The History of Jerusalem

The Early Muslim Period 638-1099

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CHAPTER SEVEN

THE YESHIVA OF ERETZ ISRAEL: ITS LITERARY OUTPUT AND RELATIONSHIP WITH THE DIASPORA

AVRAHAM GROSSMAN

THE LITERARY OUTPUT OF THE YESHIVA

Few remnants of the literature produced by the Yeshiva of Eretz Israel (hereafter: the Yeshiva) during the early Muslim period (634-1099, hereafter: the geonic period)[1] have survived. They do not allow us to construct any general picture of the way studies were conducted in the Yeshiva nor of the students' role within its framework.[2] We do not even have sufficient material to characterize the literary works written by scholars of that yeshiva,

[1] Gaon (pl. geonim, hence geonic) was the title of the head of the yeshiva (pl. yeshivot, loosely translated as academy) both in Eretz Israel (Palestine) and Babylonia. In rabbinic historiography, it is common practice to name periods after the authorities of the period. Therefore in this chapter, which deals with rabbinic institutions and literature, the term 'geonic period' will be used. Furthermore, the geonic period in rabbinic history does not coincide exactly with the early Muslim period in the history of Eretz Israel, but actually begins in the latter part of the Byzantine rule, as will be seen below.

[2] The manner in which studies were conducted in the Yeshiva and its attitude towards students also have ramifications on the nature of the literary works it produced. One of the factors which encouraged literary activity in Germany was the liberal attitude towards students and the encouragement they were given to set down in writing their own halakhic innovations, even while they were still studying with their teachers. This was in contrast to the atmosphere prevailing in the Babylonian yeshiva at the end of the geonic period, as we can surmise from a number of sources, particularly the description by R. Nathan the Babylonian. Regarding this, concerning both Germany and Babylonia, see: Grossman, Lineage, pp. 9-23. About the description of Nathan see also Ben-Sasson, Structure. An interesting description of the Yeshiva sages' attitude towards their students is found in *The Scroll of Aḥima^{c}az* (p. 14): "When we sat at a meal reclining with the head of the yeshiva and its students, they burst into song, praises were given and sweet songs and pleasant rhymes ... they directed their gaze at their students sitting before them and their yeshiva head looked at them and said to them: The fellow sitting among us who came with Rabbi Aḥima^{c}az our colleague, he will make us rejoice and feel good ..." But it is difficult to rely upon this description. It is possible that the author described behavior in the Yeshiva in terms of what he had actually seen in southern Italy, during the first half of the eleventh century.

neither their scope, nor their characteristic elements, nor the degree to which they influenced Jews residing in the country itself or living in the Diaspora.[3]

Yet, additional relatively lengthy selections from the remnants of halakhic works written by the Jews of Eretz Israel during the geonic period have recently been published, furthering research on this subject to a certain extent. These texts are doubly important: on the one hand, they are informative in themselves, shedding more light on the range and nature of the religious teachings of the Jews in Eretz Israel during the period in question; on the other, they give added support to the theory that this yeshiva played a role of greater significance in the spiritual life of the Jewish People at that time than hitherto assumed.

Furthermore, we learn that the involvement of the Jews of Eretz Israel with Torah study and teaching – including the field of *halakhah* (Jewish law) – did not come to a halt during periods of harsh persecution, neither at the end of Byzantine rule nor later on during frequent periods of political change. Moreover, we now have a firmer base for dealing with the subject of the Yeshiva's links with the Diaspora communities and of the degree to which it influenced them. This is mainly the result of careful analysis of texts emanating from different centers of Diaspora Jewry, whose dating and location are clearer to us now than ever before.

The two basic premises underpinning our discussion are:

(a) Remnants of halakhic works written by Jews in Eretz Israel during the geonic period evince a close connection to the Yeshiva, even though the greater part of this literature is anonymous. Even if these works were not produced exclusively in this yeshiva, obviously the authors were associatead with it and its spiritual heritage, for this body of work fits in well with the unique tradition maintained by the Jews of Eretz Israel and with their halakhic method. Had it been produced by sages who had emigrated from Babylonia it would have reflected the Babylonian tradition, rather than the local one, for the zealousness of Babylonian immigrants in championing their own customs is borne out by explicit evidence (see below).

(b) Even if a given literary work originated in the Yeshiva when it was located outside of Jerusalem or even during the periods when it moved from place to place beyond the borders of Eretz Israel – to Tyre or Damascus – one must consider it as part of the

[3] The main works dealing with the Yeshiva and its literary output are: Mann, *Jews; Sefer Hayishuv*, II; Assaf, *Geonic Period*; Aptowitzer; Margaliot, *Halakhot*, Introduction, pp. 1-51; Margaliot, *Hilkhot Eretz Israel*. Discussion of *Sefer ha-Maᶜasim li-Venei Eretz Israel* is found in studies by B.M. Lewin, S. Lieberman, J.N. Epstein, J. Mann, S.H. Kook, Z.M. Rabinowitz, and M.A. Friedman (below, notes 16-20); Epstein, Lore, pp. 308-327; Dinur, *Israel in the Diaspora* I, 3, pp. 56-83; S. Abramson, *In the Centers and in the Diaspora in the Geonic Period*, Jerusalem 1965, pp. 25-33 (Heb.); M. Gil, "Some Comments on the Genealogy of the Geonim," *Tarbiz*, 44 (1974-1975), pp. 144-150 (Heb.); idem, *Evyatar*; idem, *Muslim Rule*, pp. 130-146; S.D. Goitein, *Palestine*; M. Gil, *Palestine*, I, pp. 405-626; H. Newman, "*ha-Maᶜasim li-Venei Eretz Israel* and their Historical Background," M.A. thesis, Hebrew University of Jerusalem, 1987 (Heb.). Additional literature is cited in the notes below.

creative output of the Yeshiva. One can hardly assume that changes in the Yeshiva's location led to any essential change in the character of works written within it. The Yeshiva remained within the sphere of Arab civilization and did not move to a different cultural sphere where it would have come under new influences. To be sure, towards the end of the period changes did indeed take place in the character of halakhic works written in the Yeshiva, changes which can in no way be attributed to changes in its location. In particular, the influence of the Babylonian Talmud gradually increased and left a clear imprint upon those works written in Eretz Israel.

The literary output in Eretz Israel during the geonic period comprised most of the genres of rabbinic literature, perhaps even all of them: *midrashic* literature, halakhic decisions, responsa, *piyyutim* (liturgical poems), apocalyptic literature, Hebrew grammar, *masora* and cantillation marks, and perhaps even the translation of halakhic works from Aramaic into Hebrew.[4]

Bible, Midrash, and Piyyutim

Though no Biblical commentaries emanating from the Yeshiva are extant, its scholars undoubtedly studied the Bible extensively. The intensive use of the Bible in works by Jews in Eretz Israel, particularly in their piyyutim, shows us that they knew it well and were also well versed in the Biblical commentaries. Moreover, one of the basic characteristics of halakhic works by early Ashkenazi sages (end of the tenth century and the beginning of the eleventh) is their use of midrashic interpretations of Biblical passages for the purpose of rendering halakhic decisions; we find this in many of their responsa. At times they even created such an interpretation and then cited it as an authority in their halakhic decisions. This method was very common among the Ashkenazi sages and has no parallel in halakhic rulings made in Babylonia or Muslim Spain during that period. It very well may be that the model for this type of decision making lies in the teachings of the Palestinian sages. Even though we have found no explicit evidence – and very few of the responsa written by these sages from that period have survived – there is a hint of it (see below).[5] The compilation of anthologies of midrashim which was carried out at that time (see below) also supports the assumption that

[4] There is still some doubt whether these topics of language, masora, and cantillation marks constituted part of the literary output of the Yeshiva. The main site of activity for those subjects was Tiberias, particularly among the Ben-Asher and Ben-Naftali families. See the literature cited by Z. Ben Hayyim, "Ben Asher, Aaron ben Moses," *EJ*, IV, cols. 465-467; A Dotan, *Ben Asher's Creed: A Study of the History of the Controversy*, Missoula 1977. Concerning the translation of halakhic works from Aramaic to Hebrew, see now Danzig, pp. 64-66, 69-72. Danzig raises the possibility that these translations did not necessarily take place in Eretz Israel, but perhaps in Italy or North Africa.

[5] See the discussion below of the identification of early Ashkenazi Jewry towards Eretz Israel, and in greater detail in Grossman, *Sages*, pp. 424-435; idem, Ties, pp. 57-92.

the sages of Eretz Israel dealt extensively with the Bible, for these anthologies were, for the most part, commentaries on the books of the Bible.

It seems that one may ascribe the lack of written commentaries on the Bible to the fact that these midrashic works were sufficient for scholars in Eretz Israel. The controversy with the Karaites and the renaissance of the sciences – particularly philology – among the Muslims, did indeed lead, from the tenth century on, to the development of Biblical exegesis based on the literal (or plain) interpretation of the text (*peshat*), with great emphasis on the philological aspect. However, this type of literature developed mainly among Babylonian and North African communities, and later on even in Spain; it was not cultivated to the same extent by Jews in Eretz Israel. The fact that Palestine was far from the center of Muslim culture in Baghdād and a provincial territory lacking in economic importance, untraversed by any major commercial trade route since the mid-eighth century, almost certainly greatly affected this development. The implications of this situation left their mark in other areas of literary creativity in Eretz Israel as well; these will be discussed below.

There was relatively widespread activity related to homiletic literature, both in writing midrashic works as well as in collecting and editing them. A particularly noteworthy work among those written in Eretz Israel during the geonic period is *Pirkei de-Rabbi Eliezer*, which dates apparently from the eighth century. It preserves testimony on various historical events that occurred during the period of Muslim rule in Palestine.[6] The continuous, manifold occupation with *aggada* "that draws the heart of man,"[7] can be understood in light of the harsh decrees promulgated at the end of the Byzantine period, the messianic expectations prompted by the many upheavals during the seventh century and immediately after it, and the disappointment in Muslim rule at the end of the seventh and the beginning of the eighth centuries.

The subjugation of the Jews by gentiles and the preparations for war between the Gentile Kingdoms had long ago been designated as definite signs heralding the coming of the Messiah,[8] and it is doubtful whether there is any other period in medieval Jewish history for which these hints of Redemption were more meaningful than that marked by the harsh decrees of the Byzantine Empire, which were followed by rapid changes of rule over Palestine, sovereignty passing from one nation to another: Byzantium – Persia – Byzantium – the Arab tribes. Only the First Crusade, and its accompanying decrees, could in any way 'compete' with the signs of Redemption discerned in the seventh century. Such a state of anticipation of imminent Redemption can also explain the blossoming forth of piyyutim and apocalyptic literature, precisely among the Jews of Eretz Israel and precisely in a period of

[6] See, for example, that cited by Y. Even-Shemuel in his comments, *Midrashim of Redemption*, pp. 144 ff. (Heb.); *Sefer Hayishuv*, II, p. 70.

[7] See TB Shabbat 87a; Yoma 75a; Hagigah 14a.

[8] "R. Yohanan said: When you see a generation overwhelmed by many troubles as by a river, await him [the Messiah]" (TB Sanhedrin 98a); "R. Eleazar b. R. Abina said: If you have seen kingdoms fighting one another – look for the coming of the King the Messiah" (*Genesis Rabba*, Ch. 42; in the Theodor-Albeck ed., Ch. 41, p. 409), and similar examples.

great upheavals – the sixth and seventh centuries. However, though the Yeshiva sages did compose piyyutim, and even if they cannot be counted among the greatest poets of the geonic period in Eretz Israel, we have no evidence linking them to the authorship of apocalyptic literature.[9]

This was one of the most prolific of all periods for the composition of liturgical poetry (piyyut). In modern research it has been typified as the 'classical period' of that poetry, dating approximately from the middle of the sixth century until the end of the eighth century:

> It seems that creativeness in liturgical poetry was very much alive and productive during the classical period, and **undoubtedly hundreds of poets were involved** [emphasis mine – A.G.]. The material we have available is extremely abundant, yet it must be no more than a small part of it, and perhaps a very small one at that, of all that was written then ... all the liturgical poets of the classical period were from Eretz Israel. This is a fact which cannot be doubted. We know the precise locus of activity for some of the poets, and there are others whose liturgical poems attest to their following the customs of Eretz Israel. An exception to this, to a certain extent, is Ḥadutha b. Abraham, whose connection to Eretz Israel is not yet fully clarified. However, since his very early date seems proven, it is difficult to posit that he wrote outside of Eretz Israel.[10]

Our very meager knowledge of the biographies of these poets does not enable us to determine the extent of their link to the Yeshiva. Yet, it seems unreasonable to assume that the sages of the Yeshiva had no connection with the writing of liturgical poetry, since many piyyutim were integrated into the prayer services, mainly on Sabbaths and holidays. It is not logical to assume that this would have would have been the case without agreement in principle on the part of the heads of the Yeshiva who greatly influenced public life and oversaw religious customs and mores. The fact that for a later period – from which a great number of sources have survived, having been preserved in the Cairo geniza – we can identify a number of the leading sages of the Yeshiva among those who also tried their hand at writing piyyutim also lends support to our supposition.[11]

These three types of literary creativity are interlinked. The messianic hopes which were nurtured by political events are expressed not only in apocalyptic literature, but in midrashic literature and in piyyutim as well. In *Pirkei de-Rabbi Eliezer* messianic hopes occupy an important position, and even in piyyutim this theme is strongly emphasized:

> On that day when Messiah the son of David shall come to the people oppressed
> These signs shall appear in the world and come to be ...
> And the inhabitants of the earth shall be silent
> And king of the west and king of the east shall struggle against each other

[9] See my discussion below, Ch. 9, and in the literature cited in the notes there.

[10] Fleischer, pp. 117-118. See also what he wrote about *Hadutha* in *Tarbiẓ*, 53 (1983-84), pp. 72-96 (Heb.), and his summary there on page 90: "From now on we must consider R. Hadutahu (=Hadutha) as belonging to the period of the classical religious liturgical poetry from every aspect."

[11] See Ch. 8, below. Particularly worthy of mention is Samuel b. Hoshaʿna "the third," hundreds of whose liturgical poems have survived in the Cairo geniza.

> And the king of the west, his [for]ces in the Land shall become stronger
> And a king will come out from the land of Yoktan and his armies [in the Land] shall become strengthened ...
> And Edomites and Ishmaelites shall make war in the Valley Acre
> Until the horses will sink in blood and make a great stir ...[12]

Disappointment with the Muslims' rule over Palestine and the shattering of the messianic hopes connected with the Muslim victories are discernible as early as the final stages of the Umayyad dynasty. During the days of Caliph ʿUmar ibn ʿAbd al-ʿAzīz (717-720) relations between the ruling authorities and the 'protected subjects' (*ahl al-dhimma*) deteriorated. This turn for the worse gradually became more severe, its influence becoming more noticeable in the ninth century, especially during the rule of al-Maʾmūn (813-833) and al-Mutawakkil (847-861).[13] In Palestine, economic difficulties were added to existing social limitations. In *Pirkei de-Rabbi Eliezer* the resulting disappointment is explicitly described:

> Why was he named Ishmael [lit., "God will hear"]? For in the future the Holy One, Blessed be He, will hearken to the cry of the people arising from [the oppression] which the Children of Ishmael will bring about in the Land at the End of Days. Therefore his name was called Ishmael, as it is written: The Lord will hearken and answer them [Ps. 55:20].[14]

It is thus no accident that to a great extent these three literary genres – apocalyptic works, aggada and, to a certain extent, piyyut as well – declined and practically ceased in the eighth century. The considerable congruence between these two phenomena – disappointment with Muslim rule and the decline of literary creativity – support the assumption that there is a connection between them.

[12] J. Yahalom, "On the Validity of Literary Works as Historical Sources," *Cathedra*, no. 11 (April 1979), pp. 130-131 (Heb.); Y. Marcus, "Rabbi Eleazar b. Kallir and his New *Piyyutim*," *Horeb*, 1 (1934), p. 29 (Heb.). See also Marcus's discussion there pp. 22ff., on the connection between Kallir's liturgical poems and the apocalyptic literature of his day; Ginzberg, I, pp. 310-312; *Midrashim of Redemption*, pp. 153-157. In midrash and medieval Hebrew literature, Biblical names such as Edom and Ishmael are often used allegorically. Edom is used to refer to Rome and by extension to the Christian nations (in the period under discussion, Byzantium in particular), while Ishamel represents the Arab, Muslim world.

[13] On the deterioration of the situation during the time of al-Mutawakkil see the sources cited in *Sefer Hayishuv*, II, pp. 71-72. Concerning al-Maʾmūn see my article: "The Attitude of the Caliph al-Maʾmūn to the Jews," *Zion*, 44 (1980; Yitzhak F. Baer Memorial Volume), pp. 94-110 (Heb.), and the literature cited there on pp. 94-95. See also the statements by M. Gil above, pp. 15, 112.

[14] *Pirkei Rabbi Eliezer*, Constantinople 1514, ch. 32 (Heb.). English translation: *Pirke De Rabbi Eliezer (The Chapters of Eliezer the Great) According to the Manuscript Belonging to Abraham Epstein of Vienna*, Gerald Friedlander, tr., London 1916 (repr.: New York 1965). *Tanakh* has a different translation of the Biblical verse, according to a different interpretation: "God ... hears and humbles those who have no fear of God"; and cf. the annotations there.

Halakhic Decisions

There are fewer remnants from the halakhic literature written by Jews of Eretz Israel during the geonic period than that of midrashic literature or piyyutim. Yet here, too, there is a recurrence of the phenomenon noted above: the remnants from the early part of the period – the final days of Byzantine rule and the beginning of the Muslim period – are more plentiful. Despite that being the case, texts of halakhic works dating from the ninth and tenth centuries have been published in recent years, demonstrating that halakhic literary activity did not cease during the later centuries.

At the start of the period under survey (sixth-seventh centuries), the editing of the Minor Tractates of the Talmud was completed in Palestine; they include the tractates *Soferim, Semaḥot, Kallah,* and *Derekh Eretz,* among others. Albeit, the greater part of the halakhic and aggadic material included in them comes from tannaitic and amoraic literature, with only a small portion of the texts being characteristic of the period itself in which the works were compiled. Yet the very process of collecting, examining, and editing proves that literary endeavors continued. Some of these sources preserve laws and customs from the sixth and seventh centuries, particularly the tractate *Soferim,* and these are of great import for studying the lives and customs of Jews in Eretz Israel at that time. What prompted them to collect various laws and legends and arrange them by certain themes? It may be that in this instance, too, the answer should be sought in relation to historical context, namely, the harsh decrees promulgated at the end of the Byzantine period.

A similar phenomenon of compilation is characteristic of other periods of decline, the prototype for them all being the example of the sages from Yavneh who, after the destruction of the Second Temple, took upon themselves to summarize and collect literary material, moved by a sense of crisis.[15] Apparently these works were of assistance to the local religious authorities in the towns of Palestine when they had to make halakhic decisions, particularly in times of distress, for during times of persecution, and even afterwards, outstanding scholars totally devoted to Torah study and teaching could not always be found. Yet it is difficult to make any conclusive statement in this matter, since similar efforts to collect literary material were made during periods unmarked by crisis or external pressure.

At the beginning of the period under discussion – apparently towards the end of Byzantine rule – the most important surviving halakhic work emanating from Eretz Israel was compiled: *Sefer ha-Maᶜasim li-Venei Eretz Israel* (The Book of Rulings of the People of the Land of Israel). This may possibly be the first halakhic work written after the redaction of the Talmud had been completed. Remnants from it – some original, others edited with additions from later periods – have been published by various scholars.[16]

[15] See: *Tosefta,* beginning of tractate *Eduyyot*; TB Shabbat 138b.

[16] The texts and studies were collected and published in a single volume: *Sefer ha-Maᶜasim li-Benei Eretz-Israel: Sources and Studies,* Tel Aviv 1971 (Heb.). One must also add the discussion by M. Margaliot, *Hilkhot,* Introduction, pp. 1-11, and the sources which have been published since then by Z.M. Rabinowitz, "Sepher ha-Maᶜasim Livnei Erez Yisraᵓel – New Fragments," *Tarbiẓ,* 41 (1972), pp. 275-305 (Heb.); M.A. Friedman, "Two Fragments from Sefer ha-Maᶜasim Livnei Eretz Israel," *Sinai,*

This book contains an amalgam of short rulings on different subjects without discernibl system or order. It turns out that these are decisions made in concrete cases which wer brought before the religious court (*bet din*) which were then condensed and fashioned int academic halakhic rulings. Perhaps these rulings were also responsa. They were apparentl arranged according to the order in which the cases were brought before the judges, and wer committed to writing in the court record books.[17] Some of the rulings still retain the wor *maᶜaseh* ("a case of") at the opening of the discussion, customary with the recording o concrete cases and attesting to this section having been part of the original version. This boo is therefore of the greatest historical importance and an invaluable source for studying the halakhic tradition of the Jews of Eretz Israel and their history in the final stages of Byzantine rule, and in some instances – because of the additions interpolated within it – in the early Muslim period as well.

However, the concise text and the deletion of each case's details are deleterious to using *Sefer ha-Maᶜasim* as a historical source. The nature of this work is alluded to by its very title. Maᶜaseh is used here in the sense of judgment or ruling.[18] Many Greek words are used throughout the book; some of them do not occur in earlier halakhic or midrashic works, clearly demonstrating that they were not copied from them. The existence of Greek words in the text is proof of sorts that this work was written in Palestine at a time when Greek was still used as a spoken language, that is, before it was replaced by Arabic.[19]

Sefer ha-Maᶜasim significantly influenced halakhic literature in Eretz Israel as well as outside of it. Hai Gaon stated that the author of *Halakhot Gedolot* adopted one halakhāh from it. According to J.N. Epstein this is not a unique instance, and many of the sections in *Halakhot Gedolot* originate in *Sefer ha-Maᶜasim*.[20] Passages from the work were also preserved in books that emanated from the school of Rashi, particularly *Sefer Maᶜaseh ha-Makhiri*, written in Germany during the last quarter of the eleventh century.[21]

74 (1974), pp. 14-36 (Heb.); idem, "Marriage Laws Based on Maᶜasim Livne Erez Yisraᵓel," *Tarbiẓ*, 50 (1981), pp. 207-242 (Heb.); idem, "'An Important Maᶜase': A New Fragment of Maᶜasim Livnei Eretz Israel," *Tarbiẓ*, 51 (1982), pp. 193-205, 662-664 (Heb.). See also S. Lieberman, "Concerning Sepher Ha-Maᶜsim," *Tarbiẓ*, 44 (1973), pp. 90-96 (Heb.), and M.D. Herr, "Matters of Palestinian Halakha during the Sixth and Seventh Centuries," *Tarbiẓ*, 49 (1980), pp. 62-63 (Heb.).

17 See Margaliot, *Hilkhot*, pp. 3-4. See also the assumption by J. Mann that the author of *Sefer ha-Maᶜasim* "copied the various rulings as they were found in the Record Book of the High Court of the Yeshiva of Tiberias before it moved to Jerusalem at the beginning of the Muslim era," (J. Mann, "Sefer ha-Maᶜasim Livnei Eretz Israel," *Tarbiẓ*, 1, no. 3 (1930), p. 1 [Heb.]).

18 See S. Lieberman, "Comments on Sepher Ha-Maᶜasim Livnei Eretz Israel," *Tarbiẓ*, 1, no. 2 (1930), pp. 137-139 (Heb.).

19 A. Aptowitzer tried to negate the Palestinian sages' authorship of this work, believing it to be a late book of collected passages which originated in Italy. Other scholars have refuted his arguments. See Aptowizer. Among those scholars see particularly S. Lieberman, "Concerning *Sepher ha-Maᶜasim Livnei Eretz Israel*," *Ginze Kedem*, 5 (1934), pp. 177-185 (Heb.); Mann, Varia, pp. 300-301, and Margaliot, *Hilkhot*, pp. 5-6.

20 J.N. Epstein, "On the Use of *Sefer ha-Maᶜasim* in the *Halachot Gedolot*," *Tarbiẓ*, 1, no. 3 (1930), pp. 146ff. (Heb.).

21 See Margaliot, *Hilkhot*, pp. 10-11; however one must not connect *Sefer Maᶜaseh ha-Geonim* with the works from Rashi's school itemized there. The origin of its teachings is to be found in *Sefer*

Another halakhic work is *Terefot de-Eretz Israel*, apparently written during the early Muslim period. Fragments were published by J.N. Epstein and M. Margaliot, and sections of it were even incorporated into *Halakhot Pesukot*.[22] The book deals with the laws pertaining to ritually unfit animals, and comprises a summary of the laws relating to the subject from tannaitic and amoraic sources as well as actual practice. Unlike *Sefer ha-Maʿasim*, this work is arranged systematically, by subject. We cannot know whether *Terefot de-Eretz Israel* was part of a larger halakhic work, whose other sections were lost, or – as seems more reasonable – whether it was a monograph, devoted to one subject.

As noted above, selections from this work did appear in *Halakhot Pesukot*. It is difficult to assume that Yehudai Gaon or one of his disciples were responsible for their inclusion, because – as Pirkoi ben Baboi attests – Yehudai Gaon openly opposed the ruling of the Eretz Israel scholars on the issue of adhesions in the lung as well as on other issues related to the laws of ritually unfit animals.[23] In actuality it was a copyist who added them. According to Margaliot, this work and other contemporaneous ones written in Palestine were the cause of the interest shown in Yehudai Gaon's school in Babylonia in the compilations of a work which would recapitulate the halakhah based on the Babylonian Talmud and the traditions of the Babylonian yeshivot, all as "a reaction and protest" to the books, written in Eretz Israel, which were not based on the Babylonian Talmud.

Other remnants from Palestinian legalistic works are:

(a) *Sefer Berakhot u-Shetarot* (Book of Benedictions and Deeds), fragments of which were preserved in the Cairo geniza and were published by Margaliot.[24] The assumption is that it dates from approximately the ninth century and contains set texts for deeds as well as fixed texts for blessings and laws on redemption of the firstborn, *netaʿ revaʿi* (fourth-year crops), and other matters.

(b) *Pinkas Halakhah* (Halakhic Notebook), wherein the author wrote down for his own use laws and rulings from different sources accompanied by explanations of the difficult terms, as he found them in the sources at his disposal.[25] The assumed date for its

Maʿaseh ha-Makhiri, which was written at the end of the eleventh century in Germany, not in France. See Grossman, Sons, pp. 110-132.

[22] Epstein, Lore, p. 308ff.; Margaliot, *Hilkhot*, pp. 95-117. Epstein conjectured (ibid., p. 312), that the work was written at the end of the Byzantine period, basing himself on the occurrence of two Greek words in the text he published. However, in other passages published by Margaliot (four leaves), as well as in *Kizzur Terefot de-Eretz Israel*, which is in *Sefer Halakhot Pesukot*, ed. Sasoon, Jerusalem 1951 (Heb.), there are no additional Greek words. This led Margaliot to conclude (ibid., p. 102) that the two Greek words were remnants from earlier eras but not from the time the work was written. His view seems reasonable. Danzig (pp. 85-86) shows conclusively on the basis of a geniza fragment that the sections of *Terefot de-Eretz Israel* in *Halakhot Pesukot* were added by a copyist.

[23] On Pirkoi's statements see especially, Ginzberg, II, pp. 504-573; Lewin, Fragments, pp. 383-405; Epstein, Hilkhot, pp. 149-161; Spiegel, pp. 243-273; J. Mann, "Les 'Chapitres' de Ben Baboi et les relations de R. Yehoudai Gaon avec la Palestine," *REJ*, 70 (1920), pp. 113-148. See also Danzig, pp. 19-23 and index, s.v. "Pirkoi ben Baboi" ; Ben-Sasson, Jews of the Maghreb, pp. 33-36.

[24] Margaliot, *Hilkhot*, pp. 1-38.

[25] Published and discussed by Margaliot, ibid., pp. 39-53.

composition is the early Muslim period. It reflects no discernible influence of the Babylonian Talmud nor of the teachings of the Babylonian geonim. Furthermore, a large part of the laws included in it deal with the commandments pertaining only to Eretz Israel which were still practiced the during the author's lifetime; this prevents us from dating it any later.

(c) *Hilkhot ʿArayot shel Benei Israel* (Laws of Prohibited Marriages), a work which includes the laws of prohibited marriage, levirate marriage, and other topics. It is assumed to date from the end of the Byzantine era.[26]

Responsa Literature

Responsa literature originated in Eretz Israel, from where responses to halakhic questions were sent to Babylonia in the time of the Second Temple, the Mishnaic and Talmudic periods, and even that of the *savoraim*.[27] As noted, apparently some of the rulings found in *Sefer ha-Maʿasim* were originally responsa. It is reasonable to assume that even later, in the early Muslim period, Jews, particularly from nearby communities, addressed questions of halakhah to the sages of Eretz Israel, although we do not have any Land of Israel responsa from this period. Those surviving date from the end of the geonic period, are few in number and scattered, appearing sporadically in different sources. This seriously hampers research into the tradition and halakhic method of the respondents, the connections between Jews in Eretz Israel and the Jewish diaspora, and the history of the Jewish community in Palestine at that time. Responsa literature constitutes one of the most important sources for investigating these topics. No serious attempt has yet been made to collect these questions and answers, nor even to try to identify those responsa about which there is some doubt as to whether they can be attributed to the sages of Eretz Israel. These doubts are particularly disturbing with regard to responsa found in the manuscript responsa collection *Haggahot Mordekhai 'ha-Gadol'*.[28] Within the limited framework of our discussion, we can only touch upon a few of these problems.

[26] Margaliot, ibid., pp. 56-72. And also see there his discussion of the remnants of halakhah in a Palestinian prayer book, pp. 127ff.

[27] See Epstein, Lore, p. 310.

[28] Concerning the responsa of the Palestinian sages, see S. Assaf, "Fragments of Responsa from Eretz Israel," *Gaonica: Gaonic Responsa and Fragments of Halachic Literature from the Geniza and Other Sources*, Jerusalem 1933, pp. 90-97 (Heb.); but see Mann, Varia, p. 300, n. 189 (Assaf, ibid., p. 90, n. 1, mentioned additional Palestinian responsa which were published or discussed by various scholars); S. Assaf, *Responsa Geonica*, Jerusalem 1942, pp. 116-127 (Heb.). See also Margaliot, *Hilkhot*, pp. 11-13. To these one should add the responsum published by A.I. Agus, "A Responsum by an Eretz-Israel Gaon," *Sura*, 1 (1954), pp. 17-25 (Heb.), and the anthology of responsa, "*Haggahot Mordekhai ha-Gadol*," published by Agus from a manuscript in the Jewish Theological Seminary of America in New York: Agus, pp. 194-216. They are also found in Ms. Bodleian 678, an identical twin of the ms. "*Haggahot Mordekhai ha-Gadol*." Compare also the discussion cited with Mann's opinion (Varia, p. 289), that the scant number of responsa by Palestinian geonim which have survived is the result of their being sent mainly to countries located along the shores of the Mediterranean, without passing through Fusṭāṭ, unlike responsa by the Babylonian sages, and therefore they were not preserved in the Cairo geniza.

Some of the Eretz Israel sages' responsa were incorporated into the responsa collections of Babylonian geonim. In some instances this is explicitly stated,[29] while in others the answers were included anonymously, making it impossible to identify which originated in Eretz Israel. Moreover, it is clear that in some of the cases these are not even actual responsa, as they claim to be, but rulings taken from *Sefer ha-Maʿasim*, and the word *ve-she-shaʾalta* ("and as for that which you asked") has been added in order to give them the nuance of question-and-answer.

Responsa were also preserved in the Cairo geniza while others are embedded in *Sefer ha-Pardes*, which was a product of the school of Rashi.[30] Particularly interesting are some responsa sent to the German communities, for it may be that they have survived in their entirety. The first, dating from 960, is important both because of its content – attestation to messianic expectations and perhaps even to the awakening of a messianic movement – as well as because it testifies to the reliance of the Palestinian scholars on the ruling of a Babylonian gaon, Jacob b. Mordecai of Sura:

> I, Isaac ben Dorbelo, did see in Worms a letter sent by the people of the Rhine to Eretz Israel in 960. They asked the communities of Eretz Israel [in the Reifman version: that the communities asked the sages of Eretz Israel] about a rumor that we heard of the coming of the Messiah, and also what do you think of adhesions of the heart?[31] The answer: On the coming of the Messiah you do not deserve a response, for do you not believe the statements of the sages and their signs? Yet they [i.e. the signs] have not come... Mark well that we continue to pray on the Mount of Olives on all holidays, and it would be better for you to enquire about [matters related to the tractates] *Yevamot* and *Eruvin*.[32]

We do not know whether the stringency of the respondents was meant to emphasize their dissatisfaction over the messianic expectations, or whether perhaps they felt insulted that the inquirers did not frequently turn to them with halakhic questions. It may be that on halakhic issues they usually availed themselves of the Babylonian geonim, as was the case with Meshullam b. Kalonymos of Lucca (who was closely connected to the sages of Germany and was a contemporary of the inquirers). He addressed Sherira Gaon with his questions (see below).

The second responsum was sent from Eretz Israel to Germany around the year 1070, and it actually comprised a whole group of responsa. One of the great leaders and sages of Mainz, Meshullam b. Moses, sent various questions to the Palestinian gaon Elijah. The responses are

[29] Assaf, *Geonic Period*, p. 173, n. 6; Margaliot, *Hilkhot*, pp. 10-12.

[30] See A. Epstein, "A Responsum from Jerusalem in Sefer Ha-Pardes," *Ha-Goren*, 6 (1906), pp. 69-73 (= *The Works of A. Epstein*, II, Jerusalem 1957, pp. 374-377) (Heb.); see also Aptowitzer, pp. 52-58, who holds a divergent opinion on this. Also, see Assaf's response in a review of Aptowitzer's book in *Kiryat Sefer*, 18 (1941-1942), p. 323 (Heb.).

[31] The issue of adhesions of the heart is relevant to the ritual fitness of a slaughtered animal.

[32] A. Büchler, "Relation d'Isaac b. Dorbelo," *REJ*, 44 (1902), p. 238. This responsum was preserved in various sources, some showing slight textual variances. For detailed information on these sources, see Aescoly, pp. 133-136.

signed by Elijah and his son Evyatar.[33] This act raises a number of questions and is of gı importance in itself, both for studying the relationship of early German Jewry to Eretz Isı and also as a source which enables us to study the respondents' method. Almost all Meshullam's questions deal with issues which sparked much soulsearching and inter disputes within the early Jewish community of Germany, as we see from various Gerr Jewish sources.

A number of these controversies revolved around divergent family traditions. I Meshullam expect that the opinion of a sage from Eretz Israel would make one particu tradition become universally acceptable and that the other disputants would relinquish th own traditions, which they generally had been most careful to maintain? Or, perhaps, since was a renowned descendant of the Kalonymos family which stemmed from Italy[34] and w distinguished by its leadership and teachings, he had a close personal affinity to the teachin of Eretz Israel? From the sources available we can not come to an unequivocal conclusio Yet, from *Sefer Maʿaseh ha-Makhiri* and other texts, some still in manuscript, it is clear th the responsum of the Eretz Israel gaon, even when based in one instance on the custom of tl Babylonian Yeshiva which was identical to that of Eretz Israel, did not convince tl disputants, and that regarding one of the issues – recitation of the prayer *veʾhassiʾēnu* – th diverse customs remained unchanged.

Another set of responsa attributed to sages of Eretz Israel is found in a fourteenth-centur manuscript, *Haggahot Mordekhai ha-Gadol*. In this text – one of the most important Hebre manuscripts to survive from the Middle Ages – most valuable ancient sources have bee preserved, some of which were not included in any other halakhic works, whether printed o in manuscript. These responsa are of great import both for their historical value and fo enabling us to examine the respondents' methods, although in many respects they are unclear with their very nature remaining vague. As a result, they have been almost completely ignored in modern research.[35]

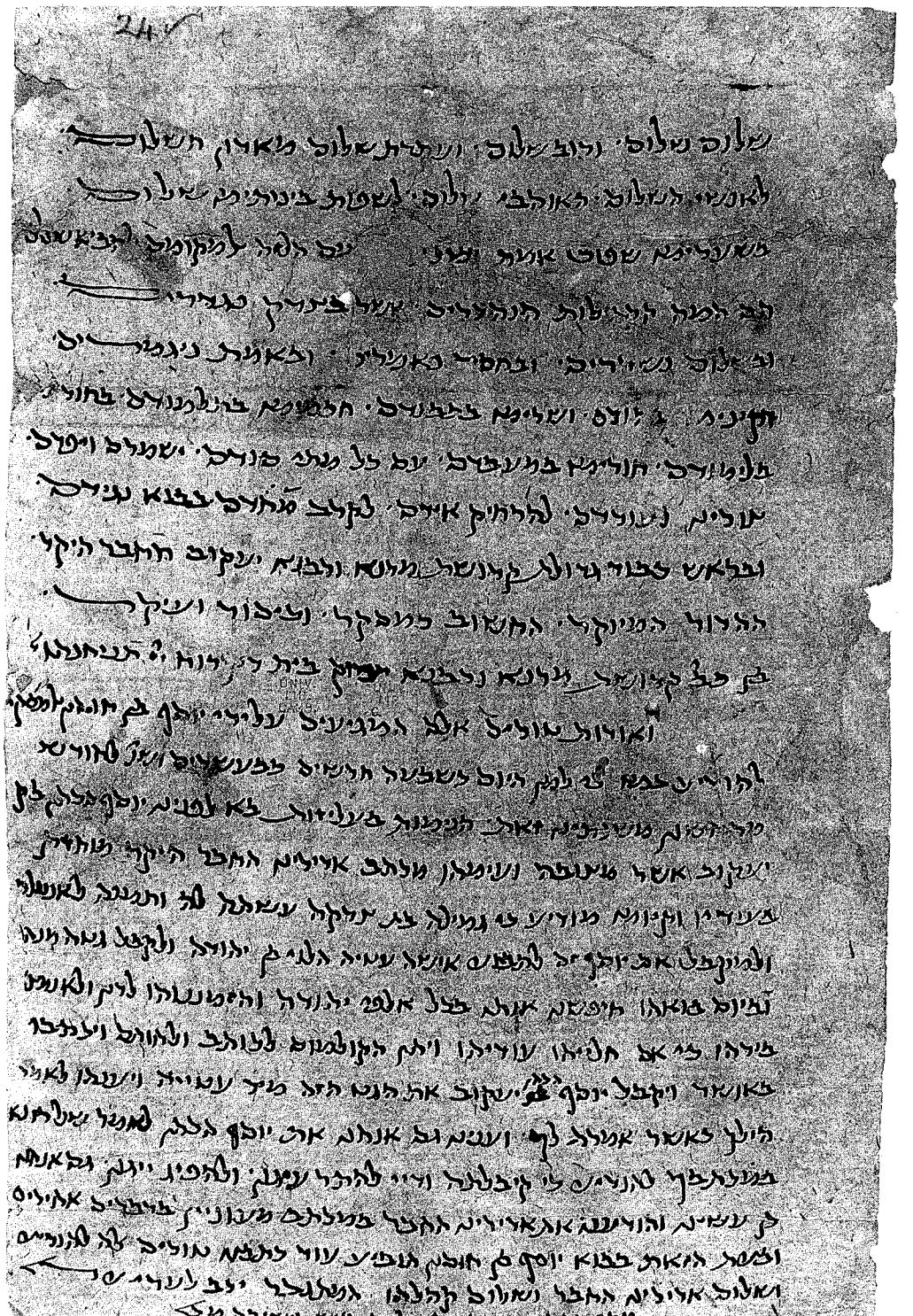
The heading given this group of questions is strange: "These are responses to inquiries put forth by the foremost leaders of the yeshivot of Babylonia and from Jerusalem in the 308th year after the destruction of the Lord's Temple, may it speedily be restored, Amen." This opening is followed by seven responsa, which conclude with the words: "Until here the responses of the great ones of Babylonia and Jerusalem mentioned above." Elsewhere in the same manuscript there is an additional group of fifteen responsa which opens with the statement: "From the responses of the heads of the yeshivot of Babylonia and Jerusalem." In one case it specifically mentions that the responsum was sent by the sages of Eretz Israel to Babylonia ("to the head of the Yeshiva of the Land of Shinʿar"); in that communication the

[33] Published in part by Mann, *Jews*, II, pp. 221-222, and in full, on the basis of the same manuscript, by I. Marmorstein, "Notes et mélanges," *REJ*, 73 (1921), pp. 84-92.

[34] See Grossman, Migration, pp. 154-185.

[35] See above, n. 28. On the dating of the responsa see the conjectures offerd by Agus, p. 197. As he concluded there, it is not possible to make an unequivocal decision.

Letter from Joseph ben Solomon ha-Kohen, head of the Yeshiva in Jerusalem, to the rabbinical court in Aleppo concerning a divorce Cambridge University Library, T-S 13J16.24 recto



Palestinian authors defended their custom of saying *kedusha* only on the Sabbath (see below n. 42). A number of the responses were undoubtedly written by Babylonian geonim who ar explicity named in them. Authorship of the others is unclear. Difficult though it is t positively identify the respondents, it is reasonable to assume that the scribe had before him collection (or perhaps a number of them) which included responsa written by Eretz Israe sages and others composed by Babylonian geonim, and that he copied from this collectio without carefully indicating the source of each responsum. In any event, it is most likely tha some of them were indeed written by geonim from Eretz Israel.[36]

To be sure, this list of halakhic works produced by sages in Eretz Israel, which includes halakhic decisions and responsa, is not particularly impressive as the total product of five hundred years. Yet, one must remember that not many years ago even these remnants were inaccessible, and Eretz Israel was considered to be void of halakhic creativity during that period. Moreover, most of these textual remnants were discovered accidentally and do not reflect the full scale of halakhic-literary activity in Eretz Israel. However, we must not exaggerate in describing the scope of this creativity and assume that in reality it was much greater and more comprehensive. If that were so, then we would be hard put to explain why the imprint of halakhic works from Eretz Israel is not more noticeable in medieval halakhic literature, in which sections from most of the halakhic works mentioned above have been preserved, and fragments of which have since been discovered in the Cairo geniza. The statements by Ḥananel (see below, n. 126) also point to the the limited scope of this type of literary work. Since this is the testimony of a contemporary, it should be accepted as being reliable at least for the tenth and eleventh centuries.

S.D. Goitein proposed an explanation for the limited scope of halakhic works that originated in Eretz Israel. He suggested that the Yeshiva was not by nature a place of study, but "a supreme council for the Jewish populace," in the sense of a *sanhedrin* or high court. The role of the Palestinian gaon "was similar to that of the exilarch in Babylonia and its adjacent provinces."[37] He was mainly concerned with his political functions. Goitein found support for his thesis in the fact that so very few responsa by sages from Eretz Israel have survived in comparison to the great number of letters concerning public affairs written by them and preserved in the Cairo geniza, and in contrast to the large number of responsa written by the Babylonian geonim. Yet, it seems that there is still room for doubt with regard to such a very significant and sweeping assessment.

[36] One should not include among them that cited by Assaf, *Sefer Hayishuv*, II, p. 31, no. 73, from the responsum of Rabbi Amram Yerushalmi. This sage lived in Mainz (Germany) where he wrote the responsum referred to. See also below the discussion on the links between early German Jewry and the Yeshiva.

[37] Goitein, *Palestinian*, p. 47. See also ibid., p. 49: "Being well-versed and accustomed to studying is therefore the personality trait which prepared a man to be a member of the Yeshiva, but the Yeshiva occupied itself mainly with conducting the ongoing affairs of the nation, and not with intensive religious instruction."

Of course, the authority and roles of the Palestinian gaon did differ from those of the Babylonian gaon. He also held official leadership roles in the public and political spheres,[38] functions which were carried out in Babylonia throughout the geonic period by the exilarchs, while in Eretz Israel they were executed until the fifth century by the president of the Sanhedrin (*nasi*, patriarch). Yet it is difficult to assume that for this reason the Yeshiva would have relinquished the additional function of a place for studying and explicating Torah, as was customary in the yeshivot of Eretz Israel from their earliest days. Such a situation is even more plausible when we take into account that the geonim of Eretz Israel considered themselves the torchbearers of the ancient tradition of the Yeshiva, with some of them even claiming seniority for their own Yeshiva over all others. This combination of 'Torah and political power', at least externally, could enhance the esteem accorded their yeshiva and its authoritativeness, and promote the raising of financial contributions vital to its very existence and maintenance on a solid foundation.

Letters from the Cairo geniza relating to Palestine mostly reflect conditions there in the eleventh century. This was a period of great decline in the power and status of the Jewish community in the Holy Land owing to serious deterioration of security throughout the country. "Almost all of our knowledge of Yeshivat 'Ge=ōn Ya=akov' is from the eleventh century – a century in which the country was visited by one disaster after another and the yeshiva itself began to fall apart."[39] We should not come to any conclusions about the functions of, or procedures in the Yeshiva during the preceding centuries on the basis of the descriptions contained in letters from those difficult times. In various instances Goitein noted this limitation in utilizing the documents from the Cairo geniza as a source for studying the entire geonic period.

The fact that most surviving halakhic works from Eretz Israel date from the beginning of the geonic period supports the assumption that in those days the Yeshiva did serve as a center for Torah study. However, the geonim of Eretz Israel produced relatively few responsa, because inquirers preferred to turn to the Babylonian sages. The esteem and renown of the Babylonian yeshivot were greater than those of others among Jews in the Diaspora. It is no coincidence that "the sages, the scholars who are in Jerusalem" also directed queries to a Babylonian gaon. It is also reasonable to accept Mann's opinion that most of the responsa written by geonim in Eretz Israel were not despatched to the Mediterranean countries via Egypt and consequently were not preserved in the Cairo geniza (see above, n. 28). It is particularly important to point out that during part of this period Jewish communities in Syria were under the authority of the Palestinian gaonate. Indeed, the number of extant responsa sent by Babylonian geonim to Jewish communities in Syria is extremely small in comparison to the large number of responsa sent to North Africa and Spain.

[38] S.D. Goitein, "The President of the Palestinian *Yeshiva* (High Council) as Head of the Jews of the Fatimid Empire," Goitein, *Palestinian*, pp. 52-69 (Heb.).

[39] Goitein, ibid. See also M. Gil, *Palestine*, pp. 278ff.

References in the plural to "*teshuvot*" (responsa) by geonim of Eretz Israel in Ashkenazi literature also support the assumption that the writers had at their disposal other responsa authored by the geonim, even though they did not cite them, with the result that these answers were irretrievably lost. Such plural references have been found in the collection of responsa from Eretz Israel included in the manuscript *Haggahot Mordekhai ha-Gadol*, published by Agus, and in other Ashkenazi collections. The same explanation would also seem to apply to the passage published by B.M. Lewin: "Thus found I, Abraham, in the responsa by the men of Eretz Israel. May peace be upon them."[40] It would seem that he is referring to collections which included a number of responsa – perhaps even many – by geonim of Eretz Israel, and from which the writers chose those they needed or with which they agreed.

Can we discover characteristic traits in the method used by the Yeshiva sages when making halakhic decisions? Is there something distinct with regard to content and form in their halakhic works?

There is no doubt that the Jews of Eretz Israel maintained the traditions of their forebears even after the completion of the Jerusalem Talmud, and the halakhic differences between them and the Babylonian Jews continued to exist even during the geonic period.[41] The attempts by Yehudai Gaon and his disciples to influence the Jews of Eretz Israel and have them adapt themselves to the customs of the Babylonians failed; the former generally continued to follow their own customs. It seems reasonable to assume that the Yeshiva sages played a decisive role in this. However, in some instances Babylonian immigrants to Palestine did succeed, not without conflict, in implanting their own customs in their new places of residence.[42]

A typical element of the halakhic works of Eretz Israel during the first generations of the geonic period is the precedence which they afforded their own sources over others. At the outset of this period the influence of the Babylonian Talmud is still not discernible; this is exemplified in the original sections of *Sefer ha-Maᶜasim*, in *Hilkhot Terefot*, in the *Pinkas Halakha* published by Margaliot, and elsewhere. The Babylonian Talmud's influence gradually increased, and, in general, the later the work, the more Babylonian influence which it reflects. By the end of the period the Babylonian Talmud was the main halakhic source for the legal decisions rendered by the geonim of Eretz Israel.

[40] "Responsa from Eretz Israel," *Ginze Kedem*, 4 (1930), p. 50 (Heb.).

[41] See the work, "Differences between Eastern Jews and Eretz Israel Jews" (on the different names for this work see Margaliot, *Differences*, p. 24) in the editions of J. Müller, *Differences in the Traditions of Babylonian and Eretz Israel Jews*, Vienna 1878 (Heb.); Margaliot, *Differences*; Lewin, *Thesaurus*, and in the introductions by Müller and by Margaliot, ibid.

[42] On this entire issue, see particularly Ginzberg, II, pp. 504-544; the other literature cited in n. 23, above, and in the following note. See also the responsum from Palestinian sages to Babylonia ("The residents of Eretz Israel sent to the head of the Shinᶜar yeshiva"), in which they defended their forefathers' custom of saying *kedusha* only on the Sabbath and their refusal to change it. Agus, pp. 206-207. See also E. Fleischer, "Piyyut and Prayer in *Mahzor Eretz Israel*," *Kiryat Sefer*, 63 (1990), pp. 207-262; ibid., "The Order of the Prayer Service in the Synagogue of the Palestinians at Fusṭāṭ at the Beginning of the Thirteenth Century," *Asufot*, 7 (1993), pp. 217-260 (Heb.).

The growing influence of the Babylonian Talmud was apparently also greatly accelerated by the immigration to Palestine of Babylonian Jews – seemingly quite a sizable number of them – after the Muslim conquest; this migration left its imprint in other areas as well.[43] The immigration of such an outstanding scholar as Rav Aḥa of Shabḥa in the middle of the eighth century was almost certainly a significant factor in this development. It may be that when Daniel b. Azariah was both nasi and gaon of Eretz Israel (1051-1062) predominance was transferred to the Babylonian Talmud. Daniel b. Azariah was the scion of a family which had served as exilarchs in Babylonia and his own long stay there during his youth, prior to his emigrating to Egypt and Eretz Israel, make this assumption plausible.[44] True, none of his rabbinical writings have survived to enable us to verify this supposition. Yet, we must bear in mind that even his fiercest competitors, Elijah and his son Evyatar, members of a family of Eretz Israel geonim who contested with him and his son David over who would be more influential in Eretz Israel,[45] availed themselves, in the main, of the Babylonian Talmud in the late eleventh century. We know this from their aforementioned responsa to Meshullam b. Moses of Mainz. The Babylonian Talmud plays a very significant role in these responsa, the entire discussion being based upon it. Not only Babylonian sages, therefore, gave precedence to the Babylonian Talmud; this was also the case with those identified with Eretz Israel. This had been a gradual development which could no longer be ignored or successfully halted.

As noted above, the Bible was much used in the midrashic literature of the Jews of Eretz Israel and in their liturgical poetry. This was also the case in their legal rulings, where they made use of homiletic interpretations of Biblical texts. To be sure, this is not unequivocally proven by the surviving fragments of halakhic texts from Eretz Israel (*Sefer ha-Maᶜasim* as well as most of the geonic responsa from Eretz Israel are simply summaries of halakhot, without any real deliberation), although there are some hints to support our assessment. The same holds true for the degree to which the sages of Eretz Israel relied upon tannaitic

[43] Pirkoi attests that: "Until now they do not say *kadosh* or *shemaᶜ* in Eretz Israel except on the Sabbath or holidays, and only in the morning service, other than in Jerusalem and in every city in which there are Babylonians, who argued and disputed until they [the local residents] undertook to say *kedusha* daily. But in the other cities and towns of Eretz Israel, wherein there are no Babylonians, they say *kadosh* only on the Sabbath and holidays" (Ginzberg, II, pp. 555-556). The plural use "and in every city" shows us that there were at least a few cities in which Babylonian Jews resided and where they set the tone. On the other hand, we learn from these sources how zealous were the Jews of each locale in the Middle Ages in preserving their own liturgical customs and in their refusal to change them. The ability of the resident Babylonian Jews to bring about changes in Eretz Israel by "argument and dispute" shows that in those cities they were quite numerous, with perhaps even the majority of the Jewish population in them being of Babylonian origin. Among these cities was Jerusalem. On this, see Grossman, Immigration, pp. 136-137.

[44] See the comprehensive discussion by S.D. Goitein, "New Sources on Daniel b. Azarya, Nasi and Gaon," *Shalem*, 2 (1976), pp. 41-99 (Heb.) (=Goitein, *Palestinian*, pp. 132-187). On immigration from Babylonia see also M. Gil, above, pp. 180-183.

[45] See Gil, Evyatar, pp. 39-106; idem, *History of Palestine*, pp. 745-750, 759-774.

literature in their halakhic decisions, and the exent to which they referred to this type of literature in general – but even on this question we have little information.[46]

Another interesting characteristic of this type of literature was noted by M. Margaliot, who believed that halakhic collections on various subjects were a typical literary genre of the halakhic works of the Jews in Eretz Israel and that the early Jewish community in Germany and France drew upon them in turn:

> The work we are dealing with [the *Pinkas Halakhah*] is compilatory in nature ... it seems reasonable to me to propose that the origin of the type of literature found in the works of Rashi's school, such as *Sefer ha-Pardes* or *Maʿaseh ha-Geonim*, which contain collections of halakhic decisions along with commentaries, stems from Eretz Israel and from those same compilations ... while the literary form of works by Spanish Jews, such as the *Halakhot* of Isaac Alfasi, *Hilkheta Gavrata* of Samuel ha-Nagid, or *Halakhot* of Ibn Ghiyat was set by the geonim ... for the literary style of the French works from the school of Rashi is that of the compilations of laws and commentaries which originated with works compiled in Eretz Israel, that were a type of reference work (or notebook) in which sages and students noted material which they had gathered from different sources in order to remember it.[47]

However, I do not feel that this assumption is warranted. The literary style, by which halakhic rulings pertaining to a specific subject were collected is found in the early German Jewish communities. There are even surviving monographs or works arranged by subject and systematically organized, as, for example, *Hilkhot Terefot* by Rabbenu Gershom Meʾor ha-Golah, *Sefer ha-Dinim* (The Book of Decisions) by Judah ha-Kohen, and others. The explanation for the special nature of *Sefer Maʿaseh ha-Geonim* – actually based on *Sefer Maʿaseh ha-Makhiri* and not at all a product of the school of Rashi – is to be sought elsewhere.[48] Moreover, even in Eretz Israel some works on halakhah were organized systematically, so it is difficult to accept method of compilation as a characteristic typical of works written in Eretz Israel.[49]

Another unique characteristic enumerated by Margaliot is also doubtful: "The entire body of halakhic literature from Eretz Israel is concerned with reaching a final legal determination and not with theoretical argumentations on the law."[50] Though this statement is borne out by whatever remnants of such works that have survived, it is still questionable whether one may make a conclusive statement to this effect on the basis of this limited selection. One might try

[46] This phenomenon is most conspicuous among the German sages at the end of the tenth and the first half of the eleventh centuries: Meshullam b. Kalonymus, Rabbenu Gershom Meʾor ha-Golah, and particularly Judah ha-Kohen. Concerning them see, Grossman, *Sages*, pp. 63-76, 154-157, 204-206.

[47] Margaliot, *Hilkhot*, p. 40.

[48] See Grossman, Sons, pp. 121-129.

[49] The laws of terefot mentioned above. As noted, the lack of arrangement by subject in *Sefer ha-Maʿasim* may be attributed to a particular situation, that of its being a kind of summary of judicial decisions.

[50] Margaliot, *Hilkhot*, p. 16. Margaliot added an additional characteristic of Palestinian literature, namely, its being anonymous. Actually, in halakhic discussions it was not usual at that time to mention the names of contemporary sages; this is also typical of halakhic works in Babylonia at the beginning of the geonic period.

to support Margaliot's assumption by pointing to the difficult political situation prevailing at the end of the Byzantine era (from when most of the surviving halakhic texts from Eretz Israel date), conditions which would naturally stimulate halakhic writings of a practical nature. But even so, some doubt still lingers.

The sages of Eretz Israel wrote their works in Hebrew, not only their *aggadot* and liturgical poetry, but their halakhic works and respona as well. One may reasonably assume that works on halakhah from Babylonia were translated from Aramaic into Hebrew.[51] From this we learn that Hebrew was the medium of study in the Yeshiva, and apparently also the language of discourse in the rabbinical courts.[52] This is particularly striking when compared with the heavy reliance upon Arabic in Babylonian yeshivot, especially from the early tenth century onwards, and later in Spain and Egypt.

Why did the sages of Eretz Israel refrain from using Arabic in their literary works? It would seem that this 'loyalty' to Hebrew – a definitely distinctive, nationalistic feature when under foreign rule – was part of the manner in which they gave expression to their desires for Redemption, just as they were vented in liturgical poetry and midrashic literature. However, it is difficult to disengage the continued use of Hebrew speech from economic and cultural conditions. As noted above, Palestine was only marginal to the significant commercial activity and the cultural developments which took place during the ʿAbbasid caliphate, and that being the case, the Jews of Eretz Israel were less influenced by their environment. Under the Fāṭimids, from 969 on, their environs had greater effect upon them, and their close relationship with the center of political power in Egypt left its mark. With regard to cultural productivity, the Fāṭimid caliphate greatly resembled the ʿAbbasids, and much attention has been given to this subject.[53] Despite that, there was no change in the scope of cultural activity within the Jewish community of Palestine. Difficult security conditions, prevailing throughout most of the period of Fāṭimid rule, which had a deleterious effect upon the Yeshiva, made this impossible.

THE RELATIONSHIP OF THE DIASPORA WITH THE YESHIVA OF ERETZ ISRAEL

Examination of the relationship between the various Jewish centers and the Yeshiva and to the entire heritage of Eretz Israel during the geonic period raises more doubt than certainty. Research is based on fragmentary sources, vague traditions, and speculative assumptions. Some of the foremost scholars of Judaic studies have addressed this issue, but despite the import of their studies, it is difficult to reach incontestable conclusions.[54] The Cairo geniza

[51] See S. Poznanski, "L'original Araméen des Halachot Pesoukot," *REJ*, 63 (1921), pp. 234-235; Epstein, Hilkhot, p. 154; Mann, *Texts*, I, p. 447; Margaliot, *Hilkhot*, pp. 14-15. See also above, n. 4.

[52] See the discussion above, on the nature of *Sefer ha-Maʿasim li-Benei Eretz Israel*.

[53] See C. Brockelmann, *Geschichte der arabischen Literatur*, I-II, Leiden 1943-1949; "Fāṭimids," *EI*^{2}, II, 1965, pp. 850 ff. (esp. pp. 861-864).

[54] The literature dealing with the relationship between the Jews in Eretz Israel during the geonic period and their spiritual heritage and the Jewish communities of the Diaspora is cited in the notes below. Particularly noteworthy are the studies by

sheds new light on the links between Jewish centers in the Mediterranean basin – especial Egyptian Jewry – and the Yeshiva, though its contribution to the study of the connectio between the Yeshiva and European Jewish centers is meager.

Undoubtedly the Palestinian Yeshiva and the Babylonian yeshivot competed for influenc on the Diaspora, but the extent of this conflict, and at times even its results, are nc sufficiently clear. This is particularly true with regard to the early part of the period, from th seventh to the ninth centuries. The commonly accepted notion is that the yeshivot divided th spheres of influence between them. Thus, for example, B. Klar writes:

> Jewish historiography in recent generations, when attempting to put some order into th political and cultural events which are known as 'Jewish history', and for whom the entir world is the stage, divided them according to modern geographical units and presented a narration of Jewish history in Palestine, Babylonia, Germany, Spain, and so on. But this division does not fit the first millenium after the destruction of the Temple. For that period a bipartite division is most apt: Babylonia with its spheres of influence, and Palestine with its spheres of influence ... these two areas of rule divide Judaism into two: 'Easterners' who follow Babylonia and 'Westerners' whose center was in Palestine. This duality determined not only the political fate, but also the spiritual visage of Judaism for a thousand years, and only the future intermingling and blurring of the borders blinded later generations to this duality.[55]

A thorough study of the extent of each center's influence depends, to a considerable degree, upon close examination of and research into the following topics:

(a) How did the Christian and Muslim societies, in which Jews lived and worked, perceive Palestine?
(b) The actual links between each of the various centers and Palestine and Babylonia.
(c) The sages' methods of learning and rendering halakhic decisions.
(d) The source of local customs and of halakhic traditions and their development.
(e) The source of the literary and linguistic traditions of the sages and their development.

Only some of these subjects have been carefully studied and discussed in modern research. Naturally, within the confines of the present discussion, we can only mention the highlights.

Italy

Identification with Eretz Israel and its spiritual heritage was greater among Italian Jews than among those of any other Christian European country. This is especially true of the southern region, Byzantine Italy. This identification has deep historical roots stemming from earlier

S.Y. Rapoport (below, n. 61); Assaf, Growth; *Sefer Hayishuv*, II, introd., pp. 42-45; Mann, *Jews*; Büchler; *Aḥima'az*, epilogue, pp. 114-115; Margaliot, *Halakhot*, pp. 1-9; Hirschberg. See also the literature cited above in n. 26. The links between Egyptian Jewry and the Yeshiva are interwoven with the study of the nature of the Yeshiva and its institutions. On that, see the works of Gil cited in n. 3 above.

[55] *Aḥima'az*, epilogue, pp. 114-115.

ages – the Roman and the Byzantine periods, in which Palestine and Italy were under the same political rule.[56] Traces of this link are also clearly discernible during the geonic period, when the political bond between them was sundered with the capture of Palestine by the Arabs. From survivng sources at our disposal we learn that the links between the two centers were expressed mainly in the area of liturgical poetry. The Italo-Ashkenazic school of liturgical poets was decisively influenced by the liturgical poetry of Eretz Israel just as their synagogue customs and version of the prayer services were influenced by the versions and customs prevalent in the Holy Land.[57] Apparently, a number of midrashic works were also written in Italy and, as already noted above, this literary genre blossomed precisely in Eretz Israel and not in Babylonia.

One of the emissaries of the Jerusalem Yeshiva stayed for a time in Venosa, in southern Italy, preaching before that community on the Sabbath, and almost certainly also serving as the Yeshiva's agent for soliciting contributions.[58] Some members of the highly revered Aḥimaʿaz family are described as having donated money for the Jerusalem Yeshiva and for the Rabbanite 'Mourners of Zion' who lived in Jerusalem. It is even related that members of that family made a pilgrimage to the site of the Temple on festivals, as did other Italian Jews. In *Megillat Aḥimaʿaz* (The Scroll of Aḥimaʿaz) the sages of southern Italy are called a *ḥavura* (a group of scholars), an appelation reserved in Eretz Israel for members of the Yeshiva.[59]

As early as the beginning of the eleventh century the Eretz Israel gaon Josiah turned to the Jewish communities in Sicily for aid, and the congregations responded generously.[60] Sages who had acquired their knowledge of Judaism in Italy had more recourse to the Jerusalem Talmud than scholars elsewhere in the Diaspora at that time, even indirectly assisting in its diffusion among other centers of Jewry.[61]

[56] See the sources and literature cited by Margaliot concerning this, *Halakhot*, introd., pp. 1-2. On the traditions of the Jews of southern Italy to the effect that they were descendants of the exiles from Eretz Israel after the destruction of the Second Temple, see *Aḥimaʿaz*, p. 12, and in the selection of lists cited there by Klar, ibid., p. 45.

[57] Concerning the Italian-German school of liturgical poetry, see Fleischer, pp. 425 ff. A uniformity of custom and of the text of prayers is clearly discernible from what we read in *Megillat Aḥimaʿaz*, p. 17, about R. Aḥimaʿaz from southern Italy, who led the prayers in the Jerusalem Yeshiva and recited during the service one of the *seliḥot* by the poet Silano of Venosa. Klar has commented on that, n. 121.

[58] Regarding the midrashic works, which are assumed to have been written in Italy, it is difficult to reach an unqualified conclusion. See the literature cited by Margaliot, *Halakhot*, p. 3, n. 15. On the emissary from Eretz Israel see, *Aḥimaʿaz*, p. 16.

[59] *Aḥimaʿaz*, pp. 14, 35, 37; referred to are "Rabbanite" Mourners of Zion and not Karaites. See Grossman, Immigration, p. 143, n. 30. The term ḥavura for the Italian sages is mentioned in *Aḥimaʿaz*, p. 29 ("and he strengthened his yeshiva with sages from his group of scholars [ḥavurato]"), and on pp. 34-35 ("and there stood before him all of the ḥavura and the sages and the wise ones who sat in the row"). See J. Mann's treatment of this term, *Jews*, I, p. 54.

[60] See Mann, ibid., I, pp. 73-74; II, p. 74.

[61] Particularly through Ḥushiel and his son Ḥananel. See S.Y. Rapoport, *Biographies of Eminent Jews*, Warsaw 1913, pp. 245-246 (Heb.).

However, one must apparently discount that which is related about the book *Horayat ha-Kore*, even though it is often repeated in discussions of the links between Italy and Eretz Israel. The version of the text: "This is the book *Horayat ha-Kore* which was brought from Jerusalem to Bar[i] by a short route, and was brought by Joseph ben Ḥiyya the scribe from there ...," is apparently based on a misreading. It does not refer at all to the city of Bari in the district of Apulia in southern Italy.[62]

In the texts cited we can clearly discern the close identification of Italian Jewry with the heritage of Eretz Israel. But how strong was this link in comparison to their relationship with the Babylonian yeshivot? And did it maintain its full force until the end of the geonic period?

The prevailing assumption made by various scholars, that Palestine continued to take precedence through the eleventh century, is unfounded. To be sure, continuing influence was exerted in the areas of liturgical poetry and prayer, but that is insufficient to prove the predominance of the Eretz Israel heritage over that of Babylonia. It is only natural that it proved most difficult to introduce changes into the texts of the prayers and liturgical customs which had been in practice for generations and were invested with an aura of sanctity. But in other areas Babylonian influence gradually increased, and one may presume that towards the end of the geonic period it had gained the upper hand. This applies particularly to central and northern Italy, which were within the boundaries of the Holy Roman Empire.[63]

The best evidence of the changed situation is the great increase in the numbers of scholars who came to study in Hai Gaon's yeshiva. This included Mazliaḥ b. Elijah of Sicily,[64] and a whole group of well-known sages from the city of Siponto, in Italy:

> I saw written in the book of our Master, may he be blessed with life, which was written in the city of Siponto in the kingdom of Lombardy, in the *bet midrash* (school) of Rav Judah, who is called Leone b. Rav Elḥanan b. Rav Judah, of Blessed Memory, and before[65] Rav

[62] This reading was proposed by Porges who published the source ("Note sur l'ouvrage Horayat Ha-Kore," *REJ*, 23 [1891], pp. 310-311), and was accepted by many others, including Mann (*Jews*, I, pp. 74-73); S. Assaf and L.A. Mayer in *Sefer Hayishuv*, II, p. 37; B. Klar in *Aḥima'az*, p. 51; Dinur, A, 3, p. 233. Yet it is almost certain that this interpretation is incorrect. The source is found in two manuscripts, to which Porges also alluded in his article. In the first, Ms. Bodleian 1465, the version reads as quoted above: *lb'r* (which heretofore has been understood as *le-[Ba'r[i]*, "to Bari"). In the second, Ms. Parma 764, the text is *nb'r*, and the entire phrase, *neva'er be-derekh kezara*, thus means: "explained in brief." Thus we have before us two manuscripts which are not interdependent(!). Furthermore, in neither of them do we find the exact term 'Bari'. The slight difference between them (*lb'r – nb'r*) supports the notion that this is the verb *b'r*, ("to explain") and the interpretation we have offered above is more plausible. Common sense also tends to reject the reading *le-Ba'ri be-derekh kezara* ("to Bari by a short route"). What possible value could the fact that the book was brought from Jerusalem to that city "by a short route" have that would make the author mention it?

[63] We have evidence, even before the latter part of the geonic period, of Italian Jewry's links to the Babylonian center alongside similar connections with Eretz Israel. See, for example, Dinur A, 3, pp. 233-235, as well as Schechter, *Studies*, pp. 33-40.

[64] B.M. Lewin, "A Fourth Fragment from the Letter of R. Mazliaḥ to R. Samuel ha-Nagid," *Ginze Kedem*, 3, 1925, p. 67 (Heb.).

[65] That is to say, the book was written under the tutelage or supervision of these scholars.

> Menaḥem ha-Kohen and Rav Judah and all the other outstanding rabbis who had [studied][66] in the yeshiva of Hai Gaon, the son of Sherira Gaon ... and there were in that bet midrash a number of students, Rav Elḥanan, of Blessed Memory, and Rav ʿAnan ha-Kohen, of Righteous Memory, and Rav Malchiẓedek, of Eternal Memory, and Rav Moses ha-Kohen, May He Rest in Peace, and many other students. Some permitted [the case under discussion] and others forbade it. They searched through the tractate *Ḥullin*, *Halakhot Keẓuvot*, responsa and *Halakhot Gedolot* but found no basis for permitting or forbidding, until they found in the responsa of Rav Ḥananel b. Rav Ḥushiel, of Holy Memory, and in the responsa of Rav Nissim Gaon, of Holy Memory, that adhesions do not make [something] ritually unfit except in the lung.[67]

This source is doubly important: first of all it informs us of the very fact that these renowned sages studied in Hai Gaon's yeshiva; secondly, it points to the influence of the Babylonian school upon them. There were differences of opinion between Babylonian and Eretz Israel sages over the examination of ritually unfit meat, and it is, therefore, especially significant that these sages were prepared to accept the halakhic sources of the Babylonian geonim (*Halakhot Gedolot* and responsa) on this particular issue.[68]

Sages from Rome as well studied with Hai Gaon. Isaac b. Judah, head of the Mainz yeshiva after 1064, received Hai's teachings from them.[69]

The responsa of Meshullam b. Kalonymos of Lucca, one of the outstanding sages of northern Italy in the second half of the tenth century, are based to a great extent on the Babylonian Talmud and the teachings of the Babylonian geonim. He even posed his questions directly to Sherira Gaon. Agus attempted to explain this by proposing that halakhic queries from Italy and Germany were directed to Eretz Israel, while questions concerning the explication of Talmudic sources, like those of Meshullam, were sent to Babylonia. But it is difficult to maintain such a division. At times, the clarification of the Talmudic discussion (*sugya*) influences the final legal ruling. Moreover, one of the queries of Meshullam in the responsa we have mentioned has a clear link to the rendering of halakhah.[70] The responsa of

[66] According to the reasonable reading proposed by Neubauer.

[67] Ms. Bodleian 1101, f. 184a; cited with slight variances in A.B. Neubauer, "Ancient Texts from Oxford," *Hamaggid*, 18 (1874), p. 41 (Heb.).

[68] Concerning this dispute see Lewin, *Thesaurus*, para. 18, pp. 43-44; Margaliot, *Differences*, pp. 127-128. Traces of the Siponto sages' polemics even caused one of them, Malchiẓedek, to address a query to Jacob b. Yakar of Mainz, as we learn from an ancient Italian source, still in manuscript. See Grossman, *Sages*, ch. 5, p. 253.

[69] "And this explanation Isaac the son of Judah heard in Rome in the name of Hai Gaon," *Mordekhai*, Shabbat, para. 548. Isaac apparently traveled to different places in the course of his business. For that reason, it seems that the historical authenticity of this source should not be doubted.

[70] Meshullam's queries were published by L. Ginzberg, *Geonica*, II, New York 1909, p. 57 (Heb.). They were discussed in detail by B.M. Lewin , *Rav Sherira Gaon*, Jaffa 1917, pp. 32-39 (Heb.). Query number 11 (Lewin, ibid., p. 38), on the manner of eating the Paschal sacrifice, is mainly halakhic. Meshullam connected it to the explication of the discussion of the issue in tractate *Pesaḥim*, but this explanation has clear ramifications for determining the act itself, and one cannot reject it by claiming that this commandment was no longer observed after the destruction of the Temple. See Agus, p. 196.

the Babylonian geonim to issues with practical halakhic application also served as an important source for the halakhic decisions of Meshullam and of his father, Kalonymos, whereas the Jerusalem Talmud is cited only once in their numerous (ca. 100) responsa.[71]

Another theory, that of A.I. Schechter, tries to argue that it was precisely in the tenth century that the influence of the Yeshiva increased in Italy and other centers in the Diaspora, and that Italy competed in this period, and even in the eleventh century, with Babylonia for spiritual hegemony over Jewish communities. This theory, however, has nothing to support it and is clearly obviated by the above-mentioned sources.[72]

Germany

German Jewry has been described, as we have noted, as another community under the hegemony of the Yeshiva of Eretz Israel.[73] Five arguments have been offered to support this theory:

(a) The Jewish community in ninth- to eleventh-century Germany was made up of many immigrants from Italy. It is reasonable to assume that they transferred to Germany Italian Jewry's identification with Eretz Israel.
(b) The fact that queries from Germany were addressesd to the geonim in Eretz Israel in 960 and again ca. 1070, together with traces of the teachings of Eretz Israel sages in the literature produced by the early German sages are evidence of a link with Eretz Israel.[74]
(c) Early Ashkenazi liturgy was influenced to a great extent by the version of the prayers and blessings customary in Eretz Israel, and the ancient Ashkenazi customs – in this and other areas – were influenced by the tradition of Eretz Israel.[75]
(d) The linguistic tradition of the German Jews closely followed that of Eretz Israel.[76]

[71] See Meshullam's response in: *Ha-ʿIṭṭur*, II, *Section Get Haliẓah*, II, New York 1955, 5d (Heb.). In light of this one must amend Margaliot's statement in *Halakhot*, introd., p. 10, that these two rabbis never cited the Jerusalem Talmud.

[72] Schechter, *Studies*, pp. 33-40. To be sure, Hai Gaon's statements ("And this is the main thing, and all the errors of the sages who come from Rome cause you to err," *Temim Deʿim*, Warsaw 1897, para. 119 [Heb.]) expose his bitterness over various customs (apparently relating to the liturgy) brought from Italy to North Africa (some of which seemingly originated in Eretz Israel). Yet there is still a great difference between the exercise of some influence by the Italian center and competition between the two centers over hegemony. R. Bonfil, "Between Eretz Israel and Babylonia," *Shalem*, 5 (1987), pp.1-30 (Heb.), focuses on the relationship between Italian Jewry and Eretz Israel in the early Middle Ages. From the "Scroll of Aḥimaʿaz," Bonfil infers that as early as the ninth century, Babylonian influence had superceded that of the Palestinian center. For several reasons, I believe this development took place in the tenth century.

[73] I have treated in detail the identification of early Ashkenazi Jewry (until 1096) with the heritage of Eretz Israel. See Grossman, Ties, pp. 57-92; the response by I. Ta-Shema, *Kiryat Sefer*, 56 (1981), pp. 344-352 (Heb.), and my response in *Zion*, 47 (1982), pp. 192-197 (Heb.). Here we have only noted the most salient points.

[74] The queries were mentioned above, n. 32. Concerning the literary remnants, see Assaf's introduction to *Sefer Hayishuv*, p. 43, and the discussion below.

[75] See Schechter, *Studies*; Fleischer, in many places in his volume.

[76] See Eldar.

(e) The early German-Jewish community was influenced by its counterpart in Eretz Israel, both in the nature of its communal institutions as well as in the role and status of the individual within Jewish society.[77]

These arguments or proofs have not been seriously investigated, and in themselves do not substantiate the theory noted above. Just as immigrants came from Italy, they also came from northern France (that is, north of the Loire river) and from southern France, and apparently in larger numbers. Immigrants reached northern France from Spain and Provence, where Babylonian influence, it is generally accepted, was greater than that of Eretz Israel. These newcomers, therefore, could have brought with them Babylonian traditions. Moreover, as we have seen above, it is difficult to assume that Italian Jewry preferred the center in Eretz Israel during the tenth and eleventh centuries.

This also holds true with regard to Eretz Israel influence on the fundamental organization of the early Ashkenazi community. Three elements make this community distinctive: (a) the great autonomy which the community enjoyed (it was not subservient to a central government); (b) the great authority of the community over its members, as demonstrated by the many functions for which it was responsible and the authority it possessed to make regulations and enforce them; (c) the status and relative importrance of the individual within the community.

These distinctive features also characterized the Jewish communities in the Hellenistic cities of Palestine during the period of Roman rule, even prior to the rise of the hierocratic regime, whose highest official was the nasi. In view of this we would have to assume that these traditions, which to a great extent had ceased to function in such an early period, survived for many years as an abstract tradition which was later revived in tenth-century Germany. Such an explanation seems to be very forced.[78] Baer's assumption that the democratic nature of the Jewish community in Palestine was renewed during the geonic period has not been substantiated by documents from the Cairo geniza which have since been discovered.[79] Apparently the explanation for the development of the foundations of German-Jewish society in the tenth and eleventh centuries must be sought elsewhere: in the

[77] Baer, p. 2: "It is very probable that in Eretz Israel during the 'geonic period' the democratic nature of the community was maintained and also developed, and that it was here that the foundations were laid for the familiar forms of medieval communal organization in Europe." See also further statements he makes there. Agus stated categorically: "However, this complex Law, no doubt, was not developed in the middle ages ... but every one of its numerous details was transmitted orally from the days of the Second Temple." A. Agus, "The Oral Traditions of Pre-Crusade Ashkenazic Jewry," *Studies and Essays in Honor of A.A. Newman*, Philadelphia 1962, p. 4.

[78] See Baer, pp. 2-3; A. Grossman, "The Origins and Essence of the Custom of 'Stopping-the-Service'," *Milet*, 1 (1983), pp. 199-219 (Heb.); M. Ben-Sasson, "Appeal to the Congregation in Islamic Countries in the Early Middle Ages," *Knesset Ezra – Literature and Life in the Synagogue: Studies Presented to Ezra Fleischer*, Jerusalem 1994, pp. 327-350 (Heb.).

[79] Important studies on this topic were published by S.D. Goitein. See Goitein, *Palestinian*; idem, *Society*, II. See also the works of M. Gil, above, n. 3.

socioeconomic structure of the immigrant families and the earliest communities during that period, and in the numerous difficulties faced by those communities, which were very small numerically when first established.[80]

The importance of the other two factors – liturgy and customs – in evaluating the relationship between Germany and Eretz Israel is even greater and of real significance. It is a matter of fact that the influence which the Eretz Israel prayer rites and liturgical poetry had on German-Jewish liturgy demonstrates the connection of the German community with Eretz Israel. However, this is insufficient proof of the claim that they preferred the heritage of Eretz Israel to that of Babylonia, since the influence of Eretz Israel was mainly in the area of the liturgical poetry that was incorporated into the prayers. Moreover, the tradition of the fixed statutory prayer services followed by the German Jews was clearly influenced by Babylonian practice:

> One usually hears that the the source of the Ashkenazi rite lies in the ancient traditons of Eretz Israel ... and contrarily that the source of the Sephardi and Yemenite rites is the ancient Babylonian one. It must be emphasized that this division does not hold for the set prayer services. That which is included in the fixed statutory prayers of the Ashkenazi rite ... is based upon rulings by the Babylonian geonim and indirectly upon the Babylonian Talmud. *Seder Rav Amram Gaon* (9th century) established the framework for the prayers everywhere, creating uniformity out of all the traditions, and the sages of Germany and France were well aware of this.[81]

Even the linguistic tradition and the link to Eretz Israel customs, important as they may be, cannot prove the preeminence of the heritage of Eretz Israel, as we shall see below. Yet an examination of the nature of the Ashkenazi literary output of that period offers an important contribution to any discussion of this issue. On the one hand, it affirms their very attachment to the Eretz Israel heritage, while on the other, it draws its limits, and shows that as from the middle of the eleventh century preference was definitely given to the Babylonian heritage. Three sets of facts corroborate this statement:

(a) The use of, and preference for, the works of Babylonian geonim. From the middle of the eleventh century there was a notable increase in the number of Babylonian sources, responsa by Babylonian geonim and other halakhic works, which were utilized by the Ashkenazi rabbis. From that period on we find no case of an Ashkenazi sage who is willing to explicitly contradict the Babylonian sages or the Babylonian Talmud, not even in those instances when the tradition varied from that of the Jerusalem Talmud. There was a very significant increase

[80] See A. Grossman, "Emigration and Settlement of Jews in Germany in the Ninth-Eleventh Centuries," A. Shinan (ed.), *Emigration and Settlement in Jewish and General History*, Jerusalem 1982, pp. 109-128 (Heb.).

[81] D. Goldschmidt, *Mahzor for the High Holidays According to the Ashkenazi Rite*, I: *Rosh Ha-Shana*, Jerusalem 1970, p. 15 (Heb.). See also J.M. Elbogen – J. Heinemann, *The Historical Development of Jewish Prayer*, Tel Aviv 1972, p. 6 (Heb.); L. Zunz, *Die Ritus des synagogalen Gottesdienstes*, Berlin 1859, p. 38.

in the citation of works by Babylonian sages as compared to the immediately preceding period.

This change was not simply quantitative. The Ashkenazi rabbis of the late tenth and the early eleventh centuries were prepared to openly disagree with the Babylonian rabbis and even the Babylonian Talmud. This was the case with Judah b. Meir ha-Kohen Leontin as well as with Rabbenu Gershom Me>or ha-Golah and Judah ha-Kohen.[82] We have not found even one explicit difference of opinion with the Babylonian Talmud or the Babylonian geonim in the second half of the eleventh century. By then, the authority of the Babylonian geonim was recognized as supreme. Moreover, when Benei Makhir (great grandsons of Makhir, brother of Rabbenu Gershom) found a contradiction between the customs of their forefathers and the Babylonian Talmud, they unreservedly expressed their great dismay;[83] it did not even enter their minds that there could be different traditions. They could not conceive that their forefathers might have openly disagreed with the Babylonian Talmud by favoring the traditions of Eretz Israel. It may even be that they preferred not to admit that and sought farfetched excuses. To be sure, Meshullam b. Kalonymos, Rabbenu Gershom Me>or ha-Golah, and Judah ha-Kohen did avail themselves of the teachings of the Babylonian geonim, but only to a relatively small degree. The most blatant evidence of the change which occurred in the second half of the eleventh century is the book *Ma<aseh ha-Makhiri*, which cites the teachings of the Babylonian geonim on every issue, as compared to the scant number of quotes from Eretz Israel sages.[84] Apparently a bit earlier, a comprehensive anthology of selections from responsa by Babylonian geonim, entitled *Sefer Basar <al Gabei Gehalim*,[85] had been compiled in Mainz.

(b) A greater degree of dependence by the early Ashkenazi sages upon the tannaitic literature. The number of citations of tannaitic literature in the responsa of Meshullam b. Kalonymus,

[82] For examples of that see, Grossman, Ties, particularly p. 68, nn. 32-33 and p. 73; idem, *Sages*, in the discussion of these sages' activities.

[83] *Ma<aseh ha-Geonim*, p. 49.

[84] Concerning *Ma<aseh ha-Makhiri* see above, n. 21. It is certain that the sources do not vindicate the statement by S. Assaf (*Sefer Hayishuv*, II, pp. 42-43) that the items attesting to the connections between the Jews of Eretz Israel and those of France and Germany are more numerous than those which have survived that demonstrate such links between those centers and Babylonia. One of the citations in *Sefer Hayishuv*, ibid., may even be misleading: "Nathan b. Makhir, the brother of Rabbenu Gershom Me>or ha-Golah, exchanges questions and answers with Rav Amram Yerushalmi." This passage is cited as proof of the attachment of Ashkenazi Jewry to Eretz Israel. However, from *Sefer Ma<aseh ha-Makhiri* it is clear that Amram Yerushalmi lived in Mainz and was one of its sages. He possibly came from Jerusalem and thereby was given the description 'Jerusalemite'; but it may also be that he only made a pilgrimage to that city and was only a visitor there. In any event, it is clear that the exchange of responsa took place in Mainz. See, *Sefer ha-Pardes*, Warsaw 1870, para. 23 (Heb.), and *Siddur Rabbenu Shelomo mi-Garmaiza*, ed. M. Herschler, Jerusalem 1972, p. 277 (Heb.).

[85] See what was written about this work by A. Sulzbach, "Das Piskei Sefer Basar <al Gabei Gehalim," *JJLG*, 5 (1908), pp. 367-370, and J.N. Epstein, "Ueber das Buch *Basar <al Gabei Gehalim*," ibid., 8 (1911), pp. 447-451. For my reasons for determining the period of the writing of the book as mid-eleventh century, perhaps by Jacob b. Yakar, see Grossman, *Sages*, pp. 254-257.

Rabbenu Gershom Me>or ha-Golah and Judah ha-Kohen is much greater than their number in the writings of contemporary Spanish rabbis or indeed in those of other sages in any other post-Talmudic period. This is most characteristic of Judah ha-Kohen, who turned to tannaitic literature, and especially to the Mishna, more than to the Babylonian Talmud. True, this predilection for tannaitic sources is not necessarily proof of their preference for the heritage of Eretz Israel; it may be explained as a preference for the works of early sages per se. However, even if this last assumption is true, the fact remains that we have here a case of strong identification with the religious rulings made in Eretz Israel. In any event, for these personalities, the Babylonian Talmud was not the major authority upon which they based their own halakhic decisions. From the middle of the eleventh century, this special reliance upon tannaitic sources was no longer evident, having actually disappeared.

(c) Intensive use of the Bible on issues of practical halakhah. This method of rendering decisions was applied by Meshullam b. Kalonymos, Rabbenu Gershom Me>or ha-Golah, Judah ha-Kohen, and Joseph Tov-Elem. Rabbenu Gershom Me>or ha-Golah made especially great use of this method. These sages utilized three types of exegesis (*derasha*): using a non-literal Biblical interpretation only alluded to in the Talmud; making use of an existing explanation, while enlarging its scope and application; creating a totally new explanation. From these kinds of explanations Joseph Tov-Elem concluded that the community is not empowered to levy a tax on land, while Judah ha-Kohen determined the degree of authority which the community leadership could exercise over its members.[86] To be sure, most of these Biblical interpretations were actually cited only as supporting proof, and the respondent actually reached his ruling by relying on his own judgment. Yet, it is a fact that this, too, was not an accepted method in post-Talmudic halakhic renderings. These sages used a large number of non-literal Biblical interpretations (derashot). Rabbenu Gershom Me>or ha-Golah even admitted using this method of reliance upon the Bible and the Mishna in his legal rulings: "Not only do we not have any proof, *neither from the Bible nor from the Mishna*, to invalidate it [a certain ruling], but rather the Bible and the Mishna support [the tendency] not to invalidate it." And elsewhere: "And even though this law was not explicity written in the Bible and not taught explicity in the Mishna, it may be deduced from the Biblical verses and from the passage in the Mishna."[87]

This is an extremely rare method in the accepted legal decision-making process in other Jewish centers, and in Germany itself it disappeared in the middle of the eleventh century. In the hundreds of responsa which have survived from this period we find no new explanations (derashot) nor any whose application was expanded. Albeit, Samuel, the son of Judah ha-Kohen, did rely upon Biblical exegesis regarding a question of practical halakhah, but in

[86] Statements by Joseph Tov-Elem, *She>elot u-Teshuvot Meir b. Barukh mi-Rotenburg*, ed. Bloch, Prague edition, repr. Budapest 1895, para. 941 (Heb.); statements by Judah ha-Kohen, *Kol Bo*, Naples 1499, para. 142 (Heb.).

[87] *Mahzor Vitry*, para. 125 (Heb.); *She>elot u-Teshuvot Rabbenu Gershom Me>or ha-Golah*, ed. S. Eidelberg, New York 1956, p. 147 (Heb.).

that instance he was actually quoting his father's opinion and no more. His colleagues even expressed their dismay at his doing so.[88]

In *Sefer Ḥasidim* (written in the twelfth – thirteenth centuries), however, there have been preserved hundreds of passages in which the Bible is quoted as an authoritative source for deriving moral lessons; it may be that the authors of *Sefer Ḥasidim* were following the early Ashkenazi sages in doing so. The medieval Ḥasidim of Germany strongly identified with their forefathers who predated 1096 and they fiercely defended this connection against the 'new' customs of the Tosafists. Here, too, we do not have uncontestable evidence which explicitly links this connection to the Bible with the tradition of Eretz Israel, but it may be possible to do so for the following reasons:

(l) This close sense of identification with the Bible is found in liturgical poetry of Eretz Israel as well as in the apocalyptic literature that dates from the beginning of the Middle Ages. The correspondence of Eretz Israel sages is also replete with Biblical quotes and phrases.
(2) Allusions to their attachment to the Bible were preserved in the few surviving responsa written by the Palestinian geonim.
(3) We find a greater use of these non-literal explanations in the responsa by Saadya Gaon than in those by other Babylonian geonim. It is possible that Saadya thereby continued the tradition of Eretz Israel, where he had spent a number of years prior to his moving to Babylonia.[89]

By the second half of the eleventh century the influence of Eretz Israel remained strong in two areas: in the linguistic tradition and in the continued practice of various customs, particularly relating to liturgy. The preservation of the linguistic tradition is not surprising. On the one hand, the pronunciation of the *qamaẓ* as *patah* and of the *ẓere* as *segol* are in no way a deviation from the Babylonian Talmud's halakhic tradition nor from that of the Babylonian geonim. On the other hand, it was difficult for sons to change their lingual habits and not follow in the footsteps of their fathers, and precisely in that area – prayer – which they considered most valuable for their religious observance, as noted above in the discussion of the relationship between Italian Jewry and Eretz Israel. The liturgical poems which their ancestral forefathers had composed occupied a central position in the prayers and were founded upon the same tradition of pronunciation; this made phonological changes increasingly difficult. It is a fact that even in the thirteenth century, by which time, it is

[88] *Maᶜaseh ha-Geonim*, pp. 49-50. From the discussion there it appears that this was a fundamental dispute over the right to interpret Biblical statements for application to questions of practical halakha, even if not by the method used by the Babylonian Talmud. It is crystal clear that Judah ha-Kohen also knew the explanation given there taken from tractate *Bava Batra* 159b, but that he felt it was permissible to innovate and explicate independently.

[89] See Grossman, Ties, pp. 69-73. All of the arguments presented here were discussed there in greater detail with examples.

universally accepted, preeminence was given in Ashkenaz to the Babylonian tradition, one can still clearly discern the influence of Eretz Israel linguistic tradition.[90]

More important is the link to the traditions of Eretz Israel as preserved in the customs of certain sages and families. Yet it seems to me, that even this fact does not contradict our conclusion that the influence of Eretz Israel waned in the eleventh century. This phenomenon resulted from the extreme care exercised by some Ashkenazi Jews, mainly descendants of families of honored lineage, to follow in the footsteps of their earliest ancestors. This tendency is one of the characteristic elements of Jewish society in Ashkenaz until 1096, and to a great extent even afterwards. We deduce from this that the descendants had simply maintained their forefathers' customs and no more. This is but a case of conservatism and identification with family tradition, even when the descendants were aware at times that their customs differed from those of the Babylonian heritage.[91]

On the whole, in the ninth and tenth centuries, when the first Jewish communities in Germany were established, there were close ties to the heritage of Eretz Israel, alongside a strong attachment to the Babylonian tradition, and we have no way of determining, on the basis of the sources at our disposal, which of the them took priority.[92] The influence of the Babylonian traditions gradually increased, gaining predominance from the middle of the eleventh century. This development cannot be explained by claiming that the Ashkenazi sages were unacquainted with the Eretz Israel tradition. Both internal and external sources indicate that Jewish merchants from Germany and France frequently traveled to the countries of the Muslim caliphate, including Palestine. Charlemagne, or so we are told, availed himself of a Jewish merchant from Mainz, "who often traveled to the Holy Land and brought from there to countries across the sea many precious, unknown objects," when he wanted to harm Bishop Richulf of Mainz.[93] Even if there be some reason to doubt the trustworthiness of the details of this story, the very depiction of a ninth-century Jewish merchant who was accustomed to traveling to Palestine indicates that such journeys were a reality of which people were aware. Rashi attests to the activities of "readers who come from Eretz Israel," and books from that country which were brought at that time to Western Europe.[94] It is

[90] See Eldar.

[91] In many instances they did not know that the customs originated in Eretz Israel. However, there are other customs about which the Babylonian Talmud explicitly notes their Palestinian origin, so Ashkenazi Jews were aware of this. These latter customs were of great importance, especially with regard to their identification with Eretz Israel. See Grossman, Ties, addendum, pp. 78-92, the discussion on the benedictions during removal of the phylacteries and the taking of the *halla* portion of dough.

[92] The few surviving halakhot from the teachings of Judah b. Meir Leontin, the teacher of Rabbenu Gershom Me>or ha-Golah, who lived in Mainz during the second half of the tenth century, show that for certain laws he followed the Babylonian heritage while for others he based himself upon the teachings of Eretz Israel. (We even find him explicitly disagreeing with the Babylonian sages. See: *She>elot u-Teshuvot Meir b. Barukh mi-Rotenburg*, ed. Bloch, Budapest 1895, para. 264.) See the discussion of him in Grossman, *Sages*, pp. 80-86.

[93] J. Aronius, *Regesten zur Geschichte der Juden im fränkischen und deutschen Reiche bis zum Jahre 1273*, Berlin 1887-1902, n. 75. Richulf was archbishop of Mainz from 787 to 813.

[94] See above, the discussion on *Sefer ha-Ma<asim* and the responsa of the Palestinian geonim. See also *Sefer Hayishuv*, II, p. 113.

reasonable to assume that these merchants brought halakhic questions from Germany to Eretz Israel, like those noted above, dating from 960 and ca. 1070, and those of Meshullam b. Moses at the end of the eleventh century.

Since these examples survived by chance, we may assume that they were not unusual. Indeed, one of the commercial routes plied by the Radhanite Jewish merchants traversed Palestine, as attested to by ninth-century author Ibn Khurrādadhbih. Whether these merchants originated from Europe or the East, they could certainly serve as an important conduit of cultural traditions from Eretz Israel as well as from Babylonia to the other centers of Jewish population.[95] Similar links, deriving from the commercial activities of Jews, were maintained between the Jewish communities of Germany and France and that of Babylonia. We have much evidence of this.[96] These connections with the two centers indicate that the strong identification of the early Ashkenazi sages, first with the heritage of Eretz Israel and later with that of Babylonia, was an intentional, voluntary act.

Historical conditions in Christian Europe lend additional meaning to the growing influence of the Babylonian heritage precisely in the eleventh century. The general atmosphere in tenth-century Western Europe, and more so in the eleventh century, could have served as fertile ground for a stronger connection between Jews in Christian Europe and Eretz Israel. This was a period in which the Christian link to the Holy Land in general and to Jerusalem in particular intensified. Various Christian groups began to compete among themselves for the acquisition of holy sites in Palestine, particularly in Jerusalem, with the acquiescence of the Muslim authorities. Earlier, Charlemagne had supported Church institutions in Jerusalem and pilgrimages to the Holy City.

The belief in the Millenium, to be followed by Judgment Day and the establishment of a Kingdom of Heaven on Earth, sparked an increase in the number of Christian pilgrims to Jerusalem towards the year 1000 C.E. Another factor adding to the interest in Jerusalem in the second half of the tenth and in the eleventh centuries was the rise of the Cluniac movement and its increasing influence on religious and spiritual life in Christian Europe. The

[95] See R.S. Lopez and I.W. Raymond, *Medieval Trade in the Mediterranean World*, New York 1955, pp. 31-33; and also M. Gil, "The Radhanite Merchants," *JESHO*, 17 (1974), pp. 299-328, with many bibliographical references on pp. 323-328. In contrast to the notion accepted in the past that they originated in Europe, Gil suggests that they came from the Rādhān district, near Baghdad, a proposal which fits better the language of Ibn Khurradādhbih. From the latter's statements we see that journeys were undertaken by these merchants rather frequently.

[96] In queries addressed to Rabbenu Gershom Me=or ha-Golah and to Judah ha-Kohen during the first half of the eleventh century, mention is made of the trips by merchants to "the country of the sea." From the length of their absence (at times over a year), the nature of the merchandise they brought with them, and Arab idioms which entered the language of Ashkenazi Jews, it is obvious that these were journeys to the lands of the Muslim caliphate. Regarding a number of these idioms, see Grossman, Migration, p. 170, n. 46, and additional supportive evidence is available. For example, the teachings of Hai Gaon, who died in 1038, were known to German and French rabbis as early as the first half of the eleventh century. It is almost certain that they were transmitted from place to place by these merchants. See also, Grossman, Ties, pp. 64-66, and additional evidence for this is also at hand.

number of Christian pilgrims from Western Europe, usually led by bishops and noblemen, was also considerable. This Christian sense of identification with the Holy Land was augmented at the end of the eleventh century by the Crusader conquest of Jerusalem in 1099.[97] It is reasonable to assume that the relatively strong identification of Christians with the Holy Land encouraged a growing interest in Eretz Israel and Jerusalem among their Jewish neighbors and fed their messianic expectations.[98] Therefore, the enhanced influence of the Babylonian tradition and the fact that it achieved preeminence from the mid-eleventh century onwards are of great importance.

North Africa

A process similar to that which took place in Germany and Italy occurred even more forcefully in North Africa. When the North African Jewish communities came into being in the eighth and ninth centuries, they were quite closely connected to the heritage of Eretz Israel. This was due in part to direct contact with Palestine and in part to an indirect link through the Jewish communities in Italy.

As early as ca. 800 C.E. Pirkoi ben Baboi wrote to the communities of North Africa:

> And we have heard that the L[ord] has graced you and established houses of study in all the cities of Ifrīqiya [modern Tunisia] and in all the places of Spain ... we have heard that you have been visited by scholars of a yeshiva, some of whom w[ere previously in Ere]tz Israel and learned the customs of Eretz Israel [and follow the cu]stoms [which arose because] of persecution [as followed by the Jews of Ere]tz Israel.[99]

These scholars implanted the customs of Eretz Israel in their new places of residence, as indicated by the continuation of Pirkoi's letter. We may assume that the great emigration from the east to North Africa, in the wake of the that region's economic development,[100] also brought with it Babylonian sages. These scholars, apparently, carried with them the Babylonian teachings, but it appears that influence of the Eretz Israel school upon the first generations was also strongly felt. Hai Gaon testifies to this:

> ... And so it is written in marriage contracts found in the Maghrib from the days of the early sages ... and the source of this error is from the Jews of Eretz Israel ... on this matter the

[97] See P. Alphandery, *La Chrétienté et l'idée de Croisade*, ed. A. Dupront, I, Paris 1954, pp. 43-56; J. Prawer, *Histoire du royaume latin de Jérusalem*, I, Paris 1969, pp. 121-149; and see in great detail below, Ch. 10.

[98] See the query cited above from the year 960 on the coming of the Messiah. Even the place of 'Zion' as an important motif in the poetry of Simon b. Isaac, the greatest of the early German-Jewish liturgical poets, demonstrates this. See also the article by J. Mann, "Messianic Movements during the Early Crusades," *Ha-Tekufah*, 23 (1925), pp. 243-261; 24 (1926), pp. 335-358 (Heb.).

[99] Lewin, Fragments, pp. 396-397. And see also statements by Lewin in his introduction, p. 385. On the identification of North African Jewry with Eretz Israel see Büchler, pp. 145-175; Hirschberg, pp. 213-219; Poznanski, pp. 175-220. See also Ben-Sasson, Jews of the Maghreb.

[100] See H.Z. Hirschberg, *A History of the Jews in North Africa*, I, Leiden 1974, pp. 99-100; Goitein, *Society*, I, pp. 42-59, 148-159, 273 ff.

> people from the East and the people of Eretz Israel disagreed ... your early sages adopted this idea from the people of Eretz Israel, but as for you now, all of your deeds are according to our customs and our Talmud.[101]

The influence of Eretz Israel can also be discerned in other customs concerning marriage contracts of North African Jews during the eighth and ninth centuries, but as early as the end of the eighth century these communities also addressed their queries to the sages of Babylonia. It appears that in North Africa, more than in any other center of the Jewish dispersal, different traditions existed side by side: those of Babylonia, Eretz Israel and Italy. Although the influence of the Babylonian heritage gradually increased, clear traces of both those of Eretz Israel and Italy remained and were maintained until the end of the geonic period.[102]

The Italian tradition was transmitted mainly by Ḥushiʾel b. Elḥanan. This apparently explains the repeated recourse to the Jerusalem Talmud in the works of two great sages of Qayrawān who studied with Ḥushiʾel: his son, Ḥananʾel, and Nissim b. Jacob.

It may well be that in the field of mysticism the North African communities were also influenced by Eretz Israel, and continued to be so even in later periods. In any event, a query sent to Hai Gaon from the yeshiva at Qayrawān relates that:

> A number of the Eretz Israel sages and sages from the Land of Edom [=Italy], wise, learned, faithful men, relate that they saw this in public, that someone took leaves of reeds and olives and wrote upon them and threw them at the brigands and they could not pass ...[103]

However, the clear image emerging from these sources is that the North African communities of the tenth and eleventh centuries were predominantly under the influence of Babylonia. One proof is the considerable number of geonic responsa sent to the North African communities. S. Assaf believes that the decisive majority of surviving geonic responsa were sent to North

[101] Isaiah di Trani, *Sefer ha-Makhriaʿ*, Livorno 1739, para. 42 (Heb.); *Otzar ha-Geonim*, VIII: *Tractate Ketubot*, ed. B.M. Lewin, Jerusalem 1939, pp. 38-39 (Heb.). See also Lewin, *Thesaurus*, pp. 18-22; Margaliot, *Differences*, pp. 102-106. On the doubts regarding the identity of the respondent (Hai Gaon or his father Sherira Gaon), see S. Assaf, "Eretz Israel in the Responsa of the Babylonian Geonim," *Meʾassef Zion*, 1 (1926), p. 27, n. 2 (Heb.), and the literature cited there. See also Büchler, pp. 147 ff.

[102] Regarding all this see Poznanski, p. 179; Büchler, pp. 147 ff.; Assaf, Growth, pp. 213-220, 445-449, 559-565. See especially Assaf's statements, ibid., on the emigration of Ḥushiʾel and Ḥananʾel, and on the nature of this center. See also the discussion on the dissemination of the Jerusalem Talmud, mentioned below. In addition, see M. Ben Sasson, "Italy and ʾIfriqia from the Ninth to the Eleventh Century," *Les Relations intercommunautaires juives en méditerranée occidentale, XIII^e – XX^e siècles*, Paris 1984, pp. 34-50.

[103] *Otzar ha-Geonim*, IV: *Tractate Chagiga*, ed. B.M. Lewin, Jerusalem 1931, pp. 16 ff. (Heb.). See also statements by the same inquirers, ibid., p. 18: "We have several mystical books and the people of Eretz Israel told us [about them], but we were afraid to touch them, except if we could rely upon a holy and pure person like our master." See Hirschberg, p. 216, who believes that one may also find evidence of identification with Eretz Israel in mystical matters in a letter preserved in the geniza. Some doubt remains, however, as to whether *sodot gedolot* ("great secrets") refers to mysticism or not.

Africa. This seems reasonable, but since many of these responsa are anonymous, it is difficult to make any quantitative estimates.

North African communities addressed queries to Hai Gaon, and this was their usual custom. Therefore, when two outstanding North African sages – Bahlūl b. Joseph and Ḥushiʾel b. Elḥanan – did not turn directly to him, he pressured them. He asked Jacob b. Nissim, head of the yeshiva of Qayrawān, to persuade these sages to write to him, and even added to his letter "two public letters to all of the Maghrib," in order to strengthen the relationship of the Maghrib communities with his yeshiva.[104]

Although the North African communities were mainly under Babylonian influence, the links between them and the Jewish community in Eretz Israel and its Yeshiva were not broken off. They were maintained thanks to the pilgrims, and particularly to groups which emigrated from North Africa, settling in Palestine.[105] Even after their emigration many of them maintained contact among themselves. They actively participated in some of the controversies in Eretz Israel, and at times were even a pressure group, which points to their relative importance within the Jewish community in Palestine. Apparently one of them even served as Gaon of Eretz Israel. The Yeshiva also benefited from these connections. North African Jews were among its most important supporters, as we learn from various documents, mostly dating from the eleventh century. Two members of Eretz Israel geonic families went to Qayrawān to study with its sages.[106]

North African Jewry assisted in maintaining the limited connection between the Jewish communities in Spain and the Yeshiva. We know of Spanish pilgrims to Eretz Israel, and even of individuals who settled there permanently. Attachment to the Holy Land was afforded a prominent place in the religious poetry of Spanish Jews. This leads us to conclude that the emotional ties of Spanish Jewry to Eretz Israel were equal to those of other Jewish diaspora communities (see below). However, with regard to its spiritual heritage Spanish Jewry was from the outset under the decisive influence of Babylonia.[107]

Babylonia

Some aspects of the relations between the Yeshiva and the Babylonian yeshivot were reviewed above, in the course of our discussion of the nature of the literary output of the Yeshiva and of the relationship between other Diaspora centers and this yeshiva. The present

[104] Mann, *Texts*, I, p. 120. He is Rav Bahlūl against whom Hai Gaon complained "that he has transferred his allegiance to the Yeshiva of Eretz Israel (*ḥavurat eretz ha-tzvi*)." See ibid., and also Hirschberg, pp. 214-215.

[105] Regarding immigrants from North Africa, see *Sefer Hayishuv*, II, p. 27. For a more recent treatment, see Ben-Sasson, Jews of the Maghreb.

[106] See S.D. Goitein, "The Organization of Support for the Scholars and the Poor in Palestine during the Eleventh Century," Goitein, *Palestinian*, pp. 115-131 (Heb.); Hirschberg, pp. 217-219. Regarding the students see, Mann, *Texts*, I, p. 333; S.D. Goitein, "Ha-Rav: An Obscure Chapter in the History of the Palestinian Gaonate," *Tarbiẓ*, 45 (1976), p. 66 (Heb.).

[107] See Assaf's opinion, Assaf, Growth, pp. 398-409.

treatment will be limited to a general survey of these relations and a number of additional points.[108]

Certain circles in the Babylonian yeshivot or among those closely related to them developed an ideology aimed at explaining and justifying their superiority over those of Eretz Israel:

> And for that reason the Holy One, Blessed Be He, established two yeshivot [Sura and Pumbeditha in Babylonia] for Israel in which they study Torah day and night and gather together two times a year in [the months of] Adar and Elul from everywhere ... and those two yeshivot **have faced neither captivity nor forced conversion [nor looting] and they were not dominated, neither by Greece nor by Edom [Rome, Christianity].** And the Holy One, Blessed Be He, took them out twelve years before the destruction of the Temple with their teaching and learning ... even in the days of the Messiah they will not see [suffer] the birthpangs of the Messiah, for it is written, "Oh, Zion, escape, thou that dwelleth with the daughter of Babylon [Zach. 2:11], escape from the evil Edom ... **and "Zion" is none other than a yeshiva distinguished by learning and [the performance of] commandments ... and redemption comes first only to the yeshiva of Babylonia.**[109]

By interpreting the nuances, one may even find in these statements justification for remaining in Babylonia and refraining from emigrating to Eretz Israel.[110] Yet this approach was not a monolithic one characterizing the philosophy and life-style of all Babylonian Jews. The appearance of messianic movements along the margins of Babylonia – especially in Persia – at the beginning of the geonic period; the subordination, until the middle of the ninth century, of the Babylonian sages to those of Eretz Israel on issues related to the Jewish calendar; the emigration of Aḥa of Shabḥa to Eretz Israel in the middle of the eighth century; the transfer of non-Jewish settlers from Babylonia and Persia to Palestine (mainly for military considerations, to reinforce the Arab position in the country in the face of Byzantine raids); the increasing Muslim attachment to Jerusalem (particularly at the end of the period) – all of these could not but leave an impression upon the Babylonian and Persian Jews. The immigration of a relatively large number of Jews from Babylonia and neighboring countries to Eretz Israel in the seventh and eighth centuries obviously lends support to our assumption.[111]

As we have seen above, during the greater part of the geonic period there was a stronger identification with the teachings of the Babylonian geonim among the various Jewish centers and the Babylonian heritage held a position of preeminence. Our information on the early

[108] One should combine that which we wrote above with our discussion here. A detailed survey of the relations between Babylonia and Palestine was made by L. Ginzberg, J.N. Epstein, and others (above, n. 23). To what Epstein wrote there one should add his comments in Epstein, Lore, pp. 308ff. In this instance, unlike the preceding discussions, I have nothing to add to their statements. My discussion of the topic below is based mainly on Epstein's analysis and Margaliot's summation, *Differences*, introd., pp. 4-23.

[109] From the letter of Pirkoi b. Baboi, Lewin, Fragments, pp. 395-396.

[110] See Spiegel; Grossman, Immigration, pp. 140-144.

[111] For supportive documentation and a detailed discussion of each of the causes enumerated here (including the issue of immigration) see Grossman, Immigration, pp. 136 ff.

geonic period is extremely scanty. The available sources clearly indicate that at that time there was still a stronger identification with the practice of Eretz Israel, and perhaps it would be correct to state that the Saboraic period (sixth – seventh centuries) should be considered as one of 'equilibrium' in the struggle between the two centers.[112]

Traces of the gradual growth of Babylonian influence can be discerned even in Eretz Israel itself. This is indicated by the influence of the Babylonian Talmud which increased slowly but steadily, so that even the sages of Eretz Israel accepted it as the main source for their halakhic decisions. As we have noted above, this is particularly evident in the responsa by the eleventh-century sages of Eretz Israel.[113] The attempt by Aaron b. Meir early in the tenth century to preserve the hegemony of Eretz Israel in the determination of the calendar – an attempt which failed when the entire Diaspora, and then eventually even Eretz Israel Jews themselves, accepted the opinion of the Babylonian sages – is clear evidence of enhanced Babylonian power and influence, even with regard to a sphere in which the Eretz Israel tradition had always been dominant.[114]

Further evidence of increasing Babylonian influence in Eretz Israel itself is the fact that the Eretz Israel gaon Solomon b. Judah sent his son to study at Hai Gaon's yeshiva in Babylonia ("sitting and studying with him *Halakhot Gedolot*"). This is a partial admission of the superiority of Babylonia, unless we wish to explain this particular instance either by the fact that Solomon b. Judah came to Eretz Israel from North Africa, or in view of the great difficulties which the Yeshiva and the entire Jewish community of Palestine faced during his lifetime. Goitein's attempt to downplay the importance of this episode and to attribute it simply to pure love of learning is dubious.[115] Increased Babylonian influence is also indicated by the fact that Hai Gaon asked that a letter he sent to Eretz Israel be read aloud in its synagogues, claiming that such "a privilege" had been granted to his forebears:

> We request the head of the Ye[shiva], may he live forever, that he order the letter to be read in public, for so it was done for our forefathers there many times ... and so shall he do and not delay, and he shall inform us that our desire has been fulfilled and that the letter was read to all the people.[116]

Actually this was not simply a request, but a not so subtle demand, and the authoritative tone of his letter attests to that. Precisely during that period there was much competition between

[112] Margaliot, *Differences*, p. 3.

[113] See the discussion above of the responsa by the Palestinian sages.

[114] This dispute was treated in detail by H.J. Bornstein, "The Controversy between Saadya Gaon and Ben Meir," *Nahum Sokolow Jubilee Volume*, Warsaw 1904, pp. 19-189 (Heb.).

[115] See Mann, *Jews*, I, p. 107; II, pp. 133-134. We think reasonable Mann's opinion (ibid., I, p. 119) that this took place prior to the eruption of the controversy mentioned below, between Solomon b. Judah and Hai Gaon. Goitein (*Palestinian*, p. 48) feels that this example of studying, like others at that time, stemmed from the accepted custom of those days of moving from one center of learning to another. Yet, it is difficult to assume that the Eretz Israel gaon was unaware of the special significance of this instance, if indeed he still considered Eretz Israel as holding the primacy in Torah study. See also the literature cited in n. 106 above.

[116] See I. Marmorstein, *REJ*, 70 (1920), p. 101, and the comments by J. Mann, "Additions et rectifications," *REJ*, 71 (1920), pp. 110-112.

Babylonia and Eretz Israel over which would be the dominant influence on North African and Egyptian Jewry. Despite this, Hai Gaon attempted to influence the Jewish community of Eretz Israel as well. The competition between the two centers can be attributed to three factors:

(1) The financial difficulties of the yeshivot in that period, and their desire to enlist support from wherever possible. From the available sources we learn that Hai Gaon very actively involved in the search for aid, and he succeeded in displacing the Eretz Israel Yeshiva by appealing directly to those who had supported it in the past. This explains the harsh and acrid language which the Eretz Israel gaon Solomon b. Judah used against Hai, despite the fact that Solomon was known for his humility and good-naturedness:

> You do know, my honorable colleague, that by their forsaking the Yeshiva of Eretz Israel and accepting the authority of the foreign [Babylonian] yeshiva, the burden of responsibility is eased from the man in authority [the gaon], for others will follow them ... and the deceitful things which they w[rote] for the one who sends them to speak evil [against his brother], to cast aspersions upon his colleague, all this to enhance their honor. Yet, there is a law and there is a judge; there will come a day of shame for all who praise themselves with their falsehoods and who glorify themselves by defaming their colleagues ... for the letters of Rabbenu Hai have reached you ... and in all this, they seek to extend their influence everywhere, and if possible, ensnare the entire inhabited world, in order to augment their revenues.[117]

This competition explains Hai Gaon's complaint that Bahlūl b. Joseph, one of the leading sages of Qayrawān, had stopped sending him his queries, "for he has transferred his allegiance to the Yeshiva of Eretz Israel," and Hai attempted to regain his support.[118]

(2) The wish to achieve uniformity in the customs of the different communities, in fear of possible increased Karaite influence. The Karaites exploited the split between the customs of the Eretz Israel sages and those of the Babylonian yeshiva for propaganda purposes, using it as proof of the unreliable traditions maintained by the 'Rabbanites'.[119]

(3) A sincere belief that the Babylonian tradition is superior. This is reiterated in statements by Babylonian sages as early as the time of Yehudai Gaon (see below).

The friction which surfaced from time to time between Eretz Israel Jews who lived in Egypt (al-Shāmīyyīn) and Babylonian Jews resident there (al-ʿIrāqīyyīn) was also nurtured by the tensions which existed between the two centers. Did increased Babylonian influence in Eretz Israel have any effect on customs as well? Did Eretz Israel Jews agree to relinquish the traditions of their forefathers and adapt themselves to those of the Babylonians?

Even Pirkoi b. Baboi admits that Yehudai Gaon failed to influence the Jews of Eretz Israel to change their customs, which he defined as "customs [resulting from] persecution

[117] See Mann, *Jews*, II, p. 126.

[118] See Mann, *Texts*, I, p. 120.

[119] Margaliot, *Differences*, pp. 21-23.

[*shemad*]" and that he halted his efforts "in order that they not become apostate Jews," by which he meant intentional sinners. The argument posed by the Jews of Eretz Israel was a fundamental one: "Custom overrides Law." L. Ginzberg, J.N. Epstein and others have shown that in effect the Eretz Israel traditions are not grounded in customs which resulted from oppression during periods of forced conversion, but were derived from ancient traditions customary in that country and were congruent with the system of the Jerusalem Talmud.[120]

Two generations after Pirkoi we find sharp opposition to Eretz Israel customs on the part of Natronai Gaon as well as Amram bar Sheshna Gaon (both from the Sura yeshiva, in the mid-ninth century). Particularly harsh are the statements by Amram Gaon:

> If the Jews of Eretz Israel say that the father of a converted Jewess inherits her *ketubba* [marriage contract], they err and flounder and what they say is wrong, worthless and a falsehood, and there is no reason at all to heed their words ... these are invalid statements."[121]

Sherira Gaon and Hai Gaon, at the end of the geonic period, followed in their footsteps: one of the customs of Eretz Israel was even termed "very vulgar."[122] The very existence of the campaign against the Eretz Israel customs, from the eighth to the eleventh centuries, constitutes good evidence that they continued to be practiced. Moreover, if these customs were not being observed when the Babylonian geonim called for their abandonment, it is reasonable to assume that their opponents would have mentioned this fact. For the main purpose of the Babylonian sages was to convince the Jews in other centers of the Diaspora to reject the customs of Eretz Israel and not to practice them. Could they have wished for a weightier argument than the fact that the supporters of these customs had themselves abandoned them?

Conversely, it is difficult to assume that there were no instances in which the Babylonians succeeded in this field of endeavor. Some of the Eretz Israel customs were grounded in the Jerusalem Talmud. As the influence of the Babylonian Talmud grew even in Eretz Israel, it is possible that the status of some of these customs was undermined and they were no longer observed, even though it is clear that this was not the general case.[123] Another important factor was the relative increase in the number of Babylonian Jews living in Palestine and Egypt. They zealously preserved the customs of their country of origin, and it is quite

[120] Their studies were noted above, n. 23. See also Margaliot, *Differences*, p. 7, n. 45; concerning the principle that "Custom overrides Law," see Ginzberg, II, p. 560, n. 8.

[121] *Teshuvot ha-Geonim Shaᶜarei Zedek*, Salonika 1792, Pt. 4, Sect. 4, para. 40, p. 63b (Heb.); and see Margaliot, *Differences*, p. 20.

[122] See above, n. 101, and the doubt expressed there as to the respondent. See also Margaliot, *Differences*, pp. 22-23.

[123] Cf. our discussion above, on the identification of Ashkenazi Jews with Eretz Israel. Utilization of the Jerusalem Talmud is found to a limited degree in the works of Saadya Gaon and more frequently in writings of Sherira Gaon and Hai Gaon. On the attitude towards the Jerusalem Talmud, including statements by Sherira Gaon on this question, see S.A. Poznanski, "Varia Relating to the Geonic Period: the Geonim and the Jerusalem Talmud," *Ha-Kedem*, 2 (1909), pp. 24 ff. (Heb.), and in a separate pamphlet: Warsaw 1909 (= *Studies on the Geonic Period*, Tel Aviv 1971, pp. 3-44 [Heb.]). See also, Margaliot, *Differences*, pp. 17-19.

reasonable to assume that at times they were able to convince their neighbors to adopt them, particularly in those places where they were quite numerous. We have already noted above Pirkoi b. Baboi's description of their methods and success.[124]

CONCLUSIONS

The decline in influence of the Yeshiva and of the Eretz Israel heritage upon the Jewish communities of the Diaspora, even those which maintained close links to it, is clearly and distinctly evident. This process apparently began in the middle of the eighth century, with the accession of the ʿAbbasids to power and the transfer of the seat of government from nearby Damascus to more distant Iraq, and can be most clearly discerned in the tenth and eleventh centuries. The fact that this process came to a head precisely during a period when enhanced status was given to Palestine in general and Jerusalem in particular by both Christian and Muslim society[125] makes it more significant and doubly pertinent. A number of factors contributed to this situation:

(a) Since standards of study in Babylonian yeshivot were higher than those of the Yeshiva, they gained greater renown and were preferred over the latter. That is how contemporaries saw them, as testified to by the words of Ḥananel b. Ḥushiʾel, one of the greatest sages of North African Jewry in the middle of the eleventh century:

> And that which they said about the Jews of Eretz Israel in previous generations is no proof, since we were sent into complete exile and because of our iniquities **only a few remained in Eretz Israel at that time and they were not scholars of Torah** because they had to make one move after another and wander from place to place.[126]

Even Eretz Israel Jews admitted as much, as we see in a letter from one of their sages, a member of one of the two or three important families who had for many generations held positions of leadership in the Yeshiva. He praises the scholarship of the Eretz Israel Jews, which had nurtured the Jews in other communities, including Babylonia, but was forced to admit that in his own times – apparently the beginning of the eleventh century – the situation

[124] See the discussion above, n. 43. There is no substantial information on Yemenite Jewry's identification with Eretz Israel. However, I should mention S.D. Goitein, "The Jews of Yemen between the Palestinian Gaon, Residing in Fatimid Cairo, and the Babylonian Exilarch," Goitein, *Jews of Yemen*, pp. 53-74 (Heb.). The important sources cited there can also be used to illuminate the issue of identification with Eretz Israel or Babylonia.

[125] Regarding Christianity see above, in the summary of the discussion on the identification of Ashkenazi Jewry with Eretz Israel, and the literature cited there, n. 97. Concerning Islam, see S.D. Goitein, "The Sanctity of the Holy Land in Islamic Piety," Goitein, *Palestinian*, pp. 25-31 (Heb.); H.Z. Hirschberg, "The Status of Jerusalem in the Moslem World," *Yerushalayim*, 2 (1949), pp. 55-60 (Heb.); and see especially M.J. Kister, "You Shall Only Set Out for Three Mosques ...," *Le Muséon*, 82 (1969), pp. 173-196; H. Busse, "The Sanctity of Jerusalem in Islam," *Judaism*, 17 (1968), pp. 441-468.

[126] Quoted by Nachmanides, *Milhamot Hashem*, tractate Beẓah, ch. 1 (printed with the Babylonian Talmud, Vilna edition, fol 3a). (Heb.)

Circular letter from the Yeshiva in Jerusalem to Jewish communities in Eretz Israel and Egypt

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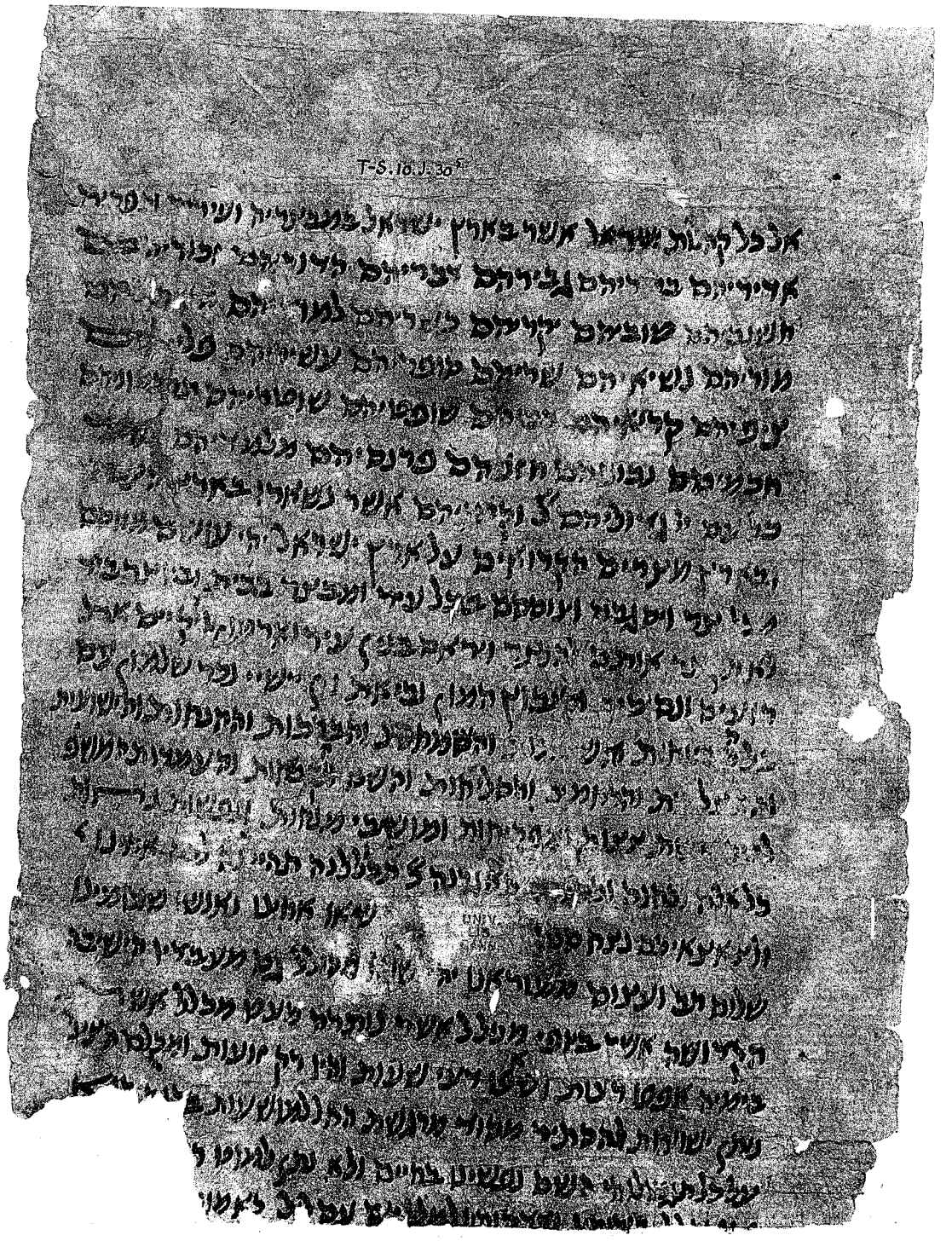

had changed. He attributed the decline to two causes: difficult political, security and economic conditions in Palestine, a factor which was also noted by Ḥananel, and internal dissension among the Eretz Israel sages, particularly within the Yeshiva:

> And [their] students with their permission emigrated to Babylonia and taught Torah there and established schools ... and my honorable and esteemed colleague, the distinguished *ḥaver* [member of the Yeshiva], knows that knowledge of the Torah did not decline among Eretz Israel Jews until a few years ago. For when the scholars of Torah were unable to find their livelihood and because of the increased troubles which befell them, they became lax in teaching their children, being too poor to provide them with food. And violent people also became involved the[re] in quarrels, trying to oust each other, and each one trying to push ahead of the others.[127]

While the decline in scholarship was significant, we need to consider three other important factors:

(b) The Babylonian yeshivot were located in the political center of the caliphates and at the focal point of its economic life. This added to their prestige and was an incentive to the development of connections with them. Merchants who came from Europe to the East, or those from the East who traveled among the different lands of the empire served as the main medium for the transmission of halakhic and literary traditions. Their descriptions of the extent of the Jewish population of Babylonia, its political status, the honor accorded the Exilarch, whose lineage was traced back to the House of David, and of the splendor of its yeshivot, enhanced even more the standing of its sages and added to the esteem in which their teachings were held.[128]

(c) The heads of the Yeshiva had to devote some of their time to the administration of the communities, both politically – for they represented them before the authorities – as well as internally (keeping the peace within the communities, caring for the property of orphans, appointing judges and ritual slaughterers, and other domestic needs of local society). In Babylonia the Exilarch filled some of these roles, so that the heads of the yeshivot considered their own main objectives to be strenghtening of Torah study and expansion of spiritual activity within the confines of their own yeshiva.

(d) The fierce polemic with the Karaites in the eastern countries, which began at the end of the ninth century, reinforced the tendency of the Babylonian sages to tighten their control over the Jewish communities of the Diaspora and to bring about the adoption of uniform

[127] S. Assaf, "On the History of the Jewish Community in Eretz Israel," *Studies in Memory of Asher Gulak and Samuel Klein*, Jerusalem 1942, p. 25 (Heb.). See also Assaf's treatment there of the issue of the conjectured identity of the respondent.

[128] See, for example, the story of Nathan ha-Bavli in A. Neubauer, (ed.), *Medieval Jewish Chronicles and Chronological Notes*, II, Oxford 1895, pp. 78 ff. (Heb.); I. Friedlaender, "The Arabic Original of the Report of Nathan Hababli," *JQR*, o.s., 17 (1905), pp. 753-761; Ben-Sasson, Structure; *The Itinerary of Benjamin of Tudela*, ed. M. Adler, London 1907, pp. 34 ff.; *The Travels of Petaḥia of Regensburg*, ed. A. Grünhut, Jerusalem and Frankfurt, 1905, pp. 5 ff. (Heb.).

customs, giving precedence to their own heritage and tradition. It seems that this inclination also stemmed from the increasing economic difficulties faced by the Babylonian yeshivot during the tenth and eleventh centuries. These spurred the yeshivot to action with the purpose of drawing into their camp centers of Diaspora Jewry which had formerly been connected with the Yeshiva of Eretz Israel, and even sages who had previously supported Eretz Israel. As we have noted, this was most obvious in the activities of Hai Gaon.

However, one must clearly distinguish between identification with the Eretz Israel heritage and actual connections with its Yeshiva, which did decline, and spiritual identification with Eretz Israel and the role it played in the consciousness and yearnings of Diaspora Jews. The latter never weakened. Hope for Restoration to Zion and Redemption is a repeated motif in various written sources, and was also expressed in different ways: pilgrimage to Eretz Israel from various Jewish communities continued unabated throughout the entire period despite the difficulties and dangers involved;[129] financial contributions, at times quite substantial, for the support of the Jewish community in Palestine (above, n. 106); messianic expectations, and even the growth and appearance of messianic movements;[130] observance, by individuals and perhaps even by groups outside the country, of some of the laws pertaining distinctively to Eretz Israel;[131] and above all – the centrality of Eretz Israel in prayer and literary works.

Zion was a central motif in many liturgical poems written during this period, including some authored by individuals connected to the Babylonian yeshivot. Thus, for example, intense love of the Holy Land is expressed in *Ḥibbur Yafeh me-ha-Yeshuʿa*, a book written by Nissim b. Jacob, head of the Qayrawān yeshiva during the time of Hai Gaon and a faithful representative in North Africa of the Pumbeditha yeshiva. It is reasonable to assume that those of the book's legends and stories which deal with Redemption and are suffused with the atmosphere of Eretz Israel landscapes elicited from its readers a sense of attachment to the Holy Land.[132] Samuel ha-Nagid, who was in very close connection with the Babylonian and North African Jewish communities, asked his son to notify the head of the Yeshiva in

[129] See the discussion and the fragmentary texts quoted in *Sefer Hayishuv*, II, introd., pp. 25-29 (note the discussion on pp. 27-28 concerning people who did not succeed in emigrating to the Holy Land, but willed that their remains be taken there for burial); Dinur, A, 1, pp. 217-221; M. Gil, "Immigration and Pilgrimage in the Early Arab Period," *Cathedra*, no. 8 (July 1978), pp. 124 ff. (Heb.)

[130] Aescoly quoted a significant portion of the texts, pp. 107 ff.

[131] I have devoted a special study to this subject, and it will be published soon. We are speaking here of the allotment of tithes, observance of the commandments of the Sabbatical year and study of the laws concerning it. We have evidence of this concerning Babylonia, Muslim Spain, Provence, northern France, and Germany. Some of the documents include detailed affirmation of identification with Eretz Israel in the course of their discussion of these topics. Even though we cannot always determine what their motivation was in observing these commandments, it is clear that in practice it led to an increased awareness of Eretz Israel, both on the part of those close to the persons who observed these commandments and of those surrounding them. Since among those who were accustomed to fulfilling these commandments we also find some outstanding sages, the significance of this phenomenon is quite important.

[132] Hirschberg had noted this, p. 215. This work has appeared in English as *An Elegant Composition Concerning Relief after Adversity*, translated by William Brinner, New Haven 1977.

Jerusalem of his military victories immediately upon the cessation of hostilities.[133] The liturgical poems of a Yemenite scholar, David b. Amram of Aden, are replete with yearning for Redemption in Zion.[134] Saadya, the gaon of Sura, made full repentance conditional upon prayer in Jerusalem.[135] The beauty of the cities of southern Italy recalled to one litugical poet of the ninth century, Amittai of Oria, the destruction of Jerusalem and increased his yearnings for it:

> I will remember Lord and I will moan
> When I see every city built on its own mound
> And the city of the Lord degraded unto the lowest depths ...[136]

The religious poetry of Simon b. Isaac, the greatest of the liturgical poets of ancient Ashkenaz and one of the outstanding leaders of its communities around the year 1000, is also replete with yearnings for Zion and hope for Redemption within its walls, and there are further examples.

Identification with Jerusalem by the gentile populations of those countries in which Jewish communities were located and the increased burden of tribulations which the Jews were forced to bear, especially during the eleventh century, in Germany as well as in Spain and North Africa, intensified these yearnings and hopes. As the role played by Eretz Israel and Jerusalem in the real world of the Jews gradually diminished, so grew their emotional attachment to the ancestral homeland.

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[133] "And when signs of victory appeared to him in this war he wrote to me this poem, and commanded me to write it down in my own hand and send it to the yeshiva of Jerusalem, the holy city," *Diwan* of Samuel ha-Nagid, *Ben Tehillim*, ed. Sasson, Oxford 1943, p. 63, poem 97 (Heb.).

[134] His many liturgical poems are interspersed in his *Midrash ha-Gadol*, I-V, Jerusalem 1947-1973 (Heb.). See also Goitein, *Jews of Yemen*.

[135] From a geniza manuscript, Schechter, *Saadyana*, p. 42, although it is not absolutely certain that these statements were made by Saadya Gaon. Cf. also his *bakkasha*-prayer, which is found in the *Siddur of Saadya Gaon*, Jerusalem 1979^{4}, pp. 62-63 (Heb.), and his work, *Emunot ve-De^{c}ot*, trans. J. Ibn Tibbon, Constantinople 1562; facsimile ed., Jerusalem 1972, p. 102 (Heb.); Eng. translation by S. Rosenblatt, *The Book of Beliefs and Opinions*, New Haven 1948, p. 229.

[136] *Aḥima^{c}az*, the collection of liturgical poems, p. 95. For the sense of identification with Eretz Israel in Jewish philosophy, from the end of the period under discussion, see S. Rosenberg, "The Link to the Land of Israel in Jewish Thought: A Clash of Persepectives," L. Hoffman (ed.), *The Land of Israel: Jewish Perspectives*, Notre Dame, Indiana 1986, pp. 139-169 and the literature cited there.

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