited in return from Egyptian material support.[81]

Kairuan seems likewise to have looked to Babylon for guidance, receiving responsa at least as early as R. Yehudai (760-764), as well as letters from his disciple, R. Haninah.[82]

But in 868 Ahmad ibn Tulun became the governor or Egypt. Ten years later he overran the whole of Syria, and despite short interruptions from time to time, that province was controlled by Egypt until the second half of the eleventh century. The Tulunides themselves were overthrown in 905, but they were succeeded shortly by the Fatimids.[83]

Such political unrest was the needed catalyst for the extension of Palestinian authority. Jews in Egypt and North Africa took advantage of Abbasid weakness to divert their allegiance to the Palestinians. In Palestine, for example, the Fatimid success enabled Ben Meir to raise the calendar controversy openly.

Fatimid victory also accounts for the usage of the term "Gaon" in Palestine, a practice not instituted until after the year 909.[84]

By that time Kairuan independence had long been achieved. In the tenth century, the Yerushalmi was stressed there whenever possible.[85] Rabbis Hananel and Nissim typified the attitude of the young nationalistic communities. In the words of Abraham Schechter, they "trusted the Talmud Yerushalmi alongside with the Babli, and sometimes even sided with the former over the latter."[86] Ginzberg writes, "Palestinian teachings spread by way of Rabbi Nissim and Rabbi Hananel, and without exaggeration we may say that without Rabbi Hananel, the Palestinian Talmud would by now have been forgotten."[87]

Indeed R. Hananel had good reason to attend to the Yerushalmi. Without the impetus from Palestine independent Jewish life in Kairuan would have been impossible. It is no accident that the two books from the Gaonic time which use the Yerushalmi most (Sefer Hahefetz and Sefer Hamiqtzo'oth) were both written in Kairuan.[88]

Hai of course witnessed the independence as a fait accompli, but the rise of Palestinian influence is traceable to earlier times. In 912, Mar Ukba, the deposed exilarch, was greeted in Kairuan as if he were the real exilarch. Poznanski relates, "They prepared

a seat of honor for him in the synagogue beside the ark, and after calling a Kohen and a Levite to the Torah, they brought the Torah down to him."[89] This was clearly an act of open rebellion against Babylonian control.

It was the Fatimid revolt that made such an action possible, but even before the Fatimids, Kairuan was a strong community in its own right, searching for autonomy from Babylon. In 904 Isaac Israeli saw fit to remove there from Egypt.[90] Surely such a dignitary would not have settled in an area of minor importance. Since Kairuan had become a major city in the Abbasid empire,[91] it had attracted many Jewish worthies for some time. Between 881 and 889, Nahshon Gaon had censured Kairuan for addressing a question to both Sura and Pumbedita.[92] The two academies were in the midst of their own struggle for dominance at that time, and it may be that Kairuan considered the time ripe to exploit the inter-academy split and to add to the decentralization of Gaonic hegemony.

In other words, by the time of Amram, Kairuan had already given good indication of its desire to be freed from absolute dependence on Gaonic mandates. This it had accomplished by turning to the one place likely to be an alternate center of world Jewry, Palestine.

No better example of North African nationalism

based on Palestinian authority can be found than Sefer Methivoth, The end of the tenth century, with the Tulunide-Fatimid insurgences in the recent background, marked the height of Kairuan independence. Somewhere around the beginning of the eighth century, with the trend already in sight, Ben Baboi felt the need to write to Kairuan "to enhance the Babylonian Talmud and to glorify it."[93] As Ginzberg says, this was prompted because Kairuan was close to Egypt and Italy, both of which were already clearly tied to the rebirth of a strong Palestine.[94] Sefer Methivoth, written between these two dates, thus provides direct evidence for the rising course of Palestinian influence in Rav Amram's day.

Its author came to Kairuan, much as Ahai had moved to Palestine, and there wrote his book.[95] Scholars in Kairuan were no doubt eager for such a book. Despite the limited success of Ben Baboi,[96] the Yerushalmi was still the staple diet for North African academies. But for effective rule, they -- like the Palestinians in the case of Ahai -- needed knowledge of the Babli and of Babylonian halakhic decisions. As Ginzberg puts it:

> Though there is no doubt that the authority of the Babli grew stronger in Kairuan on account of Ben Baboi, its scholars never ceased studying the Palestinian Talmud. Our position is supported by the fact that the first book of the Gaonic period which tried to establish halakhah based on both Talmuds (the Babli primarily, but the

> Yerushalmi secondarily) was written in Kairuan about 200 years after Ben Baboi and about 200 years before the coming of Rabbi Hushiel. This is Sefer Methivoth....The goal of the author was to circulate the Babylonian Talmud in the orbit of the Palestinian Talmud.[97]

The author's method apparently was to place side by side two sections, one from eacn Talmud, as if they were complementary works meant to be read together.[98] But in the end, "The authority of the Palestinian Talmud was so great in his eyes that he depended on it in formulating halakhah...against the decisions of the Babylonians."[99] He considered the Yerushalmi as a commentary on the Babli[100] as well as the model for the format of his book.[101] No wonder the later authors of the notoriously pro-Palestinian Sefer Hahefetz and Sefer Hamiqtzo'oth used Sefer Methivoth as their basis.[102]

Our knowledge of Egyptian Jewry during this period is more limited, but there is every reason to believe that the pattern of development followed in North Africa held true in Egypt as well. To begin with, Egypt throughout this period was rife with Karaite sentiment. Moslem political separatism was at home here with a Shiite ideology which in its relationship to orthodox Sunnism, was functionally equivalent to the Karaite rebellion against Jewish orthodoxy.

By the time of Sherira, the issue was no longer whether there ought to be Palestinian influence, but

only how much. This we gather from a letter of the Palestinian Gaon, Solomon ben Jehudah, a contemporary of Sherira, stating that in his time, "There arose friction between the Babylonian (i.e. Pumbedita) and the Palestinian schools over their respective spheres of influence in Egypt."[103] By that time too, Palestinian liturgical rites had become standard in Egypt.[104]

A note of specific political importance comes from the Genizah. Mann reports,

> Soon after the conquest of Egypt in 969, the famous Paltiel is also reported to have visited the Fustat synagogue on the Day of Atonement and...to have promised donations to the Palestinian Gaon and the Academy, for the mourners of the everlasting house and for the Babylonian schools. Likewise his son Samuel gave large legacies to these mourners.[105]

This Paltiel was the vizier of the separatist Fatimids under the Egyptian Caliphs Al Muizz and Abd al Mansur. He came from Italy to Palestine via North Africa. Clearly a close relationship obtained among these communities, all three of which show definite pro-Palestinian sentiment. The letter indicates that this sentiment was concretized in monetary aid to the Mourners, that very movement which appears more and more to have been associated with the Palestinian nationalist party. The aid given to the Babylonian schools was in accord with custom. Similarly one might expect some help to be offered to the Palestinian schools which by now had reached some degree of prominence.

But Paltiel's concern for the Mourners coupled with his political ties to the Fatimids reveal a deep desire for the furthering of Palestinian autonomy and cultural influence.

We may conclude with Mann, "Toward the end of the ninth century, the study of Hebrew and Jewish literature was well cultivated in Egypt.[106] This of course was Rav Amram's time. In sum:

> By reason of close proximity, Palestine had of yore close connexions with the rich land of the Nile. During the Arab dominion they became the more so after Ibn Tulun, the powerful viceroy of Egypt, occupied Syria in 878....Moreover the Palestinian academy which most likely existed during the whole period...undoubtedly was a spiritual factor of some weight on the Egyptian Jews.[107]

Nor was Palestinian influence spreading rapidly only in Kairuan and Egypt. By Rav Amram's time it had penetrated throughout the Diaspora.

Chapter V

The Community in Italy

The existence of Palestinian influence in Italy has been particularly well documented. "The settlement of Jews in Italy dates back to very ancient times." Their number increased considerably after the fall of the Second Temple. "In spite of the great distance separating these Jews from Palestine, they nevertheless came in constant contact with it and kept up their allegiance to it...Throughout the period of the Tannaim the bond between Italy and Palestine was strong.... during the Hadrianic persecutions, many Tannaim left Palestine to settle in Rome.[108]

From our knowledge of the situation in 800, we can say with certainty that the bond between Palestine and Italy was never broken. Even when the Babylonians controlled Palestine, it was not they, but the Palestinian nationalist party which continued to receive Italian support. As Abraham Schechter concludes in his study of the Italian Rite, "No doubt, the Yeshibot in Italy continued their existence without interruption, spreading Jewish lore according to the ideas and methods of the

Palestinian rabbis."[109]

Evidence for the influence of the Palestinians is twofold. There is first a primary source, the Ahimaaz Chronicle. No less convincing evidence of a secondary nature comes from the fact that Italian Jewry joined wholeheartedly in the revival of Hebrew which characterized the nationalist party in Palestine.

The Ahimaaz Chronicle is a series of family narratives composed by the Italian liturgist Ahimaaz ben Paltiel (1017-1060). "These narratives," Schechter asserts, "clearly show that until the latter part of the ninth century, the Palestinian influence on Italy was very strong."[110] More specifically the Ahimaaz Chronicle's reference to the bringing of a certain work on Biblical hermeneutics from Jerusalem to Bari and thence to Mainz is, according to Roth, "a symbol of the transference of Jewish scholarship in general. Thus the influence of the schools of Babylon...was felt here to a relatively minor extent, that of the Holy Land being paramount."[111]

The roads between Palestine and Italy were well travelled in both directions. Palestinian culture made its way to Italy; and in return, the Ahimaaz Chronicle informs us of Palestinian worthies' carrying Italian monetary support back to Palestine.[112] In fact Mann knows of the "South Italian scholar, Rabbi Ahimaaz the Elder, (who lived in the time of the Byzantine Emperor

Basileos 1, 868 C.E.) visiting Jerusalem three times and giving donations on each occasion to the Mourners for His Majestic Habitation."[113] In other words, Rabbi Ahimaaz supported the very Avelei Tzion movement which was dedicated to the restoration of Palestinian independence. Apparently, the Jewish community in Italy felt its own destiny to be linked to the development of Palestinian Jewish life.

So much did Italy look to Palestine for its cultural guidance that it eventually became a miniature Palestine in its own right. Just as halakhic studies based on the Babli were a Babylonian monopoly, pursued but little in Palestine, so we find little evidence of the influence of Babylonian halakhah in Italy. In Italy, as in Palestine, the Yerushalmi was the primary focus of halakhic study.[114] In a later day, when Italian rabbis became halakhists par excellence, it was the commentary of Rabbi Hananel which attracted them, and his commentary leaned heavily on Palestinian opinions.[115] Like Palestine, Italy's greatness lay in the field of the new Hebrew studies. "Just as in Palestine, the Geonim devoted their energies to Haggadah, Midrash, and liturgy, so also the rabbis in Italy occupied themselves with these subjects.[116] The Midrashim Shoher Tob, Tanhuma Yelammedenu, Leqah Tov, possibly Midrash Mishle, Midrash Samuel and Pesikta Rabbati, all were born of Italian

creativity. Unsurprisingly the earliest famous family of Italy, the Kalonymides, are noted for being payyetanim, a distinctively Palestinian vocation, frowned on by the Babylonian Geonim. Though Kalonymos II did not live until 950, and his son Meshullam the Great in 976,[117] the earliest Kalonymos can be located in Lucca in Lombardy, in the eighth century.[118]

We are able to date the beginning of this Italian movement toward self determination. It is likely that Kalonymos I was among its founders, since the reawakening of interest in Hebrew is traceable to the beginning of the ninth century, just about the time that a similar current in Palestine led to the establishment of the nationalistic house of Ben Meir. Roth explains,

> From the catacomb inscriptions mainly extending from the first to the fourth century, it would appear that knowledge of Hebrew was scanty among Italian Jews at this time....This was the case not only at Rome, but also at Venosa in the South where a considerable number of inscriptions dating from the third to the seventh centuries have been found....Some of the later examples demonstrate an awakening interest in the use of Hebrew....Then we have a series of Jewish tombstones from this region bearing long and flowery inscriptions in choice Hebrew, displaying a wide knowledge of Jewish literature, considerable ability in manipulating the Holy Tongue, and in some cases a distinct poetical gift. These extend from about the year 800 onward.[119]

Equally interesting is the date from which the deaths are calculated. "A characteristic of these inscriptions is that they calculate the year from the

destruction of Jerusalem."[120] What could have been a more agreeable date to the Avelei Tzion movement and to the Palestinian nationalists?

With such an orientation, it is no surprise to find evidence of rivalry within Italy with both the Palestinians and the Babylonians struggling to become the dominating influence in the new center. If there is no such evidence earlier than the middle of the ninth century, it is because the political situation did not favor the development of rivalry before then. The Arab conquest of Italy in 863-864 brought Italian Jewry into the cultural sphere of Baghdad and Gaonic hegemony. Between 850 and 860 a Babylonian emissary, Abu Aaron, visited Italy in an attempt to solidify the ties between the two communities.[121] At the same time, halakhic communications were exchanged between Rome and the Gaon Sar Shalom (853-863) at Sura. Apparently, the Jews of Rome by now had their own halakhic traditions, well ingrained from the long period of dependence upon Palestine which preceded the Arab conquest. These the Babylonians understandably refused to accept.[122] By the tenth and eleventh centuries, the Geonim were employing Arabic for their scholarly writing, but Hebrew remained the stubborn choice of Italians.[123]

Geographic proximity and political freedom made early Italian Jewry a cultural satellite of Palestine.

So influential was this earlier period that the great achievements of later years were inexorably oriented to Jerusalem, despite a fruitless attempt by the Babylonian Gaonate to add Italy to its orbit. In Rav Amram's time Italy was just one of many centers in which Palestinian influence seemed to be building toward a climax.

Chapter VI

The Community in Spain

Amram's Seder was dispatched to the distant Jewish community of Spain.[124] How did Spain fit into the nexus of the Palestine-Babylon rivalry? Did the Palestinian influence evident in Egypt, Italy, and North Africa extend as well to the Iberian peninsula?

Of early Jewish history in Spain very little is known. According to Schechter the influence of Babylon is discernible as early as the Synod of Elvira in 313 C.E.[125] Close ties with the Gaonate were certainly established by 711,[126] since the Ommayads who then ruled Spain owed at least nominal allegiance first to Damascus and later to the Abbasid capital of Baghdad.

The Jews of Spain must therefore have had close relations with Sura. Ashtor states over and over again that the tie to Baghdad was so strong that relations with Palestine were minimal if not completely non-existent.[127] There is reason, however, to suspect that below the surface of this seemingly strong allegiance all was not so tranquil. The Ommayads' fealty to the Abbasids was nominal rather than actual, and Spanish

Ommayad authorities would have looked askance at exceptionally strong influence emanating from Sura.

There is evidence that Spanish Jews, like their contemporaries elsewhere in Europe and Africa, were eager for spiritual independence. Eighth century Spain engaged continuously in the same search for Talmud texts that characterized the emergent communities in Palestine and North Africa.[128] In the case of Spain the benefactor was Natronai ben Habibai, who in 771 was the loser in a struggle for the Gaonate, like Ahai of Shabha. Exiled, he went to Spain.[129] Like the deposed Mar Ukba on his arrival in Kairuan, Natronai received a royal reception,[130] hardly calculated to please the Suran authorities. Legend has it that he found no official copies of the Talmud there, and had to rely on his memory.

Baron calls attention to a letter from Pumbedita, probably to Hasdai ibn Shaprut, to the effect that the Spanish sages had asked Paltoi Gaon of Pumbedita (842-858) to write a Talmud and its explanation for them,[131] and Mann finds evidence that Paltoi fulfilled the request,[132] thereby providing the Spanish community with the official Babylonian halakhic interpretation. But even if this Talmud were sent, it was certainly not for public circulation. At best it may have become the private possession of the Gaonic representatives. They needed it in Spain because the great distance from

Babylon militated against the arrival of regular personal emissaries. That the Talmud was still not publicly circulated is evident from the fact that Samuel ibn Nagrela (993-1055) felt constrained to make the copying of Talmud texts his first order of business. Not until the tenth century did the Talmud become common there.[133]

So by Rav Amram's time Babylonian control was centered in Gaonic representatives within the communities, who were given sole possession of the all important Babylonian Talmud. Regular correspondence flowed back and forth between these representatives and the Babylonian academies in the form of Teshuvoth.[134]

Besides this quest for the Talmud and the role of Natronai I, there is other evidence of opposition to Babylon. Ashtor, despite his insistence that Spain had little or nothing to do with Palestine, says, "The influence of North African sages on Spanish Jewry was very great,"[135] and North Africa had very close ties with Palestine. From remarks of Rabbi Hai and Isaiah di Trani the Elder, Ginzberg concludes that adherence to Palestinian customs in Spain was common knowledge.[136] That essential element of the revived nationalistic movement, the re-birth of the Hebrew language, apparently was felt in Spain to such an extent that "Hebrew supplemented Aramaic, Greek and Latin in communal affairs of Jews and even became the spoken tongue of wide circles."[137] Even the

extreme Karaites constituted a recognizable threat by the time of Natronai II, Amram's predecessor.[138] It is no surprise therefore to find anti-establishment rabbanism as well. Mann is of the opinion that by the middle of the tenth century (only sixty years after Amram!) Spain was already independent of Babylon.[139]

That this eventual autonomy was tied to the pro-Palestine sentiment can be seen from the career of Hasdai ibn Shaprut, to whom tradition credits the break with Babylon.[140] After a brief flirtation with Menahem b. Saruk, his early court poet, Hasdai replaced him in that office with his rival, Dunash ibn Labrat. Labrat's life is instructive. He came from Fez, a notorious Shiite and Karaite stronghold,[141] and later studied in Palestine![142] Saadia censured his use of Hebrew.[143]

Nor was this movement purely a tenth century phenomenon. There is every reason to believe that Amram faced it at its height. Legend relates that Natronai II made a miraculous journey to Spain and taught halakhah.[144] Though we may discount the miracle, it is probable that Natronai did undertake the trip. At the very least, this legend testifies to the Babylon's close surveillance and intimate concern for developments in Spain. Natronai's famous responsum to Lucena on the me'ah berakhoth indicates his interest. Such a legend could hardly have sprung up without some basis in fact; nor is it plausible

that Natronai II could have been confused with Natronai I who had lived a century before and who never returned to Babylon. Only a severe crisis which demanded his personal attention could have prompted a Gaon to make such an arduous trip. Since Spanish independence was attained so shortly afterwards it is probably that he went in the hope of keeping Spain within the Babylonian orbit.

Natronai's success was limited. His successor Rav Amram was faced with the same problem. It was in fact this very threat which prompted him to write his Seder.

Chapter VII

The Significance of the Liturgy

It has been shown so far that the Jewish world in Rav Amram's time had two focal points. Beside the Gaonic center of Baghdad, there exised a rival Palestinian movement and both claimed spiritual authority over Diaspora Jewry. The European and North African communities looked either to Babylon or to Palestine for religious leadership.

Theoretically, the point of contention was whether the Babli or the Yerushalmi was to be accepted as the authoritative legal guide. However, on a practical level, the choice of a Talmud could never engender conflict. Most people had next to no contact with the Talmud, first, because Oral Law stipulation prevented widespread dissemination of the text, and secondly, because in any event, not everyone possessed the requisite scholarship, particularly in the socio-economic conditions which marked the ninth century.

There was however one area which intimately affected the life of every member of the community. The community's choice of liturgical rite indicated its

allegiance either to Babylon or to Palestine.

The importance of the synagogue in these communities cannot be over-estimated. It was the effective center of communal life. To live as a Jew meant to live according to the dictates of the synagogue authorities.

As the synagogue and its authorities became paramount in the community, so too did the role of prayer within the complex of the mitzvoth. How much of the Law could be observed in the Diaspora is questionable. But one segment of halakhah could be kept even in adversity: the halakhah of prayer. It is this very situation which the Tanhuma reflects when it practically limits its halakhic concern to liturgical questions. Regardless of how operative the other aspects of Jewish law may have been, prayer was operative, serving to provide the experience of community in the far flung centers of Jewry.

A community's view of Judaism was immediately evident from its liturgical practices. "Most sectarians showed their differences primarily through the ritual of prayer."[145] Abraham Schechter summarizes the situation: "New centers arose in Western European countries. In all these centers the dominant force was lodged in the synagogues, which encompassed the whole life of the Jews in its various phases."[146] Control of the community depended upon control of the synagogue and its liturgy.

"The most permanent and continuous synagogue

office was that of the Hazzan."[147] In Rav Amram's time, he actually did much of the praying for the people, since they apparently came to him in the morning, so that he could recite all the benedictions on their behalf.[148] The prayers that were said and the customs governing their recitation were therefore in his hands, and through these decisions he defined what forms of Jewish observance were to be considered authoritative. It is possible that he was the foremost legislator on other points of halakhah as well, but even if he were not, his control of the liturgy would alone have been enough to warrant close supervision of his behaviour on the part of the prime religious authorities in the East.

Indeed we find the Geonim very much concerned about these Hazzanim. As noted above, Nahshon Gaon never allowed those familiar with piyyutim to officiate in a synagogue,[149] and Amram too says explicitly, "If we happen to come to a place and the Hazzan says anything that is not right, we remove him."[150] Under such close Babylonian supervision it may be assumed that the Hazzanim became alter egos of the Gaonate, representatives of Babylonian authority, liaisons between the new communities and the old established center in Babylon. Once in command, the Hazzan's control of the liturgy was practically unshakable. Through the stipulation against

recording Oral Law the liturgy was protected against alteration by those whom the Geonim and their Hazzanim saw as heretics.

But the Babylonian hegemony was eventually challenged throughout the Diaspora by a resurgent Palestine. On the theoretical level, the Yerushalmi challenged the Babli for supremacy; on a practical level, an invasion of Palestinian liturgical customs took place. In Babylon, of course, Gaonic influence was such that Babylonian authority always remained supreme, and even in Palestine itself certain halakhic matters could not be wrested from Babylonian control, but, as Abraham Schechter says,

> This submission (Palestine to Babylon) applies only in matters of halakhah in liturgical matters and synagogue arrangements...the Palestinian authorities remained free and independent...This adamantine attitude of the Palestinians subsequently gave rise to many heated controversies.[151]

Wieder adds,

> Notwithstanding the sway the Babylonian academies had held over the Jewish communities in the Gaonic period, and in spite of the condemnation of the Geonim of the religious practices of the Holy Land -- they ascribed them to ignorance and even decried them as heretical -- the Palestinian influence, especially in the field of ritual, was still alive long after the Babylonian Talmud had become the supreme authority.[152]

The battle for supremacy was prolonged. At times in Palestine itself the new Babylonian settlers, with their synagogues side by side with the old Palestinian ones, were able to enforce their will.[153] The introduction

of the Qedushah into the daily prayers, and the very idea of a Qedushah De'amidah represented Babylonian victories.[154] These were viewed by the Palestinians, however, as merely minor setbacks. Over the centuries that separated R. Gamaliel II from the twelfth century, for example, the Palestine version of the 'Amidah remained basically the same.[155] Despite one or two forced acceptances of Babylonian custom, by and large Palestinian authorities were eminently successful in preserving their liturgical customs.

It would be incorrect to conclude therefore that because the Palestinian and the Babylonian communities were both Rabbanite, they therefore shared the same liturgical interests; or even that although they differed, Palestine was always a poor second to Babylon. In fact, in the time of Rav Amram, Palestine was Babylon's equal in liturgical matters, and threatened to become foremost through her expanding influence on the Diaspora. Indirect evidence of Palestinian strength somewhat later, the tenth century, comes from the Karaite prayer book of Qirqisani. In his general attack on the Rabbanites he naturally stressed liturgical differences. One might assume that his references to the Rabbinic prayer book refer to the prayer book of Saadya. Who else represented Rabbinic authority at the time? But, significantly, Qirqisani used not Siddur Saadya, but a prayer book of

the Palestinian rite.[156] To Qirqisani, it was not Saadya and the Babylonians but the Palestinians who represented the status quo against which he felt it necessary to contend.

The rising Palestinian influence on the diaspora has already been demonstrated. "In the department of liturgy this influence was most marked, for even after the disappearance of her academies, Palestine still remained the home of the piyyut and the prayers."[157] Control over the liturgy had become a symbol of the struggle as a whole with widespread practical implications. Liturgical influence from Palestine followed those general developments detailed in chapters four to six until eventually, liturgy was divided into two main streams: the Palestinian liturgy destined to be accepted in such countries as Italy, Greece, Germany, France, and Egypt and the Babylonian rite becoming the norm in areas like Spain and Portugal.[158]

It remains now to chronicle the differences between Babylonian and Palestinian custom in the daily morning service, and then to see how these differences are reflected by Rav Amram.

Chapter VIII

Liturgical Differences Between Palestine and Babylon as Reflected in Seder Rav Amram

An old work, Hahilluqim Sheben Anshei Mizrah Uvnei Eretz Yisrael itemizes certain halakhic differences between Babylon and Palestine.[159] Including only those mentioned in the Babli, it is therefore incomplete, but it provides a good starting point. Those relevant to Amram's version of the morning daily service are the following.

In Palestine the ז"ל was accustomed to reciting the ברכת כהנים during the 'Amidah, whether or not he happened to be a kohen himself. In Babylon, only a kohen was allowed this privilege.[160]

The Palestinians stood during the recitation of the Shema'; the Babylonians sat.[161]

The 'Amidah was said silently by the Babylonians; the Palestinians recited it aloud.[162]

Evidence of other variations reaches us from the Genizah fragments.[163] Mann believes that the Genizah fragments represent the Palestinian ritual throughout the Gaonic period.[164] Further data are available through

the studies of Ginzberg,[165] Wieder,[166] Solomon Schechter,[167] and Abraham Schechter.[168]

In Palestine the birkhot hashahar apparently contained only five benedictions. "The worshipper thanks God for having created him a human being and not an animal, a man and not a woman, a Jew and not a Gentile, circumcised and not uncircumcised, free and not a slave. All other benedictions /are/ of Babylonian origin.[169]

However, these five benedictions may have been augmented in other versions of the Palestinian ritual, since the Genizah fragment does not necessarily represent a single "authorized" liturgy. The magbiah shefalim, for example "appears to be Palestinian."[170] At any rate the standard meah berakhot formula so important to Natronai and Amram was apparently not so significant in the eyes of the Palestinians.

Apparently there was also a divergence in the barkhu. "Whereas some texts have no barkhu...others have either ברכו נפש את ה' המברך or ברכו ה' המבורך שמו ועד. It may be that wherever barkhu has been inserted it was due to Babylonian influence."[171]

A remarkable difference is to be found in the placing of the Kaddish. The Palestinian texts "make no mention of the Kaddish at all either before tefillat yozer or before the 'Amidah of Minhah. In all the fragments edited here, there only occurs once the

indication יתברך, after the 'Amidah."[172]

Regarding the Pesuqei de Zimrah, Mann writes, "The real Zemirot (Ps. 145-50) are missing altogether in our fragments, though the lectionary contains several verses from these chapters."[173]

Mann also concludes, "In Palestine they had no yishtabah the doxology there being either יהללוך or יהללך."[174]

The practice of concluding the Pesukei de Zimrah with the Song of the Sea is definitely Palestinian. On this Mann,[175] Schechter,[176] and Ginzberg[177] all concur. This is confirmed by the Manhig,[178] Mahzor Vitry,[179] and Sefer Ha'ittim.[180] It was unknown in Babylon at least as late as Natronai.[181]

The Yozer differed in two respects. In Palestine, apparently, the custom prevailed of prefixing an introductory benediction with the following wording:[182]

בא"ה א"ה אשר קדשנו במצותיו וצונו על מצות
קריאת שמע להמליכו בלבב שלם ולייחדו בלבב טוב
ולעשות כנפש חפוצה אמן

The Palestinians may also have had their own version of the Qedushah de yozer. From the Genizah, Mann concludes that the Qedushah was absent in any form,[183] but Ginzberg offers strenuous opposition to this thesis. In his opinion, the Qedushah de yozer was vigorously championed by the Palestinians as it was the product of Palestinians mystics.[184] The fact

that they were accustomed to saying the Qedushah in the Yozer was the cause of the adamant refusal to accept the Babylonian custom of reciting the Qedushah de 'amidah.[185]

There is also disagreement on the custom of saying Or Hadash. According to Ginzberg,[186] R. Nahshon, Rav Amram's successor, quoted the passage without citing any opposition to it. From this, Ginzberg concludes that the passage, which does not occur in Seder Rav Amram, was probably part of the original Seder, but was later expunged to agree with Saadya. Schechter[187] on the other notes that Saadya was not the first to voice objection to the practice. Natronai also opposed it. Hence Schechter believes that the passage in Amram is a later addition. At the same time, however, he holds that the Palestinians ommitted it, since those rituals which followed Palestine in the main do not seem to have it.

We have insufficient evidence to account for the introduction of Or Hadash. Considering the opposition of Natronai and Saadya, and the fact that Seder Rav Amram as we know it does not contain the phrase, it would seem likely, despite Nahshon's failure to condemn its recital, that its inclusion was at least not an established Babylonian custom. On the contrary its emphasis on redemption seems to follow the rising tide of such statements in Palestine's developing liturgy. This was a major topic of the piyyutim, and (as will become evident)

it was just such prayers that the Palestinians were inserting in places where the Babylonians urged nothing but silence. As there is no direct evidence of its exclusion in the Palestinian rite, it appears at least plausible that it was a part of the Palestinian ritual, but for some reason -- possibly because of Gaonic opposition -- it failed to find its way into neighbouring countries.

The wording of the 'Ahavah also varies between Palestine and Babylon. The Genizah texts have only 'ahavat 'olam,[188] while Amram uses 'ahavah rabbah.[189] On the other hand, 'ahavat 'olam was standard throughout Babylon in the time of Sherira and Hai, except in one synagogue.[190] While there was some source of disagreement here, it seems impossible to determine how far the controversy had developed by the time of Rav Amram, or even whether it was a controversial matter at all then.

As for the Geullah, the Palestinians customarily injected a closing supplication for redemption, פדנ"ג אלוהי תושיע הנים ותפדנו למענך פדנ"ג. The Babylonians objected to this insertion.[191]

In the 'Amidah there are some clearly marked differences.[192] Mann states flatly,[193] "The 'Amidah of the Holy Land can be distinguished at once by the number of its benedictions which is only eighteen as well as by the conclusions: המברך עמנו, אומה המשפט, מבנה ירושלים

אלהי נצור לשוני מרע ושפתי מדבר מרמה, ולמקללי נפשי תדום

Of the variations between the two rites, two are of specific interest here since Amram at first glance sides with the Palestinian usage. First is the custom of adding morid hatal during the summer months, a distinctly Palestinian custom.[194] The morid hatal was a constituent of Kalir's Kerovot;[195] it is indicative of the close relationship between the Palestinian liturgy and the nationalist movement, among which Kalir and the other Payyetanim numbered themselves.

The second, an ideal example of liturgical controversy is the heated battle over the Qedushat hashem. An older version in Palestine read קדוש אתה ונורא שמך ואין אלוה מבלעדיך והכלל הקדוש נקדש בקדושה. In the course of time however, there grew up another Palestinian version קדוש וזוך המלוכן לכלל. The Babylonian version continued to be אתה קדוש ושמך קדוש.[196] The flexibility of the Palestinian wording corresponds well with the fact that the very idea of a Qedushah de'Amidah was a foreign one, originating in Babylon, and forced upon the Palestinians against their will. At first it was accepted grudgingly in the Sabbath liturgy, but as late as the year 800, strenuous opposition was offered against its inclusion in the daily prayers.[197]

Having looked at the principle points of controversy in the time of Amram, we may now look directly

at their resolution in his Seder, first considering his order of Prayer. Of greater importance, however, will be the study of the halakhic instructions which accompany the order, for it is in these directions that immediate references to the Palestinian divergence from Babylonian opinion are to be found.

It is no easy matter to study Rav Amram's version of the prayers themselves for the simple reason that we do not have his version of the prayers.[198] We should expect to find that his order of prayers reflects only the Babylonian liturgical practice of his time; yet our versions of the Seder include a number of Palestinian customs. There is, however, considerable reason to believe that these divergences represent later accretions and that the Seder as R. Amram wrote it was scrupulously faithful to the Babylonian norm.

In the first part of this chapter we have outlined the variations between the two liturgies. Seder Rav Amram exhibits to an overwhelming extent the traditionally accepted Babylonian practice. Exceptions in the daily morning service as found in the Codex British Museum 613 are the following:

1. The concluding sentence of Elohai neshamah in our Siddur begins כל המראשים.[199]
2. The formula of Birkhat Hatorah ends with בחר בתורה משה ועמו ישראל עם קדוש.[200]

3. The priestly blessing after the Birkhat Hatorah is unique.[201]
4. The concluding part of Baruch Merahem contains the wording בשמתו ובאמירו.[202]
5. The Kaddish reads אלמא דאגדתא.[203]
6. Our Seder contains the Song of the Sea.[204]
7. Morid hatal is found in the Gevurot.[205]
8. The Qedushat Hashem contains לשון זדון המלכו שלום.[206]

The first five discrepancies have only indirect bearing on our problem, since even if they do represent the original Seder, they are neither Babylonian nor Palestinian per se. They are important however since their departure from the standard Babylonian text indicates well the inaccuracy of the manuscripts in preserving the original. This impression is magnified by the realization that these discrepancies are not common to all the manuscripts, but represent primarily Codex British Museum 613, the standard version on which the Coronel edition was based. Not only do other manuscripts usually revert to what we would expect, but even these variant readings have been explained away by Ginzberg on the basis of other primary texts, such as Abudarham and the Responsa literature.[207] Of course detailed study of the manuscripts reveals many other anomalies, but they are all of the same category of these five. They are peculiar to one or two manuscripts,

plainly attributable to scribal error, hardly indicative of a Babylonian custom, certainly not Palestinian in origin, and of interest here only as evidence of the unreliability of the manuscripts.

The last three peculiarities however represent another matter. They represent the only points of agreement between Palestinian ritual and Seder Rav Amram as we have it. The thesis advanced here that Seder Rav Amram was written as a response to the growing challenge of the Palestinian Rabbanites, would hardly lead us to expect Rav Amram to record Palestinian traditions, when there was plainly a Babylonian alternative. Of course, considering the unreliability of the prayer texts as we have them, the presence of such Palestinian rites in the Seder could still be accounted for. But there is no reason to believe that these Palestinian customs were even included in the original.

In the case of the Qedushat Hashem (#8), all three MSS read שפור ורור כאלהיכו סלע in the morning ritual. Schechter has noted, however, that the standard Babylonian version, אתה קדוש ושמך קדוש is also to be found in the Seder, "for the Mussaf of Sukkot and according to the Oxford manuscript also for the morning service of the New Year. This naturally leads to the conclusion that שפור ורור כאלהיכו סלע in the Seder Rav Amram is a later addition.[208]

Morid Hatal in the Gevurot (#7) is found only in the Codex British Museum 613, which Marx labelled as the worst MS of the Seder.[209] Schechter[210] reports that it is not to be found in Seder Rav Amram as cited by the Manhig, and Ginzberg[211] adds that it was a custom known to have been common to the Provencal region, and therefore undoubtedly also a later addition to the text.

Finally, with regard to the Shirah (#6), it also is found in the corrupt Codex British Museum 613, and as Schechter concludes, "There is no doubt that...it is a later addition.[212]

It has thus been shown that of the known differences in liturgical rite, as practiced by the two leading rabbanite communities of Amram's time, Seder Rav Amram, as we know it, exhibits only three Palestinian traditions. There is however every reason to believe that these three example did not originate with Amram, and that Amram on the contrary remained completely faithful to the Babylonian liturgy.

This of course we would expect from a Gaon. It is hardly evidence enough of Amram's conscious reaction to Palestinian divergencies. But with his order of prayers, Amram included selective excerpts of pertinent halakhah, in which such evidence abounds.

Chapter IX

The Halakhic Portions of Seder Rav Amram

Because of the notoriously untrustworthy texts of the prayers in Seder Rav Amram, very little can be deduced from a study of their contents. But to the prayers was subjoined a discussion of the pertinent halakhah of prayer, which Ginzberg labels "the important part of Rav Amram's Responsum to the Spanish Jews."[213] Fortunately, "While the liturgical part of the seder was badly abused by the copyists, the halakhic part has reached us in comparatively good condition....the prayers the copyists knew by heart and they paid little attention to their model."[214]

Rav Amram could not send a complete encyclopedia of all known prayer halakhah. Like any author trying to fit a vast amount of data into manageable limits, Amram had to choose his material carefully. What he eventually chose to include is of the greatest significance. Surely one can credit him with setting down nothing casually. As the foremost leader of his time, Amram spoke to the problems which faced him, so that the criterion which must necessarily have guided him in

his work was the relevance which a particular halakhah had for those very problems. When a teaching seemed to satisfy a pressing need, he emphasized the point, quoting at length, sometimes for pages, multiplying examples and proofs, at times even concluding his lengthy remark with a sharp rejoinder against the practice he opposed. Matters of lesser significance were dealt with in a far more sketchy fashion.

An examination of the Seder makes it clear that some issues attained overwhelming importance in Amram's eyes. The questions, "What did Amram emphasize?" and "Why did he emphasize them?" provide the focus of this chapter.

At the very outset Amram lays down his purpose. It is to order the prayers "according to the tradition which is in our hands as set by the Tannaim and the Amoraim."[215] Over and over again he repeats this theme, sometimes going so far as to quote a midrash giving him the authority of King David. Thus the issue of the Me'ah berakhoth is buttressed both by the fact that the Tannaim and the Amoraim ordered them, and that King David himself arranged them.[216] The latter point is not simply stated but actually proved with reference to the Aggadah.[217]

This contention was no minor matter in Amram's time. The right of the Gaon to interpret halakhah was based on the acceptance of his claim to be the sole

legitimate heir of the tradition, from the Tannaim to the Amoraim to the Geonim. The extremist Karaites denied the validity of both Tannaim and Amoraim and looked to the Bible itself for authority. The Palestinian rabbanites accepted the role of the Tannaim (Ben Meir himself claimed descent from Judah HaNasi)[218] but emphasized the authority of the Palestinian Amoraim. The statement that David himself had established the Babylonian order of worship was, in the context of the times, a question of the highest relevance.

Amram is adamant about the necessity for Me'ah berakhoth each day. Natronai wrote the classic responsum on the subject, and Amram not only refers to it, but stresses it.[219] In fact, Marx notes,[220] "Amram hat das Responsum Natronais nicht wortlich aufgenommen, sondern sehr frei benutzt. Er will die Zahl 100 viel genauer herausbringen wie sein Vorganger, der gar nicht addiert sondern einfach sagt: כללו כולם כשאתה סופרם אומר

אומרם שנותנין עם אלה הברכה.

Amram adds that this is מנהג כל ישראל שמסמכין

אלמנאלה[221] but the fact that he belabors the point, going so far as to credit their establishment to King David, belies the claim. Certainly he has the Karaites in mind here, since they held that none of the rabbinic blessings were valid. But Mann's discovery[222] from the Genizah that the Palestinians said only five morning berakhoth

suggests that Amram meant also to counter their claim.

The morning readings from Midrash and Talmud[223] are again polemics against the Karaites, but the Karaites as radical sectaries on the fringe of Judaism were far less worthy rivals than the Palestinian rabbanites, so Amram is content merely to mention the matter and let it pass. He does say however that this is מעניני כל ישראל שאנו[224] and again the objection, "If so, why belabor the point with midrashic substantiation?" is relevant.

The ending supplied by Amram to Barukh She'amar is ברוך אתה ה' מלך מהולל בתשבחות. He then adds[225] ואלו דקאל אמן פרוש and חתים מהללכם בתשבחות שמשכא פשה אלו דאמרי שבר דאמי לשתוקי בתשבחות. Who we may ask was ending the prayer with מהולל ברב בתשבחות? Again the Genizah make clear that this was a custom of the Palestinian community. Two fragments have been found which contain this ending.[226]

A long section deals with the impropriety of talking between the Yishtabah and the Shema'.[227] It has already been noted that there was a Palestinian custom to introduce the Shema' with a special prayer referring to the redemption.[228] It may have been this particular practice which Amram had in mind. There may have been more to it also. In another section, Amram urges the reader not to talk or add anything אחר אמת ויציב כגי שמעון לתפלה לגאולה.[229] Then too, he warns against supplementing Adonoy Yimloth since, יש אי שעורה ואומר מה שכא תקון תכאי.[230]

And regarding the Tefillah as a whole, [illegible] [illegible].[231] Again these stipulations were more than idle talk. They referred to specific practices originating in Palestine, and tied to the concerted effort toward Palestinian independence.

The Genizah make clear that the insertions in the 'Amidah against which Amram rails were indeed Palestinian recitations built on the idea of the future redemption.[232] Now we know that the Avelei Tzion movement was most concerned about this future redemption, that it held to the idea as a foremost tenet in its hierarchy of values. Moreover, redemption became a prime topic of the piyyutim, some of which actually became the standard insertions in the places in question. The Geonim by and large opposed the payyetanim and their work.[233] Abudarham is most explicit in associating the decisions not to add anything, with the question of saying piyyutim.[234]

In other words, Amram was not concerned about additions just for the sake of additions. Though Mahzor Vitry and Abudarham give the rationale as being the interdiction against lengthening short prayers,[235] Amram himself allowed the recitation of Vidui after the Tefillah if the worshipper desired.[236] What he opposed to apparently was not additions in the abstract, but specific additions in specific places customarily made by specific persons.

The additions he had in mind were various of the piyyutim which by their allusions to redemption emphasized the hopes of the Avelei Tzion and other nationalist groups; which by their renewed use of Hebrew poetry assisted the flourishing of the Hebrew renaissance in Palestine; and which were undoubtedly a symbol of specific customs of the nationalistic forces maintained in contradistinction to the wishes of the Babylonians.

Perhaps Rav Amram's most direct and most severe reproach to the Palestinians is to be found in his remarks on the Shema'. The Palestinians customarily rose to recite it, thus following Bet Shammai, while the Babylonians, following Bet Hillel, sat.[237] Amram goes to great pains to vilify his opponents in this issue. He outlines those few points of halakhah which follow Bet Shammai, and asks how anyone can possibly add to them. Why do they try needlessly to follow the stricter ruling here when they know that[238] כי היכי דנהוין מתרחו מתיבתא ובכל אפפאי ובכל קהלות שבאלף כשבנך כלם צכורים לאלף טובות ובכרכות שבכם מאויים תורה ומצות כרימון ומעשיהם מעשים נאים ומתאימים בהיקות טרפה ובטהלות יצחה ובקל מה שבאו להחמיר אחם בקריאת שמע מישה. Those people who say they are merely following the custom of Eretz Yisrael should recall that[239] ישמע את קול ואמרה אלו ואלו דברי אלה חיים אמר הקב"ה כדברי בית הלל אמרם אלה חיים אמר הקב"ה כדברי בית הלל חיב מיתה .... וכל הרוצה עם דברי בית הלל חיב מיתה In

astonishment, Amram asks, [240] למה לכך אשתבוש כולי האי and blandly states ובכך הודיעך מחמרין שלפניהם במקצתן מלכות שמים בשמיעת שמע ובדיקות פירות ושעות.

This is but a sample of the strong language Amram employs. Several pages are filled with just such charges. One must conclude from these remarks alone, even if there were no other supporting evidence, that there were substantial groups in Spain following Palestinian custom, at least with regard to the Shema', and therefore probably in other respects too. That Amram was intent on eradicating what he considered their "heretical practices" seems clear beyond a doubt.

The proper time for reciting the Shema' is also very important to Amram. One is not to recite it after its set time. As with the preceding question, so here, too, the amount of space employed by Amram leads to the suspicion that the point under discussion is more than an academic one. In this case, however, the details of Amram's concern are less clear.

Amram urges the reader not to emulate the Vatiqin[241] whose custom it was to say the Shema' after its set time, and he identifies the Vatiqin as הקורות הכשרים כמו כן שאמרו כן יותאו ותפירו.[242] Yet it is difficult to see who it was that followed the Vatiqin and why Amram objected so strenuously. A possible answer arises from the realization that there was

another custom which Amram refers to the Vatiqin and this custom Amram had good reason to oppose.

Amram informs us that it was the custom of these Vatiqin to interrupt their daily activities for the Shema' but not for the 'Amidah.[243] Now the 'Amidah from the Gaonic point of view was the prayer par excellence. They believed that it was born in the academies of Babylon, and that it was rabbinic through and through. For the Palestinians, however, the Shema' was of greater significance. It was Biblical, and in no way whatsoever owed its authority to the Babli. The Gaonic period saw a constant attempt by the Babylonians to build up the 'Amidah to a par with the Shema'. They attempted successfully to move the Qedushah from the Yozer to the 'Amidah and the Palestinians objected to the very end.[244] It would be natural therefore for Amram to oppose the Vatiqin and to insist on interrupting activity for the 'Amidah as well as the Shema'. Palestinians however may well have balked at this suggestion that the two prayers were equal in importance. But Amram states explicitly that to him,[245] ק"ש ותפלה כדדי נינהו . It is in this connection that one should understand the lengthy and detailed instructions which accompany Amram's text of the 'Amidah. He quotes a long midrash[246] to exemplify the prayer's importance. In contrast to the Shema' which can be said without great effort and

discipline -- Natronai denounced all ostentation with regard to the Shema'[247] -- the 'Amidah is hedged around with the most intricate detail. One must face the right direction with his feet ordered properly, standing in fear. There are proper places to bow and a correct way to end the prayer. Even such exigencies as the need to spit or sneeze are covered in the instructions. Though most of the directions are meant to raise the 'Amidah to the level of the Shema', one particular demand goes even further. No fewer than three times, Amram chides those who do not say the tefilla in a low voice. In passing, he remarks,[248] וקולו לא ישמע: אמר ר' אלעזר מכאן שמתפלל צריך שיהו רגליו פלוגין. More expressly he states,[249] תמיד שמתפלל צריך לכוין את לבו ולהתפלל בלחש שלא ישמע את קולו. More specifically he drums home his point with a whole paragraph, arguing that,[250] המשמיע קולו מתפלתו הרי זה מקטני אמונה והמלמד קולו מתפלתו הרי זה מעבירי הקול. The very fact that he mentions the point three times suggests that it has particular significance. It was the custom among the Palestinians to recite their tefilla aloud.

In the 'Amidah there are two references to specific Babylonian customs. Amram notes simply that one is to[251] כולל רגוים עם המנים. By this he refers to the fact that the proper text according to him excludes the phrase makhniah zedim, this phrase being Palestinian.

Finally, upon the repetition of the Modim, we are told that the Yerushalmi Amoraim had their own various congregational responses, but that, "In our Gemara" a particular response is indicated,[252] וכי הא שנינן בגמרא ושמרינן בסדרן.

It is indeed clear therefore that Amram chose to emphasize those halakhic points which were of relevance for his day. He was particularly anxious to counteract non-Babylonian customs which some factions were apparently following. Not only does his order of prayer reflect the Babylonian rite (as we would expect) but it emphasizes those points which differ from the Palestinian rite, adding words of chastisement to those who depart from Gaonic usage.

The mood of the halakhah included may be seen through two midrashim which Amram chose to include. We are told of R. Zeira who left Babylon to go to Palestine. Of him, his teacher R. Yehudah remarked[253] כל הנולד מבבל צ"ו עובר הפשפ. Perhaps the lesson of the whole seder can be summed up in a comment taken from the discussion on the conclusion of the tefilla.[254] הכולל עם ישראל של בהו ארץ לשכינה שכתוב אשל

Chapter X

The Identity of Rabbi Zemah

Rav Amram's introductory remarks to his Spanish colleagues provide us with an enigma. He sends greetings both from himself and from a certain R. Zemah whom he accords the title Av Bet Din Yisrael.[255] But who actually was this R. Zemah?

The usual assumption is that he was R. Zemah bar Solomon, the vice president of the academy of Sura. Frumkin identifies him as such with absolute certainty.[256] Hedegard is so sure of this that he feels free to translate Av Bet Din Yisrael as "Vice President of the academy of Israel,"[257] even though the word academy never appears in the original.

It is difficult to see how these scholars can be so certain of R. Zemah's identity. At the very least, this identification raises a number of problems.

The Av Bet Din, though a significant figure in earlier times, seems to have fallen from grace in the Gaonic period. The Gaonate was a highly centralized institution, much like the Caliphate itself, under the benevolence of which the Gaonate flourished. The

flexibility of the Amoraic academy had hardened into an inelastic structure, in which the Gaon stood head and shoulders above all his colleagues. The Av Bet Din was a victim of this process, so that by the time of Rav Amram, his was at best a minor role.

Of all the men who occupied the position of Av Bet Din in the Gaonic period, only six are known to us by name.[258] For that matter, of four hundred years of Gaonic history, almost the only authors whose names we have are Geonim.[259] No one other than the Gaon wrote responsa. Even when the testimony of the Resh Kalla was of importance, the Gaon does not refer to him with a single word and the Resh Kalla was third in rank.[260] It is at least curious (in Baron's words "astonishing... at variance with prevalent custom"[261]) to find a Gaon including the name of his Av Bet Din in his responsum.

Frumkin, however, maintains that for Rav Amram this was not so unusual, since the name of this Zemah bar Solomon occurs several times.[262] Unfortunately, he does not provide us with a list of citations. Baron's sources, however, reveal only two such inclusions,[263] a finding with which Ginzberg concurs. The case in question is one of Ginzberg's two examples, and the other is explained away by Ginzberg as hardly typical, since there the name of Zemah appears without the name of a Gaon at all, and probably dates from a period in which

the Gaonate was vacant.[264]

What could have prompted Amram to include the name of his Av Bet Din in his preface?[265] We may conclude that very likely this Zemah was someone other than the Av Bet Din of Sura.

Ginaberg is led to this very conclusion. Assuming that Zemah must be a Gaon, he concludes that the man in question was Zemah bar Hayyim, the Gaon of Sura from 889 to 895.[266] Of course Amram would have had no way of knowing that this Zemah would succeed him, so one must assume either that the name of this Zemah was a later author's insertion, or we are again left with an unexplained reference to an official other than the Gaon. In any event, Ginzberg gives no reason for identifying Zemah bar Hayyim with our R. Zemah other than his assumption that Amram could not possibly be referring to Zemah bar Solomon, so someone else must be meant.[267]

But there is another possible candidate. Before turning to him, we should note another intriguing characteristic of Seder Rav Amram. Marx draws our attention to several instances in which not only Sura, but also Pumbedita is mentioned.[268] Responsa were generally sent to one or the other academy, rarely to both, and the respondent naturally replied with the usage of his own academy alone. The mention of both academies is therefore peculiar. So unusual was it for both academies

to work together that Nahshon Gaon (881-889), censured Kairuan for presuming to address a question both to Sura and Pumbedita.[269] Jehudai Gaon is also known to have referred to both academies and Ginzberg, recognizing this anomaly, accounts for it by saying that "Though Jehudai was a Gaon of Sura, by education he was a Pumbeditan,"[270] and that his personal background therefore resulted in his bridging both academies.

Seder Rav Amram of course is a liturgical responsum.[271] Jehudai's responsum is also liturgical, as is Natronai's famous responsum on the hundred daily benedictions, for which joint authority is also claimed.[272] So too is Amram's responsum, noted above from the Lyck collection.[273] One final example of this joint authority is found by Ginzberg in his Genizah fragments,[274] and it too is on a liturgical subject.

It would appear therefore that the joint authority of both Sura and Pumbedita is employed primarily for liturgical responsa. In Chapter VII we have discussed the great importance of liturgy in the Diaspora, especially by Amram's time, because of Babylon's diminishing control in the rising Jewish settlements of Europe. The breakdown of Babylonian hegemony made control of the liturgy absolutely necessary, lest Gaonic influence in Europe disappear entirely. Faced with this unprecedented situation, Sura and Pumbedita might well have been

compelled to forgo their rivalry and to unite against the common threat. In liturgical questions, at least, they would present a solid front, a Babylonian norm upon which Diaspora communities could pattern themselves.

Now Amram's Gaonate at Sura (869-881) was partially coterminous with the Gaonate of a certain Zemah bar Paltoi at Pumbedita (872-890). Assuming that at least for liturgical decisions, Amram viewed both academies as united, he may have written his Seder with the joint agreement of the scholars of Pumbedita, who were equally concerned with the perpetuation of Babylonian hegemony. Amram wrote the Seder partly because the question had been addressed to him, and partly because pumbedita was still subordinate to Sura. Consequently, in his introduction, Amram quite naturally referred to his fellow Gaon as the scholar second in rank in the two academies, as Av Bet Din Yisrael. Zemah, Av Bet Din Yisrael, i.e., Av Bet Din for the community of Israel represented by Sura and Pumbedita is Zemah bar Paltoi, the Gaon of Pumbedita.

This hypothesis receives added support from the fact that Zemah bar Paltoi is quoted throughout the Seder. Ginzberg, regarding this as strange, is forced again to emend the text, and to assume that all such instances are later interpolations.[275] But if this Zemah is the Gaon of Pumbedita, no emendation is

necessary. We may conclude that Amram wrote his Seder with the full backing of Pumbedita, and just as he mentioned his fellow Gaon in the introduction, so he gave credit to him whenever the liturgical text followed a practice which Zemah had set down some time earlier in his own rulings.

Chapter XI

Conclusion

We return to our basic question: Why was Seder Rav Amram written? More specifically, what were the unique historic circumstances which prompted Rav Amram to break the prohibition against recording the Oral Law by inditing a complete order of prayers?

Rav Amram's Gaonic predecessors had been responsible for the centralization of power and authority in Babylon. At one time Sura had been the single arbiter of tradition, the leading Babylonian academy; its president, the sole Gaon. Compared to the long and majestic history of the Jewish community in Babylon, other Diasporan centers were but minor upstarts in the infancy of their development. True, the community of Egypt could lay claim to a glorious past, but it had produced no Talmud and had never moved beyond the periphery of Rabbinic leadership. Palestine, the only other country whose population could match Babylonian claims, had been decimated by centuries of hardship and tribulation. Most significant of all was the political reality of an entire Arab world looking toward Baghdad for direction and

guidance.

Under such circumstances Judaism became synonymous with Gaonic opinion, and the chain of tradition flowed by common consent from Bible to Mishnah to Babylonian Talmud as interpreted at Sura. The prohibition against circulating the Babli publicly effectively blocked any challenge to the authority of Sura.

But by Amram's time all this had changed. Within Babylon itself Sura now was rivalled by Pumbedita. The hitherto struggling communities of Egypt, North Africa, Italy and Spain were becoming centers in their own right, taking advantage of political developments within the Islamic world to break away from dependence on Babylon. Pro-Palestine sentiment emanated continuously from a newly renascent Holy Land, declaring Palestine's right to interpret the tradition in the light of its own practices and customs.

With the ascendance of a Palestinian nationalist party, Palestinian culture thrived. The revival of Hebrew, the development of the piyyut, the study of the massorah -- these were but some of the manifestations of a resurgent Palestine, and the entire Jewish world vibrated with the clash between Palestine and Babylon. The importance of the synagogue in the Diaspora and the age old Palestinian preoccupation with liturgy, that

one realm where Palestine had always, with some success challenged Babylon's dominance combined to make the synagogue service the arena of conflict.

Babylonian control of Diasporan communities was exerted through its control of the liturgy, and control of the liturgy proceeded through the Hazzanim who almost alone in the Diaspora, knew the necessary prayers. The Gaonic ban on written prayer books in the hands of the congregation prevented liturgical schism and maintained the Babylonian hegemony. But with the new dawn of Palestinian influence, representatives of Palestinian tradition established an alternative order of worship in every Diasporan center outside of Babylon itself. These Palestinian representatives must surely have included rival Hazzanim who championed the Palestinian order of prayer.

It was these Hazzanim with whom Amram contended. The restriction against reducing the prayers to written form had as its purpose to maintain the control of the Babylonian emissaries over the liturgy. As long as communities depended upon Babylon for the correct order of prayer, internal divisiveness had been avoided. But now a new group of Hazzanim representing a rival authority were fomenting schism by declaring that there existed another legitimate liturgical tradition, that of Palestine.

Babylonian control could now be maintained only

by transcribing the Babylonian prayer service for all to see. The community was to know that this and no other was the proper order of worship, that this alone represented the genuine tradition, that all who deviated from it were to be considered at best fools, at worst, heretics.

In the face of such a threat to Babylonian dominance, it seems probable that Sura and Pumbedita transcended internal differences. Seder Rav Amram, as the joint manifesto of Babylonian practice, delineated the order of prayer current in the two academies, stopping on the way to direct long diatribes at the rival tradition it fought. The Karaites, as extremists in the other camp, were chastised, but the greater force of the censure was reserved for the pro-Palestinian Rabbanites who, never having left the mainstream of normative Judaism, undoubtedly ranked as the more dangerous foe.

Though the Seder was sent to Spain, its message was relevant throughout the Diaspora. In Spain, however, Babylonian authority was strongest, and it was there that the challenge could be met with the greatest chance of victory. That the Spanish ritual is still patterned after the Babylonian, testifies to Rav Amram's success.

In the end Rav Amram's book remains a landmark in the development of the Jewish liturgy, a witness to the tumultuous times he faced, and a testimony to his heroic efforts in behalf of Jewish unity.

Notes

[1]David Hedegard, Seder Rav Amram Gaon (Lund: Bergstrom, 1951), English Introduction, XXI. All references to Hedegard, unless otherwise indicated, refer to the Hebrew pagination.

[2]Tosefta Shabbat XIV:4 (Ed. Zuckermandel XIII:4, p. 128) beginning with אומר אמכלו . Referred to by Alexander Marx, "Untersuchungen zum Siddur des Gaon R. Amram," Yahrbuch der Judisch Literarischen Gesellschaft, ed. J. Kaufman (Frankfort a. M., 1907), V (1907), 341.

[3]Ibid., 341.

[4]Julius Kaplan, The Redaction of the Babylonian Talmud (New York: Block, 1933).

[5]Ibid., 265. Kaplan refers to Weiss, Dor Dor Vedorshav, III, 246; Geiger, Zeitschrift, II, III, 474-492; S.D. Luzatto, Ohev Ger, IV; and M. Margolis and A. Marx, History of the Jewish People, 245.

[6]Ibid., 265

[7]Louis Ginzberg, Geonica (New York: J.T.S., 1909), I, 74.

[8]Ibid., 73-74. Ginzberg's source is an "important decision given in ה"ל, 108a, (Ed. Hildesheimer, 442) relative to the wording of a document manumitting a slave, /which/ is cited literally by Hai, but not from this source. He introduces it with these words: 'זהו שכתבוהו הראשונים איש איש במגלת ספרים . Thus wrote the former scholars, each in his secret roll.'"

[9]Kaplan, op. cit., 263.

[10]Ibid., 196.

[11]Ibid., 274.

[12]Ibid., 267.

[13]Ibid., 268. Kaplan quotes from the Gaonic Responsa, Hemdah Genizah, Ch. 113.

[14]Ginzberg, Geonica, I, 119.

[15]Ibid., 120.

[16]Louis Ginzberg, Perushim Vehiddushim Birushalmi (New York: J.T.S., 1941), I, 90. I have translated all quotations from this work into English.

[17]Anthony Nutting, The Arabs (New York: Mentor, 1965), 135ff. Thus, for example, the Ommayads in Spain had never given more than token support to the Abbassids. In 801, the Aghlabid schism developed in Tunisia and spread to Sicily (827) and Malta (869). The Tulunides rebelled in Egypt in 868, and Sijistan in Easter Persia seceded in 869.

[18]Ginzberg, Geonica, I, 54.

[19]Ibid., 54.

[20]Hedegard, Seder Rav Amram, 1. See also Ginzberg, Geonica, I, 13-14.

[21]Ibid., 37.

[22]Ginzberg, Perushim, I, 96.

[23]Ginzberg, Geonica, I, 5. The claim to be the legitimate continuation of the past involved the assertion of familial distinction. Ben Meir claimed descent from Judah Hanasi, and Dodai of Pumbedita (circa. 761) claimed descent from King David (Ginzberg, Geonica, I, 10). We will show later that Rav Amram utilized midrashim involving King David to justify Babylonian liturgical practice. If Dodai's claim were typical of the Geonim generally, the use of such midrashim takes on added significance.

[24]Ginzberg, Perushim, I, 105.

[25]Abraham I. Schechter, Studies in Jewish Liturgy (Philadelphia: J.P.S., 1930), 22-23.

[26]Ginzberg, Geonica, I, 4.

[27]Ginzberg, Perushim, I, 105.

[28]Ginzberg, Geonica, I, 4.

[29]Ginzberg, Perushim, I, 102.

[30]Ibid., 109.

[31]Ibid., 96.

[32]Ibid., 100.

[33]Ibid., 99.

[34]Ibid., 99. See also Ginzberg, Geonica, I, 146.

[35]Ginzberg, Perushim, I, 99.

[36]Jacob Mann, The Jews in Egypt and Palestine under the Fatimids (Oxford: Oxford University Press, 1920), I, 42.

[37]Ibid., 45.

[38]Ibid., Note 2, 45. "The earliest Hebrew source mentioning the Jews of Jerusalem in the Arab period is a fragment in Geonica, II....Its author was Ben Baboi, a disciple of Raba, the disciple of Jehudai Gaon (760), hence about 800 C.E. The Holy City had then a goodly number of Jews hailing from Babylon."

[39]Ibid., 54.

[40]Salo Baron, A Social and Religious History of the Jews (Philadelphia: J.P.S., 1942-), V, 32. See also Mann, The Jews In Egypt and Palestine, I, 58. Baron believes the date to be 491; Mann places it at 520.

[41]Baron, History, V, 32.

[42]Mann, op. cit., 58.

[43]Ibid., 47.

[44]Ibid., 47.

[45]Solomon Zeitlin, The Dead Sea Scrolls and Modern Scholarship (Philadelphia: Dropsie, 1956), 61. The Mourners shared certain characteristics with the Karaites, linguistic peculiarities for example.

[46]Ginzberg, Perushim, I, 88.

[47]Ibid., 88.

[48]Ibid., 89.

[49]Quoted in Ginzberg, Perushim, I, 88.

[50]A. Schechter, op. cit., 24-25.

[51]Ibid., 25.

[52]Ginzberg, Geonica, I, 75-6. See also Baron, History, VI, 37.

[53]Ginzberg, Geonica, I, 86.

[54]Ibid., 77.

[55]Ginzberg, Perushim, I, 97.

[56]Ginzberg, Geonica, I, 92.

[57]Ginzberg, Perushim, I, 98.

[58]Ginzberg, Geonica, I, 88.

[59]Ibid., 89.

[60]A. Schechter, op. cit., 37.

[61]For a discussion of the following attitudes, see Ginzberg, Geonica, I, 88-89.

[62]Ibid., 117.

[63]Ibid., 98.

[64]Ibid., 73.

[65]Ibid., 122

[66]Quoted by Baron, History, VII, 101.

[67]Mann, The Jews in Egypt and Palestine, I, 59.

[68]Ibid., 60.

[69]Ibid., 60.

[70]Heinrich Graetz, History of the Jews (Philadelphia: J.P.S., 1898), III, 180.

[71]Yitzhak Baer, History of the Jews in Christian Spain, Trans. Louis Schoffman (Philadelphia: J.P.S., 1961), I, 26.

[72]Ginzberg, Geonica, I, 1.

[73]Mann, The Jews in Egypt and Palestine, I, 50.

[74]Ibid., 52-54.

[75]Ibid., 52.

[76]Ibid., 53.

[77]Ibid., 58.

[78]A. Schechter, op. cit., 39.

[79]Mann, The Jews in Egypt and Palestine,13. "The history of the Jews in Egypt from the Arab conquest (634-41) until Jauhar's entry into Fustat at the head of the Fatimid army (969) is almost entirely shrouded in obscurity."

[80]See Mann, "The Responsa of the Babylonian Geonim as a Source of Jewish History," JQR, N.S. VII (1916-17), 477. The community in question existed in Fustat under the leadership of a Babylonian Jew, Abu-ali Hasan.

[81]Mann, The Jews in Egypt and Palestine, 15. See also JQR, N.S. VII, 477ff.

[82]Mann, "The Responsa of the Babylonian Geonim," 482. Kairuan continued to send responsa to other Sura Geonim: R. Moses 832, R. Cohen Zedek 845, R. Sar Shalom 849, and R. Natronai 853.

[83]Mann, The Jews in Egypt and Palestine, 62.

[84]Baron, History, V, 33.

[85]Baron, History, VI, 47.

[86]A. Schechter, op. cit., 23.

[87]Ginzberg, Perushim, I, 103.

[88]Ibid., 102.

[89]Samuel A. Poznanski, "Anshei Kairuan," Harkavy's Festschrift (Peterburg: 1909), 179. See also Baron, The Jewish Community (Philadelphia: J.P.S., 1942), I, 189. "This clearly was the exclusive prerogative of the officiating exilarch." See also Baron, History, III, 107; and V, 39.

[90]Graetz, History, III, 180.

[91]See Poznanski, op. cit., 175. "The importance of Kairuan grew during the reign of Abbasid Caliphs and became an important city in the kingdom under the reign of the אגלבי, who ruled from 800 to 909."

[92]Baron, History, V, 22.

[93]Quoted in Ginzberg, Perushim, I, 90.

[94]Ibid., 91.

[95]Ibid., 95.

[96]Ibid., 91. "There is no doubt that the authority of the Babli grew stronger in Kairuan on account of Ben Baboi."

[97]Ibid., 91, 94-95.

[98]Ibid., 98.

[99]Ibid., 93-94.

[100]Ibid., 91-92.

[101]Ibid., 93.

[102]Ibid., 102.

[103]Quoted from Saadyana 113 = JQR, XIV, 483 in Mann, "The Responsa of the Babylonian Geonim," 476.

[104]A. Scheiber, "The Rabbinite Prayer Book Quoted by Qirqisani," HUCA, XXII (1949).

[105]Mann, The Jews in Egypt and Palestine, 49. Italics are mine.

[106]Ibid., 15. It was Egypt at this time which produced Saadya and Isaac Israeli.

[107]Ibid., 15.

[108]A. Schechter, op. cit., 26-7. "Of one of them, Mathya ben Harash, we are told in Sifre Ch. 159, that he founded a great Yeshibah in Rome. Also, Joshua ben Levi emigrated to Rome (Gen R. Ch 77)."

[109]Ibid., 27.

[110]Ibid., 31.

[111]Cecil Roth, History of the Jews of Italy (Philadelphia: J.P.S., 1946), 64.

[112]Ibid., 64. "The Ahimaaz Chronicle speaks not only of Italian Jewish visitors to Palestine, but also of the presence at Venosa of a Palestinian scholar collecting funds for the schools."

[113]Mann, The Jews in Egypt and Palestine, 48.

[114]A. Schechter, op. cit., 28.

[115]Ibid., 23.

[116]Ibid., 28.

[117]Ibid., 29.

[118]Ibid., 27.

[119]Roth, op. cit., 59.

[120]Ibid., 60.

[121]A. Schechter, op. cit., 32.

[122]Ibid., 32. This is evident from a statment of Isaac b. Meir of Dueren (Shaare Dura 81), quoted by Schechter: ולכאו ר"ל כהנ' רומי שפיקו עליה שר שלוח.

[123]Ibid., 33.

[124]The exact community to which Amram's Seder was directed is unknown. Graetz (History, III, 178) says simply, "Spain." See however A. Ashtor, Koroth Hayehudim Besfarad Hamusalmith (Jerusalem: Kiriath Sefer, 1960), I, 89-90. Ashtor goes farther and identifies the place as Barcelona. כ' אמרם עליון בך התבטא הרבה עם יהודי ברצלונה שבה היתה אולי הקהילה החשובה ביותר בתחום ספרד הנוצרית בעוד שאין ידיעות על תשובות ששלח ליהודי אן גלוסיה. After noting that all the Geonim customarily addressed their remarks to Moslem Spain, Ashtor points out that Amram was an exception. שלח לספרד כ' אמרם סר תשלה... לספרדים. He lists as his source for this remark, כ' הכרכ', תולדות הגאונים שם רבינוביץ. Harkavy in turn refers the reader to Jacob Musafiya, Teshuvoth Hageonim (Lyck, 1864), 56. One finds there a responsum written by Rav Amram to

the community of Barcelona. It is not however part of Amram's Seder, and it is difficult to understand how it can be used as the basis for saying that the Seder was sent to Barcelona. See also Simchah Assaf, Tequfath Hageonim Vesifrutah (Jerusalem: Mosad Harav Kuk, 1956), 180. Assaf sums up the most that might be said: מאמת המשובות

כתוב שהשו שולח אחד ל ברצלונה...ונראים הדברים שעל סיור התפלה נשלח לבני ברצלונה.

Considering however, the fact that Amram's predecessors wrote primarily to Moslem Spain, it is improbable that Amram limited his responsa to Barcelona, and therefore even Assaf's modest conclusion, "ונראים הדברים," ought not to be considered a final, and perhaps not even a probable, judgment on the matter.

[125]A. Schechter, op. cit., 41.

[126]Ibid., 46.

[127]Ashtor, op. cit., I, 93. For example, מנהגים לקצרים בין קהילות ספרד ובין הישיבות בפפלג... ההשפעה שהשפ'א עליהן היישוב היהודי באוקי ישראל היתה מועטת.

[128]Ibid., 83.

[129]See Mann's discussion of Sherira's report of the episode in Mann, "The Responsa of the Babylonian Geonim," 486. See also Ginzberg, Geonica, I, 16f. Also Baron, History, V, 15.

[130]Ashtor, op. cit., 83-84.

[131]Baron, History, VI, 27.

[132]Mann, "The Responsa of the Babylonian Geonim," 486. "The interesting Bodleian Genizah fragment...stated that R. Paltoi (842-858) sent to Spain the whole Talmud with a commentary on it."

[133]Baron, History, VI, 21.

[134]See Ashtor, op. cit., 88-89, for a list of the Geonim with whom the Spaniards corresponded. In the time of Paltoi bar Abaye, (842-858) they established communications with Pumbedita as well as Sura. R. Sar Shalom, הודיע להם את מנהגי הישיבות הבבליות והניח להם לסדר את סדרם.

[135]Ibid., 87.

[136]Ginzberg, Geonica, I, note 4, 121. "R. Hai knew very well /that European Jewry was influenced by Palestine/ as is shown by his remarks in R. Isaiah di Trani the Elder, Makhria', 42. Comp. also ע"ע, II, 55, where Palestinian customs in Spain are mentioned."

[137]Baer, op. cit., 27.

[138]Ginzberg, Geonica, I, 122-3. "Another current that threatened the stability of the order of prayers was Karaism....Spain and Egypt were the countries in which these traces were distinctly noticeable...." "The remark by R. Samuel HaNagid in Sefer Ha'ittim, 267 throws an interesting light on the masked Karaism infecting Spain during the Gaonic period." (note 1, p. 123).

[139]Mann, "The Responsa of the Babylonian Geonim," 486.

[140]Baer, op. cit., 30.

[141]Baron, History, III, 108.

[142]Baron, History, VII, 23.

[143] Graetz, History, III, 223.

[144]Ashtor, op. cit., 89.

[145]Baron, History, VII, 64.

[146]A. Schechter, op. cit., 39.

[147]Baron, The Jewish Community, II, 100.

[148]Hedegard, op. cit., 3. ואילך כל ישראל שמסרו נפשו אשמאלו
כך הלו לפרוצי עמו שאין יודע אותנו מיום ומאתמול

[149]Quoted by Baron, History, VII, 101.

[150]Hedegard, op. cit., (English), 116.

[151]A. Schechter, op. cit., 23.

[152]N. Wieder, "The Old Palestinian Ritual - New Sources," in Journal of Jewish Studies, IV, Number 1 (1953), 30.

[153]Mann, "The Responsa of the Babylonian Geonim," 474.

[154]Ginzberg, Geonica, II, 48. He quotes from a fragment which he dates about a century before Rav Amram. "Up to now, Kedushah and Shema are recited in Palestine only on Sabbaths and Holidays during the morning service, except Jerusalem and every province where there are Babylonians, for they quarrelled and resolved to say Kedushah every day but...where there are no Babylonians, Kedushah is said only on Sabbaths and Holidays." See also Ginzberg, Geonica, I, 132. "The Amidah - Kedushah received sanction and character as an independent prayer only under the influence of the Babylonian mystics."

[155]Louis Finkelstein, "The Development of the Amidah," JQR, XVI, (1925-1926), 2.

[156]Scheiber, op. cit., 313.

[157]Ginzberg, Geonica, I, 121.

[158]A. Schechter, op. cit., 40-41. See also pp. 33-36. Apparently isolated liturgical disputes often take on significance when they are viewed in the light of Palestinian versus Babylonian custom. Italy followed the Palestinian Minhag. Schechter applies this knowledge to a responsum of Hai Gaon, attacking an Italian custom of blowing the Shofar. He discovers, "It is possible that this Italian custom primarily originated in Palestine, since this usage is based on R. Abbuhu's ordinance in Caesarea (comp. Babli R.H. 34a)... אף קיון כ אפוהו בקיסרי and only the Babylonian Amoraim, Rab Avira and Rabina, objected."

[159]The work apparently originated some time between 500 and 700. There are two versions of it today: B.M. Levin, Otzar Hilluf Minhagim (Jerusalem: Mosad Harav Kuk, 1941) and Mordecai Margolios, Hahilluqim Sheben Anshei Mizrah Uvenei Eretz Yisrael (Jerusalem: Reuben Mas, 1937).

[160]Levin, op. cit., 58. Margolios, op. cit., 88.

[161]Levin, op. cit., 1. Margolios, op. cit., 75.

[162]Levin, op. cit., 87. Margolios, op. cit., 87.

[163]Jacob Mann, "Genizah Fragments of the Palestine Order of Service," HUCA, II (1925).

[164]Ibid., 269.

[165]Ginzberg, Geonica, I and II.

[166]Wieder, op. cit.

[167]Solomon Schechter, "Genizah Fragments," JQR, X (1919-1920).

[168]A. Schechter, op. cit.

[169]Mann, "Genizah Fragments," HUCA,II, 273-274.

[170]A. Schechter, op. cit., 51.

[171]Mann, "Genizah Fragments," HUCA, II, 286-287.

[172]Ibid., 285-286.

[173]Ibid., 276.

[174]Ibid., 284.

[175]Ibid., 282.

[176]A. Schechter, op. cit., 52-53.

[177]Ginzberg, Geonica, I, 127.

[178]A. Schechter, op. cit., 54.

[179]Ginzberg, Geonica, I, 127.

[180]Ibid., 127.

[181]A. Schechter, op. cit., 54.

[182]Mann, "Genizah Fragments," HUCA, II, 286.

[183]Ibid., 290.

[184]Ginzberg, Geonica, I, 132.

[185]Ibid., 130-131.

[186]Ibid., 127.

[187]A. Schechter, op. cit., 55.

[188]Mann, "Genizah Fragments," HUCA, II, 291.

[189]Hedegard, op. cit., 20. All manuscripts agree.

[190]Ginzberg, Geonica, I, 134.

[191]A. Schechter, op. cit., 57.

[192]S. Schechter, "Genizah Fragments," JQR, X.

[193]Mann, "Genizah Fragments," HUCA, II, 295-296.

[194]Ginzberg (Geonica, I, 134) identifies it as a Provencal custom, but A. Schechter (Studies, 58) traces it to Palestine.

[195]A. Schechter, op. cit., 58.

[196]Ibid., 58-59.

[197]Ginzberg, Geonica, I, 130.

[198]Marx ("Untersuchungen," 349) says, "Das wir hier nicht den ursprünglichen Text R. Amram vor uns haben ist freilich auch den ersten Blick klar." Ginzberg (Geonica, I, 143-144) concurs, "Our printed text cannot be looked upon as anything more or less than a Spanish order of Prayers with some additions from the real Seder Rav Amram....

We know very little of what it was in the first place, when it left the hands of Rav Amram."

[199]Hedegard, op. cit., 4. So Codex British Museum 613. The Bodleian manuscript ends with אלפי רבון כל הנשמות. and the Sulzberger Manuscript reads: רבון כל העולמים.

[200]Ibid., 5. Only the Codex British Museum 613.

[201]Ibid., 5.

[202]Ibid., 11. So again the Codex British Museum 613. The other two manuscripts read correctly משפחות ופמילות (Bodleian) or מתשפחות ופמילות (Sulzberger).

[203]Ibid., 17. So all manuscripts.

[204]Ibid., 14.

[205]Ibid., 34. Only in the Codex British Museum 613.

[206]Ibid., 35. So all manuscripts.

[207]Ginzberg, Geonica, I, 126-134. According to Abudarham, 27, אורן כל העולם is simply the custom of the common people. The correct form as Abudarham found it in his Seder was רבון כל העולמים אורן כל הנשמות. Similarly the ...האלמך formula from the blessing over the Torah is probably a corruption, as a Responsum by R. Natronai (Geonica, II, line 3, 116) shows that the Babylonian form was נותן התורה. The priestly blessing after the blessing over the Torah was part of the Seder in the time of R. Jacob, author of the Tur; he had it in his copy. But the same responsum of R. Natronai shows it was not used in Babylon. "It was a French custom." Abudarham, 37, accuses the common people of twisting the correct משפחות ופמילות into משפחתו ופמיליו. Abudarham, 67, again chides the common people for changing בשלם ולשלמיכו into ולשלמי שלמיכו. Abudarham's Seder still read with the former.

[208]A. Schechter, op. cit., 58-59.

[209]Quoted in Hedegard, op. cit., English Introduction, XXI.

[210]A. Schechter, op. cit., 58.

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[211]Ginzberg, Geonica, I, 134.

[212]A. Schechter, op. cit., note 52, 54.

[213]Ginzberg, Geonica, I, 145.

[214]Ibid., 146.

[215]Hedegard, op. cit., 1.

[216]Ibid., 1. See note 23 above.

[217]Ibid., 4.

[218]See note 23 above.

[219]Hedegard, op. cit., 1.

[220]Marx, "Untersuchungen," 343

[221]Hedegard, op. cit., 1.

[222]See note 169 above.

[223]Hedegard, op. cit., 2.

[224]Ibid., 8.

[225]Ibid., 9.

[226]Mann, "Genizah Fragments," HUCA, II, 279.

[227]Hedegard, op. cit., 14.

[228]See note 182 above.

[229]Hedegard, op. cit., 30.

[230]Ibid., 29.

[231]Ibid., 40

[232]Ginzberg, Geonica, I, 134. "R. Amram is peremptory in opposing the insertion of the idea of the future redemption in the Geullah of the Morning Service....As for their /the additions'/ origin, the Genizah fragment enables us to say with certainty that they came from Palestine." See also Geonica, II, 89, where a Gaon writes a Responsum, explaining specifically that the reason one must add nothing after אמת ויציב is that there is a temptation to utter petitions for redemption.

[233]It has been shown above to what extent the Geonim were opposed to the Piyyutim, and why this should be so. Natronai opposed Kalir's poems specifically (see note 65), though he was apparently not entirely against all insertions (See A.Z. Idelsohn, Jewish Liturgy and its Development (New York: Henry Holt and Co., 1932), 46. Nahshon never allowed Hazzanim familiar with Piyyutim to officiate (see note 66). No Gaon writes Piyyutim until Saadya, by whose time the Hebrew revival (of which the piyyut was a part) was a fait accompli with which he had to come to terms. Ginzberg summarizes the topic (Geonica, I, 121), "The many decisions, partly contradictory of one another on the subject of insertions in the 'Amidah, expecially on the New Year's Day and the Day of Atonement, reveal unmistakeable traces of a long struggle against the piyyut, ending finally in a compromise."

[234]Abudarham Hashalem, Ed. Solomon Wertheimer (Jerusalem: 1959), 71. In his introduction to the Shema' Abudarham discusses עין המפקד שמפקין במברכת שמע. The discussion turns almost immediately to the question of the permissibility of saying piyyutim. After lauding Eliezer Kalir and Isaac b. Giyat, Abudarham sides with the RABeD saying that he favors their use, though he does not say explicitly that they may be inserted in the Geulla. Rather ינהגו להפסיק פיוטים במאורות ובאהבת עולם ובגאולת.

[235]On Abudarham, see reference above, note 234. For Mahzor Vitry, see sections 325 and 326.

[236]Hedegard, op. cit., 32. אין אומרין קדיש אחר אמת ויציב כדי שיסמוך גאולה לתפלה אפילו אין שם עונה אחר אומר תפלתו בסדר ויהיו ימים הבפורים, אומר בתוך שמו"ע בלחש אע"פ שרגיל לאומר ויקו... כשותפו מיניה.

[237]See note 161.

[238]Hedegard, op. cit., 23.

[239]Ibid., 21.

[240]Ibid., 21.

[241]Ibid., 15-16.

[242]Ibid., 16.

[243]Ibid., 16.

[244]See Ginzberg, Geonica, I, 131-3.

[245]Hedegard, op. cit., 16.

[246]Ibid., 32.

[247]Baron, History, VII, 76.

[248]Hedegard, op. cit., 31.

[249]Ibid., 30.

[250]Ibid., 42.

[251]Ibid., 41.

[252]Ibid., 69.

[253]Ibid., 44.

[254]Ibid., 49.

[255]Ibid., 1.

[256]Frumkin, Seder Rav Amram Hashalem (Jerusalem: 1912). Frumkin connects him with a statement in Mahzor Vitry, p. 280. ופכו שקר הם בזמן מכר שטמה ויונא ופפכס. Unfortunately Mahzor Vitry does not state why the two men are necessarily one.

[257]Hedegard, op. cit., English p. 3.

[258]Ginzberg, Geonica, I, note 4, 11-12. "R. Joseph ben Mar Rab (Letter of Sherira, 38, 12), R. Zemah (comp. Geonica, II, 203) R. Tob (JQR, XVIII, 202), R. Hofni, father of R. Samuel (JQR, I), Rabbenu Hai and R. Abraham (REJ, LV, 52). Three of them became Geonim themselves... R. Joseph, R. Zemah, and Rabbenu Hai."

[259]Ibid., 6.

[260]Ibid., 8-9.

[261]Baron, History VII, note 68, 274.

[262]Frumkin, op. cit., 22.

[263]Baron, History, VII, 274-275. These are Teshuvoth Hageonim, Ed. Lyck, No 56; (This is confirmed by Mann, "The Responsa of the Babylonian Geonim," note 9, 446); and Seder Rav Amram itself.

[264]Ginzberg, Geonica, II, 303. The responsum in the Lyck collection is not included by Ginzberg. He refers to the only extant Responsum which mentions Zemah bar Solomon's name in full (see Dukes, Ben Chananjah, IV, 141) noting that no Gaon is mentioned along with him. As for the Lyck responsum, Ginzberg replies to a remark by Epstein (in אוצר הגאונים חלק סנהדרין ד"ל), "Oddly enough, Epstein refers to Rav Amram's Responsum, Geonic Collection, Ed. Lyck, 56, as quoting the Av Bet Din, Zemah ben Solomon, at the same time remarking on the strangeness of the fact, when in reality Rav Amram writes Rabbi Zemah simply."

[265]See Baron, History, VII, note 68, 274-275. Baron has two suggestions. Possibly this Av Bet Din was unique since he held the additional post of Dayyana de Baba of the exilarch's court. As such, he may indeed have written the bulk of the Seder himself. Or, possibly, Zemah began the Seder under the aegis of Natronai, and had it completed under Amram. As he was the one man who saw the project through from start to finish, he deserved mention by the Gaon. Neither explanation is offered with any degree of assurance. The second assumes the remote possibility of an Av Bet Din writing responsa. The first

assumes without proof both a unique position and a unique role of the Av Bet Din. Even if had that position, there is no proof whatsoever that the function would have followed.

[266]Ginzberg, Geonica, II, 303.

[267]Ibid., 303. He states, "My reason for identifying R. Zemah Av Bet Din with R. Zemah ben Hayyim is that it seems very improbable to me that the Gaon would refer in a Responsum to the Av Bet Din at the court of the Exilarch." Ginzberg then is not at all sure (unlike Baron; see note 265) that Zemah bar Solomon held any office in Sura.

[268]Marx, "Untersuchungen," 346.

[269]Baron, History, V, 22.

[270]Ginzberg, Geonica, I, 120.

[271]Thus, Amram uses expressions such as כלו יתבין פתרתי אתיבתא in connection with liturgical custom in the Seder (See, for example, Hedegard, op. cit., 21).

[272]Ibid., 55-56. As quoted by Amram, it reads והכי שנו רבנן ר"ש אתיבתא כנגד מאתים שנה ישיבות.

[273]Teshuvoth Hageonim, Ed. Lyck, Nu. 56. There is no direct reference to the two academies here, but we do find: קבלו שלום מאתנו... ומן ר"ש כלו. Then too, there is reference to ...וסנהדרי קטנה ... סנהדרי גדולה. While the כלי probably refers to the two Kallahs held each year; and the two Sanhedrins, the Great Sanhedrin of 71 and the lesser one of 23; it is possible that we have a veiled reference to Sura and Pumbedita.

[274]Ginzberg, Geonica, II, 91.

[275]Ginzberg, Geonica, I, 148.

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