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AN ANALYSIS OF ALFASI'S
HILCHOT TEFILLIN

KENNETH R. LEITNER

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Referee: Prof. Ben Zion Wacholder



TABLE OF CONTENTS

Preface	i
Digest	ii
Introduction	1
Part I: The Scholarship on Alfasi	
Biographical Information	4
Editions of Alfasi's Code	5
The Constantinople Edition of 1509	5
The Babylonian Talmud	7
The Palestinian Talmud	10
Post-Talmudic Sources	12
Halachot Gedolot	13
Halachot Pesukot	15
The She'iltot of Ahai of Shabha	16
Rabbenu Hananel and Rabbenu Nissim	17
The Sefer Metivot and Sefer Hefez	17
Writings of Samuel Ha-Nagid	18
Hai Gaon	19
The Minor Tractate Tefillin	20
Summary and Discussion	21
Part II: Hilchot Tefillin--Paraphrase and Commentary	
Typography of the Paraphrase and Commentary	22
Paraphrase and Commentary	25
Material on Tefillin Not Found in the Essay	72
Conclusion and Suggestions for Further Inquiry	74
Appendix - The Hebrew Text from the Zacks Edition	77
Notes	82
Bibliography	95

PREFACE

Thanks are due to numerous individuals for assistance and guidance in the preparation of this thesis. Their help has been deeply appreciated.

The contributions of the faculties in rabbinics of the California and Cincinnati schools should be evident, for this study stems from a nurtured interest in rabbinic literature.

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Ms. Moira Steiner has patiently typed this study. Her skill is evident in this finished product.

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No words can convey my thanks to my wife Renee. Her encouragement and support have made this a reality.

DIGEST

In spite of the praise and respect accorded him by his own and subsequent generations of Jewish legal scholars, modern scholarship in rabbinics has not paid much attention to Isaac ben Jacob Alfasi. Such giants as Maimonides and Caro have acknowledged their indebtedness to this eleventh century North African/Spanish scholar, and yet, his own place in the history of Jewish legal literature remains unclarified. This thesis is a study of Alfasi's sources and methodology as a codifier as reflected by a section of his code dealing with the laws of Tefillin.

The first part of this study is a review of the scholarship to date on Alfasi. The works of such scholars as Tchernowitz, Benedikt, Sheffer, Margolioth, Hildesheimer, Abramson and others are presented, in an attempt to develop generalizations about Alfasi, his use of sources and his method. Much of the scholarship on Alfasi is found in works devoted primarily to the elucidation of other problems. Also included here are a brief biographical note and an examination of the various textual traditions of Alfasi available.

Part two of this study is the paraphrase of and commentary on Alfasi's Hilchot Tefillin, taken from the Halachot Ketannot section of his code. The essay is compared with the major documents from the Geonic period in an attempt to test the generalizations emergent from the scholarship. The paraphrase is preceded by a typography and guide so as to facilitate its use. Following the paraphrase and commentary

is a brief examination of those laws of Tefillin not included by Alfasi in his essay.

This study closes with a conclusion, based on the observations noted in the commentary, detailing the apparent independence of Alfasi from the Geonic traditions which preceded him. The Hebrew text of the Alfasi essay is included as an appendix.

INTRODUCTION

This study has as its objective the analysis of Alfasi's essay on the laws of Tefillin, found in the Halachot Ketannot section of his code.¹ The insights of modern scholars are presented in a review of sources as a background to the analysis. Each potential source will be considered in the general terms of Alfasi's use, and in the specific terms of the topic matter available for comparison with Alfasi's essay on Tefillin.

The main focus of this study is the halachic analysis, in light of the sources discussed, of Alfasi's essay. The essay is presented in English paraphrase with a commentary detailing Alfasi's relationship to the halachic traditions which precede him. Secondary to this main focus is the investigation of the textual traditions of Alfasi's code.

The approach used in this study has been, of necessity, two-fold. The text of the essay being analyzed is taken from a work reproducing the Constantinople edition of 1509, termed the "least corrupt" of the printed editions.² In spite of its "purity" in comparison with later printed editions, the Constantinople text is itself synthetic. It has, therefore, been necessary to compare this printed edition with an available manuscript, in order that a working text be available. The details of this manuscript are discussed, along with our knowledge of "editions" of the Alfasi code. Although a critical edition of the Alfasi remains a desideratum, and is beyond the scope of this study, this manuscript comparison allows us to proceed with our investigation.

Chaim Tchernowitz in his Toledot Ha-Poskim is the first modern scholar to attempt to formulate generalizations about Alfasi's methodology and use of sources.³ Tchernowitz's three-volume work was reviewed by B. Z. Benedikt, who used as his major example the essay on the Rif.⁴ Unfortunately, Benedikt's main concern is with certain lacks he finds in Tchernowitz's work, rather than with the central, substantive issues. This review essay is in turn followed by a series of articles on topics, usually in supplement, stemming from his review. Subsequent to this there appears only one additional work entitled Ha-Rif u-Mishnato (The Rif and His Teachings) by Shaul Sheffer (Schaffer).⁵ This last work appears to have been written as a general introduction to Alfasi, rather than as the definitive monograph. The author summarizes briefly the discussion of each of his topics, such as biography, use of sources, responsa, providing many valuable examples taken from Alfasi's code. One gets the feeling that even though Sheffer quotes widely from the works of traditional scholars, he borrows from modern scholars without proper acknowledgement.

Other scholars have dealt with specific aspects of the Rif's work as it pertains to their central interests. B. M. Lewin's analysis of the Rif's use of Sefer Metivot follows his publication of this work.⁶ Mordecai Margolioth, in his work on the halachic writings of Samuel Ha-Nagid, discusses the influence of the Nagid on the Rif.⁷ Shraga Abramson, in his magnum opus on Nissim Gaon, presents a detailed discussion of the Rif's use of Nissim's writings.⁸ Azriel Hildesheimer, in the introduction to his critical edition of the Halachot Gedolot, briefly discusses Alfasi's use of this work.⁹ This review of scholarship is preceded by a brief biographical note.

Alfasi stands at the close of the Geonic period, and the bulk of the source material to be considered, other than the Talmud, is "Geonic." Controversies still abound as to the complex interrelationship of the Geonic halachic writings. While these differences in scholarly opinion are relevant to, and are alluded to in this study, no claim or attempt has been made to enter the debate on these issues.

PART I: THE SCHOLARSHIP ON ALFASI

ISAAC BEN JACOB ALFASI--BIOGRAPHIC INFORMATION

Biographic details about Alfasi are important to this study in so far as they shed light on his contact with sources. Modern scholars, following the medieval chroniclers, place him as a native of Kalat al Hammad in Algeria (born c. 1013), and see in his name "Alfasi" a reference to the city of Fez as either the place of origin of his family, or to his having presided for many years over the academy of that city.¹ Tchernowitz identifies Alfasi as having been a "distinguished pupil" of Rabbenu Hananel, and Nissim.² Benedikt believes that the less than utterly respectful manner in which Alfasi cites Rabbenu Hananel is indicative of a different relationship.³

At the advanced age of seventy-five Alfasi was forced to flee Africa, leaving for Spain, where he eventually came to head the academy of Lucena, succeeding his opponent, Isaac ibn Giat. There Alfasi died at age ninety, and was succeeded by his own pupil Joseph ibn Migash.⁴

We have no record of Alfasi having written an introduction to his work, or anywhere describing its nature. Nor does it appear that Alfasi gave any special name to his work. In those of Alfasi's responsa where he has occasion to refer to his work it is simply Sefer ha Halachot or plain Halachot.⁵ The work is known now as the Hilchot Rav Alfas, and is referred to as the Alfasi. Interestingly, many early rabbinic scholars refer to Alfasi's code as the Halachot Gedolot of Isaac Alfasi or refer to Alfasi as Isaac Alfasi, author of the Halachot Gedolot.⁶ It is clear that they are not referring to Alfasi as the author of the Geonic work by this name, but may rather be identifying Alfasi's work

as being similar to, or of the same kind as, the Halachot Gedolot.

EDITIONS OF ALFASI'S CODE

One of the faults which Benedikt sees in Tchernowitz's treatment is his lack of attention to the varying "editions" of Alfasi's code which resulted from a process of correction. Alfasi himself tells us that he ordered corrections to be made by his students, and that at times they failed to heed his instructions.⁷ Benedikt points out that these revised editions were the result of corrections and additions made in the original work, and not the result of a complete reworking of the original. Often the corrections are improperly executed, leading to so great a confusion that the RAMBAN, who pays special attention to the textual tradition of the Alfasi, has difficulties brought about by the lack of a truly authentic final copy.⁸

Benedikt further states that these corrections result from the criticism directed against Alfasi, in particular that which comes from his students. He gives an example of the influence of Alfasi's pupil Rabbenu Efraim, on his master. Of equal and possibly greater importance is the already mentioned migration to Spain, where Alfasi succeeded Isaac ibn Giat as head of the academy at Lucena. Ibn Giat's Meah Shearim reflects the prominence of Geonic traditions in the academy, traditions which might have presented Alfasi with a revised perspective as to the authoritative interpretation of the law.

THE CONSTANTINOPLE EDITION OF 1509

Alfasi's code is known to us in many printed editions. The first of these was printed prior to 1500 somewhere on the Iberian peninsula. Fragments of this incunabulum edition are now very rare.⁹ The first

complete printing of Alfasi was done in Constantinople in 1509.¹⁰ A second edition by Daniel Bomberg appeared in Venice in 1521, containing many glosses and addenda, and it was this Venice edition which was used as the base text for subsequent editions up to the Vilna Romm edition of 1880-1886.¹¹ The Vilna Romm edition "was compared with the first (Constantinople) edition but is an eclectic version, thus adding to the confusion."¹² It is not surprising, therefore, that the Constantinople edition of 1509 is considered the "least corrupt" of the printed editions! As a printed edition, however, it is a synthetic text, the printers having made use of whatever manuscript resources were available to them. Shamma Friedman's research has led him to the conclusion that the Constantinople edition was based in part on an Ashkenazic source, in which the TOSAFOT of the RASHBAM was at times submerged in the text.¹³

The text used as a working base in this study is from a republication (in modern format) of the 1509 Constantinople edition.¹⁴ The compiler of this republication includes in his work what must be called an "uncritical apparatus," for it points generally to Talmudic sources and the later printed editions. What references there are to manuscripts are not specific. Additionally, it must be noted that minor errors are found in this reprinted edition in comparison to the Constantinople original.

The synthetic nature of the Constantinople edition makes it necessary to compare it with another witness, in this case the Jewish Theological Seminary manuscript Rab. 692. Shamma Friedman's introduction provides much valuable background information on the details of the manuscript, here summarized. The manuscript compares with other 13th

century Spanish-Provençal manuscripts and its text corresponds closely with citations of the Alfasi as found in the writings of Provençal scholars.¹⁵ The order of the tractates in the manuscript differs from that of the printed Alfasi, but does correspond with the "order of the Geonim" cited by the Meiri.¹⁶

THE BABYLONIAN TALMUD

Alfasi's code is most often characterized as an abridgement or epitome of the Babylonian Talmud, following along the lines of its predecessor, the Halachot Gedolot. The greater part of Tchernowitz's essay is given to the details of this abridgement with regard to the Talmud text. Tchernowitz characterizes Alfasi's basic achievement as having extracted from the entangled and often hair splitting argumentation of the Talmud those elements which not only give statement to the law, but define and explain the reasoning behind the law. In contrast to the Halachot Gedolot, which presents the halachic conclusions without reason or support, Alfasi eliminates only that which is halachically superfluous. Along these lines, Alfasi eliminates those discussions that may be termed "sophistical" or "rhetorical" and that have no influence on the halachic conclusion. Alfasi generally retains the language and style of the Talmud, at times emphasizing the intention of the arguments by the insertion of an explanatory word or two, this done with such skill that these inserts or comments are indistinguishable except when compared closely with the text of the Talmud. Tchernowitz notes that more extensive comments are occasionally included when Alfasi must give an explanation or justify his decision in regard to differences of understanding or opinion among the authorities

who precede him.¹⁷ He will at times preface these comments with the citation "comment (פרוש)."

Tchernowitz sees in Alfasi's methodology the use of the Talmud as the functional text for halachic learning. He notes for example, that Alfasi tends to eliminate those discussions or comments that have no impact on the halachic conclusions, such as questions of omission (חסרי מחסרה) or corrections of the Mishna text. Thus the Alfasi generally eliminates comparisons between Mishna and bariata introduced by " ורמינהו " as they rarely play in the halachic conclusion. Similarly, Tchernowitz notes, when there is an Amoraic disagreement over the correct reading of the Mishna text, Alfasi will eliminate all but that one which appears correct to him. Alfasi tends to retain repeated memrot which come to reinforce the point of and are essential to the structure of a sugya. In contrast, he will generally eliminate all but the last in a series of "come and hear (תא שמע)" solutions to a problem, since this last one is usually the strongest. The underlying principle is evident: that which contributes to the understanding of the law and the reasoning behind this understanding is retained. Tchernowitz also notes that the internal flow of the Talmudic argument is of importance, in that Alfasi will base himself on these arguments with regard to what is authoritative.

The scope of Alfasi's code is limited to the practicable halacha of his time, and therefore encompasses the major orders Moed, Nashim, and Neziqin and the individual tractates Berachot, Hullin, and Niddah.¹⁸ Those laws scattered in the orders Kodashim and Toharot are gathered together in a special section, the Halachot Ketannot, which includes the laws of priestly impurity, Sefer Torah, Mezzuzah, our essay on Tefil-

lin, and Zizit. Tchernowitz notes that within the range of material covered Alfasi summarizes the operative laws, eliminating material which is historical or messianic.¹⁹ Tchernowitz notes further that for the same reasons Alfasi sometimes skips individual mishnayot.

Tchernowitz states that Alfasi follows the order of the Talmud without major changes. When a discussion seems not to belong or to be incidental to the main topic, and which more appropriately belongs in another tractate, Alfasi will usually either omit it from its present place, relocating it in the more appropriate tractate, or quote it in both tractates, in its proper place fully and in its original setting in abbreviated form.²⁰ Alfasi will follow the order of the chapters, but retains some freedom in regard to the ordering of the sugyot on a Mishna. When necessary Alfasi will reorder the sugyot giving priority to that sugya which he feels is most closely connected with the Mishna followed by those which are less directly connected.

Tchernowitz next turns to Alfasi's use of the Aggadic material. He sees the Alfasi as confronted first and foremost with there being no clear cut marking as to what is Aggadah and what is Halacha, and further with the fact that many elements of Jewish practice are based in the "Aggadah." By the use of examples Tchernowitz demonstrates Alfasi's approach: there are Aggadot which are fundamentally moral or theological which lead to no concrete behavior, and there are similar Aggadot which do lead to concrete behavior. It is this second group which Alfasi incorporates into his code, the first appearing only rarely. A similar approach is taken to "Ma'asiyot," and the underlying approach is again clear: that which has some place in the practical is included. Tchernowitz notes that Alfasi exercises a freedom here also in

in the movement of Aggadot to the place of their appropriate halachic influence.

Of primary concern to this thesis, and indeed to all Alfasi research, is the examination of the readings of the Bavli found in Alfasi's code. A major aspect of this is included by Rabbinowitz in his Dikduke Soferim, who will often cite the Constantinople edition of the Alfasi as a source for variant readings.

With regard to textural versions, Tchernowitz says that Alfasi will usually follow the readings of the "accepted, received ancient texts" and that Alfasi is "not fond of confusing and correcting" written works. Alfasi retains his "received" text even when the Geonim who precede him have made mistaken corrections. He then quotes an example from the Rif's code, which shows that not only did the Rif compare his text with that of Hai Gaon in a particular matter, but that he also compared his text with the reading of the "Yeshiva" and found it to be in agreement.²¹ Tchernowitz goes on to say that Alfasi had an accurate, proofread text of the Talmud in which he trusted. For this reason Alfasi did not accept variant readings, and that it is this resistance to changing the received text which gave rise to a great amount of criticism.²² Tchernowitz does not speculate on the nature or provenance of Alfasi's Talmud text beyond his presentation of brief biographical details already mentioned. The treatment of the Yerushalmi is indicative of types of claims which can be made for the transmission of texts and versions.

THE PALESTINIAN TALMUD

Tchernowitz characterizes Alfasi's relationship with the Yerushalmi

as wholly negative. He states that Alfasi uses the Yerushalmi only to explain the Bavli or where the Bavli is entirely lacking. Whenever the Yerushalmi contradicts the Bavli, the Yerushalmi is rejected. Tchernowitz notes that at times an explicit halacha of the Yerushalmi is rejected in favor of that which can be deduced from the Bavli. In contrast to this he notes that at times Alfasi will base himself on the Yerushalmi, even when it appears that this is contradicted by the Bavli, though noting that "certainly the Alfasi did not see this contradiction." Tchernowitz notes that Alfasi's reasons are stated explicitly in his code " . . . we follow our Talmud (the Bavli), since it is later, and was expert in the 'Talmud of the West,' and contradicted it"23

A perspective on the textual traditions of the Yerushalmi is obtained from the works of various modern scholars. B. M. Lewin expresses the opinion that in all places where Alfasi quotes the Yerushalmi, more than one hundred twenty times in total, it is by way of some intermediary source: the Sefer Metivot or the commentary of Rabbenu Hananel or from the writings of Hai Gaon.²⁴ With specific reference to examples Lewin cites the Metivot to Baba Metzia 101b which contains a reading of the Yerushalmi lacking in our text, but found in the Alfasi, as well as several examples of the Rif's quoting the Yerushalmi by way of the Metivot.²⁹

Shraga Abramson devotes a substantial section of his treatment of the relationship of the Rif to the Megilat Setarim of Rabbenu Nissim to a discussion of the Rif's method of quoting the Yerushalmi.²⁵ From this he concludes that the various modes of citing the Yerushalmi used by the Rif are significant, and that the citation "Yerushalmi" or "Tal-

mud Eretz Yisrael," when used in the course of a discussion, indicate most probably Rabbenu Hananel, while the citation "Gemara de Benai Ma'arava" indicates Rabbenu Nissim. Still another possibility as to textual sources of the Yerushalmi is raised incidentally by Mordechai Margolioth, who notes that the Hilcheta Gavrata of Samuel Ha-Nagid makes use of the Yerushalmi.²⁶

POST-TALMUDIC SOURCES

That the Rif had many post-Talmudic sources before him is easily demonstrated, as many such sources are quoted by name in his code. Moreover, scholars have demonstrated that certain sources, though unnamed, were used by the Alfasi. Each of these post-Talmudic sources will be considered.

Tchernowitz considers Alfasi's use of post-Talmudic sources under the general rubric of "the Geonim." He notes that the Alfasi has certain standard phrases or formulas used in introducing post-Talmudic sources especially when criticizing them. An excellent example of this is found in our essay on Tefillin: "We see in the Halachot Gedolot this error"²⁷ A glance at the materials assembled by Sheffer quickly sensitizes the reader to these formulas.²⁸

Tchernowitz characterizes Alfasi's relationship with the "Geonim" as respectful but firm as to his own convictions. He notes that Alfasi has a special reverence for Hai Gaon, even when he differs with him.

Sheffer, in the chapter of his work dealing with post-Talmudic sources, brings together the evidence for the Rif's use of these sources. Again, it appears, he borrows from the scholarly works of others without proper acknowledgement, and fails to note the tenuous nature of certain

scholarly theses. The examples which he provides, are, however, of great value.

HALACHOT GEDOLOT

The Halachot Gedolot is mentioned several times in Alfasi's code, one among them already noted in our essay on Tefillin. A number of such examples of the Rif quoting the Halachot Gedolot are presented by Sheffer as an introduction to his chapter on post-Talmudic sources. Sheffer notes that the later of the differing recensions of the Halachot Gedolot is the one used by the Rif.²⁹ The problem lies in correctly identifying this "latter recension." Conventional scholarship identifies the Venice edition of 1548 as the "Babylonian" recension, preserving the "original" version, which was the version used by French and German scholars. The later version is identified as the edition published from a Vatican manuscript by Azriel Hildesheimer in 1892, and is thought by scholars to be the "Halachot Gedolot shel Ispaimya" the version used in Spain, southern France, and Italy.³⁰ The tenuous nature of these identifications is, I believe, accurately reflected by Baron in his brief treatment of the Halachot Gedolot.³¹

The situation is further complicated by the appearance in 1971 of a critical edition of the Halachot Gedolot from a manuscript in the Ambrosiana Library, by Azriel Hildesheimer, the grandson of the editor of the edition from the Vatican manuscript. The grandson Hildesheimer, in the introduction to his work, presents a different picture completely of the Halachot Gedolot traditions.³² He finds his text to have a close affinity with the text published by his grandfather, nominally identified as the "Halachot Gedolot of Spain," and refers to it as

Halachot Gedolot 1. For his purposes Halachot Gedolot 2 is the Venice edition.³³

Hilesheimer describes the differences between these two primary editions, demonstrating that the Venice edition, through the laws of Rosh Ha-Shanah, is far more expansive than the Hildesheimer editions. He maintains that it is the Venice edition which preserves the text used by both the scholars of France and Germany and Spain, citing as proof the numerous quotations from this "Venice" edition found in the writings of Isaac ibn Giat and Judah ben Barzilai, two prominent early Spanish scholars. Hildesheimer maintains that the mistaken identification of his (and therefore also his grandfather's) edition as the "Halachot Gedolot of Spain" follows the lead of Avraham Epstein, who based himself on the fact that Alfasi quotes five responsa from geonim who lived after the time of Simon Kayyara, the author of the original Halachot Gedolot, which are found only in the Hildesheimer texts. Hildesheimer claims, however, that these late responsa were originally marginal glosses, which do not share the linguistic similarities of his and his grandfather's editions, and further that there is great variance between these two texts quotations of these late responsa.³⁴ Fortunately for our purposes, this new Hildesheimer edition, encompassing the laws of Tefillin, includes an extensive critical apparatus of text and manuscript readings. Additionally, we have access to the older Hildesheimer edition as well as printings based on the Venice editions for comparison.

HALACHOT PESUKOT

That the Alfas had before him a work called the Halachot Pesukot is attested by the quotations brought by name from this work, examples of which are given by Sheffer.³⁵ The authorship of this work is usually attributed to Yehudai Gaon or to his pupils, although scholars are not fully in agreement as to its actual provenance.³⁶ Solomon Sasoon, the editor of the only known manuscript of the Halachot Pesukot, argues that Yehudai is the "author" of the work, though being blind he actually had to dictate it to his students, who did make additions to his work.³⁷ Sasoon claims that the Halachot Ketuot mentioned by Paltai Gaon, less than one hundred years after the death of Yehudai is actually the Halachot Pesukot, and that Yehudai's work is also quoted as the Hilchot Ha-Katan. Sasoon acknowledges that it is difficult to determine whether there exist differing editions or versions of the work. He mentions the possibility that the Hilchot Reu which is identified as the Hebrew translation, might rather be thought of as an "edition" of the Halachot Pesukot, though he believes it to be a translation.³⁸ Hildesheimer is of the opinion that the Halachot Pesukot published by Sasoon is in fact an "edition" of the Halachot Gedolot, and not the halachic work composed by Yehudai. He further claims that the work called the Halachot Ketuot is not to be identified as either the halachic work of Yehudai or with the Sasoon text.³⁹ The complexity of the interrelationships between these geonic texts is alluded to in Margolioth's Encyclopedia article where he notes "adaptions and abridgements of the book . . ." among which he numbers the Halachot Ketzuvot, a work which he edited from sources and believes to have been written in southern Italy.⁴⁰

The name Halachot Pesukot may have been applied, since it means "decided laws," to other collections of Geonic halacha, even in Alfasi's time. Joel Mueller republished in 1893 a Halachot Pesukot, originally published in Amsterdam (in 1693), which is just such a collection.⁴¹

In the Sasoon Halachot Pesukot, the laws of Tefillin are found, in fragmentary form, at the end of the laws of Sukkot. In the Hilchot Reu they are found in the same location. Although the Hilchot Reu seems to fill in certain lacunae in the text of the Sasoon Halachot Pesukot, it does not include material found in "the original." Mueller's Halachot Pesukot is of value for comparison, as it is organized by topic, and includes a section on Tefillin. Additionally, we have Margolioth's critical edition of the Halachot Ketzuvot, encompassing the laws of Tefillin.⁴²

THE SHE'ILTOT OF AHAI OF SHABHA

The relationship between Alfasi and the She'iltot of Ahai of Shabha has not been the subject of any specific scholarly inquiry. Sheffer, in his treatment of post-Talmudic sources, brings three examples of the Rif's use of the She'iltot, two of which quote Ahai by name, and a third for which Sheffer feels there is no doubt that Alfasi used the She'iltot as his source.⁴³ Although the editor of the critical edition of the She'iltot, Samuel K. Mirsky, does not specifically discuss the use of this work by Alfasi, he does make frequent reference to Alfasi in his critical commentary on the text.⁴⁴

In the numbering system of this critical edition, She'iltot numbers 47 and 48 have as their central topics aspects of the laws of Tefillin, and will be compared with Alfasi essay.

RABBENU HANANEL AND RABBENU NISSIM

Though Alfasi explicitly mentions Hananel only rarely, Sheffer demonstrates that he made extensive use of Hananel's commentary, as we are informed by Nahmanides: " [Alfasi] relies on Rabbenu Hananel in most matters," and Shimon ben Zema Duran: "Every place in the Alfasi where it is written 'there is one who says' refers to Rabbenu Hananel."⁴⁵ Sheffer brings examples which demonstrate that in addition to this formula ('there is one who says'), there are other formulas which refer to Rabbenu Hananel.⁴⁶ Care must be exercised in making any generalization, however, given the fragmentary nature of our knowledge of the writings of Rabbenu Nissim, Hananel's pupil/colleague and successor as head of the academies of Kairowan. Abramson, in his discussion of the Alfasi and Nissim's Megilat Setarim (remembering that he is attempting to recover Nissim's work), cites several cases where he believes the Alfasi has drawn on Nissim's work. He is careful to note that in some cases, the Rif may in fact be quoting an authority other than Nissim. That the Rif did have the Megilat Setarim before him is evidenced by his quoting this source by name in the Arabic excursus to chapter eight of Ketubot, as well as in one of his responsa.⁴⁷

We do not possess an extant commentary by Hananel to Menachot, where the bulk of the Talmudic material on Tefillin is found. We are able, however, to draw on his extant commentary to significant parallel passages for comparisons. Rabbenu Nissim's commentary, where extant, will also be examined for material to compare with our essay.

THE SEFER METIVOT AND SEFER HEFEZ

Mention has already been made of the Sefer Metivot in the discus-

sions of the textual traditions of both the Bavli and the Yerushalmi. Lewin, in the introduction to his edition of this work, details its nature as an attempt at synthesizing the Babylonian and Palestinian Talmudic traditions, composed most probably in, or under the influence of, the academy of Sura. Subsequent to the publication of the Sefer Metivot, Lewin published a study on the Metivot and the Rif, in which he further demonstrates the Rif's use of this source, especially in regard to quotations from the Yerushalmi.⁴⁸ Lewin speculates that not only did Alfasi make use of the Metivot, but that the Metivot is one of the foundations upon which the Alfasi is based. Unfortunately, none of the material gathered by Lewin in the Sefer Metivot is of use for comparison with our essay on Tefillin.

Published by Lewin in the same volume with the Sefer Metivot are fragments of the Sefer Hefez, which he identifies as being the work of Hefez ibn Yazliah.⁴⁹ In the introduction to this work, Lewin notes that Alfasi quotes Hefez ibn Yazliah as "Hefez Aluf" or "Rav Hefez Aluf." Subsequent scholarship has presented convincing arguments, however, that the Sefer Hefez is not by Hefez ibn Yazliah.⁵⁰ Ibn Yazliah is, rather, the author of a work quoted as the Sefer Mitzvot, written in a mixture of Hebrew and Arabic. The anonymous Sefer Hefez does not contain any material for comparison with our essay.

Fragments of the Sefer Mitzvot of Hefez ibn Yazliah have been published by Halper and Zucker.⁵¹ Their descriptions of the fragments indicate that no material is available for comparison with our essay.

WRITINGS OF SAMUEL HA-NAGID

Mordechai Margolioth has assembled and published from sources and

manuscripts, fragments of the halachic writings of Samuel Ha-Nagid.⁵²

In the introduction to this work he examines the influence of the Nagid on the Alfas, including examples where the Alfas clearly drew on either the Hilcheta Gavrata or the Nagid's commentary to difficult Talmudic discussions. Of importance is Margolioth's observation that the Nagid makes use of the Yerushalmi, Halachic Midrashim, Tosefta, and Geonic responsa. He notes that the Nagid is extremely careful in his identification of the Geonic respondents.⁵³

In his discussion of the Nagid and the Rif he postulates that Alfasi's knowledge of Geonic sources is by means of their citation in the Nagid's writings, and further, that many of Alfasi's comments are given in responsa to the Nagid.⁵⁴ Unfortunately, the extant fragments of the Nagid's work do not include material for comparison with our essay on Tefillin.

HAI GAON

Dr. Tsvi Groner, in his doctoral dissertation dealing with Rav Hai Gaon's halachic methodology, summarizes the evidence from the rishonim through modern scholars that references to "Gaon" when not specified by name refer to Hai Gaon.⁵⁵ Tchernowitz notes that Alfasi has "a special reverence for Hai Gaon."⁵⁶ Sheffer brings several examples of Alfasi's use of Hai Gaon, demonstrating his use of the Gaon's writings both when in agreement and disagreement with him. Sheffer notes that Alfasi uses Hai Gaon in support of his own view.⁵⁷

Fragments of either a responsum or a monograph by Hai Gaon on Tefillin are extant and will be used for comparison with our essay.⁵⁸

THE MINOR TRACTATE TEFILLIN

Alfasi does not mention the Minor Tractate Tefillin, and none of the modern scholars comment on the possibility of his having used this source, which is thought to be a product of the Geonic period.⁵⁹ Its availability and tentative dating, however, make it worthwhile to compare it with our essay on Tefillin.⁶⁰

SUMMARY AND DISCUSSION

The limited range of materials available for comparison with Alfasi's essay do not make it possible to measure each and every generalization offered by scholars as to Alfasi's method or use of sources. Sufficient material is available, however, to measure the categorical generalizations about uses of types of literature. Thus, nothing will be said about Alfasi's use of the writings of the Nagid, since there is no material available for comparison. But insofar as other witnesses are available which represent the genre of Geonic literature, the generalizations about Alfasi's use can be tested.

Tchernowitz's generalizations appear to be the most insightful in regard to describing the literary nature of Alfasi's code, and the claim is made that the Babylonian Talmud is not only the literary source, but also the halachic source used by Alfasi. The generalizations offered with regard to Alfasi's use of post-Talmudic sources do not attempt to give any critical insights into how these sources are used. Rather, they detail the occurrence and availability of these sources. These generalizations about the use of Geonic materials will be given close scrutiny in the Paraphrase and Commentary which follows.

PART II: HILCHOT TEFILLIN--PARAPHRASE AND COMMENTARY

TYPOGRAPHY OF THE PARAPHRASE AND COMMENTARY

Following is the English paraphrase of Alfasi's Hilchot Tefillin. The essay runs to 300 Hebrew lines in the Zacks edition, 521 lines in the English before us. In all Hebrew editions the essay reads continuously--it is not divided into sections with topic matter headings. These divisions and topic headings are imposed upon the text so as to facilitate comparison with other sources. Following each of the sections in the paraphrase are the textual notes and the commentary.

Before each topic matter heading, found at the beginning of every section, is a citation of line numbers which refer to the lines in the Zacks edition offered in paraphrase. Every line of the paraphrase is also numbered as a reference vehicle for the notes and commentary. The first serves as an excellent example:

LINES 1-6: DEFECT IN ANY OF THE SCRIPTURAL . . .

- 1 The absence (or defect) in any . . .
- 2 sections in the Tefillin . . .
- 3 one faulty . . .
- 4 straightforward . . .
- 5 is not needed . . .
- 6 is this not . . .
- 7 to allude to Rav Yehudah's statement . . .
- 8 surrounded by . . .

7- 'Rav Yehudah's statement'- Cost. 4: . . .

The commentators to the parallel . . .

The citation "LINES 1-6" refers to lines 1-6 of the Zacks edition. The numbers 1-8 in the left hand column serve as a reference for the notes. Following the paraphrase is a line marking off the textual notes, which is in turn followed by a line marking off the commentary. The numbers used in the textual notes refer back to the paraphrase. Thus "7- 'Rav Yehudah's statement'- Cost. 4:" refers back to line 7 of the paraphrase, the note being on the words cited; "Cost. 4:" refers back to the Zacks edition, line 4, for reference.

All of the sources used in the commentary have standardized internal reference systems, with the material on Tefillin included. Each of these sources is cited in both the commentary and the notes in an abbreviated form as follows:

Halachot Gedolot - the essay "Hilchot Tefillin" in the Hildesheimer edition (1971), pp. 480-487. It runs for 88 lines and is cited by line number only.

M. Tefillin - the "minor tractate Tefillin" found in Higger's Seven Minor Tractates, pp. 42-49 of the Hebrew section. It is cited by halacha and line number.

Halachot Ketuvot - the essay "Shimush Tefillin v'Asiyatan" in Margolioth's Halachot Ketuvot, pp. 147-152. It is cited by halacha and line number.

Hilchot R'eu - A. L. Schlossberg's Hilchot R'eu, in which the material on Tefillin is found at the end of Hilchot Sukkah. It is cited by page number.

Halachot Pesukot - S. Sasoon's Halachot Pesukot, in which the material on Tefillin is found at the end of Hilchot Sukkah. It is cited by page and line number.

Sheiltot - S. K. Mirsky's Sheiltot. It is cited by the number of the Sheilta (#47 or #48) and line number.

Hai Gaon - the "Hilchot Tefillin of Rabbenu Hai Gaon" found in Ginze Kedem, Vol. III, pp. 73-75. It is cited by page number.

MS - Jewish Theological Seminary manuscript Rab. 692. The essay Hilchot Tefillin is number 10 in the 'order of tractates.' It is not numbered, and is cited simply as MS.

Nimuke Yosef - the commentary of R. Josef ibn Habib to the Alfasi, found on the same printed page as the Alfasi, and cited by reference to the Alfasi.

Kesef Mishne - the commentary of R. Josef Caro to Maimonides' Mishne Torah, found in the standard folio edition. It is cited by reference to chapter of the Mishne Torah, section and halacha.

Mordechai - the novellae of Mordechai b. Hillel, found in the Vilna edition of both the Alfasi and the Bavli. It is cited by reference to the parallel in Alfasi.

Rosh - the novellae of R. Asher b. Yehiel, found in the Vilna edition of the Talmud. Cited by parallel in the Alfasi.

Piske Ha-Rosh - abstracts of the novellae of the Rosh, found on the same page with the Alfasi in the Vilna edition.

Standard rabbinica are cited by common name (e.g., Mechilta)

with full information found in the Bibliography.

The bulk of Talmudic material on Tefillin is found in the tractate Menachot, on pp. 34a-37b. Alfasi copies, as shall be seen, following the sequential order of material as it is found in Menachot. He will interrupt the flow of the Talmud text to insert material from other tractates which bear upon the material being discussed, and will most often cite the source on which he has drawn. Each time that the order of material is interrupted it is discussed in the commentary. Material not included in the essay, but relevant to the laws of Tefillin will be discussed after the paraphrase and commentary.

LINES 1-6: DEFECT IN ANY OF THE SCRIPTURAL SECTIONS RENDERS
TEFILLIN INVALID.

1 The absence (or defect) of any of the four Scriptural
2 sections in the Tefillin invalidates the others, and even
3 one faulty letter prevents their fitness. Is this not
4 straightforward? Rav Yehudah said that Rav had said: this
5 is not needed, except in the case of the stroke of the YOD.
6 Is this not also straightforward? It is not needed except
7 to allude to Rav Yehudah's statement: any letter not completely
8 surrounded by parchment is unfit.

7-'Rav Yehudah's statement'- Cost. 4: להא דאמר . Bavli, Menachot
34b: לא ידך דרך . In a parallel treatment found in the
Hilchot Mezuzah Alfasi reads as the Bavli.¹

The commentators to the parallel (Bavli, Menachot 29a, on the Scriptural sections of the Mezuzah), which includes a greater elaboration and definition of the nature of defects mentioned, relate this section to the quality of writing: each letter must be complete, not lacking in any way or touching any other letter (thus completely surrounded by parchment).² The Nimuke Yosef to our essay relates the requirement that each letter be surrounded by parchment to the quality of the parchment, which is itself considered by the Gemara and Alfasi later on.³

Among the post-Talmudic sources, only M. Tefillin discusses the quality of writing, specifying by example that the writing must be without error. It also specifies that a hole in the place of the writing renders unfit, while a hole in the blank areas of the parchment does not.⁴

LINES 6-9: BIBLICAL PROOF FOR THE NUMBER OF SCRIPTURAL SECTIONS

9 The Rabbis taught: It is written LE-TOTEFET, LE-TO-
 10 TEFET, LE-TOTAFOT, thus equaling four (scriptural sections)
 11 according to Rabbi Ishmael. Rabbi Akiva says that this
 12 exegesis is not necessary for the word TT in GADFI means
 13 'two,' PT in AFRIKI means 'two.'

9-'LE-TOTEFET, etc.'- Ex. 13:16; Deut. 6:8 and 11:18.

10-'LE-TOTAFOT'- Cost. 7: לטוטפוט . Bavli, 34b: לטוטפוט .

12-'GADFI'- Cost. 8: גדפי . Bavli and MS: גכדפי .

Of note is Alfasi's spelling of the term TOTEFET, which differs from the Bavli (which in turn differs from the Bible text before us), and which is discussed by the commentators.⁵

None of the post-Talmudic sources which make reference to the number of Scriptural sections (the Halachot Gedolot, Halachot Ketzuvot, M. Tefillin, Hai Gaon) vary from there being four sections.⁶ This Biblical proof is not, however, quoted in any of them.

LINES 9-17: THE NUMBER OF COMPARTMENTS AND THE WRITING OF THE SCRIPTURAL SECTIONS OF THE HEAD-TEFILLAH

14 The Rabbis taught: One might have thought that this
 15 means he ought to write them (the four scriptural sections)
 16 on four pieces of parchment and place (them) in four
 17 compartments. Scripture comes to say "A memorial
 18 (remembrance)"- of one memorial have I commanded you,
 19 not two or three (memorials). How is this to be inter-
 20 preted? He writes (the scriptural sections) on four

21 pieces of parchment and places them in four com-
 22 partments made of one (piece of) leather. But if he wrote
 23 them on one (piece of) parchment and places them in the
 24 four compartments made of one piece of leather, he has
 25 complied with the requirements of the law. He must leave
 26 a space between them (the sections), according to Rabbi.
 27 The Sages say that this is not necessary. They both agree
 28 that he must place a band or thread between each section,
 29 and that if the grooves partitioning each compartment are
 30 not distinguishable, they are unfit.

14-'One might have thought . . .'- Cost. 9. This is preceded in the Vilna edition by a citation of the Biblical source, 'And you shall write them . . . (Deut. 6:9 and 11:20)' on which this 'possible' exegesis is based.

17-'Compartments'- Cost. 10. Bavli and MS: compartments made of four pieces of leather.

17-18-'A memorial (remembrance)'- Cost. 11 - Ex. 13:9.

24-'One piece of leather'- Cost. 14. Bavli and MS both lack. This appears to be an addition by simple copying from the previous phrase, and does not alter the sense of the passage.

28-'Band or thread'- Cost. 16. Bavli: 'thread or band.'

The Halachot Ketuvot specifies that the head-Tefillah be one unit of four compartments. The four pieces of parchment are specified without the option of a single piece marked into sections.⁷ The minor tractate Tefillin specifies the four pieces of parchment, also without the option.⁸ Implicit in Hai Gaon's detailed instructions on the construction of Tefillin are that the (head-) Tefillah be one unit containing four compartments, and he speaks of four sections.⁹

LINES 17-31: WRITING OF THE SCRIPTURAL SECTIONS OF THE HAND-TEFILLAH; CONVERTING A HAND-TEFILLAH FOR USE AS A HEAD-TEFILLAH AND VICE VERSA.

31 The Rabbis taught: How does one write them (the
 32 Scriptural sections of the hand-Tefillah)? He writes
 33 the hand-Tefillah on one piece of parchment and places
 34 it in one compartment. But if he writes them on four
 35 pieces of parchment and places them in one compartment
 36 made of one piece of leather, he has complied with the
 37 requirements of the law. But it is required to bind
 38 (the separate pieces) together (as one) as Scripture
 39 says: "It shall be a sign for you." Just as it is 'one
 40 sign' externally, so also (it must be) 'one sign' inter-
 41 nally, according to R. Yehudah. R. Yose says that it is
 42 not necessary. Said R. Yose: R. Yehuda b. Rabbi grants
 43 to me that if one has no hand-Tefillah, and does have
 44 two head-Tefillin, that he hangs leather on one of them
 45 and puts it on. "He grants!" Is this not (the basis) of
 46 their difference? Rava said: from the words of R. Yose
 47 it follows that R. Yehudah has retracted his opinion
 48 and he hangs leather on it.

49 But, did we say: R. Hanina sent (a decree) of
 50 R. Yochanan: a head-Tefillah may not be converted into
 51 a hand-Tefillah, but a hand-Tefillah may be converted
 52 into a head-Tefillah, because we do not reduce (an object)
 53 from a state of higher sanctity to a state of lower
 54 sanctity.

55 Here (above) we refer to a new Tefillah, and in accord-

56 ance with the opinion of the one who says that desig-
 57 nation matters, we say that a condition was made from the
 58 beginning.

39- 'It shall be a sign for you.'- Ex. 13:9.

50-52- In the Bavli the statement is found in reverse order
 (Hand . . . head).

55- 'Here (above) we refer to a new Tefillah . . .' -Cost. 30. Alfasi
 here cites only the case of that Tefillah which can be converted,
 eliminating the mention of an old Tefillah as found in the Bavli
 (which cannot be converted), thereby altering the form, but not the
 conclusion of the discussion.

The Halachot Gedolot quotes only the objection of R. Hanina
 quoting R. Yochanan as to the convertability of the Tefillin, not as to
 the resolution (lines 49-54).¹⁰ In the Halachot Ketuvot it is stated
 that the four sections are to be written on one piece of parchment.¹¹
 In M. Tefillin it states the law with regard to the parchment substantial-
 ly as it is here. With regard to converting the Tefillin, however, the
 law is stated in reverse of the formulation (head may be converted into
 hand) found in the Bavli and Alfasi.¹²

LINES 32-49: MATERIALS AVAILABLE FOR, AND PERSONS ABLE
 TO WRITE TEFILLIN

59 The Rabbis taught: if he overlaid (the Tefillin) with
 60 gold or hung on them the leather (skin) of an impure
 61 animal, they are unfit. (If bound with) leather of a
 62 pure (clean) animal, they are fit, even if the leather
 63 is not specially manufactured for this purpose. Rabban
 64 Shimeon ben Gamaliel says: even the leather from a pure

65 (clean) animal renders unfit unless it is specially
 66 manufactured for their (the Tefillin's) sake.
 67 R. Hinana b. Rava of Phashrania taught: A Torah
 68 scroll, tefillin, or mezuzot written by a MIN is to be
 69 burned; another opinion is (that it) is to be hidden away.
 70 (Those written by) an informer, a slave, a KUTI, a woman,
 71 a foreigner (non-Jew), a minor, or an apostate are
 72 unfit, as it is written: "You shall bind them. . . . You
 73 shall write them. . . ."--all who are under the obligation
 74 of tying them on are obliged (fit) to write them.
 75 WE READ IN THE CHAPTER "EIGHT UNCLEAN REPTILES:"
 76 The Rabbis taught: we write Tefillin on the leather of a
 77 clean domestic animal, and on the skin of a clean non-
 78 domestic animal and on (the leather of) inedible carrion
 79 or defective of this kind, and they are bound with its
 80 hair and sewn with its tendons. It is a law given to
 81 Moses at Sinai that the Tefillin can be bound (only) with
 82 its hair and sewn with its tendons. However, we do not
 83 write on the skins of unclean domestic animals, nor on the
 84 leather of unclean wild animals, and there is no need to mention
 85 the improperly slaughtered or defective of these kinds,
 86 and we do not bind with their hair, or sew with their
 87 tendons.

67- 'R. Hinana' -Cost. 36. Bavli Gitin 45b reads 'R. Nahman.' Alfasi
 to Gitin 45b reads as the Bavli; see below.

70- '(Those written by)' -Cost. 38. Bavli Gitin 45b and Menachot 42 a-b
 is attributed to R. Hinana (R. Hammuna in Gitin) as line 67; see below.

67-71- Cost. 37-39: Changes in the use of 'GOY,' 'MIN,' 'Informer' or 'apostate' are most often attributed to the effects of censorship.

72-73- "You shall bind them . . ." - Cost. 39-Deut. 6:8-9, 11:18 and 20.

75-"Eight Unclean Reptiles" - Cost. 41-Chapter fourteen of Bavli Shabbat, p. 108a.

Alfasi here breaks with the sequence of the Bavli to insert material relevant to the subjects he has just concluded: covering the Tefillin and the writing of the Scriptural sections. He begins by quoting completely, directly from Menachot 42b (lines 59-66, Cost. 32-35). This is followed by a synthesis of Menachot 42 a-b and Gitin 45b (lines 67-74, Cost. 35-41). In the discussion of the Mishnah passage which begins on Gitin 45a, dealing with not acquiring Tefillin from non-Jews at a higher than fair price, Rav Nahman quotes a tradition (see the notes on line 67 above) without identifying its source. In the course of the discussion, the source is identified as being Rav Hamnuna (Gitin; Menachot: Hinana). Thus Alfasi states this tradition in Rav Hinana's (Hamnuna's) name (line 67-69) and then continues with the teaching explicitly stated in his name (lines 70-74).

Shabbat 108a contains the elaboration of the last clause of the opening Mishnah of this chapter (p. 107a, Mishnah XIV:1). A teaching is brought stating that Tefillin may be written on the skin of a bird, which is questioned. This is followed by a similar teaching as to the skin of a fish, which is unresolved pending the arrival of Elijah. Further discussion leads to the Baraita as quoted by Alfasi.

The Halachot Gedolot quotes the tradition brought by Rav Nahman and the statement of R. Hinana substantially as they appear in the Bavli

and Alfasi.¹³ The Halachot Pesukot quotes the statement of R. Hinana without mentioning him by name.¹⁴ Rabbenu Hananel, in his commentary to Shabbat 108a, permits the use of bird skin for the writing of Tefillin.¹⁵ Elsewhere he specifies that the Tefillin are to be made from the skin of clean animals.¹⁶ M. Tefillin specifies the materials as found in the Bavli and Alfasi (lines 76-79) with the additional statement that we do not suspect the dead animal of having been killed for idolatrous purposes.¹⁷ Hai Gaon states that it is preferable to sell the skin of an animal which is inedible or defective, and that skin bought from a non-Jew is not prevented from being fit for use.¹⁸

LINES 50-57: ORDER OF THE SCRIPTURAL SECTIONS

88 The Rabbis taught: How are they (the Scriptural
89 sections) ordered? קדש (Consecrate to me), והיה כי יביאך
90 (And when the Lord has brought you) from the right.
91 שמע (Hear, O Israel), והיה אם שמוע (If, then, you obey)
92 from the left. But behold, was not the opposite order
93 taught? Abaye said: this poses no difficulty: here (one
94 case) refers to the right of the reader; here (the other
95 case) refers to the right of the wearer.
96 Rav Hananel said that Rav said: He who reverses
97 (changes) its (the Tefillin's) sections renders them unfit.
98 Abaye said: this (of Hananel) was not said except for
99 changing (switching) an inner section for an outer section
100 or an outer section for an inner section, but an inner
101 section for an inner section or an outer section for an
102 outer section, we have no objection in this manner.

103 HOWEVER, ABAYE'S RULING HAS NO VALIDITY. RATHER,
 104 THERE IS NO DISTINCTION WHETHER HE CHANGED IT ONE WAY
 105 OR THE OTHER IN REGARD TO INVALIDITY.

89- 'Consecrate . . .' (Ex. 13:1-10)- Cost. 50.

89-90- 'And when . . .' (Ex. 13:11-16)- Cost. 50-51.

91- 'Hear . . .' (Deut. 6:4-9)- Cost. 51. 'If, then, . . .'-
 (Deut. 11:13-21)- Cost. 51.

100-105- 'but an inner . . . (end of section)'- Cost. 55-57 is a
 marginal gloss in the MS.

The disagreement as to the proper order of the Scriptural sections, known to us as 'the disagreement between Rashi and Rabbenu Tam,' can be traced back to a problem in the fundamental understanding of the Talmud text, Menachot 34b-35a, which Alfasi here draws on.¹⁹ In taking up this problem Alfasi returns to the sequence of the Bavli, picking up at that point which was concluded in line 58 above. The text of the Bavli reads as Alfasi has quoted through line 95 (53 of Cost.). Following ". . . right of the wearer" in the Bavli is: "and the reader reads them in their order." The conflict arises with regard to the interpretations of 'from the left . . .' and 'from the right' on the one hand, which is identified as being the order of Rabbenu Tam (with Deut. 11:13-21 preceding Deut. 6:4-9), and with 'reading them in order,' which is understood as meaning 'in the order written in the Torah' on the other hand, as specified by Rashi.²⁰ The formulation given by Alfasi, which eliminates the phrase "and the reader reads them in order" indicates that the halacha is according to Rabbenu Tam.

The Alfasi lines 96-102 (53-56 of Cost.) quotes the Bavli directly. The Bavli at this point follows with a lengthy explanation of Abaye's

statement, permitting the switching of the two inner sections one with the other, or the two outer sections one with the other, by his colleague Rava, which is rejected in the Talmud itself.²¹ Alfasi (lines 103-105), however, rejects Abaye's formulation allowing the switching of the sections, and so naturally he would not be concerned with Rava's elaboration. An interesting textual note stems from Maimonides responsa to the scholars of Lunel on this matter.²² Evidently the Rambam had originally prescribed the 'order of Rabbenu Tam' but on receiving traditions from 'Israel' decided that the 'order of Rashi' was correct. He notes that the readings "the reader reads them in their order" was not found in the text he had before him. Thus, too, the Talmud text of the Alfasi might have lacked this reading, and the phrase itself is not found in any of the post-Talmudic sources.

The post-Talmudic sources need be considered individual. The Halachot Gedolot quotes the halacha on both order and switching of sections as Alfasi.²³ Rabbenu Hananel, as quoted in numerous sources is in accord with 'the order of Rabbenu Tam.'²⁴ Also quoted in one of these sources as consistent with the 'order of R. Tam' is Sherira Gaon.²⁵ Enigmatically, Hai Gaon evidences both orders in his responsa.²⁶ External sources quote a statement by Hai not found in his responsa, explicitly stating that the order is 'as Rabbenu Tam.'²⁷ It is only in M. Tefillin that the order is as specified by Rashi.²⁸ Neither the Halachot Pesukot nor the Hilchot Reu specifies any order for the Scriptural sections. Both works do prohibit, in almost identical words, the switching of the sections in any way.²⁹

LINES 58-65: PHYSICAL REQUIREMENTS OF THE TEFILLIN

106 Said Rav Hananel that Rav had said: '(the form of)
107 this bottom-flap' of the Tefillin is a law given (by
108 God) to Moses at Sinai.

109 Abaye said: this '(bridge form of) passage for the
110 strap' of the Tefillin and the letter 'SHIN' of the
111 Tefillin are laws given to Moses at Sinai, and it is
112 necessary that the furrows (marking the compartments)
113 extend to the (place of the) seams. But Rav Dimi of
114 Nehardea said: as long as they (the furrows) are dis-
115 tinguishable, this is not necessary.

116 Said Abaye: this parchment, it is necessary to exam-
117 ine it lest it contain any defect, for we require perfect
118 (unblemished) writing and (without testing) it might not
119 be. Rav Dimi of Nehardea said: the pen examines it
120 (without pretesting).

107 & 109- 'this'- Cost. 58 & 59- is not found in the Bavli; it is found
in the Halachot Gedolot.

110- 'and the letter SHIN'- Cost. 60- is a separate statement in the
Bavli.

111-115- "it is necessary . . . is not necessary"- Cost. 61-62 is
lacking in the MS, apparently an homoeuleuton.

119- 'Rav Dimi of Nehardea said: the pen . . .'- Cost. 64-65. The
Bavli adds: '. . . said: (this is not necessary), the pen . . .'

Both Tefillin require the 'bottom-flap' and the 'passage for the
strap.' It is only the head-Tefillah, as specified by the reference to
furrows, which require the letter SHIN stamped on the sides.³⁰

The Halachot Gedolot quotes the statements on the 'bottom flap,' the 'passage for the straps,' and the letter 'SHIN' with the textual details noted above.³¹ The statement of Abaye that the 'SHIN' is a "law given to Moses at Sinai" is found in the Hilchot Reu.³² Hai Gaon specifies that the 'SHIN' is to be fixed on both sides of both the hand and head Tefillin. Hai also gives the details of the construction of both the 'passage for the straps' and the 'bottom flap,' details not found in Alfasi beyond the brief statements here.³³ The Halachot Ketuvot also specifies the 'passage-ways' for the straps.³⁴

Abaye's statement requiring examination of the parchment in order that the writing be perfect refers to the parchment not having any defect which would affect the writing, specifically not any hole which would render the Tefillin unfit.³⁵ Mention has already been made of the use of the skin of a bird for writing of Tefillin, Shabbat 108a, the primary objection to this being the natural holes in the skin. In response to this a Palestinian teaching is quoted which parallels the statement of Rav Dimi: "any hole which the ink passes over is not really a hole." Only the M. Tefillin among the post-Talmudic sources discusses the quality of the parchment, specifying that a hole in the place of the writing renders unfit, while a hole in a blank area of the parchment does not.³⁶

LINES 65-71: PHYSICAL REQUIREMENTS OF THE STRAPS

121 Said Rav Yitzchak: That the straps are black is a
122 law given to Moses at Sinai. But is it not taught thus:
123 the Tefillin are not tied except (with straps) of the
124 same material, whether white, green, or black; red is not
125 used on account of disgrace (shame) and another reason.

126 This teaching refers to the inside of the straps. But
 127 the outside has to be black, and no other colors. If
 128 so, what is the disgrace and the other reason if these
 129 are to the inside? There are times when they will become
 130 reversed.

122- 'But is it not taught thus'- Cost. 66: 'וְהָא תַּנִּי'.

MS: וְהָא תַּנִּי . Bavli: מִיִּתְיָבִי.

124- 'white, green, or black';- Cost. 67-68. Bavli: 'green, black, or red.'

125- 'on account of'- Cost. 68: מִשּׁוּם . Bavli: מִפְּנֵי.

Alfasi here draws on Menachot 35a, following the sequence of the Bavli. Lines 121-125 are copied from the Bavli with the variations noted above. Following line 125 in the Bavli are two 'Ma'asiyot' in support of Rav Yitzchak which Alfasi does not copy. Lines 126-130 present the resolution of the two conflicting teachings in the language of the Bavli, and as concluded in the Bavli, but in what appears to be a re-phrasing rather than copying. For emphasis Alfasi adds (line 127) "and no other colors."

Among the post-Talmudic sources, Hananel, the Halachot Gedolot, the Halachot Pesukot, the Halachot Ketzuvot, and the Hilchot R'eu all specify that the straps are to be black, with all of them quoting the statement of Rav Yitzchak (lines 121-122).³⁷ Hananel and the Halachot Ketzuvot additionally specify that the straps must be made of leather from a clean animal, which is implied, but not specified by their being made of the same material as the Tefillin (lines 123-124).

The M. Tefillin dissents from this view stating that "The leather

straps of the phylacteries may be bought anywhere. R. Simeon, the son of Gamaliel, says, "Any leather that has been used for an ordinary purpose, must not be used for the straps of the phylacteries."³⁸

LINES 71-75: SHAPE OF THE TEFILLIN

131 It was taught: that the Tefillin are square is a
132 law given to Moses at Sinai. Rabbah said: at its seams
133 and at its diagonals. Shall we say that this is super-
134 fluous, for it is taught (in the Mishna): He who makes
135 his Tefillin round (brings) danger, and does not fulfill
136 the commandment. Said Rav Papa: that which is taught in
137 the Mishna refers to it being made round as a nut.

131- 'It was taught'- Cost. 71: תנא -so the Bavli. MS: תניא.
Halachot Gedolot: תנן רבנן.

132- 'Rabbah'- Cost. 72 and so the Halachot Gedolot. Bavli: Rav Papa.
MS: Rava.

133- 'Shall we say . . . taught (in the Mishna)'- Cost. 73: לימא תנינא
לימא מסייע ליה. Bavli: להא דתנן.

136-7- 'That which . . . refer'- Cost. 74-75: כי תנן במתניתין.
Bavli: מתני' ד. MS: מתני' כי referring to Mishna
Megillah IV:8.

The variations cited above are of special note as they deal with the internal reference terminology of the Talmud, a topic which itself is deserving of investigation.³⁹ The Tefillin used in modern practice are cubical boxes set on flattened cubical bases. The Talmudic evidence suggests that this was not always the case. The Talmud and the Alfasi usually have these modern standards imposed, and the statement that the Tefillin be square is taken to apply to the boxes themselves, with the

diagonals referring to the corner to corner measure, thus insuring that the Tefillin are truly square. Rabbenu Hananel attributes the requirement that the Tefillin be square to the boxes themselves.⁴⁰ The Halachot Gedolot, Halachot Pesukot and Hilchot R'eu all quote the statement requiring squareness as it is here, lines 131-132, with the Halachot Gedolot including Rabbah's statement (132-133).⁴¹ M. Tefillin reads as the citation from Mishnah Megillah (lines 134-136).⁴²

The Halachot Ketuvot represents a special case, in that it is specified that the compartment section of the head-Tefillah is to be made square, while the compartment section of the hand-Tefillah is to be made round as a nut. This is followed by a formulation specifying "that the Tefillin are square is a law given to Moses at Sinai. Rava said: at its seams and diagonals." Clearly the requirement for squareness is being applied to two separate items: the compartments and the bases on which these compartments sit.⁴³

Of interest is the loan word, used elsewhere in the Talmud, to mean 'diagonals.' Another meaning of the Greek original which is apparently here drawn on is 'alternating' when used to describe sewing.⁴⁴ Just such a meaning is preserved by Hai Gaon's detailed instructions for the alternating stitching used to close the Tefillin.⁴⁵

LINES 75-84: KASHRUT OF THE TEFILLIN--LIMITS OF DAMAGE

- 138 Said Rav Huna: as long as the walls (external;
139 partitions, internal) are sound, the Tefillin are fit.
140 But Rav Hisda said: if two (walls) are split they are
141 fit, (if) three, they are unfit.
142 Said Rava: That which the master said, "If two, they

143 are fit" was not said except if this one (this split) is
 144 not opposite (parallel, adjoining) this one (this split),
 145 but this one opposite (parallel, adjoining) this one
 146 (renders) unfit. And, that this one opposite (parallel,
 147 adjoining) this one and a third wall are unfit was not
 148 said except for an old Tefillin, but for a new Tefillin,
 149 it is of no concern to us. Abaye said to Rav Yosef: How
 150 do we define an 'old Tefillin' and how do we define a
 151 'new Tefillin'? He (Rav Yosef) said to him (Abaye):
 152 which ever of these, that when you hang it by the
 153 leather retains its strength is new; otherwise it is old.

147- 'and a third wall'- Cost. 80 is lacking in the Bavli.

148-152- 'old Tefillin . . . new Tefillin'- Cost. 80-84. Alfasi's readings of 'old' and 'new' are the opposite of those found in the Bavli before us.

153- 'retains its strength'- Cost. 84: אלים , so too the MS.
Bavli: וחדר חלים.

The variations noted in the use of 'old' and 'new' are found in certain of the manuscripts noted by Rabbinowitz.⁴⁶ More importantly, Josef Caro, in his comments to the RAMBAM's Hilchot Tefillin, quotes a reading of the Bavli which is almost identical with the Alfasi, lacking only the addition of 'and a third wall' noted above.⁴⁷ Both the Halachot Pesukot and the Hilchot R'eu preserve an understanding of Rav Hisda's statement (lines 140-141, there attributed to Rav Nahman) as referring to the thread used to stitch the Tefillin closed.⁴⁸

LINES 85-99: PHYSICAL REQUIREMENTS OF THE STRAPS OF THE TEFILLIN

154 Abaye was standing before Rav Yosef (when) the strap
 155 of (his) Tefillin split (broke). He (Abaye) said to
 156 him (R. Yosef): Is it permissible to tie it? He (R.
 157 Yosef) said to him (Abaye): "And you shall bind them
 158 (U'K'SHAR'TAM- Deut. 6:8)"- means that the binding
 159 must be perfect (unblemished). Rav Aha, the son of Rav
 160 Yosef, said to Rav Ashi: Is it permissible to sew it
 161 and place the seam to the inside? He (Rav Ashi) said:
 162 go out, see what the people are doing.

163 Rav Papay said: Shortened (remnant of) straps are
 164 valid (fit). But this is not so, for the B'nei Hiyya
 165 said: the shortened stumps of blue thread are valid
 166 (fit), but the shortened stumps of hyssop are (not)
 167 valid (fit). There, where they are implements of a
 168 religious commandment (it is acceptable), but here,
 169 where they are sacred implements, no (it is not
 170 acceptable).

171 In this it follows that there are measures. What
 172 are they? Rami bar Hama said that Shimon ben Lakish
 173 said: until the middle finger. Rav Kahana said: (to
 174 the) pointing finger when bent. Rav Ashi said: to
 175 the pointing finger when stretched out. Rav shortened
 176 them, straightened them, and loosened (untied) them.
 177 Rav Aha bar Ya'akov tied them and wound (plaited)
 178 them. Mar, the son of Ravana, did as we do. The width
 179 of the strap is as the length of a barleycorn.

-
- 154- 'standing'- Cost. 85. So too the MS and the reading in other sources. Bavli: 'sitting.'⁴⁹
- 166- '(not) '- Cost. 96- lacking in both the MS and the Bavli.
- 175-176- 'Rav shortened them'- Cost. 96. MS and Bavli both read: 'Rav tied them.'
- 176- 'loosened (untied) them'- Cost. 97: שר . MS appears to be corrected to read '7W as the Bavli, with the sense of letting the straps fall freely downward.
- 178-179- 'The width . . . barleycorn'- Cost. 99- is lacking in the Bavli. This is found in the Halachot Gedolot and in certain MSS of the Halachot Ketzuvot (line 43).
-

The commentators to the Alfasi (and the Bavli) are forced to give their own resolution as to the permissibility of sewing a broken strap, as Alfasi leaves the issue unresolved (lines 159-162).⁵⁰ The discussion of the proper measures is also unspecific with regard to which of the Tefillin is being discussed.⁵¹

The Halachot Gedolot quotes the statement of Rami bar Hama (lines 172-173) with the additional specification that he refers to the middle finger.⁵² Also found there is the statement as to the required width of the strap. Both the Halachot Pesukot and the Hilchot R'eu preserve Rami bar Hama's statement, though anonymously, with the additional specification that the measure is for the hand-Tefillah and that it refers to the middle finger.⁵³ The Halachot Ketzuvot is specific with regard to the measures: the straps of the head-Tefillah on the right side must reach to the abdomen; on the left side it must reach the chest. The measure of the hand-Tefillah is to the middle finger, and certain MSS have the measure of the width of the straps.⁵⁴

Interestingly, Josef Caro quotes a reading of the Alfasi not found in our text: "the length of the strap shall be sufficient to surround

the head"55

LINES 99-112: DETAILS OF THE KNOTS OF THE TEFILLIN

180 Said Rav Yehudah bar Rav Samuel that Rav said: the
 181 knot of the Tefillin is a law given to Moses at Sinai.
 182 Rav Nahman bar Yitzhak said: their 'ornaments' (the
 183 black straps/the knots) are to be to the outside.
 184 Rav Ashi was sitting before Rav Hutra; the strap of
 185 his Tefillin became reversed. He said to him (Ashi to
 186 Zutra): does the master not hold that the ornaments are
 187 to be to the outside? He said to him (Zutra to Ashi):
 188 I was not aware of this (teaching/that it became reversed).
 189 "And all the peoples of the earth shall see that the
 190 Lord's name is proclaimed over you" It was taught,
 191 Rabbi Eliezer Ha-Gadol said: this refers to the head-
 192 Tefillah. "Then I will take my hand away" Rav Hana
 193 bar Bizna said that Rav Shimon Hasida said: this teaches
 194 that God showed Moses (the making of the) knot of the
 195 Tefillin. Rabbi Ya'akov said that Rav Yehuda said: the
 196 knot of the Tefillin must be high up, so that Israel
 197 will be 'high-up,' and it must be facing forward, so
 198 Israel will always be 'forward.'

182- 'Rav Nahman bar Yitzchak said'- Cost. 101-102. In the Bavli:
 'Rav Nahman said.' In the MS: 'Rav Yitzchak said.'

184- 'Rav Hutra'- Cost. 103. MS reads as the Bavli: 'Rav Zutra.'

189-190- "And all . . . over you . . ."- Cost. 105-106- Deut. 18:10.

192- "Then . . . away . . ."- Cost. 107- Ex. 33:23.

The Halachot Gedolot begins its treatment of Tefillin with R. Eliezer Ha-Gadol's exegesis (lines 189-192). This is followed by the specification of the knots and the ornaments (lines 180-188), which is in turn followed by the exegesis of Rav Hana bar Bizna (lines 192-195).⁵⁶

Both the Halachot Pesukot and the Hilchot R'eu preserve Rav Yehudah bar Samuel's statement, though in both sources the speaker is R. Ya'akov quoting R. Yochanan.⁵⁷ Hai Gaon specifies that the 'ornaments' are to be to the outside, and gives detailed instructions for tying the knot of the head-Tefillah into the shape of the letter DALET and the knot of the hand-Tefillah into the shape of the letter YOD.⁵⁸ The Halachot Ketzuvot specifies that the knot of the head-Tefillah is to be made in the shape of the letter 'SHIN.'⁵⁹

LINES 112-117: TIME OF BLESSING THE TEFILLIN

199 Rav Shmuel bar Brodi said that Rav said, and some
200 say that it is Rav Aha Aricha who said that Rav Huna
201 said, but some say that it is Rav Menashya bar Yermiyah
202 who said that Shmuel said: for all commandments, one
203 says (the proper) blessing prior to actual performance.
204 Abaye and Rava both say (in regard to the Tefillin):
205 (the blessings are said) at the moment (between the time)
206 of putting them on until (and) the moment of tying them.

199- 'bar Brodi'- Cost. 113. MS and Bavli: 'bar Bidri.'

201-202- 'Rav Menashya bar Yermiyah . . . Shmuel said'- Cost. 114-115.
In the Bavli Rav Menashya quotes a question and answer in Shmuel's name about the time for blessing the Tefillin. A challenge is brought by Rav Yitzchak quoting Shmuel, which in the Alfasi is given as Rav Menashya's statement. This suggests a possible homoeo-

teleuton resulting from the reoccurrence of 'Shmuel.' Additionally, the Munich MS used by Rabbinowitz reads "Rav Menashe bar Yermiyah . . ." quoting Shmuel above.

This straightforward formulation of the law is not disputed in the Geonic sources. Rabbenu Hananel notes that for all commandments, the proper blessing is said prior to performance, with the exception of ritual immersion.⁶⁰ In the Sheiltot, Rav Yehudah's statement quoting Shmuel (in the Alfasi: Rav Menashya, lines 201-202) is stated as a proof that one must say the blessing upon donning the Tefillin.⁶¹

LINES 117-127: TALKING WHILE DONNING THE TEFILLIN. THE BLESSINGS.

207 Rabbah bar Hiyya bar Rav Huna said that Rav Hisda said:
 208 one who interrupts by talking between donning the hand-
 209 Tefillah and the head-Tefillah repeats and blesses.
 210 If one speaks, yes; if not, no. But did not Rav Hiyya
 211 say that Rabbi Yochanan said; over the hand-Tefillah
 212 he says "Blessed . . . who has sanctified us by his command-
 213 ments and commanded us to don Tefillin." Over the head-
 214 Tefillah he says "(Blessed) . . . who has sanctified us by
 215 his commandments and commanded us the precept of Tefillin."
 216 Abaye and Rava both said: one who does not talk says one
 217 blessing. One who talks says two blessings.
 218 AND THIS IS THE LAW. AND WE HAVE SEEN IN THE
 219 HALACHOT GEDOLOT CONCERNING THIS MATTER AN ERROR, AND THE
 220 LAW IS AS WE HAVE WRITTEN: ONE DOES NOT SAY TWO BLESSINGS
 221 EXCEPT WHEN ONE TALKED, BUT IF ONE DID NOT TALK HE SAYS
 222 ONLY THE ONE BLESSING.

207ff.- 'talks/speaks'- Cost. 117-127: mw . So, too, most sources.
Bavli: no . The reading of the Bavli quoted by Caro is almost
 identical with that of Alfasi.⁶²

207- 'Rabbah bar Hiyya bar Rav Huna . . .'- Cost. 117. So, too, the
Sheiltot. Lacking in the Bavli.

210-211- 'Rav Hiyya'- Cost. 120. Bavli and Sheiltot add: 'the son of
 Rav Huna.'

We see here one of the few places where Alfasi is the speaker,
 criticizing the Halachot Gedolot (lines 218-222, Cost. 125-127).
 Alfasi maintains that one blessing is normally said, two only if one
 speaks. The Halachot Gedolot specifies two blessings, the first to be
 repeated if one interrupts by talking. The Geonim Natronai and Amram
 are quoted as being in agreement with Alfasi.⁶³ Both the Halachot Pesukot
 and the Hilchot R'eu are in agreement with the Halachot Gedolot.⁶⁴ In the
Halachot Ketuvot the blessings for each of the Tefillin are specified,
 and it is stated that one should not speak between the blessing of the
 hand-Tefillin and the blessing of the head-Tefillin.⁶⁵

LINES 128-138: SAYING THE BLESSINGS ON DONNING THE TEFILLIN

223 WE READ IN THE CHAPTER "THE LULAV AND THE WILLOW":

224 It was taught: each time he puts them (the Tefillin)

225 on he says the blessing (over them), according to Rabbi.

226 The Sages said: he need bless (when he puts them on)

227 in the morning only.

228 It was said that Abaye said that the halacha

229 follows Rabbi. Rava said the halacha follows the

230 Rabbis. Rav Mari, the son of bat Shmuel said: I saw

231 that Rava does not practice according to his teaching.
 232 Rather, each time he dons (the Tefillin) he says the
 233 blessing. Mar Zutra said: I have seen that each time
 234 Rav Papa puts (the Tefillin) on he says the blessing.
 235 The Rabbis of the school of Ashi--each time they touch
 236 (the Tefillin) they say the blessing.

237 It was taught: he who talks between donning the
 238 head and hand Tefillin commits a transgression (of such
 239 severity that he) returns on this account 'from the
 240 battle-lines.'

223- "WE READ . . . WILLOW"- Cost. 128- chapter 4 of tractate
 Sukkah, p. 46a.

232- 'Each time . . . blessing'- Cost. 133. Alfasi here summarizes the
 specifics of the Talmud: Each time Rava goes to the privy he re-
 moves his Tefillin. Upon exiting he redons them saying the bles-
 sing. The Halachot Gedolot and the Sheiltot feature this same
 summary.⁶⁶

Alfasi here breaks with the sequence of the Bavli to insert rele-
 vant materials on blessing the Tefillin, copying as noted from Sukkah
 46a. The Originality of Alfasi's summary (line 232) is suspect, since
 it is also found in the sources noted. Both of these sources, as well
 as Hananel are in agreement with the Alfasi.⁶⁷

Alfasi then returns to the sequence of the Bavli, copying from
 Menachot 36a (lines 237-240). It is puzzling why this statement, brought
 to reinforce the prohibition against speaking, is not quoted in the pre-
 vious section.

LINES 138-146: ORDER OF DONNING AND REMOVING

241 R. Shimon ben Lakish said: it is forbidden to
 242 forego the arm in favor of the head (i.e., to reverse
 243 the order).
 244 It was taught: when he puts the Tefillin on, he
 245 puts on the hand-Tefillah, and after this puts on the head-
 246 Tefillah. When he removes (the Tefillin), he removes
 247 the head-Tefillah, and after this the hand-Tefillah.
 248 Granted that when putting them on, the hand-Tefillah
 249 is put on first, as Scripture says: "You shall bind
 250 them as a sign upon your hand" followed by "and they
 251 shall be for frontlets between your eyes." But from
 252 what source is the order of removal learned? Rava
 253 bar Hammunah said: It was explained to me. Scripture
 254 says: "They shall be for frontlets between your eyes."
 255 As long as they are 'between your eyes (on your fore-
 256 head)' there shall be two of them (you shall wear both
 257 of them).

241-243- 'R. Shimon . . . (. . . order) '- Cost. 138-139, drawing on Yoma 33b. Zacks sees here a homoeoteleuton and would correct the text to read: "R. Shimon b. Lakish said: [we do not pass up an opportunity to perform a religious commandment. Rava said: we learn this from the teaching of R. Shimon b. Lakish]" A Homoeoteleuton seems unlikely, in that a comparatively great amount of material would have to be skipped over. Alfasi could simply be copying the specific principle.

248-249- 'Granted . . . first' - Cost. 142. Alfasi appears to have summarized the lengthier statement of the Bavli (Menachot 36a): "Granted, when he puts it on, he puts on the hand first and after this he puts on the head. . . ." The Talmud reading cited by Caro is as Alfasi.⁶⁸

251-252- 'But from . . . learned?- Cost. 144. Alfasi appears to summarize here also, condensing a lengthier statement as above (lines 248-249). The Talmud reading cited by Caro is as Alfasi.

Here, too, Alfasi inserts material from a different tractate, in this case from Yoma 33b, which is relevant to the topic under discussion. He then returns to the sequence of material as found in the Bavli.

The Halachot Gedolot quotes the Bavli (as Zacks would have us read the Alfasi) of R. Shimon b. Lakish's statement, followed by the statement of order (lines 244-247).⁶⁹ The Sheiltot copies the Bavli.⁷⁰ The Halachot Ketuvot and M. Tefillin both specify the order for donning and removing the Tefillin as we have it here.⁷¹ By implication, the Halachot Pesukot and the Hilchot R'eu specify the order of donning as we have it.⁷² Hananel specifies the order as found here.⁷³

LINES 146-147: THE FITNESS OF THE TEFILLIN AS A PAIR

258 The absence of or defect in the hand-Tefillah does
259 not affect the necessity of the head-Tefillah, and the
260 absence of or defect in the head-Tefillah does not
261 affect the hand-Tefillah.

Alfasi here inserts material from later on in Menachot (Mishna IV:1, 38a, elaborated on p. 44a) which is relevant to the topic under discussion. In copying the Mishna he follows the internal flow of the brief elaboration, which finds the formulation of the Mishna to be correct. This mishna is also found in M. Tefillin as the statement of the law.⁷⁴

LINES 147-155: THE TIME OF WEARING THE TEFILLIN

262 The Rabbis taught: when does one say the blessing
 263 over the Tefillin? At the time they are put on. If a
 264 man wants to go on a journey, he puts them (the Tefillin)
 265 on and when the (proper) time arrives, he touches them
 266 and (says the) blessing.

267 Until when are they worn? Until the setting of
 268 the sun. Rabbi Ya'akov said: until the foot ceases
 269 from the marketplace (until the marketplace closes).
 270 The Sages say: until the time of going to sleep. But
 271 the Sages agree with Rabbi Akiva that if he removed
 272 them to go into a privy, and the (sun) set, he does not
 273 put them on again. Rav Nahman said: the halacha is
 274 according to Rabbi Ya'akov. There are those who say
 275 that Rav Nahman said: the halacha is not according
 276 to Rabbi Ya'akov.

263- 'go on a journey'- Cost. 149. Bavli adds: 'and is fearful that he might lose them.'

271- 'R. Akiva'- Cost. 152. MS and Bavli: R. Ya'akov.

272- 'to go into a privy'- Cost. 153. Bavli reads: 'to go to a privy or enter a bath house.' Alfasi reads as Caro's citation of the Bavli.

272- '(sun)'- Cost. 153. Bavli reads sun explicitly. The correction is suggested by Zacks.

274- '. . . according to Rabbi Ya'akov'- Cost. 154. Bavli continues here: "Rav Hisda and Rabbah bar Rav Huna prayed in them (the Tefillin) at night." See below.

In the Bavli, Menachot 36a-b, the reported practice of Rav Hisda and Rabbah bar Rav Huna (see note on line 274 above) leads into a discus-

sion of whether or not night and the Shabbat are a proper time for wearing Tefillin. Alfasi separates the discussion into its two component parts, following the Bavli in which the transition does not lead to the final formulation of the law. The discussion continues through the following four sections.

The Halachot Ketzuvot states that night is a proper time for wearing Tefillin. The practice is reported of leaving the Tefillin on during the evening service until one reaches the end of the second paragraph following the Sh'ma. They are then removed and held in the hand until the Amidah is concluded.⁷⁶ A similar practice is reported in a marginal gloss found in the Halachot Gedolot.⁷⁷ In M. Tefillin it states that the Tefillin are to be worn from morning until evening, and that if one sleeps during the day, he need not remove them. If one must don them before the proper time, the practice is as in Alfasi (lines 262-265).⁷⁸ Implicit in the Sheiltot's discussion on removing the Tefillin near nightfall is the understanding that night is not the proper time for wearing Tefillin.⁷⁹

LINES 156-165: THE TIME OF WEARING TEFILLIN: SHABBAT AND HOLY DAYS

277 It was taught: "You shall keep this law at its
278 set time (from day to day [year to year])"--'day' and not
279 the nights, 'from this day' and not all of the days,
280 excludes the Shabbats and Holy days, according to
281 Rabbi Yose Ha-Galili. Rabbi Ya'akov said: this verse
282 was not stated except in regard to the Passover alone,
283 for Rabbi Akiva holds that night is (also) the time for
284 Tefillin, but the Shabbat and Holy days are not the

285 time for Tefillin. This is derived from the following
 286 verse, as it is taught that Rabbi Akiva said: one
 287 might think that a man dons Tefillin on Shabbats and
 288 Holy days: Scripture therefore says: "It shall be a
 289 sign," which excludes the Shabbat and Holy days, which
 290 are themselves a sign.

277-278- "You shall . . . (. . . year)"- Cost. 156-157: Ex. 13:10.

281- 'Rabbi Ya'akov'- Cost. 159. MS and Bavli: Rabbi Akiva.

284-285- 'but . . . Tefillin'- Cost. 161. This appears to be an addition⁸⁰
 by Alfasi, though it is found in Caro's citation of the Bavli.

288-289- "It shall be a sign"- Ex. 13:16. In the Bavli this is followed
 by: "those which require a sign."

The Halachot Gedolot copies the Bavli, reading as the Alfasi, lines
 286-290 (Cost. 162-165).⁸¹ In M. Tefillin it is stated that the Tefillin
 may be carried within one's house on Shabbat, and that if found outside
 may be brought in, two pairs at a time, thus indicating that the Tefillin
 are not normally to be worn on Shabbat.⁸²

LINES 165-170: WEARING TEFFILIN AT THE ONSET OF THE SHABBAT OR YOM TOV

291 WE READ IN THE FIRST CHAPTER OF TRACTATE YOM TOV:
 292 if a man was travelling (coming on the road/returning
 293 from a journey) with his Tefillin on his head and the
 294 sun set upon him, he places his hand upon them until he
 295 reaches his home. If he was sitting in the Bet Ha-
 296 Midrash, with the Tefillin on his head, and the Holy Day
 297 (or Shabbat) was sanctified (began), he places his hand
 298 upon them until he reaches his home. If there is a

299 house close to the wall wherein they are guarded, he
300 places them there.

291- 'WE READ . . . YOM TOV':- Cost. 165- the first chapter of tractate Betza, p. 15a.

Alfasi here breaks with the sequence of the Bavli to insert relevant material from the tractate Betza. Lines 291-298 are copied directly from Betza 15a. Lines 298-300 are abstracted from an alternative formulation which follows directly in the Talmud text. In M. Tefillin it is stated that if a man were sitting in the academy and forgot to remove his Tefillin, he should cover it with his hair and proceed home-ward. If this is not possible, he should enter the nearest house and there remove his Tefillin.⁸³

LINES 171-182: THE STATUS OF THE COMMANDMENT OF TEFILLIN;
GUARDING THE TEFILLIN-TEFILLIN AT NIGHT

301 Rabbi Elazar said: he who dons Tefillin after the
302 sun has set transgresses a positive commandment, for he
303 believes that the term 'be on guard' used with a positive
304 commandment yields a positive commandment, and that 'be
305 on guard' used with a negative commandment yields a
306 negative commandment. Rabbi Yochanan says: he transgresses
307 a negative commandment, for he believes that 'be on guard'
308 even if used with a positive commandment yields a negative
309 commandment.

310 Rabbi Elazar (also) said: if it is to guard them, it
311 is permitted (to wear them at night). Ravina said: I was

312 sitting before Rav Ashi, and he slept without removing his
 313 Tefillin. They said to him: does the master require that
 314 they be guarded? He said: 'yes,' and I saw that it was
 315 not his intention to guard them. Rather, he held that this
 316 (his behavior reflected/is) the law, but we do not teach
 317 this, AND THE PRACTICE IS ACCORDING TO RAV ASHI.
 318 AND WHEN IS THE TIME OF DONNING THEM? From when he can
 319 see his friend at a distance of four cubits and recognize
 320 him, AS IT SAYS IN THE CHAPTER "FROM WHEN": (the proper
 321 time for donning) the Tefillin is as (stated by) the
 322 'others'; the (proper time for) reciting the SH'MA is as
 323 (practiced by) the VATIKIN.

301-309- Cost. 171-175: regarding the attribution of the reasoning see below.

312- 'he slept without removing'- Cost. 176. In the Bavli: 'the sun set and he donned Tefillin.' The MS reads as variants of the Bavli: 'the sun set and he did not remove them.'

320- 'FROM WHEN'- Cost. 181- chapter 1 of tractate Berachot, p. 9b.

Alfasi here returns to the sequence of the Bavli, Menachot 36b. The reasoning given for Rabbi Elazar's and Rabbi Yochanan's opinions (lines 301-309) is as found in the Bavli, though there they are arrived at after other possible reasoning is rejected. Alfasi integrates the conclusion of the Gemara into his text, eliminating the material which is rejected by the Talmud itself. He also specifies the law as it emerges from the text (line 317, Cost. 179). The readings of the Bavli cited by Caro closely resemble the Alfasi.⁸⁴

The Halachot Gedolot and the Halachot Ketuvot both state that night

is a proper time for Tefillin, but that this is not taught.⁸⁵ See the notes to lines 147-155, above.

LINES 183-187: TOUCHING THE TEFILLIN

324 Rabbah bar bar Hana said: a man is obliged to touch
325 his Tefillin from time to time, which is learned by
326 inference from the 'front plate' of the high priest. If
327 of this plate, which has the name of God written on it
328 but once, the Torah says: "It shall always be upon his
329 forehead" -meaning that his mind shall not be diverted
330 from it- how much the more so of the Tefillin, which
331 contain the name of God many times.

328-329- "It shall . . . forehead"- Cost. 185-186- Ex. 28:36.

330- 'how much the more so'- Cost. 187: ולא כל שכן . MS and
Bavli: על אחת כמה וכמה.

331- 'name of God many times'- Cost. 187: כמה אזכרות.
Bavli: אזכרות הרבה.

The Halachot Gedolot quotes this teaching, giving the reasoning (lines 329-330) but not the Biblical proof (lines 328-329).⁸⁶ In the Sheiltot it is quoted completely.⁸⁷

LINES 187-214: PLACEMENT OF THE TEFILLIN ON THE HAND AND HEAD

332 The Rabbis taught: "Upon your hand"- this means the
333 left hand. You say it is the left. Perhaps it means the
334 right hand. Scripture says: "Yea, my hand has laid
335 the foundation of the earth, and my right hand has spread

336 out the heavens." Scripture also says: "With her hand she
 337 took the tent-stake, with her right hand the workman's
 338 hammer." Rav Ashi said: "YADCHAH" (written as it is
 339 indicates) the weaker hand.

340 The Rabbis taught: a left handed person puts the
 341 Tefillin on his right (hand/arm) which is as the left.
 342 (But) it is taught: he puts it on his left arm, which is
 343 as the left of all men. Abaye said: this last teaching
 344 was taught with reference to one who is ambidextrous.

345 It was taught in (of) the school of Menashe: "Upon
 346 your hand"- this is the upper part of the arm (the biceps).
 347 "Between your eyes"- this is the summit (vertex) of the
 348 skull. Where is this? The school of R. Yannai said: the
 349 place where the brain of a baby is seen to beat (the
 350 pulse at the soft spot on the skull).

351 The master said (above): "Upon your hand" refers to
 352 the upper part of the arm. From where is this learned?
 353 As the Rabbis taught: "Upon your hand"- this is the upper
 354 part of the arm. You say it is the upper part of the arm.
 355 Perhaps it means 'on the hand' literally. The Torah
 356 says: You shall wear Tefillin on the hand (and you shall
 357 wear Tefillin on the head). Just as that of the head is
 358 worn at the highest point, so also for that of the arm.
 359 Rabbi Eliezer said that this is not necessary, for Scripture
 360 says: "It will be a sign for you"- and not a sign for
 361 others. Rabbi Yitzchak said: Scripture (says): "Upon your
 362 hearts . . . and you shall bind them"- (thus) the binding

363 shall be opposite your heart. Rabbi Hiyya bar Rav
 364 determined exactly and placed it towards his heart.
 365 Rav Ashi saw of Amemar, that there was a hole in
 366 (his Tefillin) on his hand, and that he saw (the parchment).
 367 He said to him: does the master not hold that 'it shall
 368 be a sign for you' and not for others? He said: (they
 369 are worn) in a place where they are a sign for you (yourself).
 370 The master said: "Between your eyes"- this is the
 371 summit of the head. From where is this learned? As the
 372 Rabbis said: "Between your eyes"- this is the high point
 373 of the head. You say it is the high point of the head.
 374 Perhaps it means 'between your eyes' literally. Scripture
 375 says here: "Between your eyes" and it says elsewhere:
 376 "Between your eyes for the dead." Just as there it refers
 377 to the high point of the head, the place which can be
 378 shaven bald, here, too, it refers to the high point of the
 379 head.

332, 345-6, 347, 353, 360, 361-2: "Upon your hand" and
 "Between your eyes"-

"It shall be as a sign upon your hand and as a memorial
 between your eyes." - Ex. 13:9.

". . . it shall be as a sign upon your hand and as a frontlet
 between your eyes." - Ex. 13:16.

"You shall bind them as a sign upon your hand, and they
 shall be as a frontlet between your eyes." - Deut. 6:8.

"You shall place these words upon your heart and soul,
 and you shall bind them as a sign upon your hand and
 they shall be as frontlets between your eyes." - Deut. 11:18.

334-335- "Yea, my hand . . . the heavens"- Cost. 189 - Isa. 48:13.

336-337- "With her . . . workman's hammer"- Cost. 190 - Jud. 5:26.

338- "YADCHAH"- Cost. 191 - Ex. 13:16.

376- "Between your eyes for the dead"- Cost. 212 - Deut. 14:1

343- 'Abaye said'- Cost. 193. Lacking in the MS.

352- 'From where is this learned?'- Cost. 197: מנא הני מילי.
Bavli: מנלן.

356-357- '(and you . . . the head)'- Cost. 220. Zacks suggests this correction. This is the reading of the MS.

365-366- 'there was a hole'- Cost. 206: ציריא. MS: צירא. 88
The paraphrase here is in accord with all of the commentators.
The MS reading suggests a more likely meaning (צירא from
the root צרר - to bind or tie): Amemar tied the Tefillin
on to the back of his hand.

370-371- 'The master said . . . summit of the head'- Cost. 208-209.
Bavli: 'The high point.'

Alfasi here deals with four basic, interrelated issues with regard to wearing the Tefillin: the proper hand for a right-handed person, the proper hand for a left-handed person, placement on the arm, and placement on the head, drawing on Menachot 36b-37b.

In the discussion of which is the proper hand for a right-handed person to wear his Tefillin, Alfasi quotes the Biblical proofs accepted in the Bavli, and eliminates a discussion concerning a man with only the stump of an arm. Following the discussion of placement on the head in the Bavli (here line 350) is a 'ma'aseh,' which Alfasi does not copy, asking after one who has two heads. Following the discussion of proofs for placement of the Tefillin on the head in the Bavli (here line 379) is a proof which attempts to eliminate the possibility of placing the Tefillin 'between the eyes' literally, which Alfasi does not copy.

With the conclusion of this section, Alfasi completes the sequence

of material found in the tractate Menachot. What follows is drawn from various Talmudic sources.

The first major topic in Sheilta #47 is the placement of the Tefillin, and thus most of the material found there is as here.⁸⁹ There, however, the discussion of placement on the proper part of the arm precedes the discussion of which arm the Tefillin should be placed on. In the Halachot Gedolot the teachings of the schools of Menashe and Yannai (lines 345-350, Cost. 194-196) and the teachings of Rabbis Yitzchak and Hiyya (lines 361-364), Cost. 204-206) are quoted. This is followed by a brief statement that "Between the eyes" refers to the high point of the head, and the "Upon your hand" refers to the high point on the arm.⁹⁰ In M. Tefillin it is specified that the Tefillin are to be placed on the upper part of the arm and head, and certain proofs are quoted.⁹¹ In the Halachot Ketuvot it is stated that the head-Tefillah is to be tied in that spot where a baby's brain is seen to pulse, and that the hand-Tefillah is to be tied on the left arm.⁹²

LINES 214-223: CARRYING ON THE HEAD WHILE WEARING TEFILLIN

380 WE READ IN THE CHAPTER "ONE WHO RECEIVES": (that)
 381 it is taught: the man who carries a burden on his head
 382 while wearing his head-Tefillah, if his Tefillah is
 383 crushed (compressed), it is forbidden; if not, it is
 384 permitted. Of what (weight) burden did they speak? Of a
 385 burden of four quarts.
 386 Rav Hiyya taught: he who brings out manure (foliage
 387 waste/compost) on his head while wearing his head-
 388 Tefillah shall not move (them) it to the side nor tie them

389 on the hand, for this is to treat them disrespectfully.
 390 Rather, he shall tie it on his arm at the proper place
 391 for wearing Tefillin.

392 In the name of Rav Shila they said: even their (the
 393 Tefillin's) wrapping may not be worn on the head while
 394 wearing the Tefillin. And how much is this (in weight)?
 395 Abaye said: a fourth of a 'Pumbeditan fourth.'

380- 'WE READ . . . RECEIVES'- Cost. 214-215- chapter 9 of tractate
 Baba Metzia, p. 105b.

389- 'on the hand'- Cost. 219. MS and Bavli: במתניו - on his
 cord (strap/belt).

392- 'Rav Shila'- Cost. 220. Bavli: 'the school of Shila.'

Alfasi here begins to draw together the material on Tefillin found
 in other tractates, covering topics not considered in the sequence of
 material in Menachot. The "fourth of a 'Pumbeditan' fourth" is defined
 by Rashi as a quarter of a pound. This teaching is quoted, as found
 here, in the Halachot Gedolot.⁹³

LINES 223-255: PROPER BEHAVIOR WITH REGARD TO A PRIVY

396 WE READ IN CHAPTER "HE WHOSE DEAD LIES BEFORE HIM":
 397 the question was asked: (what is the law in regard to) a
 398 man who enters a regular privy to urinate while wearing
 399 his Tefillin? Do we suspect that he will 'ease himself'
 400 (and therefore should have removed them) or not? Ravina
 401 permits (the wearing of Tefillin); Rav Ashi bar Matna
 402 prohibits. They brought this question before Rava. He

403 said it is prohibited, and that a restriction was estab-
 404 lished lest he 'ease himself' while wearing them.

405 The Rabbis taught: he who enters a privy removes his
 406 Tefillin at a distance of four cubits and enters. When
 407 he exits (the privy) he removes the Tefillin to a distance
 408 of four cubits and dons them again, this according to Bet
 409 Shammai. Bet Hillel says: he holds them in his hand and
 410 enters. Rabbi Akiva says: he holds them in his garment
 411 and enters. 'In his garment' you might say?! He might
 412 forget (err) and drop them (cast them down). Rather say:
 413 he (Rabbi Akiva) holds them in his garment and (even) in
 414 his hand and enters. And he shall not place them (in holes
 415 near the public way, rather) in holes near the privy, lest
 416 a passerby take them and he may come to be suspected (as
 417 is illustrated by) the case: a student placed his Tefillin
 418 in the holes near the public way, and a prostitute came
 419 and took them. She said to them (his colleagues/teachers):
 420 see what he gave me for my fee! When the student heard
 421 this, he went up on the roof and fell and died. At that
 422 time they established that they (the Tefillin) shall be
 423 held in his garment and in his hand.

424 Rav Miyasha, the son of Rabbi Joshua ben Levi said:
 425 It is the law that he rolls them up like a Torah scroll
 426 and holds them in his right hand opposite his heart.

427 Rabbi Yosef bar Minyomi said that Rav Nahman said
 428 this (teaching) only that the strap not stick out (project)

429 from his hand a hand's breadth.

430 Rav Ya'akov bar Aha said that Rav Zeira said: during
431 the day (when he removes them) he rolls them up as a
432 Torah scroll. At night he makes a pouch (bag) (the width
433 of a) hand's breadth, and places them (the Tefillin) in it.

434 Rabbah bar Rav Hana said that Rabbi Yochanan said: this
435 was not taught except that he places them in a specially
436 made receptacle, but if it is not an especially made
437 receptacle, even smaller than a hand's breadth (in size
438 is acceptable).

439 (Further), things which they permitted in a regular
440 (established) privy, they forbade in a temporary privy.
441 For what reason? In a regular privy, where there is no
442 splashing, they permitted. In a temporary privy, where
443 there is splashing, they forbade.

444 WE READ IN THE CHAPTER "NO MEAT MAY BE COOKED WITH
445 MILK": Rav Yehudah said: he who suffers from an intestinal
446 disorder is exempt from the (requirement of wearing)
447 Tefillin.

396- 'WE READ . . . " . . . HIM"'- Cost. 223-224- chapter 3 of the tractate Berachot, p. 23a.

399-400- 'Do we . . . not'- Cost. 225-226- appears to be a restatement of a longer formulation found in the Bavli.

403-404- 'a restriction was established'- Cost. 228. Lacking in the Bavli.

406- 'four cubits . . . '- Cost. 229. The Bavli adds: and places them in the window near the public way. The Alfasi to Berachot reads as Alfasi here.⁹⁴

- 411-412- 'He might forget . . . (. . . down).'- Cost. 223: משחלי ושאדי
להו Bavli: מישחלי להו ונפלי.
- 415- 'near the privy'- Cost. 235. MS: 'the public way.' Zacks suggests the homoeoteleuton which is here corrected.
- 419- '(his colleagues/teachers) &- Cost. 238. Bavli: 'the study house.' Alfasi to Berachot: 'the Sages.'
- 420- 'my fee'- Cost. 239: בשכרי . Bavli: באחוני.
- 425- 'a Torah scroll'- Cost. 242. So, too, the Alfasi to Berachot. Bavli: 'Torah' lacking.⁹⁵
- 430- 'Rav Ya'akov . . . Rav Zeira'- Cost. 245. Bavli and the Alfasi to Berachot: 'Rabbah bar Hana said that R. Yochanan said':
- 434-435- 'this was not taught'- Cost. 282. Zacks here suspects an homoeoteleuton and would correct the text to read: this was not taught [except if there is time left in the day to redon them. But, if there is not time left in the day to redon them, he makes a pouch the width of a hand's breadth and places them there. Abaye said: this was not taught]. The Alfasi to Berachot reads as this correction.
- 439- 'Further'- Cost. 250- Berachot 23b.
- 444-445- 'WE READ . . .'. . . MILK"- Cost. 254- chapter 8 of tractate Hullin, p. 110a.

Alfasi here (lines 396-443, Cost. 223-253) abstracts from Berachot 23a-b the material on proper behavior with regard to entering and exiting a privy. In abstracting this material, Alfasi eliminates the details on a temporary privy, though he quotes it in his treatment of the tractate Berachot.⁹⁶ Indeed, parts of this treatment appear to be summaries of his treatment in the original location.⁹⁷ The teaching abstracted in lines 439-443 (Cost. 250-253) refers back to the difference between Bet Shammai and Bet Hillel (see the note to line 406). Bet Shammai requires that the Tefillin be left at a distance of four cubits. Bet Hillel allows them to be carried into the privy. This teaching restricts Bet Hillel's permission to entering a regular privy. Other material is also

omitted, mainly restatements or examples which are not needed to illustrate the halacha. The reference from tractate Hullin (lines 444-447, Cost. 254-255) to one who suffers an intestinal disorder is connected here in that the disorder is understood to require frequent visits to the privy.

Most of the post-Talmudic sources treat this topic. Hananel states that the reason for not entering a regular privy while wearing Tefillin, even to urinate, is on account of the 'SHIN' stamped on the sides of the (head-) Tefillah, which is a law given to Moses at Sinai.⁹⁸

The Halachot Gedolot copies from the Talmud, corresponding to Alfasi, lines 405-414 (Cost. 228-234) and 424-429 (Cost. 241-245).⁹⁹ In the Halachot Pesukot it is stated that a man may enter a privy if he has removed his Tefillin, this if he holds them in his (garment?).¹⁰⁰ The basic requirement that the Tefillin be removed at a distance of four cubits from a privy is given in M. Tefillin, along with other rules of personal practice.¹⁰¹

This behavior with regard to a privy, here discussed, is one of the major topics of Sheilta #48, and much material found here is there also.¹⁰² Quoted there, however, is much material from the Bavli not quoted by Alfasi, and leading to a different formulation of the halacha.¹⁰³ There a distinction is made between wearing the head-Tefillah while urinating (permitted) and wearing it while "easing" oneself (prohibited). Since it is prohibited to wear the head-Tefillah while "easing" oneself, it may be held in the hand, while it is required that when urinating, if the head-Tefillah is not worn, it must be put in a bag before taking it into the privy.

LINES 256-270: PERSONAL PRACTICES WITH THE TEFILLIN

448 It was taught: it is forbidden to have sexual relations
 449 in a room where there is a Torah scroll or Tefillin until
 450 they are removed, or until they are placed in a receptacle
 451 (vessel) in (another) receptacle. Abaye said: this was
 452 not taught except that he place them in a receptacle
 453 not intended for them, but if the receptacle is intended
 454 for them, even ten receptacles are as one. Rava said: a
 455 cloak (wrapper/cloth) of (on) a box is as a receptacle in
 456 a receptacle.

457 The Rabbis taught: a man should not hold Tefillin in
 458 his hand, or a Torah scroll in his arms, while reciting
 459 the Tefillah. He should not urinate while wearing them,
 460 nor sleep in them either a regular sleep or a nap.

461 Rav Yannai said: Tefillin require a pure body, as
 462 Elisha, "the man of wings." What does that mean? Abaye
 463 said: that he not pass wind while wearing them. Rava said:
 464 that he not sleep in them.

465 Rav Yitzchak said: he who enters a regular (full) meal
 466 removes his Tefillin and enters. This disagrees with a
 467 teaching of Hiyya bar Abba, who said: he places them on
 468 the table, and thus, it (they) honor him. And until when
 469 does he (leave them off)? Rav Nahman bar Yitzchak said:
 470 until the (time of) grace.

448-456- topic is sexual relations- Cost. 256-261. Taken from Berachot
 25b-26a.

- 448- 'It was taught'- Cost. 256: (Zacks edition). This appears to be a copying error by Zacks, as I see here א"ן , which is also found in the MS and the Alfasi to Berachot.¹⁰⁴
- 453- 'not intended . . . is intended'- Cost. 258-259. In the MS these two specifications are reversed.
- 455- 'cloak (wrapper/cloth)'- Cost. 260: אקמטרא . MS and the Alfasi to Berachot read as the Bavli: אקמטרא .¹⁰⁵
- 457-460- 'The Rabbis . . . nap'- Cost. 261-264- taken from Berachot 23b.
- 461-464- 'Rav Yannai . . . them'- Cost. 264-266- taken from either Shabbat 49a or Shabbat 130a, and not noted by Alfasi.
- 467- 'bar Abba'- Cost. 268. So, too, the Alfasi to Berachot.¹⁰⁶
Lacking in the Bavli.

This section on personal practice has been separated from the previous section to facilitate the comparison of sources. In reality, all the material in the previous section, this section, and the following sections are included in Alfasi's citation of the third chapter of tractate Berachot, with the exception of two interpolations, lines 444-445 and 461-464 (both noted).

Many of the sources discuss the topics here covered. The requirement that the Tefillin be placed in a vessel inside another vessel when having sexual relations (as lines 448-451, Cost. 256-258) is found in the Halachot Gedolot.¹⁰⁷ In the Halachot Pesukot it is stated that a man may wrap the Tefillin bag (containing the Tefillin) in another wrapping (not a Tefillin wrapping) and place it under his head, even if his wife is with him.¹⁰⁸ The requirements for the Tefillin when having sexual relations is the other major theme of Sheilta # 48, and Alfasi's quotation of the Bavli is found there. A more elaborate discussion develops in which the requirements of storage (as here) are connected with the requirements for placing them under one's pillow at night.¹⁰⁹

The prohibition against sleeping is not elaborated on in the Bavli or in the Alfasi, even though an earlier reference was made to a scholar having slept in his Tefillin.¹¹⁰ In M. Tefillin it is found to be permissible to nap during the day without removing the Tefillin.¹¹¹ Hananel has a comment on the example of Elisha as having a pure body, stating that the halacha is according to Rava.¹¹² Hananel also comments on the final point about removing the Tefillin, stating that the halacha follows R. Hiyya.¹¹³

LINES 270-275: WRAPPING THE TEFILLIN

471 Rav Hisda said: this cloth (turban/scarf) which has
472 been designated for wrapping the Tefillin, and the
473 Tefillin have been wrapped in it, it is prohibited to
474 wrap money in it. If he has designated it, but not
475 wrapped with it, or wrapped with it without designating
476 it, it is permissible to wrap money in it. WHAT IS THE
477 REASON? DESIGNATION IS (NOT) EFFECTIVE, AND THIS IS THE
478 LAW.

474- 'money'- Cost. 272: '111 . So, too, Alfasi to Berachot.¹¹⁴
Bavli: 'DWD.

477- '(not) '- Cost. 274- lacks this. The MS and the Alfasi to Berachot both read as this correction.

This section is also taken from chapter 3 of Berachot, p. 23b. In the Bavli, Abaye is quoted to the effect that designation is effective, and thus if one designated a cloth to be a Tefillin wrapping, even if it was not actually used for this purpose, it could not be used for

ordinary purposes. Alfasi thus follows the internal decision of the Talmud.¹¹⁵

LINES 275-289: STORAGE OF THE TEFILLIN

479 Rav Yosef bar Nehunya asked of Rav Yehudah: what is
480 the law with regard to a man placing the Tefillin under
481 his head (while sleeping)? I do not ask about placing
482 them under his feet since this, being disrespectful, is
483 forbidden. Rather, I am asking about placing them under
484 the head- what is the law? He (Rav Yehuda) said to him
485 (R. Yosef): thus said Shmuel: it is permitted, and even
486 if his wife is with him, and this is the law. What is
487 the reason? To guard them is more important.

488 And where shall he place them? Jeremiah said: between
489 the mattress and the pillow, not opposite his head. (Rav
490 Hammuna, the son of Rav Yosef said: one day I was standing
491 before Rava, and he said to me, 'go and bring me [my]
492 Tefillin' and I went and found them between the mattress
493 and the pillow, not opposite [the place] of his head)
494 and I knew that this day (his wife) went (to the ritual
495 bath) for immersion. Thus, he wished to teach us a
496 practical matter.

497 Rav Hanina said: I saw that Rabbi hung his Tefillin
498 up. An objection was raised: he who hangs up his Tefillin
499 hangs up his life. The DORSHE HOMROT said: "Your life
500 will 'hang before you' precariously"- this refers to the
501 one who hangs up his Tefillin. (This is discussed) and

502 it is concluded that when Rabbi hung them up, he hung them
 503 in their bag. But it is forbidden to hang the Tefillin
 504 themselves, whether by the strap or by the box.

482-483- 'being disrespectful, is forbidden'- Cost. 227. So, too, the
 Alfasi to Berachot.¹¹⁶ Bavli reads: 'this is to behave towards
 them disrespectfully.'

489-493- '(Rav Hammuna . . . head)'- Cost. 282. Zacks sees here an
 homoeoteleuton and would correct the text. The MS reads as this
 correction.

499-500- "Your life . . . precariously"- Cost. 286- Deut. 28:66.

502- 'It is concluded'- Cost. 287: נאמן . Alfasi to Berachot:
 נאמן .¹¹⁷

In the Bavli (Berachot 23b-24a) Shmuel's statement permitting the
 placing of the Tefillin under one's head, even when one's wife is with
 him, is sustained. Nonetheless the halacha as stated in the Bavli is
 according to Shmuel for the reason stated. The Sheiltot and the
Halachot Gedolot both quote the complete discussion including the con-
 clusion as reached in the Bavli.¹¹⁸

Following immediately in the Bavli (Berachot 24a) is the discus-
 sion of where the Tefillin are to be placed. Jeremiah's teaching is
 followed in the Bavli by some alternative formulations, which are not
 copied, since the "ma'aseh" of Rav Hammuna confirms that the halacha is
 according to Jeremiah.¹¹⁹ In both the Sheiltot and the Halachot Gedolot
 the discussion is quoted completely.¹²⁰ Hananel, in a comment encompass-
 ing both this and the previous section, states that the Tefillin are
 to be placed between the pillow and cover, even if sexual relations are
 to be had.¹²¹

The final section, on hanging the Tefillin, is taken from Berachot

24a. Alfasi's conclusion (lines 501-504, Cost. 286-289) is a paraphrase of the Bavli, where it is an alternative interpretation leading to the conclusion that the Tefillin may be hung in their bag, therefore not requiring that the bag sit on some other object (such as a Torah scroll). This is not quoted in any of the post-Talmudic sources.

LINES 290-300: THE NECESSITY AND REWARD OF WEARING TEFILLIN

505 Ulla said: anyone who recites the Sh'ma while not
506 wearing Tefillin, it is as if he has testified falsely
507 about himself, and Rav Hiyya bar Abba said that Rabbi
508 Yochanan said: it is as if he offers a thanksgiving
509 offering without a meal offering, a sacrifice without a
510 libation offering.

511 Rav Sheshet said: anyone who does not put on Tefillin
512 transgresses eight positive commandments, and anyone who
513 does not have fringes on his garment transgresses five
514 positive commandments, and any (priest) who does not come
515 up to bless the people transgresses three positive
516 commandments (as the Torah says): "Thus shall you bless,"
517 "Say to them," "Place my name," and anyone who has no
518 mezuzah on his door transgresses two positive commandments.

519 Rabbi Shimon ben Lakish said: all who don Tefillin
520 extend their days, as Scripture says: "Upon them God shall
521 live."

505-510- 'Ulla . . . offering'- Cost. 290-293. Taken from chapter 2 of tractate Berachot, p. 14a.

511-521- 'Rav Sheshet . . . live'- Cost. 293-300. Taken from chapter 4 of Menachot, pp. 44a-b.

508-509- 'thanksgiving offering'- Cost. 292: תורה . Soo, too, in the Alfasi to Berachot.¹²² Bavli: עולה 'burnt offering

514- '(priest)'- Cost. 295 lacks as does Menachot 44a-b. It is found in a parallel passage, Sotah 38b, where the teaching is attributed to R. Joshua b. Levi.

516-517- "Thus . . ." "Say . . ." "Place . . ."- Cost. 296-297: Num. 6:23-27. These biblical quotes, lacking in Menachot, are found in the parallel.

520-521- "Upon them God shall live"- Cost. 299-300: Isa. 38:16.

Alfasi closes his essay on Tefillin with an emphasis on the importance of observing the commandment to wear the Tefillin. Both M. Tefillin and the Halachot Gedolot end similarly. In the Halachot Gedolot the conclusion is as here, lines 511-521 (Cost. 293-300)¹²³ M. Tefillin closes with the same theme as is found here, but does not utilize any of the same material.¹²⁴

MATERIAL ON TEFILLIN NOT FOUND IN THE ESSAY

Alfasi's essay on Tefillin deals with most of the material available on the laws of Tefillin. There are, however, aspects of the laws of Tefillin not found in the essay, which are noted elsewhere in Alfasi's code. Other items are lacking completely. These are here reviewed.

DETAILS OF CONSTRUCTION

The details of construction of the Tefillin are not included in Alfasi's essay, nor are they found elsewhere in his code. These details are not found in the Bavli, though they are found in the Halachot Ketuvot, and are the main topic of Hai Gaon's essay.¹²⁵

EXEMPTIONS FROM WEARING THE TEFILLIN

In the Alfasi to Berachot, chapter 3, it is specified that women, minors, and slaves are exempted from wearing Tefillin.¹²⁶ In the Alfasi to Sukkah and in the Hilchot Zizit, it states that if a minor knows how to don the Tefillin, his father is to buy them for him.¹²⁷ This is also found in M. Tefillin.¹²⁸

The exemption from wearing Tefillin for mourners is found in the Alfasi to Berachot.¹²⁹ In M. Tefillin additional note is made of the exemption granted to those who carry the funeral bier.¹³⁰

SCRIBAL LAWS AND EXAMINATION OF THE TEFILLIN

The specific requirements for writing the Tefillin are not found in the essay, and thus it must be presumed that the material found in the essay on writing of a Torah scroll, detailing scribal practices (making of the ink, its color and durability, details of the letters and script) are meant to apply here also.¹³¹ In the essay on the Mezuzah, it is specified that the Tefillin may be written without the use of guide-

lines on the parchment, and that only the inner side of an animal skin may be used to make the parchment on which the Scriptural portions are written. Additionally, the Tefillin may be written from memory.¹³² In the Halachot Gedolot it is specified that if the Tefillin become faded, the parchment may not be used in a mezuzh.¹³³

Finally, in the Vilna edition it is specified that the Tefillin can be examined, but are bought only from an expert, while in the Zacks edition it states that Tefillin and Mezuzot, which can be examined, may be bought anywhere.¹³⁴ In M. Tefillin it is specified that the Tefillin are to be bought only from an expert, and that if no expert can be found, the purchaser should open them and examine them.¹³⁵

CONCLUSION AND SUGGESTIONS FOR FURTHER INQUIRY

The analysis of Alfasi's essay on Tefillin confirms the generalization that the Babylonian Talmud is the primary literary source used by Alfasi. In numerous instances the halachic conclusions are also based on the internal conclusions found in the Bavli. However, as has been noted, there are instances where the halacha is not clearly specified. Tchernowitz's generalizations about the literary nature of the code are for the most part confirmed. Alfasi's code may be favorably compared with the Halachot Gedolot as what may be termed a "stringer" code--the material from the source (the Bavli) is strung together. The order of material in the essay follows the order of material in the source, with interruptions occurring only to insert material that is relevant. Material is eliminated when it does not figure in the conclusion or affect the outcome of a discussion. Additionally, the omission of material is itself a statement of the halacha.

Numerous references have been noted to the variant practices found in the Geonic halacha, only one of which is addressed by Alfasi. None of the scholarship on Alfasi suggested that M. Tefillin was one of the sources used by Alfasi, and the many variant practices there reported suggest that, indeed, this work is not among the sources used by Alfasi. Additionally, the Halachot Ketsuvot is not specified as a source used by Alfasi, although it is thought to be of the same genre of work as the Halachot Pesukot and Hilchot R'eu. Again, the number of variant practices suggests that this work was not used by Alfasi. In both cases, the variants found are of such nature that to overlook them would not be sensible.

Thus it should be concluded that Alfasi did not use them.

That two sources which were not mentioned by Alfasi or by the scholarship on Alfasi prove not to have been used by him is of note. More important are those variant practices found in the sources which Alfasi specifically names in his code or in his other writings. For the most part, agreement between Alfasi and a Geonic code is not remarkable in that the material found in both sources is taken directly from the Bavli. Many references have been noted to details found in the Halachot Pesukot, the Hilchot R'eu, and the writings of Hai Gaon, which are not noted or commentated upon by Alfasi. Additionally, contrary halachic practices are reported which Alfasi does not discuss, with the sole exception of his citation of the Halachot Gedolot on the number of blessings. This suggests that either these works were not known by Alfasi in the form that we have them, or that they simply were not put to use. If this latter proposition is assumed, then Alfasi should be viewed as an extremely independent scholar, and additional research is called for to clarify his relationship with the entire Geonic strata of halachic literature. It may be hypothesized that the sole reference to the Halachot Gedolot is the result of some stimuli, perhaps an inquiry which quoted the Halachot Gedolot to him.

Further study should proceed along several lines. First would be the analysis of other parts of Alfasi's code as has been done here, so as to have a larger base from which to test the specifics of the scholarly generalizations. Second would be to compare the halachic conclusions with the many innovations made during the Geonic period, collections of which are available. Thirdly, an investigation into the relationship between Alfasi's responsa and his code is called for. Finally, the relationship between Alfasi and the later authorities should be investi-

gated in detail, not only to clarify textual traditions, but with special attention given to those works which stand in opposition to Alfasi, and the sources used by those works.

APPENDIX

הלכות תפילין

- 1 ארבע פרסיות של תפלין מעכבות זו את
זו ואפילו כתב אחד מעכבן, פשיט, אם רב
יהודה אם רב לא נצרכה אלא לקוצו של יד,
הא נמי פשיטא, לא נצרכה אלא להא דאמי רב
יהודה כל אות שאין גויל מקיף לה מארבע
דוחותיה פסולה. תנו רבנן לטטפת לטטפת
לעקיבא אומי אינו צריך, טט בגדפי שחים פת
באפריקי שחים. תנו רבנן יכול יכתבם על ארבעה
עורות ויניחם בארבע בתים. ח"ל וכו', וכו',
אחד אמרתי לך ולא שנים ושלשה, הא כיצד
כוחבן על ארבעה עורות ומניחן בארבע בתים
בעור אחד, ואם כתבן בעור אחד הגיחון בארבע
בתים בעור אחד יצא, וצריך ליתן ריוח ביניהם
דברי ר', וחכמים אומרי אין צריך, ושני שנותן
משיחה וחוט בין כל אחד ואחד, ואם אין חריצן
ניכר פסולות. תנו רבנן כיצד כותבן, תפלה של
- 18 יד כותבה על עור אחד ומניחה בבית אחד בעור
אחד, ואם כתבן על ארבע עורות ומניחן בבית
אחד בעור אחד יצא, וצריך לדבק, שנא' והיה
לך לאות, כשם שאות אחת בחוץ כך אות אחת
מבפנים דברי ר' יהודה, ר' יוסי אומי אינו צריך,
אמי ר' יוסי מודה לי ר' יהודה בר' שאם אין לו
תפילין של יד ויש לו שחים של ראש שטולה
עור על אחת מהן ומניחן, מודה היינו פלוגתיהו,
אמי רבא מדברי ר' יוסי חזר בו ר' יהודה, טולה
היא אמרת שלח ר' חנינא משום ר' יוחנן תפלה
של ראש אין עושין אותה כל יד, ושל יד עושין
אותה של ראש, לפי שאין מורידין מקדושה חמורה
לקדושה קלה, הכא במאי עסקינן בחדתא, ולמאן
דאמי הזמנה מילתא היא דאתני עלה מעיקרא.
תנו רבנן ציפן זהב או שטלה עליהן עור
בהמה טמאה פסולות, עור בהמה טהורה כשרה,
ואע"פ שלא עיבדו לשמה, רשב"ג אף עור

המוזה מוכן ואילך חייב, אבל הסוכר בית בא"י עושה
מוזה לאלתר משום ישוב דא"י. וראה להלן בהלכות
ציצית ובהערה 30.

- 1 מנחות לה, א. 2 גיב אבר רב (כ"ח). 3 שם
עמר ב. 4 לפנינו: בכחפיי, וכיה בדיח.
5 שמות י"ג ט' (ולוכרון בין עיגרי). 6 שם.
7 לפנינו: חנניה. 8 שם מב, ב.

48 ראה בתמי יומא יא, א ד"ה יכול. 49 דברים
יא כ"א. 50 ג, א. 51 לפנינו: מונוות,
וכן הגיה הבית. 52 לפנינו: קסדורי, וכיה בדיח.
53 בים קב, א. 54 שם קא, ב. 55 לפנינו:
רב מרשיא. 56 מנחות מו, א. ושם הלכות:
אמר רב יהודה טלית שאולה כל שלשים יום פסורה
מן הציצית מוכן ואילך חייבת תניא נמי הכי הור בפונדקי
בא"י. והסוכר בית בחויל כל שלשים יום פסור מן

הלכות תפילין

- 35 בהמה טהורה פסולות עד שיעבדנו לשמן, תני רב חיינא בר רבא מפשרניא ספר תורה תפילין ומוזוות שכתבן מין ישרף, וחני חד יגנו, מסור⁹ עבד כותי אשה גוי קטן ישראל משומד פסולין, שני¹¹ וקשרתם וככתבם, כל שיטנו בקשירה ישנו בכתיבה, וכל שאינו בקשירה אינו בכתיבה. גרסי¹² בפר' שמנה שרצים¹³ חנו רבנן כותבין תפילין על גבי עור בהמה טהורה ועל גבי עור חיה טהורה ועל גבי נבלות וטרפ' שלהן, ונכרכות בשערן ונחפרות בגידן, והלכה למשה מסיני שהחפלין נכרכות בשערן ונחפרות בגידן, אבל אין כותבין לא על גבי עור בהמה טמאה ולא על גבי עור חיה טמאה ואין צריך לומר נבלות וטרפות שלהן, ואין נכרכות בשערן ואין נחפרות בגידן.
- 50 חנו¹⁴ רבנן כיצד סודרן, קדש והיה כי יביאך מימין, שמע היה אם שמע משמאל, והתניא איפכא, אמר אביי לא קשיא כאן לימין הקורא כאן לימין המניח. אמ' רב חננאל אמ' רב החליף פרושיותיה פסולות. אמר אביי לא אמרן אלא¹⁵ גואתא לברייא וברייא לגואתא, אבל גואתא לגואתא וברייא לברייא לית לן בה, וליתה לדאביי, אלא לא שנה הכי ולא שנה הכי פסולה. אמר רב חננאל אמ' רב האי תיתורא דתפילי הלכה למשה מסיני, אמ' אביי האי מעברתא דתפילי ושינ של תפילין הלכה למשה מסיני, וצריך שיגיע חרץ למקום ההתפר¹⁶, ורב דימי מנהרדעא אמ' כיון דמינכר תו לא צריך, אמ' אביי האי קילפא צריך למבדקיה, דילמא אית בה ריעותא ובעינן כתיבה תמה וליכא, ורב דימי מנהרדעא אמ' קולמסא בדיק לה. אמר ר' יצחק רצועות שחורות הלכה למשה מסיני, והא תני תפילין אין קושרין אותן אלא במיגן, בין לבנות בין ירקות בין שחורות, אדומות לא יעשה משום
- 69 גנאי ודבר אחר, מכפנים היא, אבל מבחוץ שחורות ותו לא, מאי גנאי ודבר אחר מבפנים איכא, זימנין דמתהפכא. תנא תפילין מרובעות הלכה למשה מסיני, אמר רבה¹⁷ בתפרין ובאלכסנון, לימא תנינא להא דתנן¹⁸ העיצה תפילתו עגולה סכנה ואין בה מצוה, אמ' רב פפא כי תנן במתניתין¹⁹ דעבידא כי אמגוזא. אמ' רב הונא תפילין כל זמן שפני טבלן קיימת כשרה, ורב חסדא אמ' נפסקו שתיים כשרה, שלש פסולה, אמר רבא הא דאמ' מר שתיים כשרה לא אמרן אלא זו שלא כנגד זו, אבל זו כנגד זו פסולה וזו כנגד זו ושלש²⁰ פסולות לא אמרן אלא בעתיקתא אבל בחדתתא לית לן בה²¹, אמ' ליה אביי לרב יוסף היכי דמי עתיקתא והיכי דמי חדתתא, אמ' ליה כל היכא דכי מתלית²² בשילתא אלים²³ חדתתא ואידך עתיקתא²⁴.
- 85 אביי²⁵ הוה קאי²⁶ קמיה דרב יוסף איפסיקא ליה רצועה דתפילין, אמר ליה מהו למקטריה, אמ' ליה וקשרתם שתהא קשירה תמה, א"ל רב אחא בריה דרב יוסף לרב אשי מהו למתפרי ועיולי תפריה לגין, אמ' ליה פוק חוי מאי עמא דבר, אמ' רב פפי²⁷ גרדומי רצועה כשרין, ולא היא, מדאמרי בני חייא²⁸ גרדומי תכלת כשרין ולא גרדומי²⁹ אוב כשרין, התם דתשמישי מצוה אבל הכא דתשמישי קדושה לא, מכלל דאית ליה שיעורא, וכמה שיעורא, אמ' ראמי בר חמא אמ' ר' שמעון בן לקיש עד אצבע צרדה, רב כהנא מחוי כפוף, רב אשי מחוי פכוס, רב קציר ליה ופשיט ליה שרי ליה³⁰, רב אחא בר יעקב קטר ליה ומתלית ליה, מר בריה דרבנא עביד כדידן. ופותייה דרצועה כדאורכה דשעורה³¹. אמ' רב יהודה בר רב שמואל³² משמיה דרב קטר של תפילין הלכה למשה מסיני, אמ' רב נחמן בר יצחק³³ ונזיהן לבר, רב אשי הוה יתיב קמיה

9-מין-גנאי ליתא לפנינו, ועיין חרושי אנ"ש. 10 לפנינו (במקום מסורי). דצוקי. 11 דברים ר' ח-ט. 12 שבת קת, א. 13 מנחות לה, ב. 14 שם לה, א. 15 ז"ל: "חרץ למקום התפר", וכיה בדיח. 16 לפנינו: "רב פפא, ובדיח" רבא, וכיה במגילה כה, א. 17 ז"ל: "דחט רבנן, וכיה בדיח". 18 בדיח: "במתניי, וז"ל: "תני במתניא". 19 לפנינו ליתא. ושלש. 20 לפנינו הגרסא הפוכה: "לא אמרן אלא בחדתתא אבל בעתיקתא לית לן בה". 21 בדיח: "מתילא". 22 ז"ל, "הדר חלים, וכיה בדיח". 23 לפנינו והגרסא הפוכה: "כל היכא כי מתילי ביה בשלחא והדר חלים עתיקתא ואידך חדתתא". ועיין בשטמ"ק שם. 24 שם עמ' ב. 25 לפנינו: "יחבי". 26 לפנינו: "פפא". 27 ז"ל: "ר' חייא", וכיה בדיח. 28 לפנינו: "וגרדומי", וכיה בדיח. 29 בדיח: "רב קטר ליה ופשיט ליה שרי ליה", ולפנינו בגמ': "רבה קטר להו ופשיט ושד להו". 30 ופותייה-דשעורה ליתא בגמ', ומדברי רבנו הוא. 31 לפנינו נוסף: "בר שילת". 32 לפנינו ליתא. בר יצחק.

הלכות הרי"ף

- 103 דרב חוטרא³³, אתהפיקא ליה רצועה דתפילין, אמ' ליה לא סבר מר ונוייהן לבר, אמ' ליה לאו אדעתאי, וראו כל עמי הארץ כי שם ד' נקרא עליך³⁴ תנא ר' אליעז' הגדול אר' אלו תפילין של ראש, וחסירותי את כפי וגו'³⁵ אמ' רב חנא בר בינא אמ' ר' שמעון חסידא מלמד סהראה לו הקב"ה למשה קשר של תפילין, אמ' ר' יעקב³⁶ אמ' רב יהודה קשר של תפילין צריך שתא למעלה, שיהו ישראל למעלה, וצריך להיות כלפי פנים, שיהו ישראל לפנים. אמ' רב שמואל בר ברוהי³⁷ אמ' רב ואמרי לה אמ' רב אחא אריכא אמר רב הונא ואמרי לה אמ' רב מנשיא בר ירמיה³⁸ אמ' שמואל כל המצות מברך עליהן עובר לעשייתן, אביי ורבא דאמרי תרויהו משעת הנחה עד שעת קשירה. אמ' רב³⁹ רבה בר חייה בר רב הונא אמ' רב חסדא שח בין תפילה לתפילה חזור ומברך, שח אין לא שח לא, והאמ' רב חייה⁴⁰ משמיה דר' יוחנן על תפלה של יד הוא אר' ברוך אשר קדשנו במצותיו וצונו להניח תפילין, על ראש הוא אר' אשר קדשנו במצותיו וצונו במצות⁴¹ תפילין. אביי ורבא דאמרי תרויהו לא שח מברך אחת שח מברך שתיים, וכן הלכתא⁴², וחזינא בהלכות גדולות בהא מילת' סעוהא, והלכת' כדכתבינן דלא מברך שתיים אלא היכא דשה, אבל לא שח אינו מברך אלא אחת. גרסי בפרק לולב וערבה⁴³ תנא תפילין כל זמן שמניח מברך עליהן דברי ר', וחכמים אומרי אינו מברך אלא שחרית בלבד, איתמ' אביי אמ' הלכה כרבי, רבא אמ' הלכה כרבנן, אמ' רב מארי ברה דבת שמואל חזינא ליה לרבא דלא עביד כשעתי, אלא כל אימת דמנח מברך, אמ' מר זוטרא חזינא ליה לרב פפי דכל אימת דמנח מברך, רבנן דבי רב אשי כל אימת דממשמי ביה מברכי.
- 104 תנא⁴⁴ שח בין תפילי לחפלה עבירה היא וחזור עליה מעורכי המלחמה. אמ' ר' שמעון בן לקיש⁴⁵ עבורי דזרעא אטוטפתא אסיר.
- 105 תנא⁴⁶ כשמניח מניח של יד ואחר כך מניח של ראש, וכשהוא חולץ חולץ של ראש ואח"כ של יד, בשלמא בהנחה של יד קודם, שנא' וקשרתם לאות על ירך הדר והיו לטטפות בין עיניך, אלא בחליצה מנא לן. אמ' רבא בר המנונא⁴⁷ אסברה לי והיו לטטפות בין עיני, כל זמן שבין עיניך יהיו שתיים. תפלה⁴⁸ של יד אינה מעכבת של ראש ושל ראש אינה מעכבת של יד. ת"ר⁴⁹ תפילין מאימתי מברך עליהן משעת הנחתן, היה רוצה לצאת לדרך מניח, וכשיגיע ומנו ממשמש ביה ומברך, ועד מתי מניחן עד שתשקע החמה, ר"ה⁵⁰ אר' עד שתכלה רגל מן השוק, וחכמי אר' עד זמן שינה, ומדרי' חכמי לר' עקיבא⁵¹ שאם חלצן ליכנס לבית הכסא ושקעה⁵² שוב אין מניחן. אמ' רב נחמן הלכה כר' יעקב, ואיכ' דאמרי אמ' רב נחמן⁵³ אין הלכה כר' יעקב.
- 106 תנא⁵⁴ ושמרת את החוקה הזאת למועדה וגו'⁵⁵ ימים ולא לילות, מימים ולא כל ימים, פרט לשבתות וימים טובים דברי ר' יוסי הגלילי, ר' יעקב⁵⁶ אר' לא נאמרה חקה זאת אלא לענין פסח בלבד, דקסבר ר' עקיב' לילה זמן תפילין, אבל שבתות וימים טובים לאו זמן תפילין, ונפקא ליה מדאי קרא, דתני' ר' עקיבא אומ' יכול יניח אדם תפילין בשבתות וימים טובים, ת"ל⁵⁷ היה לאות, יצאו שבתות וימים טובים שהן גופן אות⁵⁸. גרסי' ביום טוב פרק ראשון⁵⁹ היה בא בדרך ותפילין בראשו ושקעה עליו חמה, מניח ידיו עליהן עד שמגיע לביתו, היה יושב בבית המדרש ותפילין בראשו וקדש עליהן היום, מניח ידיו עליהן עד שמגיע לביתו, ואי איכא בית הסמך לחומה דמעטרן בגויה מנח להו התם.

כאן השמטה בטעות הדומות. לקיש—לקיש, וכ"ל: אמ' ר' שמעון בן לקיש [אין מצבירין על המצות אמר רבא שם מורי שמעון בן לקיש] עבורי וכו', וכו' בדי'.

46 מנחות לו, א. 47 דברים ר' ת. 48 לפינו: אמר רבא, רב הונא. 49 שם לה. א. 50 ר' יעקב. 51 צ"ל: יעקב, וכו' בדי' 51' ושקעה חמה — כ"ה בדי'.

52 לפינו ליתא אמר רב נחמן, ועין סטמק וגליון הנם שם. 53 שם לו, ב. 54 שמות י"ג, א. 55 צ"ל: עקיבא, וכו' בדי' 56 שם ט"ו. 57 בדי' נוסף: וכתוב כי אות היא ביני ובין בני ישראל. 58 טו, א.

33 צ"ל: זוטרא, וכו' בדי' 34 דברים כ"ח, י. 35 שמות י"ג כ"ב. 36 לפינו ליתא, אמ' ר' יעקב. 37 לפינו: בידרי. 38 לפינו ליתא, בר ירמיה. 39 מנחות לו, א. ולפינו מתחיל אמר רב חסדא וכו' ואילו אמר—הונא ליתא. 40 לפינו נוסף: בדי' דרב הונא. 41 לפינו: על מצות, וכו' בדי'.

42 בדי' נוסף כאן עפ"י דת' בזה"ל: וה"נ אשכחן בירושלמי כשהוא לובש מברך אקב"ו להניח תפילין, ושם דאנו מברך על שתיהן אלא אר' וה"נ כתב רב האי גאון וה"נ כתב רב אחא משכחא זילי. 43 סוכה מו, א. 44 יומא לג, א—ב. 45 יש

הלכות תפילין

- 171 א"י ר' אלעזר המניח תפילין משתשקע החמה עובר בעשה, קסבר השמר דעשה עשה, הסמר דלאו לאו, ר' יוחנן או' עובר בלאו, קסבר הסמר דעשה גמי לאו הוא. וא"י ר' אלעזר אם לכמרון הרי זה מותר. א"י רבינ' הוה יתיבנא קמי' דרב אשי וישן בדלא⁹⁹ סליק תפיליה, אמרו¹⁰⁰ ליה לשומרון קא בעי מר, א"י לי אין, וחזיתיה לדעתיה דלא לכמרון הוה בעי, אלא קסבר הלכה ואין מורין כן, וק"י לן כרב אשי. ומאימתי זמן הנהתו, מבדי סיראא את חבירו ברחוק ארבע אמות ויכירהו, כדא"י בפרק מאימתי¹⁰¹ לתפילין כאחרים ולקריה שמע כותיקין.
- א"י רבה בר בר חנא¹⁰² חייב אדם למשמש בתפילין בכל שעה ושעה, ק"ו מצ"י, ומה צ"י שאין כחוב אלא אוכרה אחת אמרה תורה¹⁰³ על מצחו תמיד, שלא יסיח דעתו ממנו, תפילין שיש בו כמה אוכרות לא כל שכן. תנו רבנן על דך¹⁰⁴ זה שמאל, אתה אר' שמאל או אינו אלא ימין, ת"ל¹⁰⁵ אף ידי יסדה ארץ וימיני טפחה שמים, וא"י¹⁰⁶ ידה ליתך תשלחנה וימינה להלמות עמלים, רב"י אשי א"י ידכה¹⁰⁷ זו יד כהה, ת"ר איסור מניח תפילין בימינו שהוא שמאלו, התני מניח בשמאלו שהוא שמאל כל אדם, אמר אביי כי תניא הוה בשולט בשתי ידיו. תנא דבי מנשה על דך זו קיבורת, בין עיניך זה קדקד, היכא. אמרי דבי ר' ינאי מקום שמוחו של תינוק רופס. א"י¹⁰⁸ מר על דך זו קיבורת, מנא הני מילי, דתנו רבנן על דך בגובהה של יד, אתה אומ' בגובהה של יד או אינו אלא על יד ממש, אמרה תורה הנה תפילין¹⁰⁹ ביד, מה של ראש בגובהה אף של יד בגובהה, ר' אליעזר אומ' אינו צריך, הרי הוא אומ' לך לאות, ולא לאחרים לאות ר' יצחק אומ' הרי הוא¹¹⁰ על לבבכם וקשרתם¹¹¹, שתהא קשורה כנגד הלב, ר' חייא בר רב¹¹²
- 205 מכיון ומנח לה להדי ליביה, רב אשי חזייה לאמימר דהוה ציריא בידה ומתחזא תפיליה, א"י ליה לא סבר לה מר והיה לך לאות ולא לאחרים לאות, א"י ליה כמקום לך לאות. א"י מר בין עיניך זה קדקד מנא הני מילי, דתנו רבנן בין עיניך בגובהה של ראש, אתה אר' בגובהה של ראש או אינו אלא בין עיניך ממש, נא"י כאן¹¹³ עיניכם ונא"י להלן¹¹⁴ בין עיניכם למת, מה להלן בגובהה של ראש מקום שעושה קרחה, אף כאן בגובהה של ראש. גרסי' בפרק המקבל¹¹⁵ תניא הגורסא משי על ראשו ותפילין בראשו, אם תפיליו רצוצות אסור, ואם לאו מותר, באי זה משי אמרו, במשי של ארבעת קבין, תני ר' חייא המוציא ובל על ראשו ותפילין בראשו הרי זה לא יסלקם לצדדין, ולא יקשרם בידו¹¹⁶ שהוא נהג בהן מנהג בזיון, אבל קושרם על זרועו במקום תפילין, מ"סו ר' שילא אמרו אפי' מטפחה שלהן אסור להניח על הראש שיש בו תפילין, וכמה אמר אביי ריבצא דריבצא דפום בדיתא¹¹⁷. גרסי' בפר' מי שמתו¹¹⁸ איבעיא להו אדם שיכנס¹¹⁹ בתפיליו לבית הכסא קבע לזשתין בהן מים, מי חיישינן שמא יפנה בהן או לא, רבינא שרי ורב אדא בר מתנה אסר, אתו שיללו לרבא, א"י להו אסור, גורה שמא יפנה בהן. תנו רבנן הנכנס לבית הכסא חולץ תפיליו ברחוק ארבע אמות ונכנס, וכשהוא יוצא מרחיק ארבע אמות ומניח, אלו דברי בית שמאי, ובית הלל אומר אוהן בידו ונכנס, ר' עקיבא או' אוהן בבגדו ונכנס, בבגדו סלקא דעתך, משתלי רסאדי להו, אלא אוהן בבגדו ובידו ונכנס, ולא יניחם בחורין הסמוכין לבית הכסא¹²⁰, שמא נוטלין אותו עוברי דרכים ויבא ליד חשה, ומעשה בתלמיד אחד שהניח תפיליו בחורין הסמוכין לרשות הרבים, ובאת זונה אחת ונטלתו, אמרה להן ראו מה נתן לי

אוי"י. 74 שם י"ד א'. 75 כ"ט ק"ה ב.
76 לפנינו: במתניו. 77 ב"ד נוסף כאן:
גרסינן בפרק אלו מציאות [ב"ס כס, ב] אמר שמואל
המוצא תפילין בשוק שם דמיהן ומניחן לאלתר והור
מכריו, וכן הלכתא. 78 ברכות כג, א. 79 צ"ל:
מהו שיכנס, וכ"ה ב"ד. 80 כנראה שיש כאן
השמה בטעות הדומות. הסמוכין — הסמוכין, וכצ"ל:
ולא יניחם בחורים הסמוכים [לר"ה] אלא בחורים
הסמוכים [לבית הכסא]. וב"ד: ולא יניחם בחורים
הסמוכים [לה"ה].

59 צ"ל: וחסך ולא (ב"ה ועת). 60 צ"ל
אמר, וכ"ה ב"ד. 61 ברכות ט, ב.
62 לפנינו: בר רב הונא. 63 שפות כ"ה ל"ו.
64 שמות י"ג ט. 65 ישעיה מ"ח י"ב. 66 שפטים
ה' כ"ה. 67 מנחות לו, א. 68 שמות כ"ט טו.
69 מנחות ס"ט ז' ב'. 70 יש כן השמה בטעות
הדומות, וכצ"ל: אמרה תורה הנה תפילין בראש והנה
תפילין ביד, וכ"ה ב"ד. 71 צריך להוסיף. אומר,
וכ"ה ב"ד. 72 דברים י"א י"ח. 73 לפנינו:
ר' חייא ורב אחא (בשט"ק מחק ורב אחא) בריה דרב

הלכות הרי"ף

- 239 מלוני באתנני, כיון ששמע אותו תלמיד עלה לגג
240 ונפל ומת, באותה שעה התקין⁸¹ שיהא אוהון
בבגדו ובידו ונכנס. אמ' ר' מישא בר בריה
דר יהושע בן לוי הלכה גוללן כמין ספר תורה
ואוהון בימינו כנגד לבו. אמר ר' יוסף בר מניומי
אמ' רב נחמן ובלבד שלא תהא רצועה יוצאה
245 מתחת ידו טפח. אמר רב יעקב בר אחא אמר ר'
זירא ביום גוללן כמין ספר תורה ובלילה עושה
להן כיס טפח ומניחן. אמר רבה בר בר חנא
אמ' ר' יוחנן לא שנו⁸² אלא שהניחן בכלי שהוא
כליין, אבל הניחן בכלי שאינו כליין אפי' בפחות
250 מספת. ודברים⁸³ שהתירו בבית הכסא קבע, אסרו
בב' הכס' עראי, מאי טעמ' בית הכסא קבע
דליכא ניצוצות שרי, בית הכסא עראי דאיכא
ניצוצות אסיר.
- גרסי' בפרק כל הבשר אסור לבשל בחלב⁸⁴
255 אמ' רב יהודה חולי מעיים פטורין מן התפילין.
תנא⁸⁵ בית שיש בו ס"ת או תפילין אסור לשמש
מטתו עד שיציאם או עד שיניחם כלי בתוך כלי,
אמ' אביי לא האנו אלא שהניחן בכלי שאינו
כליין, אבל בבלי שהוא כליין אפי' עשרה מאני
260 ככלי אחד דמו, אמ' רבא גלימא דקומטרא⁸⁶
ככלי בתוך כלי דמי. ת"ר⁸⁷ לא יאחז אדם תפילין
בידו וספר תורה בזרועו ויתפלל, ולא ישתין בהן
מים, ולא יישן בהן לא שינת קבע ולא שינת
עראי. אמר⁸⁸ ר' ינאי תפילין צריכין גוף נקי
265 כאלישע בעל כנפים, מאי טעמ', אמ' אביי שלא
יפח בהן, רבא אמ' שלא יישן בהן. אמ' ר'
יצחק הנכנס לסעודת קבע תולץ תפיליו ונכנס,
ופליגא דר' חייא בר אבא⁸⁹ דאמר ר' חייא בר
269 אבא⁹⁰ מניחן על השלחן וכן הדור לו, ועד אימת,
- 270 אמר רב נחמן בר יצחק עד זמן ברכה. אמ' רב
חסדא האי סודרא דאומניה למיצר ביה תפילי
וצר ביה תפילי, אסור למיצר ביה זווי, אומניה
ולא צר ביה צר ביה ולא אומניה, שרי למיצר
275 ביה זווי, מאי טעמא הומנה מילתא⁹¹ היא, וכן
הלכתא. בעא מיני' רב יוסף בר נחוניא מרב
יהודה מהו שיניח אדם תפיליו תחת מראשותיו,
תחת מרגלותיו לא קא מיבעיא לי דכיון דבזיוק
הוא אסיר, אלא כי קא מיבעיא לי תחת מראשותיו
מאי, אמ' ליה הכי אמ' שמואל מותר ואפי' אשתו
280 עמו, וכן הלכתא, מאי טעמא נטורינהו⁹² ספי
עדיף, והיכן מניחן, אמ' ירמיה בין כר לכסת
שלא כנגד ראשו, תהוה⁹³ ידענא דההוא יומא יום
טבילה הוה ולאגומין⁹⁴ הלכה למעשה הוה דבעא.
אמ' ר' חנינא אני ראיתי את ר' שתלה תפיליו.
285 מיתביב התולה תפיליו יתלו חייו, דנרשי חומרות⁹⁵
אמרו והיו חייר תלואים לך מנגד⁹⁶ זה התולה
תפיליו, ומסקנא דר' כי תלה בכסיה תלה, אבל
תפילין גופיהו אסור לתלות בין ברצועה בין
בקציעה.
- 290 אמ' עולא כל הקורא קרית שמע בלא
תפילין כאלו מעיד עדות שקר בעצמו, ור' חייא
בר אבא אמ' ר' יוחנן כאלו הקריב תודה⁹⁷ בלא
מנחה וזבח בלא נסכים. אמ' ר' ששת כל שאינו
מניח תפילין עובר בשמונה עשה, וכל שאין לו
295 ציצית בבגדו עובר בחמשה עשה, וכל שאינו
עולה לדוכן עובר בשלושה עשה, כה תברכו אמור
להם ושמו את שמי⁹⁸, וכל שאין לו מזוזה בפתחו
עובר בשנים עשה. אמ' ר' שמעון בן לקיש כל
המניח תפילין מאריך ימים, שנאמר⁹⁹ ד' עליהם
300 יחיו.

וכיה בדיח. ועיין היטב בדברי רבנו ברכות שם.
90 ברכות כד, א. 91 חסר כאן בספות הווסות
ראשו — ראשו, וכצ"ל. ראשו נאמר רב המנוגא בריה
דרב יוסף יומא חד הוה קאימא קמיה דרבא, וא"ל זיל
אייית לי תפילין ואתאי ואשכחינהו בין כר לכסת שלא
כנגד ראשון והוה וכו'. וכיה בדיח. 92 צ"ל:
ולאגומין. 93 בדיח: "חמורות", וכיה לפנינו.
94 דברים כ"ח ס"ו. 95 ברכות יד, ב. 96 לפנינו
צולה, וראה בהערות לפרק ראשון של ברכות.
97 מנחות מד, א. 98 במדבר ר' כ"ג — כ"ז.
99 ישעיה ל"ח ט"ו.

81 לפנינו: התקינו, וכן גירסא בדיח ובדברי
רבנו בפרק מי שמתו. 82 יש כאן חסרון
בספיקא הווסות. לא שנו — לא שנו — וכצ"ל:
לא שנו [אלא שיש שהות ביום כדי ללבושן, אבל אין
שהות ביום כדי ללבושן עושה להם כיס טפח ומניחן,
אמר אביי לא שנו] וכו'. וראה בדברי רבנו כ"י מי
שמתו, ובהערות שם. 83 ראה ברכות שם עמ' ב.
84 חולין ק"א. 85 ברכות כה, ב. 86 לפנינו:
אקמטרא, וכיה בדיח. 87 שבת מט, א.
88 כיה בדברי רבנו ברכות שם, ועיין בהערות שם,
ולפנינו ליתא. בר אבא. 89 צ"ל: לאו מילתא,

NOTES AND BIBLIOGRAPHY

NOTES TO INTRODUCTION

¹Rabbi Isaac ben Jacob, hereafter referred to as "Alfasi," "the Alfasi" or "the Rif." On the Halachot Ketannot section of Alfasi's code, see below.

²See the discussion of "The Constantinople Edition of 1509" below.

³Chaim Tchernowitz's essay "Ha-Alfasi u-Bet Midrasho (The Alfasi and His School)" is found on pp. 131-166 of Vol. I of his Toledot Ha-Poskim (New York, 1946). It includes a discussion of those who composed works in reaction to the Rif's code, both in support and opposition to him. Supplementary to this is an essay, "Hashlama v'Tosafot la Rif (Supplements and Additions to the Rif)" on those works which use the Alfasi code as a basis for their own work.

⁴Benedikt's review appears in the journal Kirjath Sepher, Vol. 25 (1948-49), pp. 164-176. It is followed by articles on Rabbenu Efraim's supplements to the Rif (K. S., Vol. 26, 1950, pp. 322-338; a note on the birth place and priestly status of the Rif (K. S., Vol. 27, 1951, p. 119f.; an article on works based on the Rif (K. S., Vol. 28, 1952-53, pp. 210-232).

In a footnote to his article on Rabbenu Efraim's supplement to the Rif (p. 326, #28), which appeared the year after Benedikt's review of Tchernowitz's work, Benedikt says the following:

Here and there various scholars have dealt with aspects of the Rif's approach, especially with his 'omissions.' However, they have not yet dealt with the methodology in the Rif's approach, which he used in the composition of his code. On the principles of the Rif's method and approach, for example: the method of presentation, quotation, reasoning, deliberation, expansion. . . I will discuss (with the help of heaven, in a special article on 'The Rif and His Teachings/School (Ha-Rif u-Bet Mishnato):' This lack of knowledge of the Rif's approach leads at times to various errors.

⁵Shaul Sheffer (Shaul Schaffer), Ha-Rif u'Mishnato (The Rif and His Teachings), (Jerusalem, 1966/5727).

⁶B. M. Lewin, "The Metivot and the Rif" in the journal Alummah (1935), pp. 105-113. Lewin also discusses the Rif in his introduction to the Sefer Metivot, which we see in the body of the text.

⁷Mordechai Margolioth (Margulies), Hilchot Ha-Nagid (Jerusalem, 1962), pp. 40-43. It must be noted, for the sake of clarity, that this scholar's name is given in a variety of English spellings: Margulies, Margoliouth, Margolioth and Margaliot.

⁸Shraga Abramson, Rav Nissim Gaon (Jerusalem, 1965/5725), pp. 214-222.

⁹Azriel Hildesheimer, Sefer Halachot Gedolot (Jerusalem, 1971), see the Introduction, pp. 15-50.

NOTES TO PART I

¹Sheffer, pp. 8-9. Benedikt, K. S. 27 (1951), p. 119. Salo W. Baron, A Social and Religious History of the Jews, VI, (Philadelphia, 1958), p. 84.

²Tchernowitz, p. 131 and Sheffer, p. 8. Sheffer identifies his sources here as primarily medieval savants.

³Benedikt, K. S. 25, p. 170 (Col. II, No. B. 1). Alfasi's use of works by these two scholars will be discussed in the treatment of sources.

⁴Sheffer, p. 8.

⁵Sheffer, p. 27, note 1.

⁶Ibid.

⁷Benedikt, K. S. 25 (1948-49), pp. 168-169, quotes a responsum by Alfasi found in the Zikaron le-Rishonim, No. 4 (Berlin, 5647). Sheffer's chapter on the "later editions and revisions" of the Alfasi (pp. 79-88) repeats Benedikt for the most part.

⁸Benedikt speaks of the RAMBAN being able to consult an edition corrected by the Rif himself. Baron, History, VI, p. 368 (note 97) speaks of the RAMBAN "gleefully (reporting) that he had been able to consult a copy written in Cordova in 1123, that is only twenty years after the author's death." Sheffer, pp. 80-82, summarizes the evidence that the RAMBAN had before him at least four tractates (Yevamot, Ketubot, Gitin, and Baba Batra) corrected by the Rif himself.

⁹Shamma Friedman, "Preface" to the JTS Manuscript Rab. 692 (New York, 196), p. 31. See especially notes 1-3.

¹⁰Encyclopedia Judaica, 2, Col. 602.

¹¹Encyclopedia Judaica, 2, Col. 602, and Sheffer p. 113.

¹²Encyclopedia Judaica, 2, Col. 602.

¹³Friedman, "Preface" p. 31-32.

¹⁴Nissim Zacks, Hilchot Rav Ha-Alfas, (Jerusalem, 1969).

¹⁵Friedman, "Introduction" to JTS MS Rab. 692, p. 34.

¹⁶Friedman, "Introduction" pp. 36-38 details the order, referring to the Meiri as found in the introduction to the Bet Ha-Behirah to Ta'anit, p. 9. Sheffer points out, p. 110, especially note 14, that the printers included specific instructions as to the order of the text for the benefit of the binders, and this to no avail! We actually have two separate orders created by the binders. Zacks used as his base text (evidently) the Constantinople edition found in the library of the Mosad Ha-Rav Kook, which order differs from the prescribed order, even omitting Tractate Avodah Zarah.

¹⁷In Tchernowitz's words, p. 133: "It would have been better to arrange these lengthy excurses at the end of the tractates (in which they are found), or in a separate work entirely, so as not to disturb the even style of this work." Four such lengthy excurses written in Arabic are in fact appended, three at the end of M. Ketubot, and one at the end of M. Shevuot. See Boaz Cohen, "Three Arabic Halachic Discussions of Alfasi" in JQR, No. 19 (1928-29)pp. 335-410, in which he discusses the Ketubot excurses, and refers to a previous study of the excurses to Shevuot. On sources or provocations to these comments, see the discussion on various of the post-Talmudic sources.

¹⁸In his essay, Tchernowitz lists the three major orders and the Tractate Berachot, plus the Halachot Ketannot, evidently forgetting Hullin. He notes that the laws of Niddah are attached to the second chapter of Shevuot, by association of topics.

¹⁹Tchernowitz notes, for example, that Alfasi omits chapters five through nine of Pesachim which deal with the Paschal sacrifice, and all but the last chapter of Yoma. Sheffer lists supplemental to this the second chapter of Rosh Ha-Shanah, the fifth chapter of Sukkah, and the second chapter of Sanhedrin. It should be noted that for these reasons the tractates Shekalim, Hagiga, Nedarim, Nazir, Sotah, and Horayot are not found in Alfasi's work.

²⁰Alfasi will often note ("As I have explained at length" or "As I have written in Tractate . . .") these relocations.

²¹Tchernowitz's example is taken from the Alfasi, Sanhedrin 16b. He gives a second reference to Shabbat 134, which happens to be the page in the Talmud, the Alfasi to which is found on p. 56a.

²²Benedikt, in his review article (K.S. 25, p. 173, Col. II) notes a supposed contradiction, which is in reality two different, contrasting statements: Tchernowitz's just mentioned, and Tchernowitz's report of the RAMBAN'S reply to the RAZAH. It does pose a problem in that the RAMBAN reports that the Alfasi "corrected" his Talmud text, while Tchernowitz says the opposite, without giving his source beyond the quotation. Benedikt does not, however, deal with the polemic nature and veracity of the RAMBAN'S statement.

²³Tchernowitz notes that Alfasi follows the pattern of the Geonim in his treatment of the Yerushalmi. He speculates further that had the Alfasi (or Rashi) written his composition based on the Yerushalmi, it would have secured for this Talmud a place of not less importance than that of the Bavli, and that the Rif's relegation of the Yerushalmi to the status of a secondary work sealed its fate.

Benedikt, in his review essay (pp. 174, Col. I), cites another supposed contradiction, which is in this case also Tchernowitz's presentation of various of the Rishonim as they criticize or defend the Rif for, or by means of the use of the Yerushalmi.

Sheffer's treatment of the Rif's use of the Yerushalmi largely duplicates Tchernowitz (even as to some of his examples) with the infusion of more recent scholarly works, not properly acknowledged.

²⁴B. M. Lewin, "The Metivot and the Rif," Alumamah (1935), pp. 103-113. Consistent with Tchernowitz's observation, Lewin posits that the Rif will most often disagree with the Metivot when its halacha is based on the Yerushalmi in opposition to the Bavli.

²⁵Shraga Abramson, Rav Nissim Gaon (Jerusalem, 1965), pp. 214-222.

²⁶Mordechai Margolioth (Margulies), Hilchot Ha-Nagid. The relationship of the Rif and the Nagid will be discussed separately.

²⁷P. 62, Col. I of the Zacks edition.

²⁸Sheffer, pp. 53-56 and 120-174.

²⁹Sheffer, p. 59, demonstrates that the Rif makes use of that version of the Halachot Gedolot which contains the names of Geonim who lived after Simon Kayyara.

³⁰Encyclopedia Judaica, "Halachot Gedolot," 7, pp. 1167-1170. The Hildesheimer edition was published in Berlin, 1888-92. The "earlier" version is usually numbered Halachot Gedolot 1, the "later" Halachot Gedolot 2.

³¹Salo W. Baron, History, VI, pp. 81-82. See especially note 90.

³²Azriel Hildesheimer, Sefer Halachot Gedolot (Jerusalem, 1971), Introduction pp. 15-45.

³³Thus adding confusion of labels to the problem of identification.

³⁴Hildesheimer, "Introduction," pp. 22-24.

³⁵Sheffer, p. 58. He there refers to a later page (130) in his book, where the discussion from M. Shabbat is brought in "full." In an interesting footnote to this discussion (330) he cites an "ancient Alfasi" reading: "The author of the Halachot Gedolot and Pesukot."

³⁶Encyclopedia Judaica, "Halachot Pesukot," 7, Col. 1171; the article is attributed to Mordechai Margolioth.

³⁷Solomon Sasoon, Halachot Pesukot of Yehudai Gaon (Jerusalem, 1950), pp. 9-16.

³⁸Sasoon, pp. 18-19. The Hilchot R'eu was published from an Oxford manuscript by A. L. Schlossberg (Versailles, 1886). See Margoliot's comments on this work in his article cited in note 41.

³⁹Hildesheimer, pp. 28-45.

⁴⁰Encyclopedia Judaica, "Halachot Pesukot," 7, pp. 1167-1170.

⁴¹Meyer Waxman, A History of Jewish Literature (New York, 1960) describes Mueller's Halachot Pesukot as a collection of 185 Geonic responsa ranging through all matters of religious law. Unfortunately, after this volume was identified and located through the good offices of the Library, but before I was able to check it out and make a photocopy, this volume was removed from the shelf, and I have been unable to locate it. Should it become available, it will be included in this study. As of now, it is not.

⁴²Mordechai Margoliot, Halachoth Ketzubot (Jerusalem, 1942).

⁴³Sheffer, pp. 57-58. In a footnote to this third example, Sheffer indicates the location in the She'iltot on which Alfasi is drawing. He fails to acknowledge that the editor of the critical edition (see note 48) has preceded him in this insight.

⁴⁴Samuel K. Mirsky, Sheeltot d'Rav Ahai Gaon (Jerusalem, 1963).

⁴⁵Noted in Sheffer, pp. 63-64.

⁴⁶Sheffer, pp. 64-73.

⁴⁷Cited in Abramson, Rav Nissim Gaon, p. 214.

⁴⁸B. M. Lewin, "The Metivot and the Rif" in the journal Alummah (itself edited by Lewin), pp. 105-113. Lewin also uses this article to supplement and correct his publication of the Metivot. Most important is his identification of the "ancient Metivot" (Metivot Ha-Yashan/Metivot Atikta), in correction to his article, as being within the genre of the Sefer Ha-Ma'asim. Consequently, Lewin identifies a long quotation found in the Alfasi as coming from the "ancient Metivot."

⁴⁹B. M. Lewin, "Introduction to the Sefer Hefez to the Talmud," pp. xxix-xlvi, and "Fragments of the Sefer Hefez to the Talmud," pp. 119-133 in the Sefer Metivot (Jerusalem, 1933).

⁵⁰Moshe Zucker, "New Fragments from the Sefer Ha-Mitzvot of R. Hefez ben Yazliah" (Hebrew), Proceedings of the American Academy for Jewish Research, XXIX, (1960-61), pp. 1-68. See especially Zucker's comments, pp. 5-8.

⁵¹Ben Zion Halper, A Volume of the Book of Precepts by Hefes B. Yasliah (Tel Aviv, 5732). This reprint of the original includes Halper's work, Zucker's articles, and a note by Simcha Assaf.

⁵²Mordechai Margolioth, Hilchot Ha-Nagid (Jerusalem, 5722).

⁵³Margolioth, pp. 13-14.

⁵⁴Margolioth, p. 40.

⁵⁵Tsvi Groner, Rav Hai Gaon - Darcho b'Halacha (Rav Hai Gaon--His Halachic Methodology), (Submitted to the Senate of the Hebrew University in May 1974; English edition to be published by Brill), p. 252. My thanks to Drs. Groner and Wacholder for having made this dissertation available to me.

⁵⁶Tchernowitz, Toledot, p. 142.

⁵⁷Sheffer, pp. 61-63.

⁵⁸The fragments are found in Ginze Kedem, Vol. 3, pp. 73-75, Vol. 4, p. 10, and in the Otzar Ha Geonim to Sanhedrin (edited by Taubes), sections 1071-1081.

⁵⁹Encyclopedia Judaica, "Tefillin," 15, p. 903.

⁶⁰Michael Higger, Seven Minor Treatises (New York, 1930). The minor tractate Tefillin (also known as Massechet Tefillin, abbreviate in our text as M. Tefillin) is found on pp. 42-49 of the Hebrew section, pp. 24-30 of the English.

NOTES TO PART II

¹Hilchot Mezuza, p. 57 of Zacks edition.

²See Rashi and the Tosafot to Menachot 29a.

³Nimmuke Yosef to Hilchot Tefillin. The quality of parchment is discussed in lines 116-120 (58-65 of the Cost. text).

⁴M. Tefillin, halacha 2, lines 5-8, drawing in part on the Yerushalmi Megillah, chapter 1, p. 71, col. 3.

⁵Rashi and the Tosafot to the Bavli, and the Rosh and Nimmuke Yosef on the Alfes, all represent the varying views as to the spelling. The full range of exegesis on these biblical verses is discussed in the scholarly commentary to the Mechilta Bo Pasha 17, p. 66.

⁶Halachot Gedolot lines 7-9: Halachot Ketzuvot, halachot 1 and 2, lines 1-15, M. Tefillin halacha 9, lines 27-29, Hai Gaon, pp. 73 and 75.

- ⁷Halachot Ketuvot, halachot 1 and 2, lines 1-15.
- ⁸M. Tefillin, halacha 9, lines 27-29.
- ⁹Hai Gaon, pp. 73 and 75.
- ¹⁰Halachot Gedolot, lines 38-40.
- ¹¹Halachot Ketuvot, halacha 10, lines 36-37.
- ¹²M. Tefillin, halacha 9, lines 28-31. Mueller points out the parallel between this formulation and that found in the Mechilta d' R. Shimon, Bo (on Ex. 13:9) p. 40, lines 13-15 of the Epstein-Melamed edition.
- ¹³Halachot Gedolot, lines 44-49.
- ¹⁴Halachot Pesukot, lines 21-23.
- ¹⁵Hananel, Shabbat 108a.
- ¹⁶Hananel, Shabbat 28b.
- ¹⁷M. Tefillin, halacha 1, lines 2-4.
- ¹⁸Hai Gaon, p. 73.
- ¹⁹L. I. Rabinowitz, in his Encyclopedia Judaica article on "Tefillin" (15, col. 898-904) cites evidence (col. 904) from Tefillin discovered at the Dead Sea that indicate that the dispute between Rashi and Rabbenu Tam goes back to first century times. The only thing which need be questioned is the accuracy of the dating itself.
- ²⁰The analysis of the Talmud text, as has been carried on by scholars who have dealt with this problem, leads to interesting insights. The Tosafot (34b), quoting R. Yosef Tov Elem, bring Rabbenu Tam's explanation: the phrase "read in order" is a summary of the baraita and does not specifically refer to the order as written.
- ²¹Rabinowitz, in his E. J. article (col. 904) speaks of a head-Tefillah, probably of Qumran origin, acquired by Yadin. Among other interesting details noted is the fact that the inner Scriptural sections (Ex. 11:13-16 and Deut. 6:4-9) of this Tefillah were switched as is permitted by Abaye's ruling.
- ²²Quoted in the Kesef Mishne to Hilchot Tefillin 3:5. The RAMBAM's response also confirms that the order specified by Alfasi is as R. Tam.
- ²³Halachot Gedolot, lines 7-9.
- ²⁴Hananel is quoted in the Tosafot, Menachot 34b (section: "The reader"); in the Rosh to Hilchot Tefillin; in the Or Zarua, section 1, #558, from where it is quoted by Taubes. Otzar Ha-Geonim to Sanhedrin, #1071.

²⁵Quoted in the Rosh to Hilchot Tefillin.

²⁶Hilchot Tefillin of Hai Gaon, Ginze Kedem III, pp. 72-75. On p. 73 the order reads as we find it in the Alfasi. P. 75, paralleled by the Ittur (Tefillin, section I, part 3), explicitly states the order as that of Rashi.

²⁷Hai is quoted in the Rosh to Hilchot Tefillin.

²⁸M. Tefillin, halacha 9, lines 27-28.

²⁹Halachot Pesukot, p. 38, lines 8-9. Hilchot R'eu, p. 32.

³⁰The Tosafot to Bavli 35a (cited uner "SHIN"), quoting the Shimmusha Rabbah.

³¹Halachot Gedolot, lines 9-11.

³²Hilchot R'eu, p. 31. Hananel (Shabbat 28b) refers to the "SHIN" of Tefillin, apparently quoting incompletely from a parallel reference to this occurrence.

³³Hai Gaon, pp. 72-74.

³⁴Halachot Ketzuvot, halacha 8, line 29; halacha 10-11, lines 40-41.

³⁵See lines 1-8 (1-6 of Cost. text) and the commentary thereon.

³⁶M. Tefillin, halacha 2, lines 5-8, drawing on Yerushalmi Megillah, chapter 1, p. 71c.

³⁷Hananel, Shabbat 28b. Halachot Gedolot, lines 11-12. Halachot Pesukot, line 24. Hilchot R'eu, p. 31. The Halachot Ketzuvot, halacha 8, line 29, specifies that the strap of the head-Tefillah is to be black; halacha 12, lines 44-45 states that the black straps are a law given to Moses at Sinai.

³⁸M. Tefillin, halacha 8, lines 22-23. The translation is by Mueller, p. 25.

³⁹Much work has been done by Epstein and Lieberman on the significance of this reference system. See J. N. Epstein Mavo le-Nusach ha-Mishna (Tel Aviv, 5724) and S. Lieberman Tosafot Rishonim (Jerusalem, 1938).

⁴⁰Hananel to Megillah 24b.

⁴¹Halachot Gedolot, line 12. Halachot Pesukot, line 23. Hilchot R'eu, p. 31.

⁴²M. Tefillin, halacha 13, line 49.

⁴³Halachot Ketzuvot, halacha 8, line 28; halacha 10, lines 35-36; halacha 12, lines 43-44.

⁴⁴From the Greek: . My thanks to Prof. Wacholder for his assistance in researching this matter.

⁴⁵Hai Gaon, pp. 74-75.

⁴⁶Diduke Soferim to Menachot 35a.

⁴⁷See the Rashi and the Rosh to this section, as well as the Nimmuke Yosef to the Alfasi.

⁴⁸Halachot Pesukot, p. 38, line 13. Hilchot R'eu. Caro, in the Kesef Mishne to Hilchot Tefillin III: 18, points out that the RAMBAM, who formulates the halacha along the lines of the Halachot Pesukot and Hilchot R'eu, bases himself on the same text as is found in the Alfasi.

⁴⁹'Standing'--the Kesef Mishne to the RAMBAM hilchot Tefillin III:19, the Rosh to Alfasi Hilchot Tefillin, and the Vilna edition of the Alfasi.

⁵⁰See Rashi and the Tosafot (Citation: "go out") to Menachot 35b and the Nimmuke Yosef and Piske Ha-Rosh to the Alfasi.

⁵¹Here, too, the commentators differ. See Rashi and Tosafot (citation: "and what is this measure") to Menachot 35b and the Nimmuke Yosef and Piske Ha-Rosh to the Alfasi.

⁵²Halachot Gedolot, lines 34-35.

⁵³Halachot Pesukot, p. 38, lines 7-8. Hilchot R'eu, p. 32.

⁵⁴Halachot Ketzuvot, halacha 9 (lines 33-34) and halacha 11 (lines 42-43).

⁵⁵Kesef Mishne to Hilchot Tefillin III:12.

⁵⁶Halachot Gedolot, lines 1-6.

⁵⁷Halachot Pesukot, p. 37, line 27. Hilchot R'eu, p. 31

⁵⁸Hai Gaon, pp. 73-74.

⁵⁹Halachot Ketzuvot, halacha 8, line 32. Margolioth speculates that the author (editor) of the Halachot Ketzuvot understood the "SHIN" of the Tefillin (above line 110 of the translation) as referring to the knots.

⁶⁰Hananel to Pesachim 7b.

⁶¹Sheiltot, #47, line 30.

⁶²Kesef Mishne to Hilchot Tefillin IV:4: For interpretative details see also the Haggahot Maimoniot to this passage.

⁶³Natronai, Amram, and Ahai of Shabha are quoted in Hildesheimer, Halachot Gedolot, p. 481, note 2. Hai Gaon is quoted in the Rosh to Hilchot Tefillin, which also quotes Amram.

⁶⁴Halachot Pesukot, p. 38, lines 6-7. Hilchot R'eu, p. 31-32

⁶⁵Halachot Ketzuvot, halachot 13 and 14, lines 45-48.

⁶⁶Halachot Gedolot, lines 73-76. Sheiltot, #47, lines 4-47.

⁶⁷Both sources refer to the practice of touching and blessing the Tefillin, found below, lines (183-187 of the Cost. edition.)

⁶⁸Quoted in the Kesef Mishne to Hilchot Tefillin IV:5.

⁶⁹Halachot Gedolot, lines 13-15.

⁷⁰Sheiltot, #47, lines 23-28.

⁷¹Halachot Ketzuvot, line 15. M. Tef., halacha 12, lines 44-45.

⁷²Halachot Pesukot, p. 38, lines 6-7. Hilchot R'eu, pp. 31-32.

⁷³Hananel's commentary to Yoma 33a and b includes an explanation as to the reasons why the order is as specified.

⁷⁴M. Tefillin, halacha 12, lines 43-44.

⁷⁵Found in the Kesef Mishne to Hilchot Tefillin IV:10.

⁷⁶Halachot Ketzuvot, halacha 16, lines 50-53.

⁷⁷Halachot Gedolot, lines 22-24.

⁷⁸M. Tefillin, halacha 11, lines 40-42.

⁷⁹Sheiltot #48, lines 6-7.

⁸⁰Kesef Mishne to Hilchot Tefillin IV:10

⁸¹Halachot Gedolot, lines 20-22.

⁸²M. Tefillin halachot 14 and 15, lines 52-59.

⁸³M. Tefillin, halacha 15, lines 60-61.

⁸⁴Kesef Mishne to Hilchot Tefillin IV:11.

⁸⁵Halachot Gedolot, line 38. Halachot Ketzuvot, halacha 16, line 50.

⁸⁶Halachot Gedolot, line 72.

⁸⁷Sheiltot #47, lines 20-22.

⁸⁸ See the Rashi and the Tosafot to Menachot 37b, and the Nimmuke Yosef to Alfasi's essay.

⁸⁹ Sheiltot #47, lines 1-19.

⁹⁰ Halachot Gedolot, lines 30-33.

⁹¹ M. Tefillin, halacha 10, lines 32-39.

⁹² Halachot Ketuvot, halacha 8, line 31, and halacha 10, line 41.

⁹³ Halachot Gedolot, lines 79-84.

⁹⁴ P. 15 of the Zacks edition.

⁹⁵ P. 16 of the Zacks edition for all references here to the Alfasi to Berachot.

⁹⁶ P. 16 of the Zacks edition.

⁹⁷ Lines 399-404 and 439-443 are all treated fully in the Alfasi to Berachot, p. 16 of the Zacks edition.

⁹⁸ Hananel to Shabbat 62a.

⁹⁹ Halachot Gedolot, lines 65-71.

¹⁰⁰ Halachot Pesukot, p. 38, lines 11-12.

¹⁰¹ M. Tefillin, halachot 17 and 18, lines 68-73. Removal of the Tefillin at a distance is also required here when entering a tannery or a laundry.

¹⁰² Sheiltot #48, lines 1-5 are as Alfasi 405-414; lines 6-11 as Alfasi 424-438.

¹⁰³ In lines 30-34 it is specified that the Tefillin are not to be given to a second party when entering a privy.

¹⁰⁴ P. 19 of the Zacks edition.

¹⁰⁵ P. 19 of the Zacks edition.

¹⁰⁶ P. 16 of the Zacks edition.

¹⁰⁷ Halachot Gedolot, lines 50-51. There the wrapper is referred to as a "book wrapper." The specific requirements for storing a Torah scroll are also discussed.

¹⁰⁸ Halachot Pesukot, p. 38, line 12. See the discussion and to the Sheiltot, following immediately.

¹⁰⁹ Sheiltot #48, lines 17-20 and 46-65. See below lines 486-487.

¹¹⁰See lines 310-317 (Cost. 175-179) above.

¹¹¹M. Tefillin, halacha 11, lines 40-41.

¹¹²Hananel to Shabbat 49a. This is consistent with the internal formulation of the Talmud. See Sanhedrin 49b and Baba Metzla 22b where it is specified that in a dispute between Abaye and Rava, the halacha follows Rava in all but six cases.

¹¹³Hananel to Berachot 23b, found in Lewin, Otzar Ha-Geonim, Vol. I, supplement, p. 24.

¹¹⁴P. 16 of the Zacks edition for all references here to Alfasi to Berachot.

¹¹⁵See above, note 112. In the Alfasi to Berachot (p. 16) the specification that the halacha follows Rava is quoted.

¹¹⁶P. 16 of the Zacks edition.

¹¹⁷P. 17 of the Zacks edition.

¹¹⁸Sheiltot #48, lines 53-59. Halachot Gedolot, lines 54-60.

¹¹⁹So, too, the Alfasi to Berachot, p. 17 of the Zacks edition.

¹²⁰Sheiltot #48, lines 60-65. Halachot Gedolot, lines 60-65.

¹²¹Hananel to Berachot 24b, found in Lewin, Otzar Ha-Geonim, Vol. I, supplement, p. 24.

¹²²P. 9 of the Zacks edition.

¹²³Halachot Gedolot, lines 85-89.

¹²⁴M. Tefillin, halachot 20 and 21, lines 80-95.

¹²⁵Hai Gaon, pp. 73-75. Halachot Ketzuvot, halacha 1, lines 1-13, and halacha 10, lines 35-37.

¹²⁶P. 13 of the Zacks edition.

¹²⁷Alfasi to Sukkah, p. 294 of the Zacks edition. Essay on Zizit, p. 69 of the Zacks edition.

¹²⁸M. Tefillin, halacha 3, lines 9-10.

¹²⁹P. 9 of the Zacks edition.

¹³⁰M. Tefillin, halacha 4, lines 13-16.

¹³¹Essay on the Sefer Torah, p. 65 of the Zacks edition.

- ¹³²Essay on the Mezuzah, p. 58 of the Zacks edition.
- ¹³³Halachot Gedolot, lines 40-44.
- ¹³⁴P. 13 of the Halachot Ketannot section of the Vilna edition, and p. 67 of the Zacks edition.
- ¹³⁵M. Tefillin, halacha 8, lines 23-26.

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