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Pre-Crusade Piyutim: History or Hyperbole

I Introduction:

The two פיוטים¹ which are recited in communities which follow מנהג אשכנז during the first two שבתות following ל"ז בתמוז² were composed by two of the leading rabbinic figures in pre-crusade Ashkenaz, ר' שמעון בר יצחק הגדול and ר' יוסף בן שמואל טוב עלם and represent the two most important subdivisions of that Jewry, France and Germany. Both פיוטים are recited during less than joyful periods in the Jewish calendar, and both bemoan the trials and tribulations associated with life as a Jew in a backward, closed-minded, religiously intolerant Christian world.

I would like to provide some background by examining the historical setting in which the פיוט by ר' שמעון הגדול was composed. Then I will note oblique references in the פיוט to historical events or conditions, and attempt to determine whether these represent typological references to a generally miserable situation, or whether they refer to specific events.

II A Brief History of Anti-Semitism in Germany after Charlemagne

Robert Chazan notes the paucity of data for Christendom in the 11th century. So any attempt to reconstruct events and situations pertaining to the 10th or 11th

- 1 Ashkenaz liturgy is bifurcated: Minhag Ashkenaz (which the academic world calls מנהג אשכנז המערבי) is the liturgy used by communities who trace their ancestry to Western Germany (to the Elbe River) Holland, Switzerland, Post-Revolutionary France and Northern Italy; and Minhag Polin (called by the academic world מנהג אשכנז המזרחי) includes Austria, Eastern Germany (including Berlin and Nurenborg), Hungary, and the rest of Eastern Europe. Some of the more obvious characteristics of מנהג פולין are the reciting of שמע קולנו during Selichos, shortened Selichos on the eve of Yom Kippur, and Kiddush in the synagogue on Friday evening following אלעזר, אמר ר' rather than preceding it. As far as פיוטים, the Kerovos and Mussafim are identical (except for שבת Ha-Gadol), however, סליחות ומערבות, זולתות, אופנים, יוצרות, are sometimes different.
- 2 And, according to מנהג פולין, on the second and third שבת following פסח.

Centuries in Europe must by its very nature, be dependent on fragments of information culled from dispersed sources³.

Jews lived peacefully in the united empire of Charlemagne, and also following his death and the split of his kingdom into Germany and France. Royal Germany adhered more to the Carolingian tradition of protecting the Jews than did France⁴. At the same time it respected feudal rights, so Jews were often ceded or gifted to the local bishop as in Magdeburg, or in Meresburg, where King Otto II himself made the gift in 982. Nevertheless, these rights were only related to taxation, while in other matters the king remained the Jews' protector.

With the turn of the first millennium, the Church became more powerful at the expense of the king, as a result of the conversion of the Magyars in the year 1000 and the remaining European pagans soon thereafter, and the Cluny reforms which deprived the king of an important source of income by placing the monasteries under the rule of the pope (and not the king or local count)⁵. Furthermore, the formation of viable towns and the ascension and organization of the Burghers who resided there, reduced the usefulness of Jews. Christians could find other good Christians who could swear on the same bible to supply them with imports and crafts. They were no longer dependent on the Jews for trading, and this presaged Jews' entry into money lending and other economically and socially undesirable occupations⁶. Also, the Burghers, unlike the king and the Church, were not restrained by the theological and traditional canons of limited tolerance of the Jews. Thus anti-Jewish edicts became more palatable and they bore with them some notable economic gain to the populace and the nobility. Finally, despite the attempts of Otto the Great to retain control of the Church by appointing bishops in Germany, thus making the religious hierarchy subservient to himself, and the bishops royal officials, the Church's influence in temporal matters inexorably increased⁷.

As in France, anti-Semitism originated with the Church. Undoubtedly, the fulminations of Agobard and Amolo, the fiercely anti-Semitic 9th Century bishops of Lyons, had repercussions in Germany, where their ideas were echoed and expanded by local priests and found fertile ground among the serfs and burghers who heard their sermons, if not among the Jews.

3 The Jews of Medieval Western Christendom p 131.

4 Salo Baron, Social and Religious History of the Jews, Vol V p 55.

5 אברהם גרוסמן, חכמי צרפת הראשונים, הקדמה

6 Baron, Ibid.

7 אברהם גרוסמן, חכמי אשכנז הראשונים עמ' 11

Archbishop Fredrick of Mainz (937-938) contemplated expulsion of the Jews, and consulted Pope Leo VII who advised him to expel only Jews who refused to be baptized, and to read from the gospel to the Jews in their synagogues. Baron points out that Pope Leo VII recognized that under canon law forced baptisms with the alternative of death were null and void, and the Church could do nothing to prevent backsliders. Therefore he advised Fredrick to give the Jews the choice of expulsion or baptism, effectively amounting to forced expulsion. This Fredrick also sought economic means to pressure Jews to convert. Petrus, doge of Venice, 932-936, wrote him advising him to forbid Jews from dealing in any item (coins and textiles included) which bore the sign of the cross. In 945 Doge Arso forbade Venetian ships from carrying Jewish merchants, and in 995 Jewish goods were forbidden on Venetian ships⁸. These restrictions undoubtedly forced many Jews into penury.

Towards the end of the 10th century we find Burchard, bishop of Worms, also proposing to force Jews to attend Church services in order to induce them to convert⁹.

In the wake of the conversion of Wecelinus, chaplain to Duke Conrad, who was a relative of Emperor Henry II of Germany, the latter decreed that the Jews should be expelled from Mayence in 1012. “The decree was probably not confined to Mayence, but applied to other communities. ר' שמעון בר יצחק composed selichos lamenting the expulsion, *as though it were a terrible persecution, intended to uproot Judaism from the hearts of its followers*”¹⁰. רבנו ר' שמעון (ר' שמעון's friend and neighbor in Mainz¹¹) gave utterance to his grief at the severe persecutions of Henry II in selichos. “Thy people are driven from their homes” etc. R Shimon, probably by bribing the officials with large sums of money, succeeded in staying the persecution and even in obtaining permission for the Jews to resettle in Mayence after two years. For this and similar related accomplishments, ר' שמעון is noted as one of the five main rabbinic leaders of Rhineland Jewry, and his name was mentioned for centuries later each שבת, as the one who “exerted himself for the communities, and

8 The Jews of Germany, Marvin Lowenthal JPS, p 19-21.

9 גרוסמן, שם

10 Graetz, History of the Jews, Vol 3 p 241 and on.

11 וכשבא רבנו גרשום אצל רבנו שמעון הגדול קבלו בסבר פנים יפות ולמדו תורה ביחד From 331 אוצר מדרשים עמ' 331. Though this tale is from the Ma'aseh Buch, which was written much later, we do know that both lived in Mainz at the same time, both were great Talmudists, and Mainz was a small town.

enlightened the eyes of the diaspora with his liturgical poems, and abolished edicts”¹². Baron believes that the expulsion order was the result of the desecration of the Church of the Holy Sepulchre by Caliph Hakim, allegedly with the aid and upon the advice of the Jews. *Annales Quedlinburgenses*¹³ also contains a brief passage noting the expulsion of the Jews from Mayence in 1012. Finally, during the lives of ר' שמעון הגדול and רבנו גרשם there were many anti-Semitic incidents, many too insignificant to warrant mention in either Jewish or Christian chronicles. For example רבנו גרשם's responsum regarding Jews who went to a fair, and when they returned to their homes, found them ransacked¹⁴. Grossman¹⁵ also notes that there were many incidents of kidnapping for ransom.¹⁶ He also notes that a שאלה by ר' שמעון addressed to רבנו משלם (presumably when the latter was still in Italy) contains a litany bemoaning the difficulty of the גלות and a prayer for redemption. Likewise the first 50 lines of ר' שמעון's responsum to the community of Constantinople expresses the woes of the גלות in extensive and graphic detail. Grossman also notes that great pressure was exerted on Jews to convert.

III The זולת as an Art Form with a Unique Character and Theme

ר' שמעון הגדול was a prolific פייטן who composed פיוטים for many occasions and for a variety of תפילות. For European פייטנים (Southern Italy, Germany and France)¹⁷ זולתות assumed a melancholy and wistful character. Even זולתות for joyful occasions, such as אי פתרוס (by ר' שמעון הגדול for the 7th and 8th days of פסח) have prayerful and solemn conclusions. Generally, a central theme of these European זולתות is to contrast the state of Jews now, with that of יציאת מצרים, and to offer hope that G-d will once again reinstate our exalted status¹⁸.

12 יזכר אלקים את נשמת ר' שמעון. Second chapter. אברהם גרוסמן, חכמי אשכנז הראשונים. בר יצחק שטרך בעבור הקהילות והאיר עיני הגולה בפיוטיו וביטל גזירות. Memorbuch of Kehillat Worms. This is Leopold Zunz's version in *Literature Geschichte* p 115.

13 Anonymous, written between 1008 and 1030.

14 תשובות חכמי צרפת ולותיר ס' פו ed. Yoel Hachohen Miller, Vienna, Jerusalem.

15 חכמי אשכנז הראשונים בהקדמה, ובפרק על ר' שמעון הגדול

16 Nonetheless, it is noted that statistics on the relative incidence of kidnappings for ransom and ransackings in the Jewish and general communities at that time are required in order to draw conclusive inferences as to the anti-Semitic nature of these crimes.

17 אין אלקים זולתיך inserted in שמע קריאת שמע after the words

18 Esther Malhi PhD dissertation, Bar Ilan University. Rabbi Joseph Bonfils.

Sometimes, the burden of גזירות was so overwhelming that פייטנים composed mournful זולתות for even semi-festive occasions. An example is אחשבה לדעת, by ר' שלמה הבבלי recited on שבת בראשית (מנהג אשכנז ופולין). This פיוט is replete with anguish as the פייטן bemoans our unfair treatment at the hands of Christian neighbors and the Byzantine regime. The זולתות for the הפסקות (Sabbaths intervening the פרשיות) are likewise mournful and melancholy, despite their being recited at a joyful time.

It is common belief among scholars of פיוט that prior to the Crusades, פיוטים were not recited during the weeks between פסח and שבועות¹⁹ (with the possible exception of the שבת following פסח, which was called שבת ויושע) or during בין המצרים, and that the custom to recite פיוטים on these occasions began at or near the time of the crusades. How is it that many of the פיוטים recited during these periods, both in מ"א and in מ"פ (for example, the פיוטים by ר' שמעון הגדול and ר' יוסף טוב עלם) were composed by authors who died well before the first Crusade? I believe that the פייטנים had written many "general purpose", מאורות וזולתות²⁰ אהבות, which have no special connection to any particular Torah selection or special occasion (The גוף היוצר²¹ is always clearly connected to the special occasion). In this approach, they followed ר' אלעזר הקליר, whose זולתות פרשה וזולתות do not have any clear connection to these occasions. That is why an אופן like לבעל התפארת by ר' בנימין ב"ר זרח could serve equally well for the third שבת of the sefira (מ"פ), שבת בראשית (מ"א) and אחרון של פסח. These "general purpose" פיוטים conformed to their traditional theme. פיוטים were majestic and heraldic, and זולתות doleful and introspective. When the community leaders in Germany and France decided to institute פיוטים for the שבתות of the Sefira and בין המצרים, they found a large body of appropriate

19 Many older manuscripts omit entirely פיוטי הגזירה as do the oldest printed mahzorim from the 16th century, הדרת קדש and מעגלי צדק. It is only later manuscripts which include them. Even so, many manuscripts have up to 8 פיוטי גזירה and suggest that the Kehilla choose which to recite, indicating a מנהג in its formative stages. Even today, the order in which they are recited has not been established, and varies from synagogue to synagogue. Rapaport (פרזעמישל, גראבר, פראזעמישל) אגרות שי"ר שאלתיאל אייזק גראבר, (תרמ"ה, עמ' 194) also agrees that none of the פיוטים recited during the Sefira period were written specifically for that use. He postulates that they were written for בין המצרים. However, if this is the case, why are פיוטים for בין המצרים non-existent in מנהג אשכנז and very limited in מנהג פולין?

20 Recited in אור חדש על ציון, להודות לך וליחדך ברכות ק"ש preceding אור החיות ישוררו, אור חדש על ציון, להודות לך וליחדך ברכות ק"ש respectively.

21 Recited following אור עולם and ברכת יוצר אור.

liturgy available, and selections from this paytanic literature were assigned to the various **שבתות** of this period. Subsequently, **פייטנים** added to this body of liturgical poems by composing **פיוטים** especially for these occasions²². In this manner, the **זולתות** for the second and third weeks of the sefira according to **מ"פ** (**אל א-ל חי ארנן, אריות הדיחו**) are the **זולתות** for the first two weeks of **בין המצרים** according to **מ"א**. It is one of these two **זולתות** which I explain in the accompanying Hebrew article.

In the wake of the crusades, the rabbinic leadership in Germany instituted the recitation of mournful **זולתות** (but, except for the **שבת** preceding **שבועות**, no other **פיוטים**) during the 5 weeks between **ר"ח אייר** and **שבועות** and **בין המצרים**. Fleischer²³ believes that **זולתות** were chosen as the venue for this unhappy task, because of their generally melancholy and prayerful character. In several manuscripts, this series of **זולתות** (including those for **בין המצרים**) is called **שבתות הגזירה** and the **זולתות** during which they are recited are called **שבתות הגזירה**. The **פיוטים** (**זולת** and **אהבה**) recited on the **שבת** preceding **שבועות** (when the massacres reached their peak intensity) are the same as the **פיוטים** recited on the **שבת** preceding Tish'a B'av, and clearly refer to the tribulations of the first Crusade²⁴.

The rabbinic leadership in France, less directly affected by the crusades, instituted the recitation of full **מערכות יוצר** for each of these weeks (but see below). These were structured like other **מערכות יוצר** where the **גוף היוצר** is positive, optimistic, and even festive, and the **אופן** exalts G-d and the angels who

22 I refer not only to the **אהבה** and **זולת** for the **שבתות** preceding **שבועות** and Tish'a B'av which clearly refer to the crusades, and which were written to be recited on these **שבתות**, but also to **אחרי נמכר**, by **ר' ברוך בר שמואל** of Mayence. I believe that once the Rabbinic leadership of the German kehillos instituted the recitation of **פיוטים** during the sefira, Rabbi Baruch decided to write this **פיוט**, hoping that his community would accept and adopt it.

23 696-698 עמ' **היוצרות**, See also Malhi dissertation.

24 In many ways, according to **מנהג אשכנז**, the synagogue service on the **שבת** preceding **שבועות** is strikingly similar to the service on the **שבת** preceding Tish'a B'av. **אב הרחמים**, commemorating the martyrs, is recited prior to the replacement of the Torah, and the **א-ל מלא רחמים** is recited for all Jewish martyrs (including those of the Holocaust and the IDF) throughout Jewish history. In Europe (but no longer in the USA) a black **פרכת** was placed over the ark, and the two **שבתות** are referred to as *Schwarz Shabbos* (black Sabbath). So the communities following **מנהג אשכנז** viewed their local tragedy as similar in importance and magnitude to the national tragedy and commemorated both in an identical manner.

herald Him. However the other elements of the מערכת יוצר, the מאורה, אהבה, מנהג אשכנז are invariably melancholy, doleful, and prayerful. As in זולת, גאולה, the זולת for the שבת before שבועות is an elegy for the sufferings of the First Crusade. (או"ח סי' תצג ס"ק ד) cites the שו"ת שיח יצחק (סי' רלא): שבת הראשון שאחר הפסח אומרים יוצר ויושע אור ישראל אופן ארוגי מעוז, וי"א אראלים וחשמלים זולת אין כמוך גאולה שבויה עניה, וכן בכל שבתות שבין פסח לעצרת אומרים יוצרות המדברים מענין הגאולה, ומתאוננים בזמן הזה אחר זכרון גאולת מצרים על הגלות ועל הצרות שיש לנו עכשיו בין העמים, שיגאלנו מהרה, ומזכירין כל הגזירות שהיו באילו המדינות ובמדינת אשכנז, מפני שבעוונותינו כולם או רובם היו בזמן הזה. לכך אנו מתפללים להשי"ת שיזכיר זכותם וכימי מצרים יראנו נפלאות. וכו' והנה מנהג העיר פה וברוב המקומות פה כמנהגי ר' אייזיק טירנא, שלא לומר יוצר ואופן באלו השבתות, ולענ"ד הטעם יען הריגת צדיקים בימים אלה וכן גזירת הקהילות ובימים מקדם מיתת תלמידי ר' עקיבא, אין שמחה שלימה למעלה, ע"כ נמנעו מלאומרם וכו' ורק בשבת ראשון שאחר הפסח, משום דשייך עוד ליו"ט כמו שתיקנו קדמונינו ג"כ יוצר לשבת אחר שבועות, וכמ"כ לשבת בראשית לפי שהשבתות האלו כעין אסרו חג, אומרים ג"כ יוצר ואופן, וכמו כן בשבת שלפני שבועות אף שהיתה חימה עזה אז, ולבני אשכנז שבת ההוא כמו ת"ב, כמובא בשו"ת חת"ס (או"ח סימן קנט), מ"מ לכבוד היו"ט הבא להסביר שבח דימי הגבלה אומרים גם יוצר ואופן המדבר משבח התורה וממעמד הנבחר. כנלע"ד.

Rabbi Isaac Tirna recognized the incongruity of reciting positive יוצרות and אופנים with mournful זולתות, and eliminated the former. Nevertheless, he recognized the dual character of the שבתות preceding שבועות and following both פסח and שבועות (happy because of the festival, and sad because of the tragedies) and allowed the פיוטים to reflect this duality.

With the expulsions of the Jews from France in the 14th century, the French minhagim and פיוטים became established as מנהג פולין²⁵. Interestingly, מ"פ never instituted פיוטים during המצרים, however, I could not find a reason for this, rather counter-intuitive, custom²⁶.

25 There are several indications that מנהג פולין originated in France. (See also Avraham Fraenkel in shituf.org.il/story/2171) among them the large number of French and Spanish פייטנים represented in מנהג פולין. I have one proof for this which I have not seen anywhere else and that is that the end of the מערבות section for גאל ישראל in the two מערבות composed by יוסף טוב עלם, ר' יוסף טוב עלם, מלך ישראל וקדושו and שבועות on מלך צור ישראל וקדושו segue perfectly into the special festival חתימה according to מנהג פולין, which is מלך צור ישראל וקדושו.

26 Understandably, the Roman rite did not include any sad פיוטים prior to שבועות or Tish'a B'av. Their פיוטים for שבועות של שבועות, as they called the שבת preceding שבועות, were festive. However, the communities following יון actually recited

IV פיוטים: References to Specific Events or Poetic Hyperbole?

While there are undoubtedly פיוטים which were composed to commemorate specific events and which therefore contain specific references and detailed descriptions of identifiable incidents²⁷, the question arises as to whether other, more neutral פיוטים, especially those composed before the crusades, and therefore before the initiation of the custom to recite פיוטים during the Sefira or בין המצרים, actually include references to specific events or situations or were general Jewish bellyaching. In my research I came across three approaches to this question:

- a) All references are very general and typological.
- b) While some references are indeed general many others refer to specific incidents and situations
- c) While the references are to specific situations, the פייטנים were basically drama queens with their poetry amplifying the tragedy and substituting hyperbole for facts.

A good way to broach the subject is to focus on two passages in the Selicha of רבנו גרשם entitled גזירות אשכנז וצרפת cited in Habermann's נקרא אלך נקרא רבנו גרשם²⁸.

מבית תענוגיה סכתה ומלונה
מגורשת עדתך לכל רוח ופנה

From its abode of pleasure its shelter and its inn
Your people are exiled to every direction and corner

Now מבית תענוגיה clearly refers to the Temple in Jerusalem. This is a reference to the verse in ט, ב, מיכה: נשי עמי תגרשון מבית תענוגיה: מיכה ב, ט. The word סכתה could also refer to the Temple, which is called סכת דויד in יא, עמוס ט, but it clearly means something much more temporary, flimsy and undependable than בית תענוגיה. מלון too, is used as a reference to the Temple and the Land of Israel in כג, פייטן. מלכים ב יט, כג. Nevertheless, מלון means a temporary shelter, and the פייטן is lamenting the fact that we are displaced even from our temporary shelter! So is this a general lament over the exile from our land and Temple, or does it refer to an edict of expulsion? Graetz takes this selicha as an expression of רבנו גרשם's "grief over the persecutions of Henry II". However, H. Tykocinski²⁹, objects to

the אהבה אותך כל היום קוינו by Rabbeinu Ephraim Bar Yitzchak of Regensburg (recited in מ"א on Schwarz Shabbos) on the first day of שבועות.

27 For example, באזנינו שמענו, אלקים by ראב"ן or רבנו אפרים, אותך כל היום קוינו, or the various kinnos commemorating the Crusades or the Holocaust.

28 עמ' טז-יח

29 Die Verfolgungen der Juden in Mayence im Jahre 1012, in Festschrift zum siebenzigsten Geburtstag Martin Philippons (Leipzig, 1916), p 2.

the historian's use of this poem on the grounds that it is totally stereotyped. Chazan³⁰ believes that this selicha was written shortly after the tragedy and it "is suffused with the immediate sense of tragedy so typical of this genre." As such, it is one of five primary sources he uses to document the edict of expulsion of 1012. However, Chazen does agree with Tykocinski that another selicha by ר' שמעון הגדול entitled אנקת אסיר and also cited by Haberman is completely stereotyped. So approach (a) above can be further divided into a strong form (Tykocinski) and a weak form (Chazen).

Haberman clearly ascribes to approach (b). Even אנקת אסיר refers to specific incidents. I believe that both Grossman and Rabbi Shlomo Yehuda Leib Rapaport belong solidly in the (b) camp. Grossman³¹ almost directly addressing the (a) camp, says "אין לראות את הקובלנות ואת תיאורי הרדיפות כהתייחסות כללית אל ר' יוסף טוב עלם. הסבל בגלות. רקע ריאלי להן, והחזרות והפיוטים יוכיחו" Rapaport³² is even more specific, when he refers to the פיוט for the second שבת following שבעה עשר החרוז באות ק קבצו עלי חילים. ר' יוסף טוב עלם by אריות הדיחו פזורה, בתמוז (בכת"י גיעולים) וכו' אהלי אדום וישמעאלים שכן בימיו באו הישמעאלים לצרפת הדרומית במחוז של ריט"ע. Now אהלי אדום וישמעאלים is lifted right out of תהלים פג, ז, and he also need the word וישמעאלים to complete the rhyme, so it would not be unreasonable to posit that the word וישמעאלים was included *en passant* for its poetic value, and not because it had any historical validity. Nevertheless, Rapaport insists that the inclusion of וישמעאלים refers to the Moslem incursions, either under Abd ar Rahman III in 929 or some unrecorded later invasion.

Graetz³³ appears to be in group (c). He notes that ר' שמעון בר יצחק composed selichos lamenting the expulsion, *as though it were a terrible persecution, intended to uproot Judaism from the hearts of its followers*. Per Graetz, these selichos (he probably refers to אנקת אסיר), indeed refer to the specific event of the expulsion edict of 1012, but it wasn't all that bad, and ר' שמעון should stop bellyaching. However, in truth, expulsion is a terrible ordeal, and one can sympathize though ח"ו not condone with those who chose apostasy. As a child the writer remembers people with PhDs from Germany who worked as clerks in

30 1007-1012: Initial Crisis for Northern European Jewry: Proceedings of the American Academy for Jewish Research, vol 38/39 (1970-1971) PP 101-117.

31 חכמי אשכנז הראשונים

32 אגרות שי"ר שם

33 Graetz, History of the Jews, Vol 3 p 241 and on.

the post office. The psychological and economic displacements were devastating and traumatic for them and their families.

Personally, I side with approach (b) in a somewhat modified form. When ר' שמעון הגדול wrote this זולת, he could not have known that they would be recited on שבתות which have a somber feature (because at that time those שבתות had not yet been designated as שבתות with פיוטים). It would have been entirely possible for this זולת to have been selected by the gaba'im for a neutral (semi-festive) שבת such as הפסקה שניה or שבת בראשית. So he had to keep the context general and ambiguous enough to fit a spectrum of occasions. Therefore, he did not make any historical reference blatantly specific, but could still be certain that any contemporary congregant reciting the פיוט, would make the connection and nod in appreciation and understanding when he came to certain words. While in later generations the reader would relate to the generally dire condition of the Jewish people. פייטנים hide profound ideas behind seemingly innocuous lines of poetry. In our own פיוט חי ארנן, פיוט ר' שמעון הגדול, אל א-ל חי ארנן, פיוט ר' ספר יצירה. These people, in addition to being saintly Jews and great scholars were also world class poets. Why do the historians from group (a) have such a hard time understanding that there are underlying ideas which are best expressed *sotto voce*? Did you ever hear the Ode to Joy in the *first* movement of the ninth? Most people don't, but that is Beethoven's genius, להברדיל.

Baron and Graetz³⁴ have absolutely no problem theorizing that the motivation for רבנו גרשם's cherem on anybody who embarrasses or chastises a repentant apostate was the fact that his own son became an apostate ר"ל, and that he never gave up the hope that his son would return to the fold. This kind of idea is anathema to Orthodox decisors, who believe that a Rav or a Dayan should consciously remove any personal conflicts of interest and preconceptions before rendering a decision.

However, if one believes that personal considerations did indeed influence רבנו גרשם's halachic decisions, how can that same person say that contemporary events didn't find expression in his poetry? After all, poetry is *supposed* to reflect contemporary events, needs and styles, while the הלכה is supposed to be immutable and permanent. If the הלכה of pre-Crusade middle ages subtly reflects the vicissitudes and meeds of that era, one would assume that its poetry should be yet bolder in highlighting the events of that stormy time.

34 Ibid. And with them most non-Orthodox and some modern Orthodox thinkers who believe that Halachic decisions are consciously influenced by the decisor's personal, cultural, economic, psychological and political inclinations.