YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**Halakha and Jewish History**

**Rav Aviad Tabory**

**Shiur #02:**

**The Crusades**

**May 1096**

**Part II:**

***Berakha* Recited on Martyrdom**

During the 12th and 13th centuries, the Jews living in Christian Europe suffered terribly. We mentioned last week that the Crusader conquest of the Holy Land involved massacres of entire Jewish communities along the way. However, antisemitic acts in the medieval era were not limited to the Crusades; new names and concepts had to be created to describe all the havoc and death visited on Jewish communities by their Christian neighbors. Blood libels, expulsions and pogroms occurred across the continent.

Often, Jews preferred to kill themselves and their families rather than accept the Christian religion. Many of these stories were recorded, compiled and published. Some of these testimonies have survived and serve as a living witness to the self-sacrifice of our forefathers and to their acts of of *kiddush ha-shem,* sanctifying the name of God, by choosing death over conversion.

Rav Eliezer ben Natan [Mainz](https://en.wikipedia.org/wiki/Mainz) (1090–1170), known as the Ra'avan, was a contemporary of [Rabbeinu Tam](https://en.wikipedia.org/wiki/Rabbeinu_Tam) and great-grandfather of the Rosh. He is believed to be the author of a collection of stories of the Rhineland massacres. The book, named *Kuntres Gezeirot Tatnav,[[1]](#footnote-1)* records story after story of Jews dying *al* (on behalf of) *kiddush ha-shem.*

In many of these stories, prayers and *berakhot* are recited in the last moments of the martyrs. Indeed, the testimonies that we have mention the recitation of *Shema,* and in some cases the *berakha* recited upon *shechita,* normally associated with slaughtering animals and birds in the traditional way.

Although there is no testimony (that I am aware of) of the recitation of a *berakha* upon *kiddush ha-shem*,[[2]](#footnote-2) we find that the rabbis discuss the possibility. Rav Menachem Recanati (1250-1310, Italy), a Kabbalist and a student of the Rashba, rules:

The martyrs who sanctify God must recite the *berakha* on *kiddush ha-shem*, for it is a positive biblical mitzva, as it says (*Vayikra* 22:32), “And I shall be sanctified in the midst of the Israelites.”*[[3]](#footnote-3)*

**Reciting New *Berakhot***

At first glance, this ruling is puzzling, because this *berakha* is not mentioned in the Mishna or Gemara.

However, there are several examples of other *berakhot* composed after the Talmudic era. There seems to be a dispute among Rishonim regarding how to react to such *berakhot*.

The Rosh, Rabbeinu Asher ben Yechiel (1250 or 1259–1327), refers to a specific *berakha* recited on the mitzva of *pidyon ha-ben* (redeeming the firstborn son):

In France and Spain, the custom is not to recite this *berakha*. It is not found (in our tradition) to recite a *berakha* not mentioned in the Mishna, Tosefta or Gemara, because after the editing of the Gemara by Rav Ashi and Ravina, new *berakhot* may not be created.[[4]](#footnote-4)

Rav Menachem Me’iri (1249-1315, Provence) discussed the custom to add an additional (third) blessing after the recitation of *Shema* in the evening service, “*Yiru eineinu*,” “May our eyes see,” even though the Talmud specifically says that only two blessings are recited after the *Shema*.

While quoting those who condemn this custom, he also mentions those who claim that the rabbis have the authority to compose new *berakhot.*[[5]](#footnote-5)

Rav Yosef Karo and Rav Moshe Isserles (1530-1572) argue about the recital of the *berakha* “*Ha-noten la-ya’ef ko’ach,”* “Who gives strength to the weary.”[[6]](#footnote-6) This *berakha* has become part of the series recited every morning. Here again the argument is about a *berakha* which originated after the Talmudic period. While the former quotes both opinions, the latter justifies the custom to recite the *berakha*.[[7]](#footnote-7)

**Later Rulings**

The next reference to reciting a *berakha* on *kiddush ha-shem* is by Rav Yeshayahu ben Avraham Horowitz (c. 1555–1630), known as the Shela Ha-kadosh,who was a Kabbalist and a prominent *posek* [[8]](#footnote-8).

In his book, he quotes and agrees with the above ruling of Recanati.[[9]](#footnote-9) However, he explains that Recanati is not referring to the exact *nusach* (text) of the *berakha*. According to the Shela, the correct *nusach* is:

*Asher kiddeshanu be-mitzvotav ve-tzivanu le-kadesh[[10]](#footnote-10) et shemo ba-rabbim.*

Who sanctified us with His commandments and commanded us to sanctify His Name in public.

He then discusses the halakhic debate on this matter.

**Which *mitzvot* receive a *berakha*?**

Not all positive *mitzvot* have a *berakha* attached to them. The Rishonim offer several criteria to explain when a *berakha* is said.[[11]](#footnote-11)

Firstly, the mitzva has to involve a physical act, such as wrapping *tefillin* or putting on a *tallit*.

Secondly, if the mitzva involves harm to others, as is the case when an agent of the Jewish court punishes a person found guilty of sin, no *berakha* is recited.

In situations in which the mitzva depends on the actions of others to be fulfilled, it is not clear if a *berakha* is recited. For example, there is no *berakha* on the mitzva of *tzedaka* (charity). Some suggest that the reason is because if the poor person does not wish to receive the money, the mitzva is not fulfilled. Some argue that in a wedding, the *berakha* on the marriage should be recited after the bride has accepted placement of the ring on her finger, for that same reason![[12]](#footnote-12)

Similarly, the Abudarham explains that no *berakha* is recited on the mitzva of administering justice. Regarding this mitzva, there is a chance that the mitzva will not be fulfilled, as it is possible that a compromise will be accepted on both sides in a civil case.

The Shela points out that one may argue, based on the last principle, that the person who is about to be killed should not recite the *berakha* because there is always a chance that the killing will not take place![[13]](#footnote-13)

His answer in this case is very important. The Shela explains that if a person who is condemned to die accepts upon himself the mitzva of *kiddush ha-shem*, the mitzva is fulfilled even if the potential martyr is not killed. This understanding opens the possibility that our mitzva may be achievable in any generation, even without the threat of death.

Rav Mordechai Fogelman disagrees with the Shela’s conclusion. In his article on this topic, he argues that *berakhot* are only recited on *mitzvot* which are performed actively by the person. In our case he claims the act of dying for *kiddush ha-shem* is totally passive![[14]](#footnote-14)

Rav Yosef Neuerlingen (1570-1637), a *dayan* in Frankfurt, records the customs of his city in a book named *Yosif Ometz*. He refers to our question and gives a detailed ruling of what one must recite as he or she is killed. He testifies to horrific stories of Jews who were murdered *al kiddush ha-shem*.

In his discussion, he describes at length the procedure for martyrdom, which includes confession, as well as the *berakha* of *kiddush ha-shem* and a *berakha* concerning the mitzva to love Hashem.[[15]](#footnote-15)

Years later, responding to a question which was raised during the Holocaust, Rav Ephraim Oshri, the Rav of the Kovno Ghetto, ruled that if one is about to be killed by the Nazis, one should recite the *berakha* mentioned in the ruling of the Shela.[[16]](#footnote-16)

Rav Oshri quotes that [Rav Elchonon Wasserman](http://en.wikipedia.org/wiki/Elchonon_Wasserman), who was killed by the Nazis, taught his son Rav Naftali Wasserman that the [Chafetz Chayim](http://en.wikipedia.org/wiki/Yisrael_Meir_Kagan) accepted the *nusach* of the *Shela*.

May this Torah study be in the merit of all the millions of Jews who died *al kiddush ha-shem*.

1. Available online at <http://beta.hebrewbooks.org/34838>. [↑](#footnote-ref-1)
2. See Professor Shraga Abramson’s list of all the known testimonies from the First Crusade period in “*Nusach Berakha al Kedushat Ha-shem,*” *Torah she-be’al Peh* 14, pp. 156-164. [↑](#footnote-ref-2)
3. *Piskei Recanati* 70. [↑](#footnote-ref-3)
4. Rosh, *Kiddushin* 1:41. [↑](#footnote-ref-4)
5. *Beit Ha-bechira*, *Berakhot* 4b [↑](#footnote-ref-5)
6. *Shulchan Arukh, OC* 46:6. [↑](#footnote-ref-6)
7. See Rav David Ha-Levi (Taz) ad loc. who explains that if the recitation of the *berakha* is a solid custom, even if there is no Talmudic source for it, one may recite the *berakha*. [↑](#footnote-ref-7)
8. Shela, *Sha’ar Otiyot, Ot Alef* 57. This ruling is mentioned by Rav Avraham Hirsch ben Ya’akov Eisenstadt of Białystok (1812-1868) in his commentary to the *Shulchan Arukh, Pitchei Teshuva YD* 157:6. [↑](#footnote-ref-8)
9. Rav Mordechai Fogelman, “*Ha-berakha Be-mitzvat Kiddush Ha-shem,” Torah she-be’al Peh* 14, pp. 97-100. [↑](#footnote-ref-9)
10. There is a debate among the Rishonim concerning the formulation of these *berakhot:* should they be phrased using the infinitive (“to do X”) or the gerund form (“about doing X”)? We will not address this question in this *shiur*. [↑](#footnote-ref-10)
11. *Teshuvot Ha-Rashba* 3:283; Abudarham, *Tefillot shel Chol* 3. [↑](#footnote-ref-11)
12. See Ra’avad, *Hilkhot Ishut* 3:23 [↑](#footnote-ref-12)
13. In *Shiur* #01 of this series, we quoted a story mentioned by the *Beit Yosef* about a father who killed his children only for the decree to later be lifted. [↑](#footnote-ref-13)
14. “*Ha-berakha Be-mitzvat Kiddush Ha-shem,” Torah she-be’al Peh* 14, pp. 97-100. [↑](#footnote-ref-14)
15. *Yosif Ometz* 483. [↑](#footnote-ref-15)
16. [*Shut Mi-ma'amakim* 2:4](http://www.hebrewbooks.org/pdfpager.aspx?req=22145&st=&pgnum=29) [↑](#footnote-ref-16)