

THE BABYLONIAN TALMUD AND THE TALMUD KATAN OF ALFASI:

An Investigation of Alfasi's Methods of Source Selection

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PREFACE

I decided that what I what I wanted to accomplish in writing my rabbinic thesis was a greater sense of ease and understanding of the Babylonian Talmud. Now, looking back at where I was not so many months ago, I am pleased at what I have learned and eager to learn more. This could not have happened without the support in every sense of the word of my husband Paul Needham and the tolerance of my children, Raphael, Clare, and Chessie. Nor could this have happened without Rabbi Michael Chernick whose deep love of the Talmud and of Jews and Judaism was one of the reasons why I decided to go to Rabbinical School in the first place, and why I wanted to work with him.

I dedicate this thesis to the memory of my parents, Dr. Elmer S. Gais
ז"ל

and Olga Fab Gais, ז"ל, a God-intoxicated Jew and a woman of valor.

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CHAPTER I: INTRODUCTION

The *Halachot* of our great teacher, Rabbeinu Isaac, of blessed memory, have superseded all their predecessors, because there is included therein everything useful for the understanding of the decisions and laws at present in force; that is, in the time of the Exile.

The author clearly demonstrates the errors of those before him when his opinion deviates from theirs, and with the exception of a few *Halachot* whose number at the very utmost does not amount to ten, his decisions are unassailable.¹

Praise from Maimonides is praise indeed, but such kudos were not offered only by the young Maimonides in homage to R. Yitshak B. Yaakov haKohen Alfasi, the great North-African Talmudist and judge (1013-1103) who was born in Kalat al-Hammad in what is now Algeria, and presided for many years over the academy at Fez. It is from his association with this place that his acronym, the Rif (Rabbi Isaac of Fez), derives.

Alfasi's prestige and fame continued even after what was perhaps a moment of supreme despair for him. At the age of seventy-five he was denounced for political reasons and forced to flee his native land. Remarkably, however, he soon became head of the great academy of Lucena, in Spain, where he spent the last years of his long life, surrounded by countless pupils, including Yehudah Halevi who composed the following elaborate

1. Maimonides, Introduction to his *Commentary on the Mishnah*, as quoted in "Alfasi,"

JEI, p. 376.

words of praise as his eulogy to his teacher:

As in Sinai's ancient days, before thee mountains trembled,
For the Lord's angelic hosts around thee have assembled.
They engraved the Torah's lore on the tables of thy heart,
And her glory's shining crowns to thy mind they did impart.
The strength of the wisest men gave out in hesitation,
Unless from thy wisdom's springs they drew their inspiration.²

Although the Rif was an influential and respected judge who wrote many responsa, as well as a famous teacher at the academies of Fez and Lucena, the chief source of his fame is the work known as *Sefer Halachot Rabbati*, or *Hilchot haRIF*, or, as it has come to be best known, *The Talmud Katan*, "The Abridged Talmud."³ This last title gives us, in fact, the reason for the Rif's enduring importance. His book of halachot was a departure from the earlier attempts to provide both answers to legal questions and sources which explained where the decisions came from which could be utilized for future decisions. It was, in fact, a "Little Talmud." In order to understand its importance, we need to review briefly the historical milieu in which the Rif created the *Talmud Katan*.

The Rif flourished at a time when the hegemony of the Geonim was beginning to fade. The Geonim, the successors to the earlier Rabbis of the Tannaitic and Amoraic

2. As quoted in Salo Baron, *Social and Religious History of the Jews*, VI, 2nd. Ed., p. 84.

3. The title *Talmud Katan* is bestowed upon his work by Abraham Ibn Daud in his *Sefer haKabbalah*, p. 84 in edition and translation by Gerson Cohen. There is some dispute over where the Rif wrote the *Talmud Katan*, in N. Africa or in Spain, but the majority seem to favor N. Africa, owing in part to the large number of Mss of the work with many variant readings, a fact which suggests many years of revisions. See H. Z. Hirshberg, *A History of the Jews of North Africa*, p. 347.

periods in Palestine and in Babylonia, controlled under their centralized authority in the academies of Sura and Pumpedita, the legal, intellectual, cultural, and spiritual life of most of the Jewish world from the late sixth to the mid-eleventh century.⁴ It is during this period that some of the Geonim realized the need for resources other than the vast and confusing Talmud in order to effectively communicate legal decisions. This awareness lead to the creation of such early codes as *Halachot Pesukot*, *Halachot Gedolot*, and *Halachot Kesubot*, and others.⁵

These works, useful as they were, were nonetheless flawed. Their most significant common deficit was that in their desire to be concise and to present the legal ruling, they did not sufficiently connect the rulings to their sources. Although these works cited the Talmudic sources, they did so in a way that was brief and without comment. While they might follow the order of the Talmudic tractate, they often felt free to omit or move around large sections. There was great danger lest the sources of the legal decisions, the Torah and the Talmud, become divorced from the rulings themselves. In addition, as the Geonic period waned, there was increased activity in the number of responsa issued and increased numbers of locations in the Jewish world issuing their own decrees based on local customs. As a result of these various factors, there was a need for a broad-ranging code that was firmly grounded in its authoritative sources, yet succinct enough to be manageable.⁶ It was the Jewish world's great good fortune that at this moment there arose a scholar such as the Rif who successfully met this challenge and gave us the

4. See R. Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture*, New Haven, 1998, for a recent overview of this period, especially pp. 3-18.

5. See M. Elon, *Jewish Law*, III, 1150-1167, and Brody, *op.cit.*, 202-266.

6. See M. Elon, *op. cit.*, 1167-1168.

Talmud Katan.

The Rif created a successful synopsis of the Talmud that omitted much superfluous material and presented, when necessary, his conclusion about the halachah. Like the earlier *Halachot Gedolot*, the Rif arranged his material in the order of the Talmudic tractates. Unlike the *Halachot Gedolot*, The Rif did not merely cite the Talmudic sources, but presented them, often skillfully abbreviated and edited, with his own comments when he felt it necessary. The Rif was concerned only with those parts of the Talmud that had relevance for the Jewish community of his own time. Therefore he omits all material that was irrelevant to life in Post-Temple times. We do not find, as a result, a synopsis of the entire Talmud, but only of three of the six orders, *Mo'ed*, *Nashim*, and *Nezikin*, as well as the tractates *Berachot* and *Hullin*. Laws scattered throughout the other orders that had relevance such as laws dealing with *Sifrei Torah*, *tefillin*, *mezzuzot*, and the like, were grouped together in a work called *Halachot Ketannot*. In addition, the Rif usually omitted in each tractate (*masechet*), whatever material lacked practical application. The Rif, as we shall see, also presented many of the different views of the various tradents, discussed the meaning of whatever difficult passage was at hand, and added his own opinions and decisions to smooth and simplify the problems. Thus he tried to reduce and clarify some of the vast amount of material and add his own rules for decision-making as well.

The Rif also made great use of the *Palestinian Talmud*, the *Talmud Yerushalmi*. Sometimes he cited it, as an authoritative source, but also seems to have made frequent use of it as a source for alternative readings. In one of his rare remarks concerning his methodology, the Rif tells us his criteria for using the *Yerushalmi* to decide the halachah.

At the end of *BERUVIN*(104a) he says (in reference to a particular case):

Since our (Babylonian) Talmud is more lenient, we do not care that in the Talmud of the West (the *Yerushalmi*) it is forbidden. For we rely upon our Talmud which is later, and they (the Babylonian Sages) were more expert about the Talmud of the West (than we are). And if they hadn't felt that this memra from the Talmud of the West was not to be followed, they would not have given permission to act (as the Babylonian Talmud, the *Bavli*, suggests).

As we see from this quotation, the Rif will use the *Yerushalmi* without hesitation, but if forced to choose one Talmud's decision over another, he will reject the *Yerushalmi*'s decision in favor of the *Bavli*'s. The Rif felt that the earlier Sages from Babylonia were more knowledgeable than he about the views of the Palestinian Sages, and thus more capable of distinguishing a good from a bad decision.

One of the other ways in which the Rif managed to control the size of his *Talmud Katan* was by his judicious use of aggadah. The Rif in general omitted most of the aggadah from his work. He retained only that which would be useful in helping to determine the halachah. Given a choice between two aggadic statements, the Rif would choose the one that would allow one to distinguish a rule for practical conduct rather than one that might provide broader but less pragmatic insights into human nature.⁷

As a result of his immense effort, the Rif's *Talmud Katan* became the pivotal work in the history of halachic codes. The *Talmud Katan* looks back to the work of the Rif's teacher, Rabbeinu Hananel, and the earlier Geonic codes, as well as the Talmud

7. See M. Elon, *op.cit.*, p. 1171, for a good example of his method of selection.

itself. But the *Talmud Katan* also points our way to the developments in halachic writing that were to come. We have seen how Maimonides revered his work and he was not alone. As Salo Baron has pointed out, Alfasi's exile to Spain turned out to be a blessing in disguise because the intellectual climate of Spain not only caused him to continue revising his great work, but also provided a greater audience for it than might have been the case had he stayed in North Africa.⁸ His work was studied by the critical scholars of Provence where it was sometimes attacked fiercely, but never ignored, and it engendered many commentaries. Among his supporters was Nachmanides as well as Maimonides and the Tosafist Isaac b. Shmuel of Dampierre who said, "The divine presence surely rested upon him (Alfasi) when he wrote his law book."⁹

The influence of the Rif's book of halachah continued to be felt for centuries, culminating in Joseph Caro's declaration in the sixteenth century that the Rif was to be one of the three pillars that supported his *Shulchan Aruch* along with Maimonides and Asher ben Yehiel, the father of the Baal haTurim. In this way, the Rif's role as a pre-eminent decider of halachah continued long after his death, for Caro states that he himself will determine the law for most cases on the basis of the agreement of any two of the three "pillars."¹⁰

It is not because of his status as a major halachic authority, however, that I have decided to study the Rif. I am looking backwards, rather than forwards. I want to examine the processes by which the Rif arrived at his legal decisions rather than the decisions themselves, interesting and important as they are. It is the Rif's methodology

8. Baron *op. cit.*, p. 87.

9. As quoted in Baron, *op. cit.*, p. 90.

10. See M. Elon, *op. cit.*, p. 1172 and 1317-19.

that I am interested in. What was the Rif's attitude towards the Torah? What are the principles that lie behind his decisions to retain or omit or transfigure aspects of the Talmudic texts before him? In addition, there is a larger question underlying these methodological ones. What can the Rif's principles of source selection tell us about how he understood the Talmud to have been composed? Did he see the Talmud as a unified work, each piece being equally valuable, or did he see that there were layers to it, making it a composite work, the hand of the tailor or tailors being evident? Through an examination of what he took away and what he left, can we arrive at any answers to these questions?

A proper answer for these questions is far beyond the scope of this modest Rabbinic thesis, but I can attempt to formulate the beginning of one. One way to start to understand the Rif's methodology is to study in considerable detail his version of a chapter of the *Bavli*. I have chosen to study the fourth *perek* of *masechet Rosh haShanah* and to compare it with the Rif's synopsis of it in his *Talmud Katan*. In order to make this comparison truly valid, I would have to utilize the many manuscripts of the Rif in order to ascertain as correct a text as possible, as well as study what most of the earlier codes said about the material in this *masechet*. Obviously I could not do this. What I have tried to do, however, is utilize the *Halachot Gedolot* as comparative material as well as the *Yerushalmi* and the *Tosefta* on Rosh haShanah, and the *Seder Rav Amram*. This has allowed me to see, at least to some degree, whether the Rif was following a well-trodden path on various issues concerning Rosh haShanah, or blazing a new trail. In addition, whenever necessary, I have examined relevant *Bavli* texts besides *Rosh haShanah*.

The greatest part of this thesis, then, consists of a fairly minute analysis of the the

Rif's and the *Bavli's* fourth *perek* of *Rosh haShanah*. The third and final chapter discusses in more detail some aspects of the Rif's methodology and see how our findings relate to those of the *Sefer Yad Malachi*, an eighteenth century work which listed the methodological principles of the Rif, amongst others, as its author, Malachi HaKohen, thought them to be.

**CHAPTER II: The Fourth *Perek* of *Bavli Rosh haShanah* and the
Fourth *Perek* of the *Rosh haShanah* in the *Talmud Katan***

FIRST SUGYAH: Bavli from mishnah 29a, יום טוב to Gemara, דמגילה

The first mishnah of the fourth *perek* of *Bavli Rosh haShanah* 29b is composed of two parts. The Tanna Kamma states the law concerning the blowing of the shofar on Shabbat. It is permitted to do so in the מקדש but not in the מדניה. The necessary changes to this statement following the destruction of the Temple are defined by R. Yohanan b. Zakkai, who states that after the *Horban* the shofar could be blown on Shabbat wherever there was a *Beit Din*. R. Elazar says that R. Yohanan instituted this practice only in Yavneh, but anonymous speakers contradict this and say that R. Yohanan did indeed mean both Yavneh as well as any other place where there was a *Beit Din*. The second part of the mishnah discusses the superiority of Jerusalem over Yavneh, stating that in Yavneh only in the *Beit Din* would the shofar be blown whereas any town close enough to Jerusalem could blow the shofar on Shabbat.

The Rif begins his fourth *perek* by quoting the Tanna Kamma of the mishnah almost verbatim. The one change he makes is to clarify the statement of R. Elazar. The mishnah reads: ארוא לא התקין ריבוי אלא ביבנה בלבד which the Rif amplifies slightly by adding the phrase "כשהתקין ריבוי" before R. Elazar's first words in the *Bavli*. This simple addition prevents the reader from any confusion about who the subject of the verb might be and is typical of the kind of minor alterations of the text that the Rif frequently

uses.¹¹

The Rif's next alteration is more significant. The Rif omits the second section of the mishnah entirely. His reason for this is also typical of his methodology. This section is quite confusing. It would seem to contradict the Tanna Kamma's statement, for one thing and to alter the words of R. Yohanan, for another. The Rif, who likes clarity, omits this in order to focus on the main question, what are the rules for blowing the shofar on Shabbat? It is not necessary for his readers to dwell upon the superiority of Jerusalem over Yavneh since Yavneh as a place has no immediate relevance for them, nor has Jerusalem, for that matter.

When the Rif turns to the Gemara he does not simply reproduce or rephrase it in its entirety. The *Bavli* Gemara first concentrates on identifying the sources for the Tanna Kamma's initial statement that the Shofar is not blown on Shabbat except in the Temple. In a memra, R. Levi b. Lachma presents what seems to be a problem. One Biblical source, *Vayikra* 23:24, says that Rosh haShanah should be a "שבתון זכרון תרועה", a day of rest, a remembrance of sounding *teruah*," while another, *Bemidbar* 29:1, says, "יום תרועה ימים לזכרון תרועה", a day of sounding *teruah*." The problem, however, is resolved by deciding that the first verse applies only when Rosh haShanah falls on Shabbat and the sound of the shofar is to be remembered but not heard, while the second verse refers to all the other times when Rosh haShanah falls on a weekday. Other problems are raised by Rava who questions how the shofar could have been blown in the Temple if it was forbidden *מדאורייתא* and if, according to a beraita, the blowing of the shofar is not considered

11. We will not always describe all these minor alterations in the body of our text but they can all be found in Appendix I together with a listing of changes of more significance.

מלאכה, how does the verse mentioned exclude its being blown on Shabbat?

Rava extricates the shofar blowing from this dilemma by saying that the decree against blowing the shofar on Shabbat is not Biblical in origin but is Rabbinic, as Rabbah has taught. It is at this point that the Rif's Gemara begins. He has omitted the above discussion for several reasons. He is not interested in presenting the Biblical sources, perhaps because he doesn't want the type of questions that the Bavli finds to be raised by his readers for whom he is attempting to create a more manageable *Talmud*. The laws concerning the blowing of the shofar in the Temple do not concern him as we have mentioned above. He also is well aware that if the decree against blowing the shofar on Shabbat is rabbinic, it is not applicable to blowing the shofar on Shabbat in the Temple as our mishnah permits.¹² What he is interested in is what Rabbah goes on to say. Namely that an individual cannot blow the shofar on Shabbat, not because blowing the shofar is work (which it isn't), but because in the person's eagerness to fulfill the mitzvah he might carry the shofar more than four *amot* in order to learn how to blow it. This is also the reason why one does not take the *lulav* on Shabbat in Succot or read the *Megillah* on Shabbat in Purim. It is this part of this sugyah that the Rif uses to begin his Gemara. Thus the Rif has extracted from this sugyah for his audience the most useful piece of information.

SECOND SUGYAH: Bavli from Gemara 29a, משחרב to 30a לה נהרא למפסיק לה נהרא

The long second sugyah in the *Bavli* addresses the next part of the Tanna Kamma's statement, that after the destruction of the Temple. R. Yohanan b. Zakkai

12. This is according to the principle that אין שבות במקדש. See Rashi here, *Pesachim* 65a and *Eruvin* 102b-104b.

decreed that the shofar could be blown in every place which there was a *Beit Din*. The *Bavli* Gemara gives us a little *aggadah*, the story of how R. Yohanan b. Zakkai instituted this change after the destruction of the Temple. The Rif omits this, as he does most aggadic passages, because it adds nothing to our understanding of the practicalities of R. Yohanan's decree. The Rif also omits the next discussion in the *Bavli* which establishes a difference between an established *Beit Din*, like the Sanhedrin, and a transient *Beit Din*. The Rif does not include this difference because in his day there was, of course, no Great Sanhedrin to legislate the formation of *Batei Din*. This idea of a transient *Beit Din* is not found in our mishnah. Its wording states clearly that the shofar is to be blown on Shabbat wherever there is a *Beit Din*. But since R. Yohanan did not specify what kind of *Beit Din*, transient or otherwise, one composed of twenty-three men or of three, the Stam, ever eager to harmonize and eliminate contradictions in a mishnah, is able to introduce the category of a transient *Beit Din*. The Schottenstein Edition, in fact, notes that "The Rif's disciples testified that the shofar was blown in the Rif's own court when Rosh haShanah fell on Shabbat."¹³ This suggests that the distinctions the Stam is trying to make are not important for the Rif and that the Rif might be utilizing opinions or traditions outside that of the *Bavli*. The *Seder Rav Amram* merely states that one does not blow the shofar on Rosh haShanah that falls on Shabbat.

The Rif, however, omits the Stam's interpretation and moves to what he does consider to be the important question to be answered in this sugyah. At this point, the *Bavli* Gemara turns to the last statement in the first section of the mishnah in which the Tannaim respond to R. Elazar's interpretation of R. Yohanan's decree by saying that the

13. *BRosh Hashanah*, (Schottenstein ed.), 29b4, n. 24.

decree holds both for Yavneh and for any place in which there is a *Beit Din* (כל מקום שיש בו ב"ד). Both the *Bavli* (30a) and the *Rif* present a statement by R. Huna in which he attempts to clarify what exactly the mishnah means by "a place in which there is a *Beit Din*." He says that this must mean that the shofar is to be blown "ועם ב"ד", and with a *Beit Din*." This cryptic interpretation leads both the *Bavli* and the *Rif* to ask for further explanation. The *Rif* follows the *Bavli* Stam's suggestion that this means "בפני ב"ד", in front of a *Beit Din*." Therefore R. Huna would interpret the mishnah to mean that it is not enough just to have a *Beit Din* present in the city for the shofar to be blown on Shabbat, but that the shofar would have to be blown literally in front of them, in their presence.

After this, however, the *Rif* and the *Bavli* part company for about half of the Talmudic page (29b). Even though both the *Rif* and the *Bavli* are interested in discovering what "in front of a *Beit Din*" means, the *Rif* omits much of the *Bavli*'s discussion because it is "Stam-driven," rather than focused on the issue. Here we have an example of a sugyah that is organized by the later redactors of the Talmud as they understood the motivation of the earlier tradents¹⁴. As a result we, as well as the *Rif*, are presented with a sugyah that, faced with the ambiguous and laconic statement of R. Huna, which may or may not have had anything to do with the question at hand, is created by the needs of the redactors and contains much discussion that is not that relevant. Thus the *Rif* discards Rava's discussion of the phrase "ועוד זאת" and the

14. Throughout this thesis I follow the thinking of Abraham Weiss who considers the Talmud as we know it to be organized by late redactors (probably Saboraic or even Gaonic) who work from much older lists of discussions on the various topics of the Tannaim and Amoraim. See M. S. Feldblum, "Prof. Abraham Weiss: His Approach and Contribution to Talmudic Scholarship," *The Abraham Weiss Jubilee Volume* (New York, 1965, pp. 7-80).

aggadah that accompanies it because the discussion concerns the differences between Jerusalem and Yavneh and does not help us understand R. Huna's comment.

The answer that the Rif accepts is given several times. Each time, however, the Stam brings in other Amoraic statements that would seem to contradict the answer but which must be argued through before finally we are given the answer, traced all the way back to Rabbi. Finally we learn that what R. Huna meant was that "We don't blow the shofar except during the time (כל זמן) in which the *Beit Din* is seated." We should note that this statement itself is quite ambiguous. When exactly don't we blow the shofar? Is it when Rosh haShanah falls on Shabbat or is it during Yom Kippur in Yovel? It is this discussion that the Rif has omitted. The Rif, who has not allowed his commentary to enter into this issue (Since Yovel only applies in Eretz Yisrael), does his own editing and takes the words of Rabbi, handed down in a memra, to apply to the issue of Shabbat on Rosh haShanah. He does this because his greater purpose is to make sure his audience understands the laws of shofar blowing.

The *Bavli* ends the main discussion of the sugyah with a תיקון which the Rif omits. The question raised, whether the *Beit Din* has to be actively in session or only physically present, is a valid one, but the Stam cannot answer this, and the Rif, who does not like loose ends, chooses to avoid this issue. We see here how the Rif is guided by the decisions of the Stam. If he sees that the Stam cannot or will not discuss the issue, then he too will refrain. The end result is the same, the Rif's document is tidier.

Before considering another mishnah, the Gemara devotes a few sentences to explicating the meaning of the second part of our mishnah that said that the inhabitants of those places from which one could see Jerusalem, hear the shofar and was close enough

to it to allow for easy travel to Jerusalem, could blow the shofar on Shabbat. Since the Rif omitted that part of the mishnah as not relevant it is not surprising that he should also omit the tiny Gemara devoted to it as well.

THIRD SUGYAH: Bavli from mishnah 30a, בראשונה היה לולב to Gemara 30b, דרש והתקין

The *Bavli* then presents the next mishnah (30a) which discusses another innovation of R. Yohanan. This mishnah follows the pattern of the first. It begins by describing the practice that was followed when the Temple stood: that the lulav was taken in the Temple all seven days of Succot but in the provinces only on the first day. The mishnah then describes R. Yohanan's innovation after the destruction of the Temple, namely that the lulav be taken in the provinces for seven days as a "זכר למקדש", a remembrance of the Temple," and that on the 16th of Nissan, when the Omer was brought to the Temple for waving, no new grain should be eaten.

The Rif follows the *Bavli* and presents this mishnah in its entirety but omits the whole discussion that follows in the *Bavli* Gemara. The first part of this sugyah concerns the Scriptural basis for R. Yohanan's institution of the seven days of taking the lulav in "remembrance of the Temple." The Stam asks where we learn in Scripture that we should remember the Temple and provides the answer, *Jeremiah* 30:17. The last part of the verse contains the phrase, "That Zion whom no one seeks out, ציון ביר דרש אין לה," which tells us, according to the Stam that we must seek Zion out by waving the lulav in her memory. Charming and ingenious as this is, the Rif tends to omit such discussions, probably because they are in his mind superfluous and distracting.

The second part of the sugyah is devoted to an analysis of the logic behind R. Yohanan's prohibition against eating new grain until the 17th. We should note that the Stam sets up this discussion very carefully. First the Stam explains what R. Yohanan meant to do, as they understand it, which was to make sure that the new grain is not eaten during the 16th so that, when the Temple is rebuilt, the people will not have unwittingly eaten the new grain. Next the Stam quotes a memra of R. Nachman b. Yitzhak which gives another interpretation of R. Yohanan's innovation. This memra shows R. Yohanan agreeing with a later tradent, R. Yehudah, about the Biblical origin of the prohibition. This would seem to contradict our mishnah which says that R. Yohanan "instituted, חתקין," the custom. The sugyah closes with the Stam solving the problem, as it so often does, by adapting the memra to fit its purpose. Their solution is to say that when the mishnah said, "חתקין," it really meant "דרש, explain." The Stam's convolutions do not add any insight about the purpose of R. Yohanan's innovation. The explanations may satisfy those seeking an internal logic and unity in the Talmud, but the fact that the Rif omits this and other similar explanations shows that he is not primarily interested in those goals. He is interested in providing a document whose function is much more pragmatic. Thus he omits the Gemara as it would in no way benefit his Rif's audience.

A more interesting question, however, is why the Rif, in a chapter on the laws of Rosh haShanah, finds it necessary to follow the *Bavli* and include a mishnah that contains information about Succot and Pesach. We could say that he sees that the mishnah is set up the same way as the first mishnah and deals with a similar concept, the innovations of R. Yohanan, yet we might also argue that a more logical place for this information would be in the relevant discussions about the other festivals. We can also see here and will see

again and again an unwillingness (as the Stam also feels) to tamper with the mishnah. A mishnah is not to be transported wholesale nor broken up. This insight shows how the Rif is indeed writing another Talmud and not a code.¹⁵ He is writing *his* Talmud but it is his only to a certain degree. He is, in a sense, guiding the material as did the earlier redactors but his way of doing this is primarily by trimming and tailoring, rather than adding and manoeuvring. This is a more subtle form of redaction. The very fact that he feels capable of so doing shows that for him the Gemara is not "נחתם", sealed," by any means, but is open for revision, but in a new document.¹⁶ The omission of a mishnah is permitted, but its transposition is not. The sanctity of the order of mishnayot on a large scale is to be preserved. It is closed, whereas the *Talmud* is not.

FOURTH AND FIFTH SUGYOT: from Bavli mishnah 30b, בראשונה היו מקבלין, to 32a, first line, וקבעיה רביה בשמיה

With this in mind, it is not surprising to find that the Rif omits entirely the next two mishnayot (30b and 31b) and their Gemaras (The sugyah ends on the first line of 31a). Even though the second mishnah was not about Rosh haShanah, it still contained important information relevant to the Rif's audience. The next two mishnayot, however,

15. Note for instance that the author of *Halachot Gedolot* apparently feels no compunction about beginning his statements about the laws of Rosh Hashanah with a discussion of the correct number of blessings and blowings of the Shofar, and omitting all the earlier material of this perek. See *Halachot Gedolot, Masechet Rosh Hashanah*, 1971 Jerusalem edition, p. 301 ff.

16. For the phrase חתמת התלמוד, the sealing of the Talmud, see A. Ibn Daud, *Sefer haKabbalah*, pp. 33-35, 43-45. For discussion of the whole question of the chronology of the redaction of the Talmud see D. Goodblatt, "The Babylonian Talmud," *Aufstieg und Niedergang der römischen Welt*, II.19.2 (Berlin and New York, 1972, pp. 307 ff. and J. Neusner, *The Formation of the Babylonian Talmud*, Leiden, 1970).

also deal with innovations of R. Yohanan, but these have no relevance for the Rif's audience as they concern the role of the Sanhedrin in Eretz Yisrael. The first, 30b, presents R. Yohanan's change of practice for accepting the reports of witnesses about the new moon for Rosh haShanah while the Temple stood. He instituted this change because of the confusion this once caused for the Levites singing the daily hymn. This mishnah then concludes with R. Yohanan's innovation after the destruction of the Temple, that the Sanhedrin should accept the reports of the witnesses all day long. This mishnah is obviously of no use for a community in the Diaspora. Nor is the Gemara that follows that deals with what exactly was the mistake the Levites made, which hymns were sung each day and why, and then discusses how the Sanhedrin, like the Shechinah, was relocated after the destruction to Yavneh. This discussion, while of homiletic interest to those in Galut, strays far from the presentation of the laws of Rosh haShanah.

The second mishnah, 31b, concerns another innovation of R. Yohanan: even if the head of the Sanhedrin were absent, the witnesses of the new moon should present their testimony at the place of assembly of the court, regardless. As above, this innovation has no relevance to the Rif's community. The Gemara that follows, a fascinating aggadic passage about demonstrates the need for this decree and the other eight decrees of R. Yohanan is also irrelevant for the Rif's audience.

SIXTH SUGYAH: BAVLI from mishnah 32a, סדר ברכת לשנה הבאה to Gemara 32a,

The next mishnah in the *Bavli*, 32a, is presented in the Rif's *Talmud Katan* as the second part of his second mishnah. There it immediately follows the mishnah about R. Yohanan's decree about the taking of the lulav and the consumption of new grain. There

seems to be no logical connection between this mishnah and the one that follows other than that the Rif is following the Mishnaic and the Talmudic order, despite his omission of the two intermediary mishnayot.

This new mishnah, which the Rif quotes verbatim, returns us to Rosh haShanah and to the topic that will engage us for the rest of this chapter in one way or another, the laws of blowing the shofar. The mishnah presents us with two statements. The first is attributed to R. Yohanan b. Nuri, about the order in which the special blessings for Rosh haShanah and their associated shofar blowing are to be placed in the Mussaf Amidah. The second is attributed to R. Akiva. According to R. Yohanan b. Nuri, the order of the Amidah for Rosh haShanah is as follows: "אבות וגבורות וקדושת השם וכולל מלכויות עמה". One says Avot, Gevurot, and Keddushat haShem and combines Malchuyot with them but does not blow the shofar. Then one says the blessing for the Keddushat haYom and blows, for Zichronot and blows, for Shofarot and blows." R. Akiva, however, disagrees and says that after the first three blessings, Avot, Gevurot, and Keddushat haShem one should "כולל מלכויות עם", combine Malchuyot with Keddushat haYom and blow, "thus having the Kingship blessing and the shofar blowing come in the fourth blessing, and not, as R. Yohanan b. Nuri suggests, saying that blessing as part of the third blessing, but not blowing the shofar until the fourth. The Rif, for the first time in this chapter, then adds his own ruling on this issue, that the halachah is according to R. Akiva. We need now to consider why the Rif felt it necessary to present his own ruling.

The Gemara, omitted entirely by the Rif, goes on to discuss the Scriptural sources for the various blessings, and then addresses in a slightly indirect way, the different view

of R. Yohanan b. Nuri and R. Akiva. It is not strange, as we have seen, for the Rif to omit the Gemara's presentation of scriptural sources, but I find it interesting that he omits the second half of this sugyah for it would support his ruling. In this section, the Stam presents the question about which R. Akiva and R. Yohanan b. Nuri differ from another angle. They have imported a beraita in which Rebbi says that Keddushat haYom is said with Malchuyot in the fourth blessing and R. Shimon b. Gamliel says that Keddushat haYom should be said with Zichronot in the fifth. The beraita concludes with an anecdote that demonstrates that the different views of R. Yohanan b. Nuri and of R. Akiva quickly became reflected in regional variations. At Usha in the Galil the custom followed that of R. Yohanan b. Nuri, himself a Galilean, while in the South, in Yavne, the custom followed R. Akiva. Since this part of the sugyah deals with the customs of Eretz Yisrael, it is quite in keeping with the Rif's principles, for it to be omitted. We might have thought, however, that since the momentum of the sugyah favors R. Akiva's opinion, he would have wanted to use it. He seems to prefer consistency over support for his decision.

It is true that the Rif can justify his decision, Akiva over R. Yohanan, from a source outside of this particular Chapter of Talmud. For in *BERubin* 46b we learn that in a dispute, "הלכה כר' עקיבא מחבירו", the halachah follows R. Akiva over his companion," the exact phrase that the Rif used. There is Talmudic precedent, therefore, for the Rif's decision.¹⁷ But we can ask in addition why the Rif feels it necessary to state his opinion at

¹⁷ As Ellen Weinberg Dreyfus has shown in her rabbinic thesis, *An Historical Study of K'lalei haP'sak*, HUC-JIR, 1979, there is ample evidence in the Talmud that a determining factor in deciding halachah is the authority of the individual. His opinion, like that of the Rif, is the כלל הפסק.

all. The reason, is that, as hinted at by the anecdote in the *Bavli*, this question was not resolved so easily. If we look in the *Yerushalmi* (59, 4.6), in fact, we find it stated quite clearly that in Judah the custom followed R. Akiva while in Galil it followed R. Yohanan b. Nuri. If one were to perform it the Galilean way in Judah or vice versa, one had still fulfilled one's obligations.¹⁸ This is essentially the scenario preserved in the *Bavli* anecdote. The tradition, as the Rif finds it, is flexible. Indeed, the question seems to have been undecided for centuries. The *Halachot Gedolot*, which apparently follows here the *Seder Rav Amram*, begins its discussion of the halachah of Rosh haShanah with this mishnah.¹⁹ In the *Halachot Gedolot* the statement is anonymous and only one opinion is given. The *Halachot Gedolot* combines the wording of the two opinions in the *Bavli* and seems to follow that of R. Akiva but the *Halachot Gedolot*'s version is rather unclear. It reads, "אבות וגבורות וקדושת השם וכולל מלכויות עמחן ותוקע זיכרונות ותוקע שופרות ותוקע", one says Avot, Gevurot and Keddushat haShem and Malchuyot and blows, and Zichronot and blows and Shofarot and blows." There is no mention of the fourth blessing, Keddushat haYom, at all. What seems to be decisive for the Rif is that he also knew that his teacher, Rabbeinu Hananel, had said that the halachah here was according to of R. Akiva and it is this decision that he follows. This is a good example of the Rif's use of the *Yerushalmi* as well as the *Bavli* and of his unwillingness to follow slavishly the Babylonian Geonic tradition.

18. The *Tosefta* also adds that in this matter we follow R. Akiva: מקום שנהגו לומר כדברי ר. עקיבא. p. 212. The *Seder Rav Amram*, however, agrees with R. Yohanan b. Nuri and says that we say Malchuyot with Keddushat Hashem.

19. See *Halachot Gedolot*, p. 300 n. 2

SEVENTH SUGYAH: Bavli mishnah 32a, from אין פוחתין to Gemara 32a, הלכה כר

יוחנן בן נורי

This mishnah is confusing. The Tanna Kamma says that we are to recite no less than ten verses of Malchuyot, ten of Zichronot, and ten of Shofarot. There is no mention of what these ten verses are. It would seem, though, that the Tanna Kamma says that the maximum number of verses should not exceed thirty verses in total. R. Yohanan b. Nuri, however, says that if we recite three of each, for Malchuyot, Zichronot, and Shofarot, we have fulfilled our obligation. This suggests that we can recite a total of nine verses and fulfill our obligation. There is clearly a huge difference in number of mandatory verses suggested in these two statements.

The Rif's third mishnah incorporates this mishnah and one other on the bottom of B32a. The mishnah that we have just described, which begins "אין פוחתין," the Rif reproduces verbatim except for the phrase "מכולן, from everyone," from R. Yohanan b. Nuri's statement, "אם אמר שלש שלש מכולן יצא," if one recited three verses, three from everyone, he has fulfilled his obligation." It is interesting to note that in his presentation of the Gemara on this passage, the Rif does include this phrase. The *Yerushalmi* version, (59b, 4.7), is structured differently. It gives the opening phrase followed by "מעשרה מלכויות" and then examples of these verses. It does the same with Zichronot and Shofarot and ends with the sentence, "ר' יוחנן ב. נורי אומר אם אמר שלש יצא," which is quite close to the Rif's version. Rabbeinu Hananel follows the *Yerushalmi*'s structure almost exactly. The Rif's structuring of this sugyah, however, is closer to the *Halachot Gedolot*'s which reads as follows, "אין פוחתין מעשרה מלכויות מעשרה זכרונות מעשרה שופרות ואם אמר שלש שלש,"

יבא ר' יוחנן בן נורי אמר אם אמרן שלש שלש מכלן יבא.²⁰ The *Halachot Gedolot* presents the two views, with the phrase "מכלן," but also mentions R. Yohanan b. Nuri as the second opinion. The Rif also follows the *Halachot Gedolot* in omitting the first sugyah of the Gemara that deals with the reason for saying ten verses each and heading straight for the resolution of the problems that the mishnah creates.²¹ His treatment of the problems, however, follows more closely the Talmudic treatment than does the *Halachot Gedolot*.

The Rif follows quite closely the argument of the Bavli second sugyah although he omits a beraita for reasons we shall discuss. The Stam asks for a clarification of R. Yohanan's meaning.²² (איבעיא ליה). The Stam suggests that what R. Yohanan meant was that we were allowed to recite three verses each from *Torah*, *Neviim*, and *Ketuvim*, giving us a total of nine verses per section, or twenty-seven overall. This interpretation does bring us much closer to the Tanna Kamma's total of thirty. The Stam then presents the other possibility, that R. Yohanan meant one verse each from *Torah*, *Neviim*, and *Ketuvim*, giving a total of nine for the three sections. So far, the Rif simply restates the Talmudic exposition. The Stam, however, then tells us we have a problem and shows how the problem can be resolved. The Stam gives us a beraita that presents R. Yohanan ben Nuri's opinion in a slightly different manner.

This beraita begins as does our mishnah but goes on to say that if we recite seven verses of Zichronot, Malchuyot and Shofarot, we have fulfilled our obligation, for the seven verses correspond to the seven heavens. R. Yohanan b. Nuri is then quoted as

20. *HG*, pp. 301-302

21. The Rif omits this first sugyah because it is aggadic. The question the Stam asks is interesting, but more for aggadic purposes than halachic.

22. There is a minor variation in the Rif's language in the first sentence of the second sugyah. The *Bavli* reads למה, the Rif לן. See Appendix I

saying that the person who says less than ten should recite at least seven but has fulfilled his obligation by reciting a minimum of three because they correspond to the *Torah*, *Neviim*, and *Ketuvim*. The beraita ends by saying that others say they correspond to Kohanim, Leviim, and Israel. We learn from this beraita therefore, that R. Yohanan meant that we can fulfill our obligation by reciting one verse each from *Torah*, *Neviim*, and *Ketuvim*, for a total of 9 verses.²³ After this clarification is made, the sugyah ends with a declaration that R. Huna said in the name of Shmuel that the halachah follows R. Yohanan b. Nuri.

The Rif omits most of the beraita. He begins by stating "פשוט" followed by the concluding words of R. Yohanan from the beraita, that we fulfill our obligation by reciting three verses, and the two reasons about what these verses correspond to. He avoids confusing his readers by introducing the complete beraita with another set of numbers because the sugyah has provided him with an answer and a rationale.²⁴ The beraita, if understood as the Stam wants us to, does give a reason for accepting R. Yohanan's math one way rather than the other, but I think the Rif resists the Stam's logic, going instead, for an explanation based, rather surprisingly for him, on aggadic correspondences. and, even more significantly, upon the plain meaning of the beraita minus the Stam's interference. The Stam's proposition of twenty-seven verses is far-fetched and the Rif (and perhaps the Stam as well) knows this.

Although the *Bavli* sugyah is content to end the matter with its pronouncement

23. This is the case because otherwise R. Yohanan would allow 21 verses per section for a total of 63 which would greatly exceed the Tanna Kamma's maximum.

24. The name of the tradent in the printed text of the Rif is R. Hamuna but in the Oxford MS R. Huna.

about the halachic decision according to Shmuel, the Rif is not. He adds a final comment, that of R. Hananel which he has exported from the end of our *perek* of *Masechet Rosh haShanah*, B35a. The Rif says, "R Hananel²⁵ said that once a person has said, 'And in Your Torah, Adonai Elokeinu,²⁶ it is so written,' that person, either as an individual or as part of the congregation, is not required to recite the actual verses, and this is the halachah." This halachah is even more lenient than that of R. Yohanan as it allows the person to substitute this sentence for the recital of even one verse of *Malchuyot*, *Zichronot* or *Shofarot*. The Rif does not think it necessary to explain R. Hananel's position. He has appended this statement to his Gemara because it makes logical sense to do so.

There is considerable debate about R. Hananel's statement on the part of Rashi and the Tosafot, but the Rif does not enter into it. His teacher, Rabbeinu Hananel, does not discuss the matter here, nor in fact, at B 35a, and the *Halachot Gedolot* ends with the halachah of Shmuel. This addition of the Rif's does show that he feels free to act as an editor and a decider in the sense that he can move Gemara text without compunction when necessary to justify his decisions. The Rif might also consider this the halachah because it appears at the end of the *perek*, implying that the redactors preserved and accepted this conclusion as the final word on the three additional blessings for Rosh haShanah²⁷.

25. The *Bavli* text reads R. Hananel in the name of Rav.

26. This is the reading of the Oxford Ms. Our edition reads אלוֹקֵי.

27. I owe this explanation to Michael Chernick.

EIGHTH SUGYAH: Bavli from last mishnah 32a, אין מזכירין to Gemara 32b, אינו

אומרה

The Rif's third mishnah also incorporates the last mishnah on B32a. Since both mishnayot are about the same topic, shofar blowing, his decision makes sense. We might also note that the *Yerushalmi* also incorporates both of these mishnayot as part of its Halachah 7 (59a). This mishnah deals with two issues. First, one should not mention in the blessings of Malchuyot, Zichronot, and Shofarot matters of punishment. Secondly, one should begin these blessings with verses of *Torah* and end with verses from *Neviim*. But R. Yose says that if one finishes with a verse of *Torah*, one has fulfilled his obligation. A comparison of the Rif's version of this mishnah with that of the *Bavli* shows no difference in content but a difference in word order of the Tanna Kamma. The *Bavli* reads "אין מזכירין זכרון מלכות ושופר של פורענות", we do not mention verses of Zichronot, Malchuyot, or Shofarot that deal with punishment," whereas the Rif reads, "אין מזכירין זכרונות ושופרות של פורענות", we do not mention verses of Malchuyot, Zichronot, or Shofarot that deal with punishment."²⁸

When we compare these two versions with others, we find that the *Yerushalmi*'s order is the same as the *Bavli*'s and the Rif's is the same as the *Halachot Gedolot*'s. We can perhaps explain these differences on the basis of different traditions or manuscripts but, if we can assume that the Rif had a manuscript reading as our printed texts do, it is interesting that he chose the *Halachot Gedolot*'s version over both the *Bavli* and the

28. There is also a difference between the singular form used by the *Bavli* and the plural used by the Rif, but this a minor discrepancy.

Yerushalmi. Rabbeinu Hananel, who might have helped us out in this matter, says simply that, "We do not mention punishment." He begins his explanation of what this means with an example of a verse about Malchuyot that also refers to punishment. This also raises the possibility that he, like the Rif, was following a version like the *Halachot Gedolot*'s.

Alas, when we examine the Gemara that follows in the Rif and the other texts, the situation remains unclear. The *Bavli* Gemara begins with an example of a verse of Malchuyot that contains a reference to the wrath of God poured forth upon the Jews and adds a disclaimer attributed to R. Nachman, who urges God to bring forth His wrath and hasten our redemption. The Stam then proceeds to give examples for Zichronot and Shofarot. Thus the *Bavli* Gemara order follows the Rif's mishnah order. The Rif, on the other hand, begins his Gemara with an example from Zichronot, then from Malchuyot, and finally from Shofarot. These examples are the same as we find in the *Bavli* as is the disclaimer of R. Nachman with minor textual variations.²⁹ The Rif's Gemara sequence follows the *Bavli* mishnah sequence. The *Yerushalmi*, however, is internally consistent. Its "Gemara" follows the order of its mishnah. The *Halachot Gedolot* begins its examples with one from Zichronot. It therefore seems more likely that the Rif was following its model.

It becomes more apparent as we study this *perek* that the Rif has his own agenda. He may, as we have just seen, choose the *Halachot Gedolot*'s reading over the *Bavli*'s,

29. R. Nachman's statement can also be found in *BSanhedrin* 105a, perhaps its original context. It obviously can fit into the text here but it is not necessary for any argument, since, in fact, this is just a list of sources. It is interesting that the Rif decided to retain this piece. Perhaps he felt that R. Nachman's statement would confuse his readers and therefore the Stam's interpretation, utilizing an amora's statement, of why the verse could not be said on Rosh Hashanah, was a necessary clarification.

but first and foremost he is creating his own unique work. He now returns to the *Bavli* text, having decided, against the readings of the *Yerushalmi* and the *Halachot Gedolot*, to present the sensitive question of the appropriateness of saying verses of punishment directed towards the goyim in the three blessings. Here the Rif might very well be following Rabbeinu Hananel who also includes these verses.³⁰

The Rif, however, continues not to follow the *Bavli* ordering of the blessings and their verses. The *Bavli* gives two verses for Malchuyot, then one for Zichronot, and two for Shofarot., the opposite of its ordering for its earlier discussion. The Rif makes the same switch. He begins with Zichronot, one verse, then two verses for Malchuyot and two for Shofarot. Both use the identical verses; except for the difference in ordering and in two minor phrases, the texts are the same.³¹ We might wonder why the Rif felt it necessary to include this discussion. It think this is due to the Rif's desire, when he deems it necessary, to instruct the reader in the appropriate source from the *Bavli*. This discussion has, in fact, immediate practical relevance for his audience. We also get a sense that even though these statements are presented anonymously, they feel like beraitot. The fact that the *Tosefta* to this passage names a Tanna gives credence to this idea, and also helps us see that the Rif carefully distinguishes between these "Tannaitic" statements and the convoluted workings of the Stam in full force.

The next related topic that the Rif and the *Bavli* take up is that of personal blessings. The Rif follows the Stam's dismissal of the possibility that an individual might

30. The *Tosefta* does not quote any specific verses but says rather circumspectly that R. Yose says that if one says such verses, one should say them בְּפִי עֲצֻמָּה which I take to mean that one should say them privately. It is interesting that the *Tosefta* attributes this concept to a Tanna. We do not find this in the *Bavli*.

31. Rabbeinu Hananel only mentions a verse connected with Shofarot.

include a blessing for himself in the Zichronot. Two quotations from Scripture are given in each, though the Rif reverses the *Bavli* order. Both the Rif and the *Bavli* then quote a related beraita (See also *Tosefta Rosh haShanah*, 2:11) in which R. Yose says that verses of פקדונות, "taking notice of someone," are like verses of remembrance. R. Yose gives two examples, *Exodus* 3:16, in which God says that He has taken note of the Israelites, and *Genesis* 21:6 when God tells Sarah that He has taken note of her. R. Yehudah disagrees. The *Bavli* then notes a disagreement between R. Yose's statement here and the previous statement that we do not permit a blessing for an individual in the Zichronot. The Stam resolves this by declaring that Sarah, as the mother of the nation, is not really an individual. The Stam then presents the rest of the beraita, additional discussion between R. Yose and R. Yehudah that refines the usage of particular Scriptural verses.

When the Stam introduces the possibility of a disagreement, the Rif and the *Bavli* part company. The Rif turns to the question of which should be the halachah about verses of taking note, the opinion of R. Yose or that of R. Yehudah. He offers his own *k'lal ha-p'sak* for the second time. He notes that even though normally we would decide in favor of R. Yose, following the rules in *Eruvin* 46b, here we follow the נהוג עלמא, the custom of the present day, and agree with R. Yehudah over R. Yose. Once again we see the Rif avoiding a Stam-driven argument as well as a potentially confusing debate over appropriate verses of Scripture. The Rif is not as brief in his presentation as the *Halachot Gedolot* which does not even mention verses of taking note.³² The *Tosefta* presents the debate between R. Yose and R. Yehudah but omits the question of individual blessings.

32. The *Yerushalmi* does not mention the side issue of individual blessings or of verses of taking note at all.

In fact, in this whole section of the sugyah, the Rif follows most closely Rabbeinu Hananel except that, as we have seen, the Rif omits the latter half of the beraita. In his decision to follow the custom of the present day we are privy to one of the Rif's principles of decision-making, that the local custom has weight to it and therefore it must be considered when issuing a halachic decision. This principle is, of course, not his creation, for we find repeated in many ways in the Talmud that if the halachah is unclear or uncertain concerning a ritual practice, one should go and see what the people are doing.³³

NINTH SUGYAH: Bavli 32b from Gemara אין מלכות ואם השלים ויעבד

The Rif and the *Bavli* now consider the second statement of the mishnah: "One begins with verses from the *Torah* and ends with verses from *Neviim*. R. Yose, however, says that if one finishes with verses from the *Torah*, he is exempt." The *Bavli* focuses upon a contradiction. The Stam says that R. Yose's words suggest that one should not end with a verse from *Torah*, but if that should happen after the fact, it would be all right. The Stam then presents a beraita in which R. Yose says that one who ends with a verse of *Torah* is praiseworthy. This contradicts our mishnah. The Stam suggests, therefore, that what our mishnah really intended to say was, "One begins with verses from the *Torah*

33. See *Ber* 45a, *Eruv* 14b, *Men* 35b, *Pes* 66b. We also read in a responsum of Hai Gaon the following, "indeed it is the words of the multitude which stand to prove the authenticity of each mishnah and every Gemara. Greater than any other proof is to go out among the people and see how they act, 'go out and see the custom of the folk (in matters of ritual.)' Quoted by T. Groner in *The Legal Methodology of Hai Gaon*," p. 17. Since Hai Gaon and the Rif are only a few generations apart, it would not be surprising that the Rif holds views very like those of Hai. See also Appendix II for the *Yad Malachi*'s understanding of the relationship of the two *poskim*.

and concludes with verses from *Neviim*. R. Yose says, one should conclude with verses from the *Torah*, but if one ends with a verse from *Neviim*, he is exempt. The Rif omits the Stam's presentation of the problem, stating simply, "וּתְרִיצֵנָהּ הַכִּי קֹאמֵר" and I resolve that he said it in this way," and giving the revised version. The Rif then adds his own *k'lal*, saying that he follows the opinion of R. Yose, וְקִימָא לֵן כִּי יוֹסֵי.

We see that the Rif, by adding his own *k'lal*, has reinforced the decision implicit in the Stam's change of the text of the mishnah. Both he and the *Bavli* further support this emendation with a beraita in which R. Elazar, the son of R. Yose says that the "וּתְרִיקִין, the wise elders," would conclude each blessing with a verse of *Torah*. This justification of the change of the text would also give the Rif additional backing for his *k'lal*. The *Halachot Gedolot* does not deal with this issue, nor does the *Tosefta*. The *Yerushalmi* version also supports the revised mishnah of the *Bavli*. It reads: אִרְ יוֹרֵק כִּינִי מִתְנִיחָא ר' יוֹסֵה אֹמֵר צִוִּךְ לְחַשְׁלִים בְּתוֹרָה

The Rif follows the *Bavli* and Rabbeinu Hananel in this issue. Rabbeinu Hananel does include the discussion of the contradiction and resolves it with the same phrase the Rif uses, "וּתְרִיצֵנָהּ." Rabbeinu Hananel also ends his treatment with his own *k'lal*, using the same words that the Rif later employs. The Rif's presentation is therefore almost completely taken from that of his teacher.

We see in this section the Rif omitting the Stam's argument for clarity's sake while following its organization quite closely. He chooses to add his own *k'lal*, supported by the beraita of R. Elazar and the reading of the *Yerushalmi*, and of course by his teacher R. Hananel. Reinforced in this way, the Rif did not need to hesitate about the addition of a *k'lal* here.

The final question of the sugyah is raised by the new interpretation of R. Yose's views in the mishnah which calls for a total of four verses of Malchuyot, not three. The discussion that follows as to whether four verses can be found and what they might be is repeated verbatim by the Rif. At the end, when R. Yose's view is challenged in a beraita by R. Yehudah, the Rif adds another *k'lal*, identical to the one just mentioned, the halachah follows R. Yose. Based on the principle given in *Eruvin* 46b, this is hardly surprising. The Rif has clarified the issue for his audience, unlike the *Bavli* which gives no halachic decision.

TENTH SUGYAH: Bavli 32b from Mishnah העובר לפני התיבה to Gemarra ישראל
אומרים שירה

The first mishnah on 32b states that the Shaliach Tzibur for Mussaf causes the shofar to be sounded, but when Hallel is said, the Shaliach Tzibur for Shacharit recites Hallel. The *Bavli* Gemara discusses two issues deriving from this mishnah. First, what is the distinction between shofar-blowing and the recitation of Hallel, and why is Hallel not recited on Rosh haShanah? The Rif omits entirely the first issue and presents the second one almost verbatim.

The Rif's omission I think can be explained as one based on his choice not to present a "Stam-driven issue." In these issues we get a sense that the Stam is, as it were, holding its trump card. That card in this case is a memra about R. Yohanan that says, very vaguely, that during a period of a decree from the (Roman) government, they taught something. Now who taught what is left unclear. R. Yohanan's statement could refer to any number of topics. Presumably, by its inclusion in this sugyah we are to assume that

what was explained was the custom of blowing the shofar during Mussaf instead of during Shacharit. This was created, R. Yohanan's remark implies, to avoid the impression that the Jews were preparing for war. But before R. Yohanan's solution to the Stam's dilemma can be revealed, the Stam has to create an environment in which it can utilize R. Yohanan's remark. Therefore the Stam first presents a verse, *Proverbs* 14:28, "In a multitude of people is the King's glory," that could be used to prove that the shofar should be blown when a large number of people have gathered. But the Stam shows that the same verse can apply equally well to Hallel. The Stam tries another verse but finds that it too could equally well refer to either shofar-blowing or Hallel. It then resolves the issue with R. Yohanan's remark that seems to answer the question.

It is this kind of vague discussion that the Rif eschews. In this case he follows the *Halachot Gedolot* and not his teacher who in fact quotes from the *Yerushalmi* 59. 4.8) where there is a long aggadic passage about this very situation told by R. Yohanan. The *Yerushalmi* passage makes it clear that the remarks of R. Yohanan in the *Bavli* were mostly likely referring to the potential danger posed by the Roman decree, yet the Rif still chooses to omit this whole topic. If the Rif was bothered by the manipulation and vagueness of the *Bavli*, we should note that he does not violate its logic and structure by introducing a "foreign" element, an aggadic passage from the *Yerushalmi*, for instance, that might have added more verisimilitude to the argument.

The Rif does choose to repeat the second part of this sugyah which is, in fact, aggadic. Perhaps he does because he knows that the question the Gemara asks, why is Hallel not recited on Rosh haShanah, is based on the ruling in *Barachin* 10b which says that we recite Hallel on every festival day in which labor is prohibited. The answer given

here is a purely aggadic one, that God rebukes the angels for asking why Israel omits Hallel on Rosh haShanah and says to them, "Is it possible that while the King is sitting on the Throne of Judgment with the Books of Life and Death before him that Israel should sing?" The reason may not be completely satisfying from a legal point of view, but it is the one given in the Talmud and it carries a strong and appropriate message about Rosh haShanah. Therefore, the Rif has no compunction about reproducing this entire section of the sugyah. Rabbeinu Hananel's version also parallels that of the *Bavli* as does the *Halachot Gedolot*.

ELEVENTH SUGYAH: Bavli 32b from mishnah אין מעבירין שופר של ר"ה to Gemara 33a, מפני הכבוד

The second and final mishnah on 32b consists of two parts. The first deals with the situations in which it would be impossible to fulfill the mitzvah of blowing the shofar without violating a Rabbinic prohibition. The second discusses the laws concerning teaching children to blow the shofar and concerning the person who blows the shofar without meaning to. The Rif reproduces this mishnah almost exactly. There is a minor alteration of conjunctions³⁴ and one reversal of clauses, אין מפקחין... אין מעבירין for אין מעבירין... אין מפקחין, which we also find in the *Halachot Gedolot* and in Rabbeinu Hananel. This suggests a different manuscript reading.

When we turn to the Rif's treatment of the Gemara, however, we find that although he initially follows the *Bavli*, he soon departs. The *Bavli* and the Rif begin this sugyah with a question, מאי טעמא, what's the reason (for our not using the principle that

34. The *Yerushalmi* gives the reading of the Rif while the Mss give the *Bavli* reading.

a positive Biblical commandment, like shofar blowing, overrides negative Rabbinic ones, such as the restrictions mentioned in the mishnah as the explanation for setting aside the restrictions in the mishnah.)?" Even though the anonymous Stam asks the question, the Rif finds it important enough to include and to give the *Bavli*'s answer.³⁵ Since doing work on Yom Tov is prohibited by both Biblical positive and negative commandments (Lev.23:24-25), this combination overrides a positive Biblical commandment. The Rabbinic prohibitions are protective extensions of the Biblical prohibitions and are viewed as equal to them. The *Halachot Gedolot* also furnishes this explanation but goes into much greater detail. Rabbeinu Hananel is more concise than the *Halachot Gedolot* but does include Biblical citations in his answer. The Rif is truest to the *Bavli* format.

The next topic the *Bavli* considers is not treated by the *Halachot Gedolot*. Rabbeinu Hananel discusses it from a different angle while the Rif excludes the problematic logic of the *Bavli* and the first part of problem to give a simplified explanation for his readers. The *Bavli* questions the reason for the mishnah's inclusion of the prohibitions against climbing a tree or riding on an animal in order to hear the shofar. These prohibitions are considered to be Rabbinic protections of Biblical laws and as such, the Stam asks, why is it necessary for the mishnah to include Biblical prohibitions? For it is clear from the discussion above that even a Rabbinic protection of a Biblical restriction is not overridden for shofar blowing. The answer given is not a very useful one, "וואין צריך לומר וזאת היתה", he teaches, "This and it is unnecessary to say this." This explanation says that the teaching of the mishnah is superfluous but the Tanna decided to

35. With minor alterations. See Appendix I.

present the novel rule first and those that are simpler last.³⁶ It is hardly surprising then to find that the Rif does not present the Mishnaic teaching nor this tenuous explanation. This decision reflects once again the Rif's decision to modify but not radically alter the *Bavli* text.

The *Bavli* then discusses the next part of the mishnah that prohibits cutting it with an implement forbidden by Biblical or Rabbinic law. The *Bavli* sugyah uses a sickle, מגל, as an example of an implement forbidden by Rabbinic law and a knife, סכין, as one forbidden by a Biblical prohibition. The *Bavli* ends this discussion by a repetition of the same question concerning the necessity of mentioning such laws as above and gives the same answer. The Rif does not concern himself with this latter part of the *Bavli* discussion but does give examples of implements as did the *Bavli*. The only difference is that the Rif switches the order. A knife is his example of a Rabbinically prohibited implement, a sickle, a Biblically prohibited one. In this case the Rif is following Rabbeinu Hananel's order.³⁷

The *Bavli* deals rather efficiently with the next topic presented by the mishnah, that water or wine can be poured into a shofar to cleanse it. The Rif omits the Stam's remarks that set up the only question, whether urine can also be used, and mentions only Abba Shaul's ruling and rationale for forbidding its use. This is a good example of the Rif's reluctance to repeat anonymous and, in this case, at least, irrelevant Gemara, as well

36. See the Schottenstein Edition, p. 32b3, note 68. Other examples of the use of this explanation are *BERuvin* 76a, *BYebamot* 13a, *BKetubot* 58a, *BNedarim* 14b, *BHorayot* 2b, *BKreitot* 17b. This commentary also notes that Rashi was dissatisfied enough with this explanation to want to emend the Gemara. (note 67). The *Yerushalmi* simply says כני מתני אסור משום שבות וכלא תעשה

37. In the *Bavli* Mss this ordering is also given. The *Halachot Gedolot* does not discuss this issue.

as his preference for named statements. Here too, the Rif follows Rabbeinu Hananel who does not include the Stam's remarks.

TWELFTH SUGYAH: Bavli from Gemara 33a, הוא נשים מעבין, to Gemara 33b, תנא סיפא נמי מתעסק

The Gemara now turns to the mishnah's ruling that children are not to be discouraged from blowing the shofar and asks whether this means that women are discouraged from so doing. The Rif omits this part of the sugyah as well as some of a later part that deals with the status of one who absentmindedly blows the shofar. In this matter, he does not follow Rabbeinu Hananel who includes these topics. The Rif is very close to the *Halachot Gedolot* which also omits the discussion of a woman's right to blow the shofar, but does include further clarification about teaching a child to blow a shofar even on Shabbat or on Yom Tov. The Rif perhaps decided to omit the problem that the Stam introduces and then resolves for two reasons. First, the problem is a Stam-driven problem and its resolution part of an effort on the part of the Stam to reconcile as many opinions as possible. The beraita that the Stam first presents appears to contradict our mishnah. It says that on Rosh haShanah we do not discourage women or children from blowing the shofar. This beraita can also be found in *BERUVIN* 96b, in reference to a different question, but here too the Rif does not comment upon this topic. The contradiction that seems apparent between the two rulings is dealt with in a memra of Abaye who attributes our mishnah to R. Yehudah, who, as we discover shortly thereafter from another beraita, holds the view that if women are not obligated to perform a mitzvah, they are therefore forbidden to do so. R. Yose and R. Shimon, whose views are

those of the first beraita, disagree.

To the Rif, this whole argument may seem like a useless exercise. Since he assumes that we know that women are exempt from this obligation because it is a timebound positive commandment, the Stam's difficulty, especially since it is easily dismissed, must seem irrelevant and purely a product of the Stam's desire for completeness and tying up loose ends.

The Rif does include some of the next part of the *Bavli* sugyah but again omits the Stam-driven question and answer. The mishnah stated that we occupy children with blowing the shofar until they learn how. The *Bavli*, as does the *Yerushalmi* and the *Tosefta*³⁸, adds a memra of R. Elazar who says that even on Shabbat we encourage them to practise blowing the shofar. The Rif also includes this statement but does not then bring in, as does the *Bavli*, an anonymous beraita that reiterates what R. Elazar said but also continues by saying that it is not necessary to say that we do not prevent them from blowing on a Yom Tov as well. There is an internal contradiction in this beraita that the Stam discovers, the first part suggests that we encourage a child to blow the shofar, even on Shabbat, but the second says that we merely don't discourage them if they themselves took the initiative to blow. This difficulty is soon resolved, however, by the Stam's explanation that the first part of the beraita refers to a child who is ready to be trained and therefore can be taught what he must do to fulfill the mitzvah, even on Shabbat, whereas the second part refers to a child who is not old enough to be trained but on his own begins

38. *Yerushalmi*, 59.4.9: ותני כן מתלמדין מלתקוע בשב' אין מעכבין את התינוקות מלתקוע ביום. The *Tosefta* text is essentially the same but includes women as well as children as not being restrained on Shabbat and also adds the phrase from the beraita that the *Bavli* quotes which says that it is not necessary to mention that we do not restrain them on Yom Tov. The *Tosefta* passage is identical to that of the *Yerushalmi*.

to play and we need not restrain him from so doing. The Rif excludes this discussion for the same reasons he excluded the earlier Stam-driven discussion in this sugyah. The Rif adds a final comment after his presentation of R. Elazar's statement. The Rif qualifies his remarks by saying, "ואית דאמר איפכא", there are those who say the opposite." He utters no halachic decision but a strong caution so that people will not make the mistake of reckless blowing the shofar, or having their children do so even though it seems to be permissible.

The final section of the *Bavli* sugyah the Rif omits entirely. This section deals with the problem of the fulfillment of one's obligation if one either hears a shofar blown without intent, or if one blows one without intent. He omits this section, I believe, not because the discussion is unimportant from a halachic point of view. Indeed it is not. Nor does he eliminate it because the discussion is "Stam-driven" and doesn't really move the argument along. He eliminates it because he has already dealt with the question in Chapter Three of *Rosh haShanah*. There, in *Bavli* 28b and 29a, we find the same memra about R. Zeira who urged his attendant to "concentrate and blow the shofar for me," that is included on 33b in our discussion. When we look at the Rif's commentary on Chapter Three, we find that he did indeed include the memra of R. Zeira as well as other parts of that Gemara. The Rif, in keeping with his goal of creating a more concise Talmud, prefers to exclude rather than to repeat.³⁹

39. Rabbeinu Hananel, on the other hand, includes this section, although his version is slightly different.

THIRTEENTH SUGYAH: Bavli from mishnah 33b, סדר תקיעות שופר שלש to

Gemara 33b, יחלי יחלי

The Rif's sixth mishnah corresponds to the mishnah on *Bavli* 33b, the last mishnah of this *perek*. The *Bavli* mishnah is a fairly long one, consisting of three parts, which the Rif reproduces with only a few minor changes which do not alter the Talmudic version in any significant way.⁴⁰ These three sections, which will be treated extensively in the Gemara, treat the details of blowing the shofar, the situation of one who blows the shofar after reciting Mussaf, and the question of whether the Shaliach Tzibur's recital of Mussaf exempts the individual from reciting it, as Rabban Gamliel advocates, or not. The second part of this mishnah has, in fact, occurred earlier in the *Bavli* (28a), where it is mentioned in the Gemara during a discussion about whether an individual who hears only the end of the blowing of the shofar or the beginning has fulfilled his obligation. It should be no surprise, however, to find that in the Rif's version of the third *perek* of our *masechet*, this discussion, including mention of the mishnah, is omitted. The repetition of even part of a mishnah the Rif sees as confusing and unhelpful. It is to be avoided, if possible. In addition, as we have mentioned earlier, the Rif does not like to tamper with a mishnah.

The *Bavli* Gemara begins immediately with a problem. Our mishnah states that the length of a *tekiah* is similar to the length of three *teruot*. But the Gemara knows a *beraita* that says that the length of a *tekiah* is like one *teruah*. The problem is resolved by

40. The beginning of this Mishnah is found in the *Yerushalmi*, *Tosefta*, and *Halachot Gedolot*, but then each proceeds in its own way.

means of *memra* in which Abaye says that the Tanna Kamma of our mishnah was referring to the length of the three initial *tekiot* which equal the length of the three *teruot* in the three sets, whereas the beraita is talking only about one particular set. In other words, the mishnah and the beraita agree, or so Abaye interprets the situation. The Rif, except for two minor changes, follows the *Bavli* exactly. It is interesting to note, however, especially in light of our remark above about the Rif's desire for conciseness, that the beraita mentioned here in the *Bavli* the Rif quotes only in part and but will devote a much consideration to it quite soon.⁴¹ The Rif does not mind disturbing the integrity of unattributed beraita but thinks that a mishnah cannot be so freely moved around. Perhaps he thinks that this subject is important enough for his readers that he should not tamper with the sugyah. We might also note that this sugyah consists entirely of Tannaitic and Amoraic statements with little interference from the Stam. This might have been an additional reason for the Rif's almost verbatim reproduction of the sugyah.

The sugyah continues with another problem posed by difference between the statement of our mishnah and that of the beraita. Where our mishnah declared that the length of one *teruah* was like that of three "יבבות", whimpers," the beraita said that the length of a *teruah* was like three *shevarim*. Once again Abaye comments, but this time he concedes that there is a disagreement between the two anonymous Tannaim. He demonstrates the irreconcilability of their two positions first by using two Scriptural sources (*Numbers* 29:1, *Judges* 5:28) to show that the mishnah's word, "יבבות", can be used to mean two types of crying. The first type is what our mishnah equates with *teruah*, three short whimpers. The Tanna of the beraita, on the other hand, says that *teruah* is a

41. On 34a. The beraita can also be found in *Sifra, Emor*, 11:6-9.

kind of moaning, "לולי ליל", which is the sound reproduced by the shofar's blowing *shevarim*. Both Tannas, however, agree that whatever the sound, three of them equal one *teruah*.

The Rif reproduces this discussion in its entirety, making only one minor change.⁴² Rabbeinu Hananel does not follow the same order of presentation as the Bavli but his text, when he cites it is almost identical in formulation. Rabbeinu Hananel does offer his own comments on the local customs of shofar blowing, certainly a question that might very well occur to his readers. Why the Rif does not follow his teacher might be explained by stating that the Rif would consider this an intrusion into his version of the *Talmud*. By this I mean that although the Rif is creating a more efficient and usable Talmud, it is first and foremost still *The Talmud*. Therefore, changes made to it have to have a basis in the original Talmud, and not be created anew. It is also possible that the custom of blowing the shofar is so well established by the Rif's time in his locale that he did not need to mention it.

FOURTEENTH SUGYAH: Bavli from Gemara 33b, ת"ר מנין שבשופר, to Gemara 34b, חזר לראש

1.⁴³ Bavli 33b, beraita, ת"ר מנין שבשופר to 34a חקישא לא צריך

The Rif follows the second sugyah of the *Bavli* Gemara almost exactly for this first section which is composed primarily of a beraita which asks the question, "How do

42. See Appendix I. The second time the verb כתיב is used in the *Bavli*, The Rif replaces it with the verb נכתב. This could be a manuscript variation. The *Halachot Gedolot*, though its text differs from the *Bavli* and the Rif's, uses the similar verb form נמירק.

43. Since this sugyah is long and complicated, I will label each section for ease of reference.

we know that we use a shofar to sound the blasts on Rosh haShanah?" Our Biblical sources for the celebration of the holiday do not mention a shofar. In *Numbers* 29:1 we read, "בחדש השביעי באחד לחדש מקרא-קדש יהיה לכם כל מלאכת עבודה לא תעשו יום תרועה יהיה לכם," and in *Leviticus* 23:24 we also learn, together with a little additional information, almost the identical facts, "בחדש השביעי באחד לחדש יהיה לכם שבתון וזכרון תרועה מקרא-קדש." The word "*teruah*" is used in each but not the word "shofar." The beraita then proceeds to associate the word " " with the word "*teruah*" in a verse (Lev. 25:9) that says that in the Yom Kippur of a Jubilee Year (Yovel) we should sound "שפר תרועה", the shofar of *teruah*," on the tenth day of the seventh month." By observing that the phrase "in the seventh month" is unnecessary, the beraita can then say that, since we know from our earlier citations that Rosh haShanah also falls in the seventh month, when we hear this phrase we know that all seventh months are alike with regard to blowing the shofar and thus we blow *teruah* with a shofar. The beraita next uses the same verse to show that a *tekiah* is sounded before a *teruah* by emphasizing that in the sentence "והעברת שפר תרועה", and you shall sound the shofar of *teruah*," the verb, "והעברת" precedes its object. The verb has been understood to mean "cause a straight breath to pass through," an allusion to the sound of *tekiah*. Thus *tekiah* precedes *teruah*. The same logic is used to show that another *tekiah* comes after the *teruah* by the use of another form of this verb, "תעביר," later in the verse. We know this is done on Rosh haShanah by the reasoning described earlier.

The beraita now asks how we know that we are to blow three sets of three blasts each. We can derive this from the three references to *teruah* in the three verses mentioned above. Since we have just proved that *tekiot* go before and after each *teruah*, we can

derive the three sets. We also know that what applies to Yom Kippur in Yovel is also true for Rosh haShanah, and vice versa, because of the use of the phrase "seventh month," in each situation. Thus by means of a גזירה שוה we know that the one is applicable to the other.⁴⁴ The beraita adds one final piece of information, which we noted earlier, that the length of a *teruah* is equal to that of a *tekiah* and one *teruah* equals three *shevarim*.

Up to this point the Rif has replicated this beraita almost verbatim. The *Bavli* ends this part of the sugyah with a question from the Stam which wants to know why the Tanna of the beraita we have just been studying decided to establish this last connection between Rosh haShanah and the Yom Kippur of Yovel by means of a גזירה שוה instead of a חקש, a Scriptural analogy as he did earlier in the beraita. The Stam answers itself by saying that the Tanna really meant to say that if he had not been able to establish this relationship by means of a גזירה שוה, he would have used a חקש instead. The Rif omits the Stam's question and answer. This is not surprising. The answer is rather labored and would not clarify the halachah for the Rif's audience in any way. The first part of the sugyah was of practical benefit and by the time it ended we received useful information based upon Scriptural sources. The fact that the conclusions were reached via one means or another does not seem important for the Rif. In addition, this discussion by the Stam in Aramaic is paralleled almost exactly in Hebrew in *BSanhedrin* 43a and in *BBaba Metzia* 61a.⁴⁵ In his versions of *BSanhedrin* and of *BBaba Metzia*, the Rif also omits this

44. A גזירה שוה is the hermeneutic principle that says that if we find the same word or phrase occurring in two places, the law that may be derived from one situation is also applicable to the other. See Adin Steinsaltz, *The Talmud, A Reference Guide*, New York, 1989, p. 150.

45. And in *Baba Metzia* 61a the matter is discussed by an amora, Ravina, not the anonymous Stam.

discussion. Interestingly, as noted earlier, most of this beraita can also be found in *Sifra*, an extra-Talmudic source to be sure, so the Rif would have fewer qualms about repeating it in his work⁴⁶. But this also shows us that the Rif when necessary will repeat if there is good practical reason to do so. Here he felt, as did the *Bavli*, that it is not enough just to state the mishnah. Some interpretation must be given as support for the mishnaic law of shofar-blowing. Perhaps the fact that there is no straightforward requirement for shofar blowing on Rosh haShanah prompted the both the Stam and the Rif.

2. *Bavli*, beraita 34a, והאי תנא מייתי לי גזירה שוה to Stam 34a, וקאמר רחמנא שופר

The Rif omits a large chunk of the *Bavli* sugyah. There might be several reasons for this. The next part of the sugyah consists of another beraita which provides other reasons for the rules that a *teruah* must be surrounded by *tekiot* and that three sets must be blown. This section concludes with a discussion by the Stam concerning several points of potential conflict between the two beraitot. The new beraita gives us a new group of Scriptural sources, *Numbers* 10:1-10, concerning the making of two silver trumpets to rally the Israelites in the Wilderness. These verses are manipulated to arrive at similar conclusions concerning the relationship of *teruah* and *tekiot*. Certainly one reason why the Rif chose to omit this section is because he felt we did not need an additional way to arrive at the same result as above. For the purposes of clarity and concision this is not necessary.

While these considerations were undoubtedly in the Rif's mind, I feel that the major reason for omission of so much of this section is because of a certain uneasiness

46. *Sifra*, *Emor*, 1: 6-10

the Rif felt with the Stam's agenda. I think that underlying the discussion in the *Bavli* is a desire on the part of the Stam to clarify which hermeneutic principle works best. These beraitot are excellent testing grounds because their authors were also concerned with this issue. Thus although the word "חֶקֶשׁ, *hekesh*" is never mentioned in the beraitot, its usefulness as well as that of the *gezeirah shavah* plays a major role. In addition, the beraita introduces a new principle, בְּנִין אֵב, which states that every time Scripture mentions blowing *teruah*, it is to be understood that a *tekiah* should follow it. The Stam's organization of this section by means of the questions and answers it uses to frame the problem show its interest in playing out this underlying "meta" problem. This is not an issue for the Rif because when determining halachah he uses the midrash of the Gemara primarily as support for the Mishnaic statements. Therefore, one sample is enough. Furthermore, the גִּזְרָה שוּח is considered by later authorities to be one of the strongest hermeneutic tools, either because every גִּזְרָה שוּח is thought to be Sinaitic in origin or because it is virtually written in the Torah itself.⁴⁷

3. *Bavli* from Gemara 34a, בְּרִישָׁא גַּח וְהוֹדֵר יָלִיל תּוֹתִיק רַבִּי אֲבָהוּ

The Rif finally returns to the *Bavli* sugyah at the point when it begins to deal with the actual practice of blowing the prescribed sets. The sugyah begins with a statement that R. Abahu, when in Caesarea, instituted the practices of blowing *tekiah*, three *shevarim*, *teruah*, and *tekiah*. The Rif follows this part of the sugyah to its end although he alters the text a good deal for clarity. We must ask, therefore, why the Rif felt a need to rewrite this section. This might not be the case, were we to consult the various

47. I owe this insight to Michael Chernick.

manuscripts, but we do not find this section in the *Yerushalmi*. In the *Halachot Gedolot*, however, we do find mention of R. Abahu's institution and of the other issues mixed in with some of the earlier parts of the sugyah. Rabbeinu Hananel mentions R. Abahu in his longer discussion on this issue which the Rif will incorporate into his own long digression following this part of the sugyah, which we will examine shortly. The Rif's order, however, unlike that of the *Halachot Gedolot*, follows that of the *Bavli*. It seems quite likely, then, that the Rif rewrote this section for his own purposes.

R. Abahu's institution, blowing *tekiah*, *shevarim*, *teruah*, *tekiah* creates several problems for the Stam. First of all, why did he mandate *shevarim* as well as *teruah*? We learned in a beraita earlier (33b) that one *teruah* was equal to three *shevarim*. If we blew as Abahu suggested, wouldn't we be contradicting our own mishnah (33b) which requires three sets of three sounds each? Before dealing with this problem, The Gemara, however, discusses the use of the term *shevarim*. We learned earlier that the Tanna of our mishnah felt that *teruah* equaled sobbing, "לולי יליל," and the Tanna of the beraita felt that *shevarim* equaled moaning, "גנחי גנח." If we feel that *teruah* equals sobbing, then we should blow *tekiah*, *teruah*, *tekiah*. If it equals moaning, then we should blow *tekiah*, *three shevarim*, *tekiah*. Why did Abahu combine the two? The Stam seems to solve the problem by saying that Abahu wasn't sure what sound a *teruah* made and therefore combined both moaning and sobbing. R. Avira objects to this, however, and says that if *teruah* really is sobbing, then Abahu has interrupted the blowing of *tekiah*, *teruah*, *tekiah* and invalidated the requirement for blowing the shofar. The Stam solves this by suggesting that, after blowing as Abahu instituted, one then blow *tekiah*, *teruah*, *tekiah* as our mishnah stated. Ravina objects, saying that if *teruah* is really moaning then blowing

as Abahu demands means interjecting a *teruah* between the three *shevarim* and the final *tekiah*, thus invalidating the blowing. The Stam gives the same solution as above. Do as Abahu instituted and then as the mishnah states.

The Stam asks then why did Abahu institute blowing *tekiah, shevarim-teruah, tekiah*. The answer is as before. Abahu didn't know what sound the *teruah* represented, moaning or sobbing, and so combined the two. The Stam then proposes blowing the opposite as well, *tekiah, teruah, shevarim, tekiah*. The Stam rejects this on the grounds that when a person is suffering first he moans and then he sobs. Thus Abahu's order stands.

4. The Rif's Digression after מנחם מנדל מלייל (Bavli 34a)

We are seeing in this discussion the Stam's attempt to harmonize various local traditions as expressed by the Palestinian tradition of R. Abahu which is in conflict with that of our mishnah. It is the Rif's sensitivity to this, following his teacher Hananel, that leads him to make his version of this section as clear as possible and to then go on to explain the relationship between local custom and the statements of the *Bavli* in a long digression, the translation of which follows below.⁴⁸

Nowadays there are those who blow "*tekiah, shevarim-teruah, tekiah*"

48. Rabbeinu Hananel commentary shows vividly how R. Abahu's institution was done to alleviate the confusion about what sounds to blow. Rabbeinu Hananel says (34a) "All of Israel was accustomed to do this way or that way so that it was clear to them that both of these ways (3 *shevarim* or one *teruah*) were a *teruah*. The custom of the people was to do '*tekiah, shevarim-teruah, tekiah*,' then '*tekiah teruah, tekiah*,' and finally '*tekiah, shevarim, tekiah*,' three times. R. Abahu came and found towns blowing '*tekiah, shevarim, tekiah*,' and other places blowing '*tekiah, teruah, tekiah*.'...and still others blowing '*tekiah, shevarim-teruah, tekiah*.' It seems they did this because they were in doubt."

three times, "*tekiah, shevarim, tekiah*," three times, and "*tekiah, teruah, tekiah*," three times. It is the people's custom to blow in this way when they are seated (i.e. before Mussaf) and over these blowings they say the blessing for shofar-blowing. Since the congregation must hear the shofar blowing in the order of the blessings (i.e. Malchuyot, Zichronot, Shofarot), therefore the (shofar-blowers) return (during Mussaf) and blow in the order of the blessings "*tekiah, shevarim-teruah, tekiah*" one time, and "*tekiah, shevarim, tekiah*" one time, and "*tekiah, teruah, tekiah*" one time. It follows logically then that there will be those who would blow these in the order of the blessings in the same way that they did before Mussaf. But, since the blessings do not hinder the blowing (are not essential for fulfilling the mitzvah of hearing the shofar), once the people have heard the blowing while seated (before Mussaf), they have fulfilled their obligation. It is sufficient for them to blow "*tekiah, shevarim-teruah, tekiah, tekiah, shevarim, tekiah, tekiah, teruah, tekiah*" once in the order of the blessings, in order not to overtax the congregation. This is the custom everywhere and in the two Yeshivot (Sura and Pumbedita).

The Rif is obviously concerned about the possibility of confusing the people. He has quoted the halachah according to R. Abahu, which states that we blow "*tekiah, three shevarim, teruah, tekiah*." The Rif also knows of the custom "everywhere" in his own time which differs from that instituted in Palestine by R. Abahu. Therefore the Rif must

justify the current widespread custom and validate its use halachically.⁴⁹ As the Rif states, one has fulfilled one's obligation to hear the shofar before Mussaf. His custom during Mussaf of hearing "shevarim-teruah" after Malchuyot, "shevarim" after Zichronot, and "teruah" after Shofarot also fulfills the Rabbinic requirement to blow the shofar together with the verses.

The Rif, having stated his opinion on R. Abahu's *takanah* and given his own halachah, turns to the question of "interruption, פסק." The problem the Rif addresses is whether or not the blessing that one says before blowing the shofar covers all the blowings, those before and those during Mussaf. If it does, then what happens to the person who speaks between the blowings? Has he separated the blowing from the blessing and the mitzvah or not? If he has, must he repeat the blessing for the blowing during Mussaf or does he continue blowing while relying on the first blessing only? It is this problem and its ramifications the Rif addresses in these comments:

Someone asked the *Reish Metivta* (the Head of the Yeshiva) this question.

"Is a person who makes the blessing over the blowing of the shofar after (the reading of) the Sefer Torah (i.e. before Mussaf) and then speaks obliged to make these blessings (again) in their order, or not? And if he has to return to (repeat) them again, at what point?" The *Reish Metivta* answered thus, "Our Geonic Masters have seen that they reprimanded someone who spoke before he blew the shofar, but over the order of blessings (Malchuyot, Zichronot, Shofarot, i.e. he blew them in the right

49. In this matter the Rif also had the responsum of Hai Gaon to follow. In fact, the Rif seems to be quoting Hai's responsum in part without mentioning his name here. See Groner, *op. cit.*, p. 16.

order), but they did not make him repeat the mitzvah blessing. This situation is not similar to that of tefillin about which Rav Chisda said, 'one who talks between putting on of the tefillin and the other must repeat the blessing (BMenachot 36a).' Thus tefillin are actually each a separate mitzvah, as we learn in a mishnah (BMenachot 38a), "The head-tefillah does not invalidate that of the hand and vice-versa.' And we also learn that he does not go back and say the the same blessing, but rather says another blessing with a different formula.. And we have a contradiction (to R. Chisda's statement) which implies if someone spoke, he must repeat the blessing but if he did not, he does not have to. For R. Hiyya the son of R. Huna sent (from Palestine) in the name of R. Yohanan. that concerning the hand-tefillah one says, 'To put on tefillin,' and over the head-tefillah one says, 'Concerning the mitzvah of tefillin.' (Apparently even when there is no interruption.) But both Abaye and Raba explain away this contradiction in this way: if he did not speak (between the two blessings) he has to say only one blessing, but if he spoke, he must say two." Even so, it is wrong to speak as we learn in a beraita, 'Speaking between putting on tefillin is a transgression and one returns home because of it from a battle.'⁵⁰ And this is certainly the case in our situation when someone speaks between the shofar blowings that precede Mussaf and those during Mussaf. Nevertheless, he does not have to repeat the blessings because there is just

50. See BSotah 44b. The allusion is to Deut. 20:8, "Whoever is fearful and fainthearted, let him see and return to his house." The midrash understands "fearful" as "afraid of one's sins."

one mitzvah involved. Go and see that during Hallel we bless before the recitation and even so, between verses, one may interrupt and not be compelled to repeat the blessing.⁵¹

This long discussion of the Rif is an extraordinary event in the unfolding of our perek and we will not see it again. We have not seen the Rif stray so far from the *Bavli* and we must ask why. As we mentioned above, the Rif's underlying agenda in this matter is to reconcile to his own satisfaction the divergence between local custom and Talmudic halachah. This is certainly the case in the first part of his discussion. The Rif needs to be able to show that a different practice does not necessarily mean a rejection of Halachah. On the contrary, the Rif takes pains to point out the fulfillment of the halachic requirements for hearing the shofar in his day.

The question asked the Reish Metivta in the second part of the Rif's digression, though it seems at first to have little to do with the discussion in the first part about what sounds one is to make during the blowing of the shofar, is in fact, dealing, at least in part, with the same issue. This is the question of what is the relationship of the two times for blowing the shofar, before and during Mussaf? Are these blowings to be conceived of as two separate mitzvot or as one? As we have seen, the Rif shows in a variety of ways that the fulfillment of the mitzvah (based on Scripture) occurs during the time before Mussaf. Therefore one is allowed to speak between this time and Mussaf without repeating the blessings. The Rif, for the sake of his argument, has to bring in the discussion in *BMenachot* to emphasize that in our situation we are not dealing with two mitzvot but

51. This will be proved by the Rif in his *k'lal* at the end of the sugyah. See below.

one. He reinforces this in his final energetic statement about Hallel.⁵²

5. *Bavli Gemara 34a, חזר לראש אמר ר' יוחנן שמע* to *Gemara 34b, חזר לראש*

The Rif's digression, however, also looks ahead to the Gemara (34a, bottom and 34b) that follows in the *Bavli* which he follows quite closely in his own version. The issue there is once again that of interruption. In this final section of this long sugyah, we return to the part of our mishnah (33b) which stated that a person who blew the first *tekiah* and then prolonged the second one for the length of two *tekiot* is as if he blew only one. Our Gemara considers the issue from the point of view not of the blower but of the listener who will not have fulfilled his obligation if the series of shofar-blowing is not done correctly. Thus the Gemara begins with a statement of R. Yohanan in which he says that if a person hears nine shofar blasts at nine different hours during the day, he has fulfilled his obligation. The question R. Yohanan is addressing rather obliquely is the one we have been dealing with above, that of interruption between shofar blasts. The Gemara now introduces in support of R. Yohanan a beraita which essentially repeats what R. Yohanan said in his memra, but goes on to say that if a person heard nine different people blowing the shofar at once, he would not have fulfilled his obligation.⁵³ But if one

52. Since the Rif does include issues that are not relevant to his society, his *Talmud Katan* does not extend to those issues concerning the Temple ritual and therefore not to *BMenachot*. His bringing in of material from this *masechet* would not be considered repetitious.

53. This beraita, the critical edition of the Rif suggests, was omitted in the printed edition of his work because of printing errors. The beraita can be found in other places in the *Bavli*, i.e. *Succah* 54a, *Arachin* 10a, and in the *Yerushalmi Berachot* 2.1, and *Megillah* 2.2.

hears nine different people blowing various sounds from the shofar not in a series, he has fulfilled his obligation. This is true even if the shofar-blowing took place over the whole day.

The Stam wonders about R. Yohanan's statement because they know of another memra in which R. Yohanan in the name of R. Shimon b. Yehotzadek said that during the recitation of Hallel and of the *Megillah*, if one paused for the same length of time it took to recite them, one must return to the beginning. The Stam tries to solve the problem first by saying that R. Yohanan's first statement was his own. This one is just his reporting what his teacher, R. Shimon, said. This answer fails to convince the Stam, so he tries again. The Stam asks whether or not R. Yohanan's opinion is really not the same as that of his teacher because the Stam knows a story in which R. Yohanan was walking with R. Abahu and R. Abahu was reciting the Shema. He paused as they walked through an unclean street. R. Abahu asked R. Yohanan for the Halachah about finishing the Shema and R. Yohanan replied that if he paused the same amount of time as it took to recite the Shema, then he must begin again. This story shows R. Yohanan agreeing to the concept that it is not pausing *per se* but the length of the pause that determines the Halachah. The Stam resolves this by putting the rejoinder they imagine R. Yohanan would have made in his mouth. According to the Stam, R. Yohanan would have said to R. Abahu that he need not stop reciting the Shema because, he himself (R. Yohanan) said elsewhere (*BBerachot* 24b), someone just passing through a filthy place need only cover his mouth and not stop reciting. But since Abahu held that one must pause, and that pausing for the duration of an action might require its re-performance, then, the Halachah is as R. Yohanan stated earlier.

The Rif, as we might expect, omits the passage about R. Yohanan and R. Abahu since it is a case which has no relevance to the issues of Rosh haShanah and it arrives at the exactly the same conclusion as before.⁵⁴ The Rif adds his own *k'lal ha-p'sak* here which says he follows the halachah of R. Yohanan in the first memra which stated that even if one heard nine shofar blowings at nine different times in one day, one had fulfilled his obligation. The Rif also accepts that R. Yohanan's teaching should be separated from the one he cites in R. Shimon b. Yehotzedek's name. This is probably because R. Yohanan's views here and in *BBerachot* are consistent. It is only when he cites his teacher does some problem arise. Therefore, the Rif also holds that the same halachah is true for Hallel and the *Megillah*. Even if someone pauses the amount of time equal to the completion of the recitation, the Rif declares, he does not have to return to the beginning but can resume reading at the place where he paused.

FIFTEENTH SUGYAH: Bavli Gemara 34b, תנן רנן תקיעות to 35a, אבל בעיר לא, סוף הפרק.

1. Bavli, beraita 34b, ובמה בשופר to תנן רנן תקיעות.

The *Bavli* and the Rif now turn to a new topic. The *Bavli* sugyah presents a beraita that states that the shofar blasts that one sounds on a fast day are not dependent upon each other, nor are the blessings that are recited on a fast day. But the shofar-blowing and blessings of Rosh haShanah and of Yom Kippur of Yovel do depend upon each other. This seems to mean that during a fast day, even a partial recitation of the

54. What the story does add, namely that we could make a distinction between a halachically mandated pause, such as R. Abahu felt was required, and a voluntary one, strays too far from the main issue at hand.

extra blessings concerning a drought or the partial blowing of the shofar are sufficient. This is not the case for Rosh haShanah and for Yom Kippur and the Stam will ask why. The reason is given in a beraita that occurred earlier in our *Masechet* (*BRosh haShanah* 16a) which is quoted again here. In this beraita, Rabbah says that God commanded us to recite verses of Malchuyot, Zichronot and that these verses should be read with a shofar. This beraita seems to state that for Rosh haShanah, and by extension the Yom Kippur of Yovel, the blessings and the blowing of the Shofar are all interdependent and necessary. The Rif reproduces this part of the sugyah with a few minor alterations in the text. This sugyah clarifies a question that might have arisen and even though it means repeating a beraita from the same *Masechet*, the Rif presumably could find no other way to elucidate the problem.

2. Bavli 34b, Gemara from דהא ודאי והא ספק to טעמא דלא הוה ליה שופר

The *Bavli* and the Rif then focus upon a discussion of the next part of our mishnah. The mishnah stated that if one had recited the Mussaf blessings without blowing and then a shofar became available, he should blow *tekiah*, *teruah*, *tekiah* three times. The Stam does not question the mishnah's ruling, but asks what is the case for someone who had a shofar all the time? When should he hear the shofar blasts? The answer is that he should hear them in the correct order of the blessings. The mishnah, as the Stam reads it, is referring to the case of an individual who has a shofar and who has said the blessings in private. To illustrate this situation, the Stam introduces a story about R. Pappa who prayed in private on Rosh haShanah but asked his helper to sound the shofar for him as he finished each blessing. Rava, however, said to him that this should

be done only when praying in public.

The Stam supports Rava's position with a beraita which reiterates the position of our mishnah regarding hearing the shofar blasts in the correct sequence and connected to the correct blessing, but then goes on to ask what this ruling was about. The beraita says that it was about the praying of the congregation as a whole. With regard to the person who prays in private who hears the shofar-blowing in their proper sequence, but not connected correctly to the blessings, or concerning one who did not sound the shofar, another person may sound the shofar him. But if someone cannot recite the prayer, another cannot do this for him. The beraita ends by saying that it is a greater mitzvah to be with those who sound the shofar on Rosh haShanah than with those who pray at that time. To this end, if a person has to choose between going to a city in which they will sound the shofar and one in which they will pray, he should go where they sound the shofar.

The Stam concludes this part of the sugyah by wondering about this last statement in the beraita. The Stam points out that of course one would go to the city where they sounded the shofar because that mitzvah is *דאורייתא*, while the other, that of praying Mussaf, is *דרבנן*. The Stam solves this problem by deciding that the purpose of this ruling was to tell us that even if it were only a possibility that the shofar was to be sounded in that city, one should go there to fulfill the mitzvah.

The Rif reproduces most of this part of the sugyah. He phrases the first part of it a little differently, but does not change the meaning. As we would expect, he omits the case concerning R. Papa and resumes at the point where Rava offers his opinion. This sugyah is strategically important for both the Bavli and the Rif because it raises the question of the obligation of the individual, praying either in private or in public, which will be the

major concern of the rest of the *perek*.⁵⁵

3. Bavli from Gemara 34b, אבל בעיר לא, תניא אמור לו לרבנן ומלילא, to 35a.

The final part of the last sugyah of our *perek* deals with the last statement of our mishnah, a dispute between the Sages who claim that just as the Shaliach Tzibur is obligated to recite each prayer, so is each individual member of the congregation, and Rabban Gamliel who disagrees. He says that by listening to the Shaliach Tzibur, the individual has fulfilled his obligation. The Rif, as we would have guessed, omits the irrelevant material and concentrates on the problem. He presents the halachah as the *Bavli* gives it, supplies his own commentary, and also quotes directly from the *Yerushalmi* for the first time

The sugyah begins with a beraita concerning the difference in opinion between the Sages and Rabban Gamliel. The Sages begin by asking Rabban Gamliel why the congregation prays silently before the Shaliach Tzibur prays out loud. Rabban Gamliel replies that this is so he can prepare himself while the congregation prays. He then asks the Sages why does the Shaliach Tzibur descend before the ark when he repeats the prayer. They answer that he does so to fulfill the obligation of one who cannot pray on his own. This answer allows Rabban Gamliel the opportunity he needed to rebut the Sages by saying that if the Shaliach Tzibur can fulfill the obligation of one who cannot pray on his own, then he can also fulfill the obligation of one who can. The crucial element in understanding this argument is to understand that the Shaliach Tzibur is not an

⁵⁵ *Halachot Gedolot* reproduces the whole Sugyah verbatim. *The Yerushalmi* (RH, 4.10) also deals with the last part of the beraita concerning what the individual is obliged to do for himself.

individual once he assumes his role; he is, in effect, the representative of the community during the prayer. The Stam presents a memra in which Rabbah bar bar Chanah says in the name of R. Yohanan that the Sages agree with Rabban Gamliel, but Rav says that they did not, and the matter is still not resolved.

Up to this point the Rif has followed the *Bavli* very closely. He did, however, make one significant alteration. In his presentation of the memra discussed above, he adds the phrase "the blessings of Rosh haShanah, ברכות של ר"ה" to the sentence "the Sages agree with Rabban Gamliel, מודים חכמים לרבן גמליאל." By so doing, the Rif is able to omit the next part of the Stam's discussion and jump ahead towards a reconciliation of the two positions. The first thing he omits is the Stam's presentation of the views of other Amoraim about the concession of the Sages to Rabban Gamliel. Then the Rif omits the Stam's wondering about the reliability of Rabbah bar bar Chanah's report. They know of another memra in which R. Chanah of Tzipori in the name of R. Yohanan said that the halachah was as Rabban Gamliel said. The Stam suggests that the use of the word "halachah" implies that various authorities continued to dispute Rabban Gamliel's view so that a halachic judgment had to be made.⁵⁶ The Stam suggests a resolution by citing R. Abba's interpretation of R. Yohanan's statement. R. Abba proposes that R. Yohanan meant that the Sages agreed with Rabban Gamliel concerning the prayers of Rosh haShanah and Yom Kippur,⁵⁷ but still differed with his opinion concerning the prayers of the rest of the year, thus forcing R. Yohanan to make a halachic decision. The Stam is not

⁵⁶ This expression, "הלכתא מכלל דפליגי", the term 'halachah' implies a dispute," occurs in many other places in the *Bavli* including *Ber.* 33b; *Shabbat* 57b, 106b, 112a, 156a; *Eruv* 12a, 71a, etc.

⁵⁷ This the statement as given by the Rif which I mentioned earlier.

yet satisfied. It asks if this can be so since R. Chanah of Tzipori also said in R.

Yohanan's name that the halachah follows Rabban Gamliel concerning the prayers of Rosh haShanah and Yom Kippur as well.⁵⁸ The use of the word "halachah" allows the Stam to suggest that in this matter too the Sages continued to disagree with Rabban Gamliel.

The Rif re-enters at this point. The Stam now presents the opinion of R. Nachman b. Yitzhak who says that R. Meir was the Tanna who agreed with Rabban Gamliel about the prayers of Rosh haShanah and Yom Kippur but it was the other sages who disagreed with him in this matter.⁵⁹ The Stam proves its latest point by introducing a beraita that says that R. Meir said that the Shaliach Tzibur fulfills the obligation of the congregation during Rosh haShanah and Yom Kippur, but the Sages said that every individual had to say the prayers himself to fulfill his obligation.

The Stam has given us three different opinions. First we have that of Rabban Gamliel who says that the Shaliach Tzibur can fulfill the congregation's obligation to pray all year long. That is the view of our mishnah. R. Meir, we learn in a memra, supported by a beraita, says that the Shaliach Tzibur can do so only during Mussaf Rosh haShanah and Yom Kippur. Finally there is the view of the rest of the Sages who disagree with Rabban Gamliel about the Shaliach Tzibur's role at any time during the year.

The Stam then proceeds to the question of why the Mussaf prayers of Rosh

⁵⁸ See *Yerushalmi* Rosh Hashanah 4.10 where we find this statement as well. The Rif will use it in his closing argument but omits discussing it here.

⁵⁹ In the Vilna Edition of the Rif the text reads, אמר רבא which must be amended to read אמר ר' נחמן בר יצחק

haShanah and Yom Kippur are different. The first answer it proposes is that there are many verses which are difficult for people to remember. This is discarded because of a memra in which R. Hananel in name of Rav said that once a person says, "ובתורתך כתוב לאמר", and in Your Torah it is written," then they do not have to recite the verses themselves. Instead, the Stam suggests that the extra benedictions are too many and too long for most people who are not familiar enough with them to say easily. This opinion would seem to contradict even the lenient opinion of R. Yehoshua b. Nuri in the first mishnah on 32a in our *perek*. There three verses were required for the minimum requirement to fulfill one's obligation. The Stam's own uneasiness with R. Hananel's words is evident as it says, "גופא", let's get back to the text itself for an answer." The words of R. Hananel are quoted once more and the Stam adds that possibly Rav meant that an individual praying for himself could recite the simple formula but the Shaliach Tzibur could not. This solution is also discarded as the Stam produces another memra in which R. Yehoshua b. Levi said that the words, "ובתורתך כתוב לאמר", could be used by either an individual or the Shaliach Tzibur to fulfill his obligation.

The Rif omits this Stam-driven discussion as he will the remainder of the sugyah with the exception of the next memra about R. Elazar. The Rif clearly sees that the Stam is working very hard to reconcile Rabban Gamliel's lenient ruling about prayer and trying to examine the issue from all angles. The issue raised by R. Hananel has been mentioned by the Rif in his interpretation of the first mishnah on 32a.⁶⁰ There, where the discussion was about the number of verses a person is obliged to recite, is, in fact, a much more

60. See above, p 28.

logical place to use this statement. And there the Rif did state his opinion that the use of this verse was the halachah.

We will leave the Rif, however, for a moment, finish our discussion of the *Bavli* text and then return to examine what the Rif does in his final consideration of the sugyah. The Stam now gives an example of what kind of ability to retain verses the Rabbis might expect an average person to possess. Rabbi Elazar is quoted as saying that a person should always arrange a prayer in his mind and then pray. R. Abba amends this in a memra in which he says that R. Elazar's statement makes sense when we consider the lengthy prayers for Rosh haShanah, Yom Kippur and other special times, but not when we are praying the regular weekday and Shabbat prayers. We should note that this discussion and those that preceded it all are directed to people who do not have prayerbooks and so must memorize all the prayers. The Stam ends the discussion by mentioning the case of R. Yehudah who would always take the time to arrange his prayers, even during the week. The Stam answers this objection by pointing out that since R. Yehudah prayed only once every 30 days, his weekday prayers were like those of a special occasion.

The Stam returns for one last time to Rabban Gamliel's statement. He presents a memra in which R. Acha b. Avira said in the name of R. Shimon Hasida that Rabban Gamliel used to exempt even those people working in the fields from praying on the grounds that the Shaliach Tzibur fulfilled their obligation even if they were not present in the congregation. The Stam notes the use of the adverb "even, אפילו," and wonders if this means that it was unnecessary for Rabban Gamliel to have said that he exempted those who were present in the congregation. The Stam says this is not so because those people

working in the fields are forced to do skip their prayers, while those actually in the congregation are not. The implication is that those in the congregation should not be allowed to fulfill their obligation through the Shaliach Tzibur since they are not forced to miss the service. They should, perhaps, say the prayers along with the Shaliach Tzibur. However, Rabban Gamliel's teaching using "even, אפילו," allows even those present to fulfill their obligation through the Shaliach Tzibur. The Stam cites a beraita taught by Abba b. R. Benyamin b. Hiyya that said that the people standing behind the Kohanim are not included in the Priestly Blessing. This relates to our problem because it implies that these people, since they are in the congregation, could have stood in front of the Kohanim but chose not to. Those in the field are included in the blessing without being present. By analogy, those who are in the fields should be exempt from fulfilling their obligation by the prayer of the Shaliach Tzibur and those who are present should not.

The Stam makes this version its last word. It presents a final memra, recited by Ravin when he came to Babylon citing R. Yaakov b. Idi in the name of R. Shimon Hasida. He said that Rabban Gamliel exempted *only* those who who work in the field because, as the Stam tells us, they were forced to work while those in town were not. The Stam has at last been able to manipulate Rabban Gamliel's words to say what it wants them to say, that he, Rabban Gamliel, agrees with the Sages who said that the prayer of the Shaliach Tzibur does not fulfill the obligation of the congregation except in unusual situations.

The Rif knows that the Stam has been working all along to achieve a final presentation of Rabban Gamliel's position that will preserve the mishnah yet allow the Halachah not to follow Rabban Gamliel as presented in our mishnah. After much effort,

this is achieved. The Rif hardly follows the Stam at all during its endeavors. We have seen how he has omitted large amounts and even transferred one statement to an earlier and logically more suitable place in his text. Now it is the Rif's turn to deal with this issue of reconciliation in his own way. The Rif resumes his discussion after he has presented the *Bavli* beraita about R. Meir who said that the Shaliach Tzibur fulfilled the obligation of the individual during the recitation of the Mussaf for Rosh haShanah and Yom Kippur, but the Sages said that each person was responsible to fulfill his obligation on his own.⁶¹ The Rif, having omitted what follows in the *Bavli*, adds his own words. He says:

And we have learned from it (the beraita of R. Meir) that the halachah follows Rabban Gamliel in the blessings of Rosh haShanah and of Yom Kippur only, but for the rest of the days of the year, the halachah does not. Rather, since the Shaliach Tzibur is obligated to recite the prayer, so each individual who is able to do so is similarly obligated. And this is the halachah. But for the people who are in the fields who are forced to work and are unable to find a way to come to the Beit Knesset on Rosh haShanah and on Yom Kippur the Shaliach Tzibur also fulfills their obligation (to recite the prayer). For people who live in the city, however, the Shaliach Tzibur does not fulfill their obligation until they have gone to the Beit Knesset and listened to the Shaliach Tzibur from beginning to end.

61. See the discussion above, p.63.

The Rif has arrived at a different halachic decision from that indicated by the *Bavli*. He has used the same information about Rabban Gamliel's position concerning those who are forced to labor in the fields, but unlike the Stam who decides that in that case the Shaliach Tzibur only fulfills their obligation, the Rif arrives at a different conclusion. He extends the Shaliach Tzibur's ability to fulfill the obligation of the individual even to those who live in the city and are capable of reciting the prayers themselves *as long as* they come to the synagogue and listen to his recitation from beginning to end.

The Rif continues by quoting directly from the *Yerushalmi* which states, "Rabban Gamliel says that the Shaliach Tzibur exempts the many (individuals) from their obligation. R. Hunah Rabah from Tzipori says in the name of R. Yohanan that the Halachah follows Rabban Gamliel in their shofar blowing (in the blessings of Rosh haShanah)."⁶² These two interpretations of Rabban Gamliel's interpretations parallel the two presented by the *Bavli* Stam on 35a, namely that Rabban Gamliel says either that in all situations the Shaliach Tzibur's recitation exempts all individuals from their obligations or that only for the Mussaf of Rosh haShanah (and by extension that of Yom Kippur during Yovel) does this exemption hold true.

The Rif then asks and explains why Rosh haShanah's liturgy is different from other days' prayers: "And what is so different about the blessings of Rosh haShanah and Yom Kippur that the Shaliach Tzibur can exempt people from their obligation that isn't

62. *Yerushalmi* Rosh Hashanah 4.10. The Rif's text has the name of the tradent as R.

Hunah, not R. Hunah Rabah.

the same for the rest of the days of the year? On Rosh haShanah and Yom Kippur of Yovel there are many long blessings. All those of Shabbat and Yom Tov during the year which number seven; but those of Rosh haShanah and Yom Kippur of Yovel number nine?" The Rif has used the *Yerushalmi* to support an important distinction concerning Rosh haShanah in the *Bavli* which allows for a special halachic arrangement for Rosh haShanah according to Rabban Gamliel. As a result the Rif feels that he is on firm ground to disagree with the *Bavli*. The Rif is reacting to the *Bavli* Stam's mighty effort to reconcile these positions itself and he is finding their attempts wanting. The Rif, by pointing out the inconsistencies in the various arguments is, of course, bolstering the extremely lenient position he has declared vis a vis Rabban Gamliel's pronouncement.

The Rif returns briefly to the *Bavli* text, as we have mentioned, to quote R. Elazar's statement that a person should always arrange his prayer in his mind before he says it, and R. Abba's comment that this holds true only for the prayers of Rosh haShanah, Yom Kippur and special occasions, not for the prayers of the rest of the year.⁶³ The Rif inquires, "And how often is 'periodic prayer'? 'From 30 days and onward?'" The Rif then finishes his treatment of this *perek* with several halachot related to Rosh haShanah but not treated in *Masechet Rosh haShanah* itself. He quotes from parts of *BERUVIN* 40a and b which I shall summarize. The Gemara there gives us a memra in which Rabbah said that at the Yeshiva of R. Huna they asked him the law concerning the mention of Rosh Chodesh during the Mussaf of Rosh haShanah. Since each requires its own Mussaf offering, perhaps Rosh Chodesh should have its own mention or is it

63. The standard edition and various Mss read Rabba, not R. Abba.

combined with that of Rosh haShanah? The Rif tells us that the answer is that Rosh Chodesh is to be mentioned together with Rosh haShanah, not separately.

Next the Rif brings up the question presented on 40b. Rabbah further recounts that in the Yeshivah of R. Huna he was asked whether or not one recited Shehecheyanu during Rosh Hashanah and Yom Kippur. The Stam explains the issue, these holidays are not pilgrimage festivals but they do occur seasonally. R. Huna did not have the answer. Rabbah then says that he went to the Yeshivah of R. Yehudah and asked him the same question. He replied that he said the blessing even over a new squash, implying that one should do so for all novel events, including Rosh haShanah and Yom Kippur. Rabbah then asked not for an opinion about the option of saying the blessing but for a decision whether or not one was obliged to say it. The Rif ends his *perek* with the final decision from *BERuvim*. We know now that the halachah is to recite Shehecheyanu on Rosh haShanah and on Yom Kippur. In characteristic fashion the Rif has omitted all of the complicated discussion of the Stam. In addition, he has given his readers the answer to two more questions they might have raised about Rosh haShanah and had difficulty finding the answer since the *Bavli* did not discuss these issues in *Masechet Rosh haShanah*.

CHAPTER III: The Methodology of the Rif

Chapter II has presented what amounts to a long continuous narrative about the similarities and differences between the Rif's synopsis of the fourth *perek* of *BRosh haShamah* and the *Bavli* text itself. Our aim in this chapter is to cull from that lengthy piece some examples of the Rif's methods of selection of texts and to analyze them further. We will not examine the minor changes that the Rif made by adding a word or phrase for clarification of the text or by omitting or changing a word or phrase. These have all been noted in Appendix I and are not important for our discussion.⁶⁴ We will focus upon the Rif's techniques of omission and addition as we have seen them occur in our text, and then at the end, see whether our findings concur in any way with those of the *Sefer Yad Malachi*, whose *k'lalim* can be found in Appendix II.

As we mentioned in the first chapter, the goal of this thesis is not to examine the Rif's principles of selection with an eye towards what these principles would portend for the adjudicators of Jewish law of the future, but towards the past, how the Rif's principles might lead us to some understanding of how the Rif viewed the Talmud. It is with this viewpoint in mind that we begin our discussion.

The very nickname given to the Rif's work by Ibn Daud, the *Talmud Katan*, the "Little Talmud," tells us immediately that one of the Rif's primary goals was to create a more succinct and concise version of the *Bavli*. One obvious way to achieve this is, of course, to omit material, and it is in this manner that the Rif makes the majority of his changes to the Talmudic text. The greatest problem facing the Rif, therefore, was what to

64. These minor changes do provide tantalizing glimpses for us of what a thorough study of the Rif, based on a detailed comparison of the many manuscripts, might provide.

omit. He chose, for the most part, to omit passages that were inconclusive, that were repetitive, that contained aggadic material, that were not relevant for his readership, or that were "Stam-driven." We will give a few examples of each of these categories.

There are two examples of omission due to an inconclusive decision on the part of the *Bavli*. We will mention just one. The main part of the second sugyah of the *Bavli* on 30a ends with a תיקו, an "insoluble problem," which is, in this case, whether or not a *Beit Din* has to be actively in session or only physically present for a shofar to be blown. The Stam declares this question unanswerable; the Rif takes his cue from the Stam's statement and does not include it. This allows the Rif to avoid an inconclusive situation but shows that the Rif is not willing to supercede the implicit decision of the Stam and offer his own *k'lal*, at least in this case. The Rif also might not have felt this issue was very important. The end result, in any event, is a tidier text for the Rif's readers.

There is only one instance in our *perek* of the Rif's removing a passage because it is repetitive. The Rif removes the final section of the twelfth sugyah on 33a and b because the text occurred earlier in *BRosh haShanah* 28b and 29a and the Rif included it in his work at that point. This type of omission for the sake of conciseness is very much in line with the Rif's purpose.

Omission of aggadic passages occurs four times in our chapter. In all of these examples, the aggadic passages do not help us clarify the problem that the text is dealing with. At the beginning of the second sugyah on 29b, for example, we find the charming story of how R. Yohanan b. Zakkai cleverly managed to bring about changes in shofar blowing after the destruction of the Temple. The incident tells us interesting facts about R. Yohanan's leadership and decision-making abilities but does not add to the practical

knowledge we need to gain according to the Rif. Therefore this passage, and others like it, are omitted. We find, in fact, almost all of the aggadic material in this chapter concerning R. Yohanan omitted for this reason. The Rif also omits any material, including that about R. Yohanan, that deals with the halachah concerning the Temple.

As a corollary to the decision of the Rif to omit material dealing with matters of the Temple period, we also find the Rif unwilling to utilize material that treats the customs of Eretz Yisrael only. Thus in the sixth sugyah, the Rif omits the *Bavli* discussion on 32a about the different customs in Usha and in Yavneh concerning when Keddushat haYom is to be said. This section deals with the customs in Eretz Yisrael and for the sake of clarity and prevention of confusion the Rif omits it.

I find that the Rif only retains one aggadic passage from the entire *perek* and that is the one in the tenth sugyah on 32b. When the Gemara asks why is Hallel not recited on Rosh haShanah, the Rif includes the answer which is given as a rhetorical question, "Is it possible that while the King is sitting on the Throne of Judgment with the Books of Life and Death before him that Israel should sing?" This is a very short aggadah, which is in its favor, but more to the point, it instructs the Rif's readers about the deep meaning of Rosh haShanah. It is this kind of aggadah, essentially didactic in nature, that the Rif will retain.

We have already mentioned aggadic material that the Rif omitted because he did consider it relevant for his synopsis. The other large category of material that the Rif omits is the discussions in various sugyot about the Biblical sources for Mishnaic rulings or for the Gemara's interpretation of these rulings. Although the Rif does not omit all such discussions, he will, at least, frequently abridge them. Once again, his goal is clarity

and conciseness. In a typical example, the Gemara on 32a begins with *beraitot* about the Biblical sources for the various Rosh haShanah blessings for Mussaf. The Rif omits this entire section because these sources, though of course forming the backbone for the mishnah's ruling, are not necessary for a work intended to help future jurists learn the law. I think the Rif is willing to assume that his readers know that Scripture is of course the place to which one turns for the initial formulation of a ruling, unless it is דרבנן, and that it is not always necessary to present the entire working out of the Biblical bases for a ruling.

The largest category of material that the Rif excludes from his *Talmud Katan* is what I have called the "Stam-driven" passages. I have found at least ten such passages though it could be argued that the categories mentioned earlier such as aggadic material or Scriptural sources often are found as part of the larger "Stam-driven" passages. I do not think, however, that the inclusion of such passages in our "Stam-driven" category really makes much difference for the larger picture of the Rif's methodology we are aiming for in this chapter. The Stam, as I define it, represents the anonymous final editors of the Talmud. It is their hand that we see shaping and controlling the Talmud as we now find it. One of the most interesting revelations that our research into the Rif's technique has revealed is the observation of how frequently what the Rif chose to omit are those passages that we call "Stam-driven." That is to say, those passages that the Rif recognizes as organized by someone more interested in harmonizing all parts of a particular sugyah for the sake of logical coherence and completeness than in focusing on the halachic issue at hand. When the Rif sees that the halachic issue is being submerged by the different goals of the Stam, he will often omit that passage. The Rif by no means, however, omits

all the "Stam-driven" passages, only those that do not add to the coherence and clarity of his synopsis.

Of the many examples of the "Stam-driven" passage that the Rif omits, I'll present just one. This example comes from towards the end of the *perek* where the Rif does some very skillful editing to avoid the Stam's complicated manipulations. The problem, we may remember, that the mishnah posed was dealt with the dispute between the Sages and Rabban Gamliel about the relationship of the Shaliach Tzibur's prayer and that of the congregation. (Fifteenth sugyah, part 3, *Bavli* 34b and 35a). The Sages said that the congregation was obligated to recite its own prayers just like the Shaliach Tzibur, but Rabban Gamliel said that by listening to the Shaliach Tzibur one fulfills one's obligation. The Stam works very hard to try to reconcile these two points of view, carefully presenting a beraita that shows the Sages agreeing with Rabban Gamliel, but then finding a memra in the name of Rabbi Yohanan who said that the Sages did agree with him, but that Rav said they did not. This would seem to put us back at the same point. The Rif, as we pointed out, followed the *Bavli* text up until this point, but then added a significant phrase to the memra so that it now reads in his text that the Sages agreed with Rabban Gamliel about the blessings of *Rosh haShanah*. By so doing, the Rif can neatly skip over the Stam's long discussion over this issue and proceed towards his own presentation of the halachah. The Rif sees clearly in this passage how hard the Stam must work to try to reconcile Rabban Gamliel's views with that of the Sages and the Rif opts out of presenting this.

The Rif did not intend to write a commentary on the Talmud *per se*. His goal was not the same as that of the Stam who sought to harmonize the Talmudic text. The Rif's

goal was more pragmatic and centrifugal. He sought to create a more usable, accessible and efficient Talmud. He will sacrifice harmony, if he has to, in order to be able to express what he considers the halachah in as convincing a way as possible. Thus omission is only half of the Rif's method. While he certainly aimed for a slimmer, more streamlined Talmud, he did not intend to create a document like those early attempts at codification of the Geonim that lacked enough matter to be effective judicial tools. Therefore, when necessary, the Rif had no hesitation about adding to or enlarging upon the material of the Talmud.

Three times in our *perek* the Rif adds his own *k'lal ha-p'sak* at the end of a section. In the first instance, in the sixth sugyah (32a), the Rif decides in favor of R. Akiva over R. Yohanan b. Nuri concerning the order of the blessings for Rosh haShanah. As we mentioned in the discussion there, the Rif was on solid ground in pronouncing this decision. Not only did he have the *k'lal* given in *BERUVIN* 46b that in a dispute R. Akiva's view wins out over the other's view, but his teacher Rabbeinu Hananel also gave this decision. This question was one which seemed to have been undecided for many years. That is exactly the kind of situation in which the Rif sees the need for the presentation of a firm decision based on a solid foundation like the one he finds here. There was a history of confusion about what the correct halachah was and there was Talmudic justification for his selection of Akiva's view over that of R. Yohanan b. Nuri's.

In his second *k'lal ha-p'sak* in the ninth sugyah (32b), the Rif's decision reinforces the decision implicit in the Stam's change of the text of the mishnah. The Rif in turn is again reinforced by supports outside of the Talmudic text of our chapter, namely by the text of the *Yerushalmi* and the halachic decision rendered by Rabbeinu

Hananel. In the final example in our chapter, in the fourteenth sugyah, part 5 (34b) the Rif adds his *k'lal* which states that he agrees with R. Yohanan's ruling that if one heard nine shofar blowings at nine different times in one day, one had fulfilled his obligation. In agreeing with R. Yohanan the Rif has demonstrated that he understands the difference between a teaching of R. Yohanan and one cited in the name of his teacher. The Rif's omission of the Stam's discussion surrounding this question, as well as his delivering his own *k'lal*, shows once again his willingness to dismiss the Stam when it obscures the halachic issue and his confidence in deciding what the halachah should be. The Rif does not utter such halachic pronouncements unless he is on very firm footing, either because earlier halachic rulings supported his decision, or because of he is able to penetrate to the heart of the issue and remove distracting elements.

The other major alterations that the Rif makes to the *Bavli* text are three explanations of his halachic decisions and one explanation of a difference in custom. In all of these cases, the Rif amplifies the text in order to clarify it. In the Rif's long digression in the fourteenth sugyah, part 4 (34a), we saw him finding it necessary to explain the difference in the *Bavli*'s description of what were the correct blasts of the shofar and the local custom as he understands it. He does not need to issue a *k'lal* for this is a situation in which local custom has, in essence, formed the halachah.⁶⁵ He needs the digression to remove all confusion and doubt for his audience and to validate his halachic position, based as it is on an understanding of the confusion all the various local traditions have created, and his intent to reconcile local custom with the mishnaic

65. And as we mentioned earlier in Chapter II, n. 49, Hai Gaon gave a ruling upon this very topic not too many years before.

statement to the best of his ability.

In an earlier sugyah, the seventh one on 32a, the Rif feels free to move a memra from the end of our chapter to this place in order to support the halachic decision given in the *Bavli*. The halachah as the Rif presents it is more lenient than that in the *Bavli*. There the halachah followed R. Yohanan who said that a person fulfilled his obligation concerning the Rosh haShanah blessings if he said one verse from each of the three divisions of the books of the Bible. The Amora, R. Hananel, citing Rav, says that one is exempt if one simply recites the sentence, "And in Your Torah, Adonai Elokeinu, it is so written." In this matter the Rif inclines towards leniency. Why he does so is a matter for our speculation. Perhaps the solution proposed by R. Hananel had found widespread acceptance in the Rif's community and he was therefore simply validating its use as we have seen above.⁶⁶

The Rif's second halachic explanation comes in the eleventh sugyah, 32a, where after the Gemara has agreed that it is permissible for children to be taught to blow the shofar, even on Shabbat, the Rif adds, "There are those that say the opposite." He stops short of going against the mishnah; but he utters a strong caution against blowing the shofar on Shabbat, even though doing so is halachically permissible. Once again, he wishes his readers to have as clear a directive as possible. If he errs, it will be on the side of caution.

The Rif's final explanation of his halachic decision provides the last words of his

⁶⁶ Brody, *op. cit.* p. 154, says that, "The Geonim generally were very sparing in the condemnation of customs about which they had reservations. Only those customs which were absolutely unacceptable from a halakhic point of view were rejected out of hand." Perhaps the Rif's leniency reflects this attitude as well.

version of our *perek*. As we have seen in our detailed examination of the final part of the fifteenth sugyah, (34b, 35a) the Rif introduces texts from the *Yerushalmi* and *BERuvin* in order to justify his going against the opinion of the Stam and agree with the lenient position of Rabban Gamliel concerning the obligation of the individual to recite the special blessings on Rosh haShanah. The Rif had to marshal outside support in order to feel secure in presenting his opposing position. But he did so in a manner that once again showed his ability to cut through the obfuscation of the Stam to the heart of the argument and turn the discussion around towards the view he felt was correct.

Our brief analysis of the Rif's methods of omission and addition have shown that the Rif's approach to the Talmudic text is cautious and judicious but not completely reverent. Though he omits the mishnayot that are not relevant because they deal with issues pertaining to the Temple, he does not tamper with those mishnayot that are valid in his day. In general, a mishnah, if valid, is not to be transported wholesale nor broken up. The parts of the Gemara that we identify as the Stam the Rif feels free to omit, if he thinks it necessary for the sake of clarity in the understanding of the halachah involved. The Rif also feels free to omit Biblical and aggadic passages that do not further our comprehension of the halachah. The Rif will add his own *k'lal ha-p'sak*, if needed, and will amplify or add to the discussion of the Gemara to increase our understanding or present a variant halachic decision. The Rif treats the Gemara not as a completely authoritative text. He sees how the Stam manipulates the earlier beraitot and memrot in order to pursue its agenda. He too is able to minimize the Stam's influence, when he feels it is necessary. He prefers the pure Mishnaic statement. For him, the Gemara is still open to interpretation and alteration, though not within the text itself, but through his

techniques of omission and addition.⁶⁷

A quick look at the *Sefer Yad Malachi*'s list of the Rif's principles found in Appendix II shows that some of them are not applicable to our study of our chapter of Talmud because the situations he mentions did not occur there. Thus we cannot comment about the principles regarding Hai Gaon (numbers 8 -10) or responsa (number 12) or certain aspects of the Rif's formulaic language (number 6, 7, 14) We can, however, examine briefly the remainder of his *k'lalim*.

Most of the *Yad Malachi*'s statements deal with the Rif's modifications of the Gemara, but he does offer one *k'lal* concerning the mishnayot. *K'lal* 13 states that it is often the Rif's practice to improve the language of the Mishnah and to shorten something he agrees is the truth. In our chapter, the changes the Rif has made to various mishnayot have usually been minor and often seem to reflect various manuscript traditions, a factor the *Yad Malachi* was not likely to consider. We do not find him abridging mishnayot, but we have noted the omission of several that did not have relevance for his time (part of 29b, all of 30b and 31b) and we have seen him grouping mishnayot together in a way that does not follow the *Bavli* ((30b with 32a). I can't say that our *perek* offers absolute proof for the *Yad Malachi*'s *k'lal*, but it certainly seems like a reasonable one, based on what evidence the *perek* does furnish.

K'lal number 2 reassures us that we should not be unduly concerned if the Rif does mention details that do not have relevance for his community. In our chapter, the only examples of this *k'lal* would be the Rif's discussion of those mishnayot were valid

67. See Brody, *op. cit.* pp. 147-154 concerning the Geonic attitude towards authority and M.S. Berger, *Rabbinic Authority*, especially ch. 8, "The Authority of Texts," pp. 114-131.

while the Temple stood. (For example, the mishnayot on 29b and 30a). Once again, we cannot use our *perek* as absolute proof for this *k'lal*, but it seems to be reasonable. We should remember that the Rif himself, of course, was not following the *Yad Malachi's* *k'lalim*. Rather, the *Yad Malachi* is extracting from the completed work general principles that must of necessity be rather vague. We should not be surprised to find that these principles are by no means iron-clad.

We did find one example of a "תיקון" in our chapter (Second Sugyah, Gemara 30a) and mentioned earlier some reasons why the Rif omitted it. We did not consider the *Yad Malachi's* principle which, if correct, would have meant that the Rif would have given a lenient interpretation of the question, if he did not decide the "תיקון" stringently. Since the Rif omitted the section entirely, obviously the *Yad Malachi's* principle cannot be used, unless we want to expand upon it to suggest that the Rif's omission of the "תיקון" shows his reluctance in this situation to allow the presumption of leniency. This might be an interesting additional explanation of the Rif's actions there.

What is most interesting about the remainder of the *Yad Malachi's* rules is that although the the *Yad Malachi's* terminology is different, he seems to be saying that these rules basically are all about the elimination of the "Stam-driven" passages in favor of a text "uncorrupted" by the manipulations of the later redactors. *K'lalim* 1, 4, 5 and 11 are explanations in one way or another for the independence in halachic decision-making that the Rif demonstrates. Number 1 states, "We shouldn't wonder if sometimes the Rif doesn't worry about the limitations set on a law by the Gemara, but offers an explanation of the sugyah other than the opinion itself (that is in the sugyah)." Our most dramatic example of this comes at the end of the chapter (34b and 35a) where we have seen the Rif

introducing his own commentary and texts from elsewhere in the Bavli to support his decision. This same example also demonstrates the *Yad Malachi's* fifth *k'lal*, "It is customary in the *Halachot* to treat an issue like halachah, even if it is not on the way to the result the Gemara had in mind." We remember that at the end of our *perek*, the Rif halachah is not the same as that of the Gemara. There the Rif decided, against the Bavli's interpretation, that the Shaliach Tzibur fulfilled the obligation of reciting the blessings of Rosh haShanah even for those in the synagogue who were capable of reciting these prayers.

The final two *k'lalim*, 4 and 11, discuss the Rif's principles of omission. Number 4 tells us, "It is not the Rif's way to copy beraitot that are not considered normative, even if one can learn from them another new law." In other words, if the Rif is deciding to omit a beraita, he will omit the one which fails to correspond to the halachic decision which either he or the Gemara itself will endorse. We can find an example of this in our text in the twelfth sugyah (33a) where the Rif omits the Stam's discussion about the eligibility of women to blow the shofar. The beraita the Stam presents first seems to contradict the mishnah and causes the Stam to do a fair amount of manipulation to harmonize the texts. Finally the sugyah presents the normative view which the Rif probably assumed from the beginning. By eliminating the Stam, the Rif eliminates the non-normative beraita as well. The eleventh *k'lal* repeats the essence of the fourth but gives it a more general application. It reads, "Everywhere we see that the Rif introduces some aspects of an unchallenged rule and eliminates other aspects of it, we should understand that the eliminated aspects are not normative." We have seen the Rif following this principle throughout our chapter.

This glance at the *k'lalim* of the *Yad Malachi* has demonstrated that although the language its author used may be different, inherent in its hermeneutic is an understanding that the Rif by no means operated in an arbitrary way as he omitted parts of the *Bavli* text, but that he had a definite *modus operandi* which included among other principles a sense of what was the original intent of an argument and what was added to it later for the sake of harmony of composition. This confirms what our thesis has revealed.

The question that I have been struggling with throughout my investigation of the methodology of the Rif regards the Rif's attitude towards authority, both his own, as a distinguished judge and scholar, and that of the text. Clearly his *Talmud Katan* can be read as his answer to my question. If this is the case, then what we learn from our short study of it is that for the Rif authority rests both in the text and in the interpreter of the text. The question remains however, is the authority of both equal? For the Rif, the Talmudic text has levels of authority and sanctity, as we have seen. It is helpful to imagine the Rif as a winnower of grain. When he throws the wheat in his winnowing fan, the kernels of wheat that remain in his basket are the mishnayot. These are to be retained, if they are relevant, and to be maintained as whole as possible. In these the Rif recognizes the deepest level of authority, the kernels of truth, second only to that of the Torah. Those parts of the Gemara that the Rif discerns as ways towards clarification of whatever obscurity any given mishnah might contain he also catches and keeps. The Rif might then sift through these parts of Gemara and transfer some of them to other places in the Talmud. What he lets blow away, the chaff, are the unnecessary pieces, some Scriptural sources, some aggadic material, and often those parts added by the Stam.

The only trouble with this analogy, of course, is the role of the winnower

compared with the role of the Rif. The winnower tosses the grain and lets the wind and gravity do the work. The Rif trusts to his own knowledge of the text and of tradition.

Unlike the winnower, the Rif has to know what the grains of truth are; he does not base his methodology on nature but on his skill and knowledge. In the end though, the analogy holds. For just as the winnower would be unemployed without grain, so would the Rif be powerless without the Talmud. The Rif's authority ultimately rests on the text. His own authority comes from his ability to glean from it that which is most valuable and that which is not as well as the success with which his attempt was met. As we learned in the introduction, his authority as manifested in his "Little Talmud" endured for centuries.

APPENDIX I

TECHNIQUES OF THE RIF

A. Minor Alterations

1. Adding a word or a phrase for clarification.

- a. Rif, mishnah 1 = *Bavli Sugyah* 1, mishnah 29a. כשהתקין לא התקין אלא
- b. Rif, Gemara 3 = *Bavli Sugyah* 4, Gemara to B32 a (second mishnah) פשטין.
- c. Rif, Gemara to mishnah 3 = *Bavli Sugyah* 8, Gemara to third mishnah of B32a (on 32b): אי נמי
- d. Rif, Gemara to mishnah 3 = *Bavli Sugyah* 8, Gemara to third mishnah of B 32a (on 32b): תרצית
- e. Rif, Gemara to mishnah 4 = *Bavli Sugyah* 10, Gemara to first mishnah on 32b. כדר' אבהו
- f. Rif, Gemara to mishnah 5 = *Bavli Sugyah* 11, Gemara to second mishnah on 32b, ולא אתי
- g. Rif, Gemara to mishnah 5 = *Bavli Sugyah* 11, Gemara to second mishnah on 32b (33a) הני מילי
- h. Rif, Gemara to mishnah 6 = *Bavli Sugyah* 13, Gemara to mishnah 33b. ולא פליגי.
- i. Rif, Gemara to mishnah 6 = *Bavli Sugyah* 14, Gemara to mishnah 33b, בחדש השביעי הזה... כזה, כל התרומעות של חדש השביעי כזה
- j. Rif, Gemara to mishnah 6 = *Bavli Sugyah* 14, Gemara to mishnah 33b on 34b. לא יא' בזה אחר זה and

k. Rif, Gemara to mishnah 6 = *Bavli Sugyah* 14, Gemara to mishnah 33b on 34b.

ר"ה וליה כדאמר רבא ד... לחוש

l. Rif, Gemara to mishnah 6 = *Bavli Sugyah* 15, Gemara to mishnah 33b on 34b. ברכות

הלכה כרבן גמליאל after מודים חכמים לרבן גמליאל של ר"ה

2. Omitting a word or phrase

a. Rif, mishnah 3 = *Bavli Sugyah* 7, mishnah 32a (second one), מכולן

b. Rif, Gemara to mishnah 3 = *Bavli Sugyah* 7, Gemara 35a, אמר רב

c. Rif, Gemara to mishnah 5 = *Bavli Sugyah* 11, Gemara to second mishnah on 32b (33a),

two omissions of כאן

d. Rif, Gemara to mishnah 6 = *Bavli Sugyah* 13, Gemara to mishnah 33b. ומו לא The

phrase is redundant.

e. Rif, Gemara to mishnah 6 = *Bavli Sugyah* 14, Gemara to mishnah 33b on 34b. תניא הכי

נמי שמע תשע תקיעות בתשע שעות יצא

f. Rif, Gemara to mishnah 6 = *Bavli Sugyah* 15, Gemara to mishnah 33b on 34b,

פשיטא... דאורייתא... לא צריכא ד

g. Rif, Gemara to mishnah 6 = *Bavli Sugyah* 15, Gemara to mishnah 33b on 34b, לפני

התיבה

h.. Rif, Gemara to mishnah 6 = *Bavli Sugyah* 15, Gemara to mishnah 33b on 34b,

ובהאמר רבי חונא צגיפורי אמר רבי יוחנן

3. Changing a word or phrase

- a. Rif, Gemara to mishnah 3 = *Bavli Sugyah* 7, Gemara to B32a, second mishnah, להו instead of .
- b. Rif, mishnah 3 = *Bavli Sugyah* 8, third mishnah of B32a. מלכויות וזכרונות ושופרות instead of זכרון מלכות שופר
- c. Rif, Gemara to mishnah 3 = *Bavli Sugyah* 8, Gemara to third mishnah of B 32a. רחמנן אמור for אמרה and קודשא בריך הוא for .
- d. Rif, Gemara to mishnah 3 = *Bavli Sugyah* 8, Gemara to third mishnah of B32a (on 32b). for סמך ליה . עובדי כוכבי for אומות עולם and לא מדכירין for לא אורח ארעה (32b). כתיב .
- e. Rif, mishnah 5 = *Bavli Sugyah* 11, second mishnah of B32b. בין for לא בדבר... ולא בדבר. אין מפקחין... אין מעבירין for אין מפקחין... אין מעבירין and בדבר... בין בדבר .
- f. Rif, Gemara to mishnah 5 = *Bavli Sugyah* 11, Gemara to second mishnah of B32b. יס שופר עשה הוא ויט... for עשה ולא תעשה הוא ושופר עשה
- g. Rif, Gemara to mishnah 5 = *Bavli Sugyah* 11, Gemara to second mishnah of B 32b (33a) סכינא for מגלא and vice versa.
- h. Rif, Gemara to mishnah 5 = *Bavli Sugyah* 11, Gemara to second mishnah of B32B בהם עד ש for מהן כדי (33a)
- i. Rif, mishnah 6 = *Bavli Sugyah* 13, mishnah on 33b. כדשלש for כדי שלש (twice) and נתמנה for נדמן .
- j. Rif, mishnah 6 = *Bavli Sugyah* 13, Mishnah 33b. כתיב for גמיר .

k. Rif, Gemara to mishnah 6 = *Bavli Sugyah* 14, Gemara 34b, מאי טעמא for מאי שניא and שיבא for שיעלה.

l. Rif, Gemara to mishnah 6 = *Bavli Sugyah* 15, Gemara 34b, נדמן for נתמנה. The Rif, while making essentially the same point as the *Bavli*, at the beginning of the sugyah, says it in a slightly different way. The Rif's version reads as follows:

אעמא דברך ואחר כך נדמן לו שופר אבל אי אית ליה שופר מעיקרא כי שמע להו אסדר ברכות שמע להו

m. Rif, Gemara to mishnah 6 = *Bavli Sugyah* 15, Gemara 34b. להם for לחכמן. Also מי רבא for רבא. and on 35a, רב נחמן בר יצחק should be read instead of רבא. and on 35a, הבקו for שהוא בקי

B Omissions

1. Omissions due to lack of relevance to the Rif's audience

a. Rif, mishnah 1, second part = *Bavli Sugyah* 2, mishnah 29b

b. *Bavli Sugyah* 2 (29b), Biblical Sources. first part from beginning to כדאמר רבא

c. *Bavli Sugyah* 2 (30a) All of it (נהרא to רואה פרט)

d. *Bavli Sugyah* 3 (Gemara of mishnah 2, 30a) Biblical Sources: All of it. (ומנל to דרישה).

e. *Bavli Sugyah* 4, mishnah and Gemara 30 b.

f. *Bavli Sugyah* 4 and Sugyah 5, mishnah and Gemara 31b.

g. *Bavli Sugyah* 5, Gemara 32a Biblical sources. All of it.

h. *Bavli Sugyah* 15, Gemara 34b from מחלוקת שמעה רבי חייא and on 35a from כי סליק יום הכיפורים אלא to

2. Omission of Aggadic Passage.

- a. *Bavli Sugyah 2*, (29b) first part from תנו רבנן to לאחר מעשה.
- b. *Bavli Sugyah 7* (Gemara of mishnah 2 (32a) on 32b) all of it. הני עשרה מלכויות כנגד
- c. *Bavli Sugyah 14* (Gemara of mishnah 6 (33b) on 34b) from חזור תודידי לא והא ר אבהו לראש.
- d. *Bavli Sugyah 15* (Gemara of mishnah 6 (33b) on 34b) from תקע לי to רב פפא.

3. Omission of Stam-driven passage

- a. *Bavli Sugyah 2*, (29b) from בי דינא דאקראי to אמר ר"א
- b. *Bavli Sugyah 2* (30a) from איתמר נמי until מתיב רבא
- c. *Bavli Sugyah 3* (Gemara of mishnah 2, 30a and 30b) all of it (דרש to ושהא יום הקי) והתקין
- d. *Bavli Sugyah 8* (Gemara of third mishnah on 32a) from ולר' יוסי נהי נמי א (32b) אינו אומרה כל עיקר to
- e. *Bavli Sugyah 9* (Gemara of third mishnah on 32a) from אם השלים דיעבד אין (32b) to לכנתחילה לא (2nd time)
- f. *Bavli Sugyah 10* (Gemara of first mishnah on 32b) from המלכות שנו to מאי שנו שני
- g. *Bavli Sugyah 11* (Gemara of second mishnah on 32b) 33a, from מים או יין אין to אבא שאול היא ד to
- h. *Bavli Sugyah 12* (Gemara of second mishnah on 32b) 33a, from סומכות to אין מעכבין לא קשיא to ואין מעכבין and from ורשות
- i. *Bavli Sugyah 14* (Gemara of mishnah on 33b) 34a, from רחמנא שופר to האי תנא מעיקרא

- j. *Bavli Sugyah 15*, (Gemara of mishnah 33b) 35a, from *שוב אינו* to *מאי שני חני אילימא* and from *ואני והא ר יהודה* *צריך* to the end of the *perek*.

4. Omission of an Inconclusive Passage

- a. *Bavli Sugyah 2* (30a) from *תיקו* to *בעיר זירע*.
- b. *Bavli Sugyah 11*, Gemara on second mishnah 32b from *ואז קתני* to *לא עולין בעלין* and on 33a from *ואז קתני* to *השתא משום*

5. Omission due to Repetition of the Same Passage Elsewhere

- a. *Bavli Sugyah 12*, Gemara on second Mishnah 32b (33a and b), all of it, from *אנא סיפא נמי מתעסק* *זוהמתעסקין*. Found also in *BRosh haShanah 28b*.

C. Additions

1. K'lalei Hap'sak

- a. *Bavli Sugyah 6*, end of first mishnah on 32a = Rif mishnah 2. *וקימא לן קר עקיבא מחברו*.
- b. *Bavli Sugyah 9*, third mishnah on 32a (32b) = Rif Gemara to his mishnah 3, *וקימא לן*
כר יוסי
- c. *Bavli, Sugyah 14*, mishnah 33b on 34b = Rif, Gemara to mishnah 6. *וקימא לן כר יוחנן*.

2. Explanation of Halachic Decision

- a. *Bavli*, end of Sugyah 7, second mishnah on 32a = Rif mishnah 3. *ואסקין בסוף פירקא*.
- b. *Bavli Sugyah 11*, second mishnah of Gemara 32b (33a) = Rif, Gemara to mishnah 5.32b
ואית דאמר איפכא, (33a)
- c. *Bavli, Sugyah 15*, end of Gemara 35a to mishnah 33b = Rif, Gemara to mishnah 6

(35a). The Rif adds to the end of the perek his own discussion of the last part of mishnah 33b. This discussion includes his introducing texts from the *Yerushalmi Rosh haShanah* 4.10 and *BERuvin* 40a and 40b. See below, Chapter II, for a translation. The Rif ends his following of the *Bavli* on 34b after דברי ר' מאיר. After his own comments, a quotation from the *Yerushalmi*, and more of his comments, the Rif returns to the *Bavli* text (35a) briefly, from אמר ר' אדעור to צריך לא צריך.

3. Explanation of Difference in Custom.

a. Rif, Gemara to mishnah 6 = *Bavli* Sugyah 15, from יליל at the bottom of 34a to the last line on 34a, תקע בראשונה. The Rif inserts a long digression.

D. Major Alteration of Bavli Text

1. Rif, Gemara to mishnah 6 = *Bavli* Sugyah 14, Gemara 33b (34a). The *Bavli* text is reworked in the following way. Bold-face words are the Rif's text. Three dots mean that the Rif has omitted the *Bavli* text.

איתקן ר' אבהו ב'קיסרי תקיעה שלשה שברים תרועה ותקיעה מה הנפחד אי ילולי הוא
 תרועה נביד שברים לא נביד אי גנחי הוא שברים נביד תרועה לא נביד מספקא ליה אי גנחי
 גנח אי ולולי ילול מתקיף לה רב עזיזע ודילמא גנחי הוא ואתיא תרועה ומפסקא בין תקיעה
 לשלשה שברים הדר עביד בבא אחרינא תקיעה ושלשה שברים ותקיעה מתקיף לה רבינא
 ודלמא ילולי הוא ואותו שברים ומספקי בין תקיעה לתרועה הדר עביד בבא תליתא תר"ת
 אם כן דאבהו למה לי ... דילמא גנח וילולי אי הכי איפכא נמי ... דילמא ילול וגנח ... סתם
 איניש כי מיתרע ביה מילתא רישא מגנח הדר מילל

APPENDIX II

The K'lalei haRif according to the *Sefer Yad Malachi*

- 1⁶⁸. We shouldn't wonder if sometimes the Rif doesn't worry about the limitations set on a law by the Gemara, but offers an explanation in the sugyah other than the opinion itself (that is in the sugyah).
2. Even though it is the method of the Rif or the Rosh to bring only judgments that were customary in their...if they should incidentally write about a detail that was not customary, this should not be a surprise since they didn't overly concern themselves about incidental matters.
3. Whenever the Rif does not clearly decide a *teiku*, an insoluble problem, stringently, even if he says the matter is unresolved, he means to consider it leniently.
4. It is not the Rif's way to copy *beraitot* that are not considered normative, even if one can learn from them another new law.
5. It is customary in the *Halachot* to treat an issue like *halachah* even if it is not on the way to the result that the Gemara had in mind.

68. This number and the ones that follow correspond to *k'lalim* טו-י in our edition (Keter, 1945) of the *Sefer Yad Malachi*, pp. 180-182.

6. Sometimes the Rif says, "The Rabbis taught" about a tosefta since the end of the same tosefta is mentioned in the Talmud. Therefore the Rif does not hesitate to mention it in the name of the tosefta.

7. It is the way of the Rif and the Rosh to bring "And another beraita says," even though there is no halachic difference between the two beraitot he cites.

8. When the Rif writes, "And the Gaon decided as he decided," but he did not say, "his view makes sense," it follows that the Rif does not think the decision of the Gaon is reasonable (and should be followed).

9. It seems that every time that the Rif writes, "And the Gaon said," or "Thus wrote the Gaon," this Gaon is Hai Gaon.

10. When the Rif introduces a debate among the Rabbis, citing their views, if he concludes, "This is the opinion of Hai Gaon," it means that the Rif agrees with Hai Gaon.

11. Everywhere we see that the Rif introduces some aspects of an unchallenged rule and eliminates other aspects of it, we should understand that the eliminated aspects are not normative.

12. Every responsum that is written in the name of the Rif was undoubtedly signed by him (and should be viewed as authentic).

13. It is the Rif's practice in many places to improve the language of the mishnah and to shorten something that he agrees is the truth.

14. There's a tradition we know of, according to which no commentator says, "That is to say," or uses the term "explanation" except where there are alternative understandings which the commentator seeks to negate or problems he wishes to resolve...This is even more true of the Rif whose method is to copy the Talmud's language. He will only use "that is to say" or the term "an explanation" when matters are extremely unclear or when an unsuitable understanding presents itself as a possibility.

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