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Revisiting Early Rabbinic Liturgy: The Recent Contributions of Ezra Fleischer


How does one read a rabbinic text? The answer to this question has rarely been simple; the introduction of modern literary and historical methods has only further complicated the picture. Anyone sensitive to the differences between biblical and rabbinic worship systems, to the differences between the rituals performed in the Jerusalem Temple and those found in the rabbinic synagogue, must ask where, when, and how the latter system developed. The rabbinic literature itself raises the question and proposes answers that, until the nineteenth century, were satisfying, placing the origins of statutory Jewish prayers in a mythic antiquity and thus endowing them with great authority. But as Jews entered into Western university culture, they learned to ask new questions of the texts, questions that penetrated beyond the rabbinic sacred histories to ask, “What actually happened?” With this sense of history came a skeptical approach to the information embedded in the rabbinic corpus. In the years since Leopold Zunz’s first application of philological tools to determine the “real” origins of the various prayers, university-based scholars have struggled to determine how to read the evidence, both rabbinic and extra-rabbinic, so as to reconstruct the origins of rabbinic liturgy.

The major methods and players in the development of Jewish liturgical studies were well described by Richard S. Sarason in his 1978 article “On the Use of Method in the Modern Study of Jewish Liturgy” and need not be repeated here. For most of the twenty years since the publication of Sarason’s analysis, study of early Jewish liturgy progressed little, satisfied with and dominated by the theories with which Sarason concludes his article—those of Joseph Heinemann, whose pathbreaking application of the methods of form criticism in his _Prayer in the Talmud: Forms and Patterns_ revolutionized the field in the 1960s.

However, in a series of Hebrew articles beginning in 1990, Ezra Fleischer raised a serious challenge to several of the fundamental assumptions underlying Heinemann’s theories and proposed an alternative
understanding of the genesis of rabbinic liturgy. Because Fleischer claims to topple the fundamental principles undergirding the training of the current generation of liturgical scholars, his articles have been greeted with considerable skepticism. But precisely because Fleischer is among the leading senior scholars of Jewish liturgy, one of the few who have advanced significantly the study of piyyut (liturgical poetry) and its liturgical setting, Fleischer’s claims also may not be ignored. Whether or not one agrees with them, they serve a critically important heuristic function in shaking the liturgical world out of a complacency that assumed that Heinemann’s theories were fundamentally sound. They point to a fundamental limitation in our ability to reconstruct with certainty the origins of one of the most influential and important books in the Jewish library. They teach us that the assumptions we bring to the limited available evidence do more to shape our reconstructions than does the evidence itself.

Because no extant Jewish prayer book predates the ninth century C.E., the origins of this literature are shrouded in mystery. The rabbinic texts themselves place the founding of formal nonsacrificial Jewish worship in antiquity, assigning to various rituals mythic origins with the patriarchs, Moses, Ezra, or the Men of the Great Assembly. They presume that almost all significant prayers long preexisted the destruction of the Temple; at most, they were revived in the tannaitic convocation at Yavneh under Rabban Gamliel. Beginning with Zunz, scholars have tried to date precisely the composition of various sections of the prayers, assuming that each blessing or part thereof was formally composed by one person and then promulgated to the people as a whole. The variety present in the medieval rites, in this view, is the result of slippage during use over time. Using mostly philological methods, various scholars have proposed reconstructions of “original” prayers, and then dated this reconstructed text by determining what historical event, usually in the Hasmonean or later Second Temple period, would have generated such a liturgical response.

Heinemann’s revolution consisted primarily in the suggestion that there was no single point of composition of any section of the prayer book. Rather, he pointed to separate processes of evolution in various arenas of Jewish life, each arena generating prayers with different formal characteristics, i.e., different preferences of vocabulary, grammar, style, and so forth. He suggested that these diverse forms of
prayer were known to the tannaim and amoraim and were only very gradually, in a process lasting into the medieval world, standardized into an official rabbinic prayer text. Rather than a movement from uniformity to diversity, Heinemann posited a movement from diversity toward greater but never absolute uniformity. Prayer was thus a product of the people, of Second Temple Jewish culture, and not a composition decreed from above by a learned elite.

The evidence Heinemann mustered for his claims was substantially similar to that available to his twentieth-century predecessors, with the exception of his access to the early publications from the Qumran scrolls. His emphasis was still on literary features that he assumed were integral to the prayers themselves, but he based his discussions more closely on the texts of prayers actually recorded in talmudic-era literature rather than on reconstructed Urtexte. Looking carefully through the lens of form criticism at these texts along with prayers found in Second Temple period literature, he claimed that the liturgical situation of the first centuries C.E. cannot be reconstructed precisely because no one authoritative text then existed. The assembly at Yavneh at which Shim’on Hapaquli “organized” the ‘amidah followed patterns of prayer already familiar to the people. It created an ordered list of eighteen appropriate themes or combinations of themes from among those common in first-century culture but did not compose specific texts for any of them. Rather, all worshipers and prayer leaders were free to, and even expected to, compose their own texts according to this outline. Even the one formula that would come to constitute the statutory liturgical blessing was not isolated from other possibilities and was legislated only in the third century. This rabbinic legislation, however, primarily affected the realm of synagogue-style prayers, leaving other forms of prayer free to continue to employ other blessing formulae. The development of the relatively uniform prayer texts that we know today can thus be understood as a gradual process, continuing past the point of the redaction of the Babylonian Talmud. The flowering of piyyut in Palestine as, originally, replacement for the community’s customary prose texts, can be understood as a continuation of the basic flexibility with which statutory prayer was established there.

Fleischer, looking carefully at this same collection of primary texts, but focusing less on received prayer texts and more on rabbinic discussions about prayer, and with access to an additional generation’s
historical scholarship, begins from a radically different premise and arrives at a very different set of conclusions. Where Heinemann reads the talmudic account of the events at Yavneh as a myth of origins, Fleischer follows rabbinic tradition and understands it as history. He claims that Heinemann’s fundamental error lies in assuming that the Yavnean rabbis merely promulgated directives about prayer but not actual prayer texts. According to Fleischer, Rabban Gamliel’s decree that every Jew is obligated to recite the eighteen-blessing prayer daily was a revolutionary move motivated by the need to compensate for the loss of the Temple. Fleischer’s fundamental, but, as we shall see, not unproblematic, assumption is that such a revolution required a concomitant precise composition and teaching of an authoritative text of this prayer. This understanding, Fleischer claims, will clarify many of the otherwise obscure rabbinic dicta about prayer. It does not allow us to reconstruct the text promulgated, but it allows us to solve critical questions about it. The diversity evident in the earliest medieval statutory prayer texts is a result, Fleischer claims, not of a gradual but incomplete narrowing of the options, but rather of the variety and lack of consensus that arose when the original, usually Yavnean, prayer text had to be discarded. What is remarkable, he claims, is not the diversity of the known rites, but their basic uniformity, a fact that points to a single origin.

Hints of Fleischer’s new direction appeared already as a subtext in some of his publications on the geniza texts of the Palestinian rite in the 1980s. Here he suggests that the variety of prayers discovered in the geniza does not reflect, as scholars had assumed, a situation of complete freedom. Rather, Fleischer documents two opposing tendencies, one to a full freezing, and another to dynamic, extreme flexibility in prayer texts. The fixed texts, he declares, are the earlier materials. Recognition of this, he says, forces us into “a revision of several fundamental assumptions, a few of which have [led] us too long into a realm of agnostic confusion, as if into a situation of primeval chaos.” Fleischer follows this oblique yet harsh criticism of the Heinemann school with the hint that a presumption of fixed prayer texts will permit the solution of several long-standing liturgical problems.8

In his 1990 article “On the Beginnings of Obligatory Jewish Prayer,” Fleischer presents in meticulous detail his revolutionary hypothesis. After a review of his predecessors, he challenges their
universal assumption that Jewish prayer as we know it existed before the destruction of the Temple. He points out convincingly that there is simply no evidence of prayer as a fixed, obligatory practice among Jews during the Second Temple period; prayer, where mentioned in extra-rabbinic sources, clearly refers to private, incidental prayer; and descriptions of the synagogue establish it as a place for the reading and exposition of Scripture, never mentioning communal prayer.\(^9\) This gathering to read Scripture may have generated some liturgical framework, but any reconstruction can be grounded only in supposition. Fleischer points out that even those areas where Heinemann discusses pre-destruction prayer precedents, like the haftarah benedictions, the Yom Kippur and Haqhel blessings of the high priest and the king, respectively, after their Torah readings, all suggest liturgies dedicated to the reading of Scripture, not to prayer itself.\(^{10}\)

Why did the sages not establish prayer in the Second Temple synagogue? Fleischer hypothesizes that neither the sages nor the people saw any need to supplement Temple sacrifices, for them the single legitimate mode of Jewish covenantal worship. They fulfilled their obligations of participation in it simply by paying their annual half-shekel tax. They considered the ideal place for personal prayer to be God’s dwelling place, the Temple Mount itself, where it was necessarily an ancillary activity. This religious centrality of the Temple is well documented, but Fleischer’s corollary is not. He posits that the sages felt that the establishment of an alternative nonsacrificial worship system would lessen the stature of the Temple as the sole place where worship obligations could be met. Hence, he suggests, they could not possibly have established an official system of verbal worship.\(^{11}\)

Fleischer proceeds to review the various settings in which rabbinic texts seemingly record normative verbal worship during the Second Temple period and to demonstrate that not one of them proves the existence of such an institution. Although the recitation of Shema’ probably existed, at least among some circles, we have no evidence of how it was recited and or that this was done in a regular liturgical setting in the synagogue or outside of it.\(^{12}\) The evidence for prayer in the Temple, he points out, all comes from literature written in a period in which fixed prayer was already a self-evident reality. To the authors of these texts, it was inconceivable that an institution such as the Temple could exist without prayer, and, building on this assumption, they used Temple “precedents” to reinforce the authority and sense of
antiquity of their own liturgical system. Even if one were to give credibility to the existing descriptions of prayer in the Temple, they were obviously unofficial additions to the sacrificial cult. Just as the Rabbis used Temple “precedents,” so, too, they created origins for the prayers in antiquity to enhance their value—myths that cannot be read as history. Fleischer does not deny that Jews did pray; he admits that prayer in certain contexts even acquired certain characteristics that we associate with officially sanctioned communal prayer such as fixed times, a location in the synagogue, ritual elaboration on Scripture reading, and an identifiable liturgical language. Some groups of sages may even have wanted to regularize these prayer situations. However, Fleischer stresses, there is no evidence for the most fundamental characteristic of post-destruction prayer: the obligation of universal participation.

Having delineated this alternative and largely credible history of the pre-destruction liturgical reality, Fleischer proceeds to propound his revolutionary theory of the actual origins of the rabbinic prayer literature. Based on his reading of M. Berakhot 5:3, he insists at length that, over the objections of some leading colleagues but in a most daring and farsighted move, Rabban Gamliel at Yavneh instituted formal verbal prayer and decreed its thrice-daily recitation obligatory for all of Israel. Through this new means of worship, he created a way for Israel, reeling religiously after the loss of the Temple cult, to renew its covenant not only with God and but also with itself, because this worship required communities to gather to respond to the prayer of the sheliah tzibur. Fleischer proposes that this revolution could have succeeded among a people like Israel, who knew no regular prayer obligation, only with the promulgation of a precisely composed text of this required prayer. Shim’on Hapaquli thus did not organize preexistent materials into a prayer outline; rather, he (and a committee) composed a full fixed text, one to which we no longer have access. The recorded tannaitic opposition to this innovation primarily responded to the difficulties of teaching this extended fixed text and not to its existence; it consists primarily of suggestions of alternative, shorter, but still predetermined means of praying when necessary. Even the requirements of kavanah raised by this opposition still point to the implementation of a fixed text, as people who compose their own prayers rarely pray without intentionality, and the amoraic sources already show great hesitancy about any requirement of innovation in prayer.

Fleischer asserts broadly in an obvious criticism of Heinemann:
From this we may conclude that most people never included any innovation in their prayer, but rather repeated over and over the text that was known to them. It is impossible to discuss here all the texts that prove this, and it is sufficient that we say that in all of talmudic literature there is not the least evidence hinting of the opposite situation [of other than fixed texts].\(^\text{18}\)

However, as we shall see, such a statement cannot be justified. Any scholar confronted with the ambiguities of talmudic evidence must make interpretative decisions about the historicity and meaning of any particular text. These decisions and the resulting reading will be shaped by the prior assumptions, methodological and otherwise, that the scholar brings to his or her task. Where Fleischer does not accept Heinemann’s form critical assumptions, Heinemann’s followers and probably Heinemann himself, were he alive, are equally adamantly critical of Fleischer’s very traditional and authoritarian reading of the talmudic accounts of Yavneh and subsequent liturgical history.

In the conclusion to this article, Fleischer suggests that one might extrapolate from the situation of the ‘amidah to other less documented areas of liturgical history. Thus, there was neither a gradual development of authoritative texts, as suggested by early historians of liturgy, nor the gradual accretion of prayers from various venues, as suggested by Heinemann, but rather a one-time imposition of a radical new structure, of course drawing on existing literary precedents, but representing in its essence a dramatic shift in Israel’s means of covenantal worship of her God. The variations on these texts known from much later periods are the result of later deviations from the single, fully composed authoritative text, the proto-siddur promulgated by Rabban Gamliel and his court at Yavneh.\(^\text{19}\)

Subsequently, Fleischer published additional articles in which he developed this theory and its implications. In these, he begins with the premise that the imposition of fixed, obligatory prayer at Yavneh has been absolutely proven; he derives logical implications from this “fact” that create a very neat reconstruction, allowing him to propose answers to long-standing scholarly questions. He suggests that these answers themselves validate his assumption.\(^\text{20}\) However, as we shall see, these answers, like Fleischer’s fundamental historical assumption, are not above question.
The second of these essays, “The Shemone Esre—Its Character, Internal Order, Content, and Goals,” is a detailed development of many of the themes only hinted at in his 1990 essay. Although one could hardly conceive of a modern legislative committee operating in this fashion, Fleischer claims that, obviously, if the ’amidah were composed at Yavneh, all formal characteristics of its structure and content were the result of deliberate *ab initio* decisions made by that academy. Before anyone actually proceeded to the stage of literary composition, the academy legislated: the structuring of prayer as a series of blessings praising God; the precise formula of the blessing; the composition of a string of precisely eighteen blessings with their themes, in their order; the use of Hebrew in a unique, nonbiblical, easily understood form; and the choice of a nonemotional, nonecstatic, dignified tone. In each of these cases, Fleischer assumes that the Yavnean rabbis chose one particular form, often from among preexisting precedents; discussions from later periods that seem to reflect the continuing existence of alternatives represent opposition to Yavnean decisions, not the flexibility in the initial decree proposed by Heinemann.

However, his proof for this assertion is based on literary characteristics of the recorded texts of the ’amidah, all of which date from later periods. Fleischer has also chosen to de-emphasize or reread important talmudic evidence that contradicts his theory. For instance, discussions about the fixing of the blessing formula are recorded in both Talmuds in the names of leading third-century rabbis and make no reference to any received authoritative prayer texts. While Fleischer suggests that this tradition represents merely a quashing of opposition to Rabban Gamliel’s decrees, both Talmuds indicate that the amoraim themselves remembered a formalization of the language of the blessing in the third century and not before.

What was the setting of this new, obligatory worship? Fleischer asserts that the original purpose of this prayer was as organized communal ritual; the needs of the community, and not the prayers of the individual, obviously drive the language and the content of our received texts. Fleischer suggests this priority of communal prayer lies behind Rabban Gamliel’s allowing individuals to fulfill their obligations simply by physically joining the congregation at the time of prayer. However, this sage also instituted the silent recitation of the ’amidah as a pedagogical tool to force Jews to learn the text themselves, enabling them to pray properly when not in a synagogue context. Quickly, in its implementation, the law shifted.
Rather than being an essentially symbolic gesture of identification with the community’s prayer, this individual recitation came to constitute the primary fulfillment of a person’s obligation.\textsuperscript{25}

The original communal focus nevertheless dictated the language of the initial composition, including, according to Fleischer, its anomalous substitution of the nationally and communally oriented “God of our ancestors, God of Abraham, God of Isaac, and God of Jacob” for the universal “Sovereign of the Universe” otherwise dictated by the blessing formula and characteristic of the beginnings of prayer compositions.\textsuperscript{26}

However, here, Fleischer’s assumption that the text was fully and deliberately composed at Yavneh creates a larger problem than his interpretation is able to solve. To begin with, as Heinemann points out, the universal qualities of God appear anyway in the following line of this blessing, especially in its Palestinian formulation (God most high, creator of heaven and earth),\textsuperscript{27} making it unlikely that national considerations drove the choice of formula here. More significant, it seems highly likely that this opening formula was received by, not composed by, the Yavnean sages. This formula employs covenantal language derived from God’s eternal name revealed to Moses in Exod. 3:15. It appears here as a typical biblical-style introduction to a covenantal petition, as demonstrated by Moshe Greenberg.\textsuperscript{28} Rather than being anomalous, then, this text implements an inherited and compellingly meaningful introductory prayer formula that utilizes the most powerful language of covenant available to Jews. It demands God’s attention to the petitionary prayer that follows. Even when the form of the statutory blessing was regularized, generations after Yavneh, this formula could not be uprooted. His need to explain why the Yavnean sages would have deliberately composed an unusual formula leads Fleischer to ignore precisely those factors that likely compelled Jews to accept this prayer.

Fleischer’s interpretations of the ‘amidah as a literary composition are more compelling, particularly if one reads them as commentary on known texts rather than on the lost Yavnean Urtext that he posits. He points to a basic symmetry in the text as a sign of deliberate composition. The number three is a basic structuring principle of the liturgy, from three daily services, to the three additional blessings on Rosh Hashanah, the three blessings surrounding shema’, and the three original blessings of birkat hamazon. The ‘amidah’s eighteen benedictions can be understood as a derivation of this: three opening blessings, three
closing blessings, and twelve (4x3) intermediate blessings.\textsuperscript{29} This group of twelve intermediate blessings is not a random collection, but rather a statement of an organized program for the ideal future restoration of the nation from its degraded state in the late first century C.E. This program is expressed in two groups of six (2x3) blessings; the first group refers to the current situation, and the second refers to Israel’s situation in the end of days. There is additional symmetry in that the first intermediate blessing, for knowledge, serves as an introduction to its group and the last one, that God hears prayer, serves as a general conclusion.\textsuperscript{30}

This revision of the common (mis)interpretation that the twelve intermediate petitions express first individual and then communal needs is indeed helpful. As Fleischer points out, the sages assume that real petitions for individual needs happen either outside the ‘\textit{amidah}’ or in very controlled circumstances as additions to the statutory text.\textsuperscript{31} Once one assumes that all the ‘\textit{amidah}’s petitions are communal, much debated problems such as why the \textit{birkat hage’ulah}, the petition for redemption, appears embedded in the first group of petitions disappear. This is not a blessing for personal redemption, but rather a petition for change in the current collective situation of Israel. This, then, becomes the appropriate place to insert the additional petitions of communal fast days with their particularly urgent requests for immediate amelioration.\textsuperscript{32} However, this understanding does not require that we assume a fully composed text at Yavneh. These structural insights are fully consistent either with a later formalization of the text or with Heinemann’s assumption that the Yavnean sages “edited” or “arranged” the order and subject matter of the benedictions, but not the text itself verbatim.\textsuperscript{33}

Fleischer also argues that the theology of the ‘\textit{amidah}’ is peculiarly that of the sages at Yavneh. In the complex world of the first century, the sages used these fixed prayers not only as a means of expressing their own religious views, but more importantly as a means of impressing these views upon the people as a whole. He notes especially the muted eschatology of the statutory prayers. While they present a view of the future, they do not dwell on the rebuilding of the Temple, the resumption of sacrifices, or the person of the Messiah. By placing redemption in a non-apocalyptic future, the sages encouraged the people to concentrate on rebuilding their lives in the present. Similarly, the sages avoided mystical ideas in their
presentation of God and maintained the biblical image of a benevolent God whose punishment of Israel for her sins is motivated only by a constant concern for her well-being.\textsuperscript{34} Again, while this is an adequate description of our received prayer texts, we know little about the prayers of the first century. It seems more likely that this theology would represent a later, mature reaction to tragedy. In light of the messianic fervor around Bar Kokhba, in which leading rabbis of the next generation participated, it would seem unlikely that late first-century Jews were ready for such a detached, unemotional response. Could our familiar text have sufficiently touched the imaginations of first-century Jews to have elicited their participation?

Fleischer concludes this article with a consideration of two historically problematic additions to the 'amidah: the priestly benediction and the qedushah. He points out that the priestly benediction as we know it, recited by the priests themselves, is anomalous on several levels: it does not conform with the general sidelining of priests in rabbinic worship; it interrupts the repetition of the prayer; and it is seemingly the single distinction made this early between communal and individual recitation of the 'amidah. He suggests that the original 'amidah merely described its recitation rather than calling for the priests to interrupt the new prayer. However, the people wanted the priests to continue to bless them directly, as they had presumably done at the conclusion of Second Temple period synagogue study sessions.\textsuperscript{35} This required a rewriting of the original text of the final benediction—and a consequent wide variation in our received versions of this blessing, as no later composition had the authority of the original.\textsuperscript{36}

Fleischer indicates that his explanation of the qedushah is similar but more certain. Indeed, as he recognizes, there is little evidence to support either assertion, but we do have a few more vague clues in this second case. While admitting that the qedushah, too, is an independent addition to the 'amidah, Fleischer suggests that it must have been included in the original composition, like the priestly benediction, simply as a description of the prayers of others, here the angels. Its inclusion also created literary symmetry by incorporating two (and eventually, three) biblical verses into the third of the first triad of blessings, just as the priestly benediction contributed three blessings to the third blessing of the last triad of the entire composition. Additionally, the qedushah complements the second benediction’s enumeration of God’s powers on earth by following it with an enumeration of God’s powers in heaven; thereby it refutes any
heretical attempts to separate these two aspects of God. Fleischer proposes that the qedushah must have been original, because he cannot imagine any group with the power to force such a change, and the sages themselves may not have wanted or been able to eliminate the widespread belief in angelic protection current throughout the period. The transformation of this prayer occurred as congregants joined in these verses during the repetition, just as they joined in all biblical verses (except the priestly benediction!). Gradually, they came to see themselves as participating in the angelic liturgy. Fleischer asserts, contrary to most, that this participation most likely influenced the use of the angelic liturgy in early Jewish mystical circles rather than the reverse. Liturgical embellishments and halakhic rulings came to formalize this new conception. However, again, because the original form that simply cited the verses collapsed, no single alternative came to replace it and we have received a wealth of versions, some of which Fleischer discusses.  

As Fleischer has acknowledged, the three rabbinic sources that make reference to the liturgical qedushah are each problematic. Fleischer’s reconstruction offers a plausible interpretation, but not one of obvious superiority over others. His rejection of mystic influences challenges conventional wisdom without offering a satisfying alternative. When he claims that mystic texts do not record direct human participation in the angelic liturgy, he ignores the fact that they do exhibit, at the very least, enormous human fascination with it. By downplaying the influence of mysticism on the liturgy in this specific and obvious case, he also brings into question any other mystic influence on the liturgy, some of which has been demonstrated to be reasonably early, although perhaps not quite so early as Yavneh. The superfluity of language characteristic of mystical prayer is exactly what accompanies the appearances of the qedushah in rabbinic liturgy.

Fleischer understands the Yavnean revolution to extend beyond the weekday ’amidah to all aspects of Jewish worship. He claims:

This is the principle: any liturgical act discussed in tannaitic literature as an ancient custom—for which there is no need to establish its obligatory nature, for which there is no reason to give its full
text, for which [the literature] discusses only one or another detail of its text, its setting, or its mode of recitation—is almost always something enacted by the early sages at Yavneh.  

Fleischer has only published his discussions of two additional liturgical elements: the intermediate blessing of the Sabbath ‘amidah, and the Torah reading cycles. Consistent with his claims elsewhere, he suggests that the various texts for the Sabbath ‘amidah found in the geniza must have competed with one another to fill the place vacated by a single simple original blessing that was recited in all services of the day except for, perhaps, musaf. One simple nonpoetic text appears in early geniza texts indicated for all services. Fleischer suggests that this may be the lost original, even though it is shorter than the literary unity of the ‘amidah might have been expected to dictate. It reads simply, “Bring rest to Your people (on) the Sabbath of Your covenant, rest and peace, quiet and tranquillity. [Blessed are You, Eternal, who sanctifies Israel and the Sabbath day].” However, while Fleischer can demonstrate that the intermediate blessings of the Sabbath ‘amidah did not always vary from one service to the next, a retrojection of this geniza text (or any other) to the talmudic period, let alone Yavneh, cannot be more than supposition.

Much more intriguing is Fleischer’s discussion of the Torah reading cycles in the synagogue. As he points out, although scholars have been fascinated with untangling the intricacies of the Palestinian triennial cycle as reflected in midrash and piyyut, none have really asked how Jews came to have both a triennial and an annual cycle. The new understanding, proposed by historians of the synagogue and supported by Fleischer, that Torah reading was the center of activity in the pre-destruction synagogue and that rabbinic prayer was grafted on to that preexistent structure after the destruction, allows Fleischer to construct a theory of origins. Beyond that its purpose was didactic rather than liturgical, we do not know how Torah was read in the Second Temple synagogue. It is likely that portions relevant to the day were read during appropriate seasons and that some fixed order of readings, allowing people to prepare in advance, and some means of covering the entire text probably existed, although not necessarily with any uniformity from one center to another. Fleischer also suggests that the readings were reasonably lengthy, as we have multiple reports of gatherings lasting into the afternoon. The didactic purpose of the synagogue
would not have been well served by very short readings, especially if the cyclical reading left little relevant content for homiletical expansion on a given week.\textsuperscript{44} However, this last point presupposes that the readings were indeed seriatim and bound by the order of the biblical text.

The destruction of the Temple transformed the synagogue into the central institution of Jewish life, partly because no alternative remained, and partly because the Rabbis made it the platform for spreading their teachings and halakhah. In this context, they regulated and regularized this received institution of synagogue Torah reading, establishing a cyclical, seriatim reading interrupted for the festivals. The Yavnean rabbis did not necessarily establish the triennial cycle that Fleischer curiously finds reflected in the Mishnah,\textsuperscript{45} but their regulatory activities must have touched such issues as the general length of the reading and the number of readers, even if leaving the precise divisions of the Torah flexible. However, Fleischer suggests that these readings were still lengthy, as the purpose of the Shabbat gathering was still primarily didactic; longer readings provided more content, and a shorter cycle more effectively reinforced learning by repetition. This resulted in some approximation of an annual cycle, and this was transmitted from the Yavnean rabbis to Babylonia and the entire Diaspora.\textsuperscript{46} Thus, what became known as the Babylonian annual cycle had its origins not in a native Babylonian custom of Torah study (for which we also have no evidence), but in Palestine and among the sages at Yavneh.

The sages did not establish obligatory prayer as an institution located specifically in the synagogue, but as this was a place of habitual gathering for religious purposes, the benefits of a merger soon became clear and it was institutionalized. However, prayer and study were not natural partners, especially as both demanded substantial investments of time.\textsuperscript{47} Fleischer suggests that the sages’ response was to reformulate the Torah reading so that only about a third of the original portion was read each week. Thus, the triennial cycle was a relatively late and accidental development in response to the time pressures introduced by obligatory communal prayer.\textsuperscript{48} Fleischer points to isolated rabbinic sources and to the evidence of Kalirian \textit{piyyut} to prove that the annual cycle nevertheless persisted in significant communities in Palestine. He suggests that this also proves that the annual cycle was original, as the value placed on ancient custom makes it unlikely for any liturgical reform ever to be complete.\textsuperscript{49} Babylonian Jews, lacking the Palestinian
homiletical traditions, never felt the same time pressures and maintained the longer lectionary to ensure a service of sufficient length. The disappearance of the sermon in Palestine created an imbalance that was eventually filled either by an expansion of piyyut or by a return to the authentic Palestinian annual cycle. This reversion was thus unrelated to any pressures to conform to Babylonian halakhah.\(^{50}\)

There are serious problems with this argument. Fleischer’s assertion that the triennial cycle is reflected in the Mishnah is based on a reading of M. Megillah 3:4’s ruling that after interrupting the seriatim reading on the four Sabbaths preceding Passover, we return (to read) likhsidran. Fleischer understands this word as a technical term referring to the sedarim of the triennial cycle, as opposed to the annual cycle’s parshiyot.\(^{51}\) However, it is more likely that the Mishnah here employs the word generically to instruct the resumption of the cycle, whatever it may be. If this is the case, Fleischer’s fundamental point fails and he cannot muster support for his retrojection of the formalization of the annual and triennial cycles to the tannaitic period. We are left with the question of origins fully unresolved.

* * *

Ezra Fleischer, in this series of articles, thus proposes a significant and far-reaching revision to our understanding of the development of the literature of the synagogue. He understands the rulings of Rabban Gamliel and his court at Yavneh to have constituted an unprecedented revolution in Jewish worship of God, in which a system of verbal worship was fully formulated and then successfully promulgated among the people. The consequences of this view call for new understandings of all aspects of rabbinic liturgy: he has developed these consequences in detail in articles on the ‘amidah and on Torah reading.

The key question is, of course, to what extent Fleischer is correct or more correct than his predecessors. All rely on essentially the same very limited pool of information from which they derive different conclusions because of different prior assumptions and methodologies. Each has to decide to which rabbinic and extra-rabbinic accounts of the synagogue and prayer to grant historical credibility, and upon which extant prayer texts to rely as reflective of the early rabbinic world.

Fleischer’s assumptions are shaped by the recent realization of S. Safran and others that prayer was simply not an element of the Second Temple synagogue ritual.\(^{52}\) This leads him to discount almost any
retrojection of organized prayer to that period among Jews who still held allegiance to the Jerusalem Temple. This includes those rabbinic memories of Temple-period prayer that form a substantial underpinning of Heinemann’s theories. It also leads him away from the misleading academic tendency to assume that the Temple was a failing institution whose destruction was only a minor glitch in the religious history of an Israel that had already developed a more progressive means of worship. While discounting the sources for his predecessor’s understandings of the pre-destruction liturgical reality, Fleischer gives substantial credibility to the same sources’ accounts of the developments immediately after the destruction of the Temple, granting them substantially more weight and credibility than Heinemann did. Fleischer also reverts to the authoritarian model presumed by the philologists and the traditional sacred histories of the liturgy. Where they assumed that some unidentifiable early sages simply decreed new prayer texts or additions to existing ones that all Jews (immediately, apparently) adopted, Fleischer assumes that Rabban Gamliel could decree that everyone must pray a new complex set of prayers three times a day, and people simply rearranged their lives to accommodate this.

The Rabbis, in their own literature, naturally portray themselves as immediately taking charge of the Jewish world after the fall of the Temple and establishing laws and customs that everyone obeyed more or less without fuss. But is it reasonable to accept this as history? Reading between the lines and against the grain of the rabbinic texts and placing them in dialogue with external evidence suggests the strong possibility of reactions ranging from substantial indifference to active opposition to rabbinic leadership in the early centuries.\(^{53}\) Is the history that Fleischer has reconstructed based on a later rabbinic romanticization of their actual role in society at this critical juncture? Successful imposition of a universal prayer obligation and text is more plausible at Yavneh than in the earlier periods where Zunz and his followers had placed it, but we must still question whether any radically innovative rabbinic decree, then or later, carried such weight. Is it not more likely, if the Rabbis were competing for social control, that they imposed upon themselves and sought to teach to others a version of prayer that was basically familiar? Indeed, this familiarity would include what Heinemann proposes: that Jews had developed linguistic registers for appropriate prayer to God in different situations, and people knew the vocabulary, range of
subjects, syntax, and structure, i.e., the language of prayer, and were capable of composing and expected to compose their own prayers in it. With this knowledge, a universally fixed text would not be necessary. It is reasonable to suppose that individuals developed their own preferred language and used this when leading the congregation or teaching others to pray. Even repetition of this personal prayer language would create the challenges to kavanah discussed by the Rabbis. Just as aesthetically pleasing poetry was later introduced from one venue to another, so, too, pleasing formulations of prayer were imitated, spread, and eventually achieved a degree of broader standardization. Such a scenario seems much more successfully to explain the rabbinic discussions of theologically inappropriate prayer texts than does Fleischer’s assigning them, when he mentions them at all, to Rabban Gamliel’s opponents.

Other fundamental problems exist. Do we have reliable information from which we can begin to reconstruct the world of early rabbinic liturgy? As Reif has already pointed out, contemporary scholarship challenges our ability to rely on the attributions and chronology of events presented by the rabbinic texts, and this is only further problematized by the lack of critical editions of most of them. Additionally, Fleischer, like most students of rabbinic Judaism, treats New Testament Gospel texts indiscriminately as evidence for the world of the early first century C.E. Current New Testament scholarship reads most of these texts as reflecting the world of the late first century and, in some cases, even the second. Therefore, essentially no New Testament texts except the authentic Pauline letters and perhaps Mark give reliable witness to Second Temple Judaism. It is important to note, then, that the Yavnean-period synagogue portrayed in the New Testament also apparently lacks formal prayer. Additionally, the lack of significant formal similarity between early Christian and rabbinic liturgies suggests that the rabbinic model was not yet widespread, influential, or, perhaps, even extant.

More critically, Fleischer’s fundamental argument appears to be circular. His assumption that basic prayers were composed at Yavneh cannot, as he admits, be positively proven based on the evidence available. But he draws conclusions from this assumption that allow him to offer plausible explanations of other liturgical developments. This itself, he claims, proves the validity of his initial assumption.
Nevertheless, Fleischer’s contributions in these articles are considerable. He forcefully draws our attention to the previously ignored fact that the status of Jewish prayer changes after the destruction of the Temple from an act of private piety to a public, synagogue-centered communal obligation demanding the regular and frequent participation of each and every individual. This in itself calls for revision of the prevailing theories of liturgical development, all of which locate significant elements of pre-rabbinic prayer in the public synagogue. Heinemann’s “synagogue-style prayer” must be revisited. Fleischer’s challenges also draw our attention to the real difficulties inherent in the beguiling quest to reconstruct the origins of rabbinic prayer. For all the weaknesses of his arguments, his answers are no more right or wrong than those of his predecessors—which we have not critiqued here. All scholars approach the limited evidence with assumptions that inevitably shape their results; neither Zunz, Elbogen, Heinemann, Fleischer, nor anyone else has successfully maintained the necessary distinction between fact and suggested reconstruction. Certain general outlines may be proposed, but barring the discovery of more evidence, scholarly humility might best allow the details to remain murky.

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NOTES

1. Die gottesdienstliche Vorträge der Juden historisch Entwickelt (1832); Hebrew translation according to the 1892 revised edition by Hanokh Albeck, Haderashot beyisra’el vehishtalshelutam hahistorit (Jerusalem, 1946; rpt., 1974), esp. pp. 178-80.


After Heinemann’s untimely death in 1978, his student Avigdor Shinan published his collected articles as *‘Iyunei tefilah* (Jerusalem, 1981). Heinemann was also responsible for a substantial portion of the 1972 updating and Hebrew translation of Ismar Elbogen’s 1913 German classic, *Jewish Liturgy: A Comprehensive History* (now translated into English by Raymond P. Scheindlin, [Philadelphia, 1993]).

4. Most who work in the field, this author included, owe Fleischer an enormous debt of gratitude for his personal mentoring and for his work in cataloguing and making accessible the liturgical texts from the geniza.

5. See, for example, just in the Babylonian Talmud, Berakhot 26a, 33b, 48b, Megilah 17b.

6. The discovery and publication of the Palestinian-rite prayers from the Cairo geniza already shaped Elbogen’s reconstructions and assumptions of uniformity.

7. Prayer as a series of blessings was, according to Heinemann, already known from the haftarah benedictions in the synagogue; from the daily synagogue-style prayer of the priests on the Temple Mount (M. Tamid 5:1); from the prayers of the high priest on Yom Kippur and the king on Haqhel after their Torah readings (M. Yoma’ 7:1, M. Sotah 7:7-8); from the shofar benedictions (M. Rosh Hashanah 4:5-6); and from the public fast-day liturgy (M. Ta’anit 2:3-4).


9. “On the Beginnings of Obligatory Jewish Prayer [Legadmoniot tefilot haqeva’ beyisra’el],” *Tarbiẓ* 59 (1990), pp. 402-14. Fleischer does admit, 409f., that the evidence is somewhat murkier for the practices of Diaspora Jews, but suggests that this generalization probably held for them, too. As Fleischer notes, the centrality of Torah reading in the pre-destruction synagogue had already been demonstrated by
others, but few had extrapolated from this to question the nature of prayer in this period.


11. “On the Beginnings,” pp. 414, 416-17. Fleischer here contradicts the assumptions of many earlier scholars that the development of the synagogue had made the Temple dispensable, making its destruction only a minor disaster, as a replacement was already functioning. See, for example, Elbogen, p. 188. While Elbogen’s particular stance may be explained by his participation in the Reform movement’s rejection of any mourning over the loss of sacrificial worship, Fleischer’s stance may be influenced by his own religious traditionalism.


13. “On the Beginnings,” pp. 419-23. Fleischer discusses here the lack of verbal liturgy in the high priest’s Yom Kippur rituals described in the Mishnah, with the exception of the Torah reading, which is obviously external to the sacrificial protocol. As to the daily prayers of the priests recorded in M. Tamid 5:1, he suggests that the earliest layer of the text does not provide the names of the prayers, and that the reality described may not correspond to later prayers at all except to the recitation of the biblical verses of shema’. The ma’amadot prayed only for the acceptance of sacrifice, but otherwise their ritual also centered on fasting and Scripture. The inclusion of synagogue services in the descriptions of the Simhat beit hasho’evah, Fleischer claims, is also a late addition. The descriptions of the liturgy of the synagogue in Alexandria are also too late to be reliable and do not unambiguously refer to more than Torah reading.


15. This is highly questionable. Fleischer here points only to Jesus’ criticisms of the Pharisees prolonging their public prayer in Matt. 23:14. This verse, missing from most major manuscripts of the Gospel, is rejected by the majority of textual critics and moved to a footnote in most critical editions of the text. Additionally, this verse has no necessary connection to synagogue prayer in its context. Most significant, current scholarship dates Matthew to the last decades of the first century and would read such a statement as reflective of post-destruction reality. If this is the case, Fleischer need not make an exception to the exclusion of prayer from the synagogue based only on this text! My thanks to my


17. “On the Beginnings,” pp. 425-33. The remainder of the article elaborates on these various points. On the composition of the text, see pp. 433-35; on Rabban Gamliel’s promulgation of it and correction of it with the *birkat haminim*, see pp. 435-37; on the objections of the other sages and the tensions between innovation and fixity, see pp. 437-39; on issues of an *Urtext*, see pp. 439-40.


24. Fleischer does admit that it is unlikely that the Rabbis were able either immediately to locate this prayer in the synagogue or to create sufficient synagogue contexts to make daily attendance universally easy.


35. Actually, we know only that priests recited the blessing outside of the Temple, *bamedinah*, i.e., in Jerusalem and perhaps more broadly, and not that this ritual took place in the synagogue. See M. Sotah 7:6. Raymond P. Scheindlin suggests that there is a contradiction between this recitation of the priestly benediction outside the Temple and Fleischer’s hypothesis that the sages did not allow rituals that might diminish the centrality of the Temple rituals. We might also add that neither priestly affairs nor, perhaps, the synagogue itself were necessarily under rabbinic or proto-rabbinic control.


38. My preferred understanding is summarized in my *To Worship God Properly: Tensions Between Liturgical Custom and Halakhah in Judaism* (Cincinnati, 1998), pp. 188-201.


Heb. 43-61.


46. “Annual and Triennial,” pp. 31-34.

47. Note, however, that Christian worship also early merged these two forms, indicating that this combination could not have been so unnatural.


51. “Inquiries,” 47.

52. See the listing of Safrai’s relevant publications in the bibliography of Ancient Synagogues: Historical Analysis and Archaeological Discovery, ed. Dan Urman and Paul V.M. Flesher (Leiden, 1995), 2:643-44.

53. See my To Worship God Properly, pp. 3-4, nn. 6, 8.

54. Indeed, in his response to Stefan C. Reif’s critique of his first article (“On the Earliest Development of Jewish Prayer (Following Ezra Fleischer’s Article) [Al hitpathut hatefilah hagedumah beyisra’el (Beshulei ma’amaro shel ‘Ezra’ Fleischer)],” Tarbiz 60 (1991): 677-81), Fleischer modifies his claim and suggests that not everyone actually recited the same fixed text (“Rejoinder to Dr. Reif’s Remarks [Ma’aneh (Beshulei hasagotav shel S.C. Reif)],” Tarbiz 60 (1991): 686-87). However, in his later article on the ‘amidah, Fleischer does not include this modification at all.

55. Such as: M. Berakhot 5:3; M. Megillah 4:9; B. Berakhot 33b; B. Megillah 25a; P. Berakhot 9:1, 12d.


57. This understanding also has the important implication that the anti-Jewish polemics can now be read
as dating not from Jesus himself or his disciples, but rather from the period of mutual animosity when Jewish Christians were forced out of the Jewish community. Christian antisemitism can thus be understood by Christians as human error, not God’s word.