

## The Redaction of the Talmud

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### Part 1. The First Redaction - Rav Ashi and Ravina

All discussions of the redaction of the Babylonian Talmud invariably commence with the following passage in Bava Metzia 86a. “Rebbi and Rabbi Natan are the end of Mishna; Rav Ashi and Ravina are the end of *hora’ab*”. While the Gemara does not make it at all clear what it means by “*hora’ab*” an obvious analogy is to be made with the preceding statement that Rebbi and Rabbi Natan are the end of Mishna. The Gemara notes the fact that Rav Ashi and Ravina are the last Amoraic sages and thereby close the Amoraic era, just as Rebbi is the last Tannaic sage and closed the Tannaic era. However, the statement “Ravina and Rav Ashi are the end of *hora’ab*” does not actually attribute any special role to Rav Ashi and Ravina nor does the previous statement attribute any special role to Rebbi. However, this cannot be the real meaning, since clearly Rav Ashi and Ravina were not the last Amoraim. The Talmud is filled with many Amoraic sages who lived after the time of Rav Ashi. Furthermore, the choice of the word *hora’ab* instead of the usual word “talmud” (Brachot 11b) or “gemara” (Brachot 5a) clearly indicates that the Talmud’s

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statement does not mean the end of the Gemara as it would normally be understood.

In Bava Metzia 33b Rashi describes Rabbi's role in editing the Mishna.

When the students of Shammai and Hillel multiplied... disputes in Torah also multiplied, and it appeared as if there were two different Torahs. This was a consequence of the oppressive decrees of the empire. As a result it became impossible to have the clarity to understand the underlying reasons for halachic disputes. Then, when God showed favor to Rabbi in the eyes of Antoninus, the Jewish people were able to take respite from their oppression. Rabbi then sent for, and gathered, all the scholars in the land of Israel. Up until that time the laws were not arranged according to tractates, but rather each student heard laws orally from someone greater than him, would repeat it, and would label it; halachot *A* and *B* I heard from Rabbi *C*. When all of the scholars were gathered by Rabbi everyone recited what he had heard. Then, they took the effort to understand the underlying reasons for each opinion in each dispute and decided which opinions to preserve. These were then ordered and arranged according to separate tractates... [In addition] Rabbi would anonymously quote the halacha of an individual sage which he approved of in order to establish the Halacha according to him."

From Rashi's commentary we see that Rabbi took upon himself the role of sifting out and elucidating all of the Mishnaic traditions which he was able to gather and edit into a Mishna which would serve as the canonical text for all future generations. In addition, the Gemara states that the Baraita which says "the study of Gemara is of greatest value" (ibid.) was taught "during the time of Rabbi."<sup>1</sup> This means that

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<sup>1</sup> See my article in Reshimu 2 'The emergence of the Mishna and Tosefta' p. 55-58

Rebbi established the process of interpretation and elucidation of Mishna which is called Gemara. This methodology is that of the give and take which we associate with our Talmud, as it seeks to understand the Mishna. Thus Rebbi's achievement according to Rashi was twofold:

1. Redaction of the precise version of our Mishna from the texts of previous Mishnaic traditions.
2. The initiation of the methodology of the dialectical give-and-take known as Gemara which would serve as the central activity of the Amoraic era after him.

We see in Rashi's understanding of Rebbi's role the quintessential historical achievement of an authentic hermeneutical tradition; the closing of one era and the inauguration of another in a way which establishes continuity despite paradigmatic change and metamorphosis. Rashi understood that Rav Ashi and Ravina's role in the transmission of the oral law was parallel to that of Rebbi. Rashi writes:

[The end of *hora'ab* means] the end of the Amoraim. Until the days of [Rav Ashi and Ravina] the Gemara did not exist in the order [of the Mishna]. Rather if a question was posed regarding the underlying reason [of a law] in Mishna a in the study hall or regarding an [independent] monetary problem or legal prohibition, each [Amoraic sage] would offer his opinion. Rav Ashi and Ravina posed questions which elicited responses and appropriate solutions which were then incorporated into the Gemara.

In other words, according to Rashi, the role of Rav Ashi and Ravina was twofold:

1. The organizing of all Amoraic statements which either offered explanation for a Mishna or ruled on extra Mishnaic cases

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2. The incorporation of the above in a dialectical question and answer format, thereby laying the basis for the canonical text which compromises the text of the Gemara.

According to Rashi, the term *hora'ab* does not refer to the activity of *Gemara* as we commonly understand it. Rather it refers to the terse legal rulings and Mishnaic interpretations of the Amoraic sages who lived from the time of Rebbi up until the time of Rav Ashi and Ravina. This is made explicitly clear by Rashi's grandson, Rashbam, in his commentary to Bava Batra 130b where he writes, "certainly one may rely on the laws which are written in the Gemara as they were organized by Rav Ashi for it is stated in Bava Metzia "Rav Ashi and Ravina are the end of *hora'ab*". From whom can we ask and rely upon if not on the terse definitive laws which were organized by Rav Ashi." According to Rashbam, *hora'ab* refers to "*halachot peshutot*" - tersely worded legal decisions. It is only from the time of Rav Ashi and onward that they were incorporated into a give-and-take.

Neither Rashi nor Rashbam deny that there was a tradition of Talmudic give-and-take before the time of Rav Ashi. Indeed, Rashi writes explicitly that in the generations before Rav Ashi "if a question was posed regarding the underlying reason [of a law] in a Mishna in the study hall, or regarding an [independent] monetary matter or prohibition, each [Amoraic Sage] would offer his opinion." There is no reason to think that these discussions were not transmitted across the Amoraic generations. What Rashi is saying is that Rav Ashi was the one who constructed the canonical text of give-and-take which would serve as the basis of the Talmudic text for all future generations. As we shall see later this construction was continued after Rav Ashi in the generations which followed him. What we can say, however, is that Rav Ashi established a new type of canon – one of legal discussion and dialogue which is characterized by a dialectical give-and-take. The transmission of the oral tradition thereby took upon a new form as a result of Rav Ashi's efforts. This is because after the redaction of the Gemara all interpretations and legal rulings

based themselves on the dialectical Talmudic text and not on statements of the Amoraic sages.

According to Rashi, then, the meaning of “Rav Ashi and Ravina are the end of *hora’ab*” is that Rav Ashi concluded the formal transmission of terse statements and comments of the Amoraic sages before him and begins the transmission of canonical dialogue and discussion. This understanding of the term *hora’ab* is much more in line with the general meaning of the term as denoting a specific and definitive legal ruling. We see this meaning of the word in the phrase, “It is taught: the Tannaim confused the world... Ravina [explains this] “they rule [*morab* which is the verb of the noun *hora’ab*] from their Mishna.” Rashi writes in his commentary “they are not careful to understand the underlying reasons of the Mishna” (Sotah 21a).

Thus Rashi explains the parallelism being made by the Gemara’s two statements. Rav Ashi’s redaction was similar to that of Rebbi. The organization of Amoraic traditions within the framework of Rebbi’s Mishna and their incorporation into a canonical dialogue of give-and-take brought about a paradigmatic shift in the oral tradition which assured both its faithfulness to the past and its usefulness to the future. The two part project of editing and methodology of interpretation which Rashi understood to be Rebbi’s construction of the Mishna was duplicated by Rav Ashi almost 300 years later. Rav Ashi produced an entirely new type of canon which satisfied the twofold criteria of faithfulness to the past and usefulness to the future.

This opinion of Rashi and Rashbam that the canonical give-and-take of our Talmud only commences with Rav Ashi and Ravina appears to be universally assumed by both earlier and later medieval authorities and commentators. Rav Sherira Gaon in his famous epistle in which he chronicles the entire history of the oral law up until his own period of Gaoneca, quotes our passage in Bava Metzia and continues “Afterwards, even though there was certainly not any *hora’ab*, there were interpretations and reasoning (*sevara*) close to *hora’ab* and the

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Rabbis [who did so] are called Rabbanan Savorai (p. 69 in the French version).

The French edition, which is usually accepted to be the most authoritative, asserts that beginning in the period after Ravina and Rav Ashi the sages devoted themselves to interpretations and reasoning. The phrase that is used “close to *hora'ab*” refers to the fact that the dialectical methodology of the Savoraic sages did not produce the same definitive halachic conclusions (*halachot pesukot*) of previous generations. Nonetheless it generated a dialogue which would serve as the basis upon which future generations would formulate halachic conclusions. This does not mean necessarily that the sages after Ravina and Rav Ashi are not quoted rendering terse halachic opinions. What Rav Sherira Gaon appears to be saying is that Rav Ashi concluded the period which produced a tradition of definitively worded legal decisions and interpretations while the Savoraic sages produced a tradition of reasoning which seems to imply that their decisions were expressed more as discussion and dialogue.

The distinction made by Rav Sherira Gaon between “*hora'ab*” and “close to *hora'ab*” parallels the twofold redaction program which Rashi attributes to Rav Ashi. It is important to note, however, that while Rashi attributes both steps i.e. editorship of Amoraic legal decisions and interpretations and the establishment of the canon of give and take to Rav Ashi himself, Rav Sherira Gaon's epistle can be interpreted as saying that Rav Ashi and Ravina themselves were only engaged in the first step, i.e. the editing of tersely worded Amoraic legal decisions and interpretations of the mishna. However, the construction of the canonical give-and-take seems to have commenced with the generations afterwards whom he calls the Savoraim.

This same position, namely that the canonical give-and-take of the Gemara only begins with Rav Ashi is also explicitly stated by the Baalei Tosafot in Chullin 2a-b. By examining both the passage in the

Gemara and their commentary in detail we will shed light upon the redactive methodology which, in their opinion, was utilized by Rav Ashi.

In the relevant passage a question is posed by the anonymous Gemara (usually referred to as the *stam*, or *sugya*, of the Gemara) which is countered afterwards by a question posed by Rav Acha, the son of Rava, to Rav Ashi. Rav Ashi's response is "this is what I was asking". On the basis of this question, Tosafot adduce that the anonymous question posed by the Gemara must have been none other than Rav Ashi. Tosafot then conclude that Rav Ashi was the anonymous redactor of the Gemara. They write:

It appears from here that Rav Ashi himself asked the question. Even though it is part of the anonymous give-and-take (*sugyat ha-Gemara*) one may conclude from this that it was Rav Ashi who redacted the Gemara.

By redaction Tosafot is referring to the give-and-take of the Gemara which constitutes the Talmudic dialectic. Tosafot refer to this by the term *sugyat ha-Gemara*. However, on the basis of this one may still contend that Rav Ashi, according to Tosafot, merely added to a redaction which commenced several generations before him. This could well be argued from the fact that the subsequent give-and-take in that sugya quotes earlier Amoraic sages such as Abaye and Rava who lived in previous generations. Tosafot are aware of this difficulty and provides an answer:

Even though Abaye and Rava also attempted to answer the question, and they lived long before Rav Ashi, perhaps the question had already been posed before in their lifetimes.

The crucial point to take notice of in this statement of Tosafot is what they didn't answer. That is they didn't answer that Rava and Abaye had also made a preliminary redaction of the Gemara and that Rav Ashi was merely contributing another stratum to this redaction. Rather, they respond by saying that "Perhaps a similar question had

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already been posed before in their lifetimes”. What Tosafot mean by this is that even the questions posed anonymously by the Gemara to Abaye and Rava were in fact authored by Rav Ashi. However Rav Ashi was not necessarily the first one to pose these questions, as is clear from Abaye and Rava’s statements, which appear to be responses to similar types of questions. What Rav Ashi was doing, in his redaction, was to take statements by Abaye and Rava and place them within the Gemara as responses to questions which were very likely posed to them. Clearly, then, according to Tosafot, Rav Ashi took the statements of Abaye and Rava and placed them within the context of a give and take thereby giving them meaning and reference within the discussion in Rav Ashi’s study hall. This was done by Rav Ashi because of the fact that Abaye and Rava’s statements clearly can be understood as responses to the same question which is asked by Rav Ashi himself. Tosafot is clearly taking the same position which we have seen above that it was Rav Ashi who first created a give and take known as the *stam*, or *sugyat ha-Gemara*.

A consequence of Tosafot’s analysis is that the actual text of the Gemara does not necessarily reflect a historical dialogue but can often be viewed as a legal one constructed by the later Amoraim beginning with Rav Ashi. The statements of Amoraim of previous generations which were either terse halachic decisions or briefly stated interpretations or qualifications of other statements be it a Mishna, baraita or some other Amoraic statement were later embedded and incorporated within an intricate legal dialectic which was constructed by later generations. This methodology was begun by Rav Ashi and, as we shall see, was continued after his lifetime up and until the final concluding redaction of the Gemara.

This methodology is explicitly described by Ramban in his commentary to Shabbat 74a. The Gemara there presents a baraita which is subject to a succession of interpretations by various Amoraim. As soon as one Amora presents his interpretation a second

Amora raises a difficulty in his interpretation and suggests another one. The Gemara there reads:

The Rabbis teach: One who has in front of him several types of foods (on Shabbat) may select and eat, select and leave aside. He may not select and if he does so he must bring a sin offering. [The Gemara asks] how should one read the baraita? Ullah says it should be read: One may select for that day, and put aside for that day. One may not select, however, for the next day, and if one does so he must bring a sin offering. Rav Chisda raised an objection [to Ullah's interpretation]. Is it permitted to bake for the same day? Is it permitted to cook for the same day? Rather, Rabba [interpreted the baraita differently and] said [this is how the baraita should be read]: One may select less than the amount [for which one brings a sin offering]. One may set aside for less than the amount [that one brings a sin offering]. One may not, however, select an amount, and if he does so he must bring a sin offering.

Rav Yosef raised an objection [to Rabba's reading of the baraita]. Is it permitted to bake less than an amount? Is it permitted to cook less than an amount? Rather Rav Yosef reads the baraita in this following way... In his commentary to this Gemara, Ramban writes:

Rabba was not originally coming to resolve Rav Chisda's objection to Ullah's reading of the baraita, but independently offered a reading of the baraita, without having heard Rav Chisda's objection. Rather, Ullah and Rabba were making independent statements concerning the baraita and it is the [anonymous redactor of the] 'Gemara' who placed their statements after the objections. This [phenomenon] occurs in many places in the Talmud...

The Ramban is explicitly asserting here that the redactor of the Gemara constructed a give and take out of independent Amoraic

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statements, thereby creating the '*sugya*' of the Gemara as it appears to us from the text of the Talmud as we know it. This method of construction was begun by Rav Ashi and, as we shall see, was continued in the several generations of Savoraim who came after him.

The sources discussed above directly contradict one of the major tenets of Rabbi Yitzchak Isaac HaLevi in his book *Dorot HaRishonim*. He claims that a substantial part of the *stam* of the Gemara dates from the time of Abaye and Rava. According to HaLevi, Rav Ashi's contribution was merely to add to this redaction. In fact Rav Ashi's edition was not the final one. The task of redacting the Gemara was completed several generations afterwards. While I will not go on to examine in detail any of HaLevi's arguments<sup>2</sup>, they rely almost exclusively on a scholarly analysis of the Talmudic text with little, if any, recourse to any of the tradition medieval commentaries. According to HaLevi the statement that "Ravina and Rav Ashi are the end of *hora'ab*" is almost meaningless. Rav Ashi was only part of a hierarchy of strata of redactions which began before him and ended afterwards.

HaLevi's theory of the redaction of the Talmud is typical of his entire work, in which he attempts to predate traditions, sometimes to the point of absurdity. An example of this is his contention that "there is no place in the Talmudic literature where the sages derived, or even attempted to derive, a single Halacha from any verse in scripture" (vol. 4 p. 247). These theories were the result of HaLevi's obsession with refuting the scholarship of everyone else. According to HaLevi the opinions not only of those such as Graetz and Weiss but also of the Malbim (to whom the above quote is directed) openly threatened tradition. As a reaction he would seek to redress these threats by offering solutions which directly contradict the opinion of the medieval commentators and other authorities who came before him.

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<sup>2</sup> See Moshe Becker's article earlier in this volume

The paradox of HaLevi's work is that while he claims to be defending tradition he is in fact surreptitiously usurping it.

Regarding our issue of the redaction of the Talmud, HaLevi seems to confuse the two concepts of tradition and canon. The Gemara's frequent references to "*bavayot de-Rav ve-Shmuel*" and "*bavayot de-Abaye ve-Rava*" certainly attest to an authentic tradition of legal discussion and dialogue. This doesn't mean that they are referring to the actual text of the Talmud itself. The text itself is a canon. The analogy to make is to Rebbi's Mishna. While it is clear that there were Mishnaic traditions before Rebbi upon whom he based his Mishna, the Mishna of Rebbi was an entirely new canon. Just as Rebbi's redaction of the Mishna, even according to HaLevi, does not undermine the Mishnaic traditions beforehand, neither does the redaction of Rav Ashi undermine the legal tradition which preceded him. Tradition before it becomes canonized must serve a role which allows for flexibility and interpretation. A canon, however, by definition, cannot be flexible, but must be interpreted. Just as a child is, on one hand a product of his parents, but on the other hand a living entity unto himself, so too is the relationship between canon and tradition.

## Part 2. Period after Rav Ashi

I would like to turn now to the subject of Talmudic redaction after Rav Ashi. I already mentioned that many of the Amoraic Sages lived after Rav Ashi. Certainly, the anonymous (called *stam*) sections of the Talmud dealing with statements of these late Amoraic sages were redacted after Rav Ashi. The question is, however, what about anonymous sections of give-and-take which involve statements of Sages up till Rav Ashi. Were these sections necessarily redacted by Rav Ashi, or were they redacted by generations afterwards. I have already mentioned the *Epistle of Rav Sherira Gaon* which implies that the Savoraim redacted the Talmud. As we shall see, it is universally understood by the medieval commentaries that many sections of the

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Talmud were redacted after Rav Ashi, even those of Amoraim who lived before him.

In tractate Shabbat the Gemara wants to prove that a person may carry an object even for the purpose of another object that cannot be moved on Shabbat. The Gemara says:

Come and hear. One may cover a beehive on Shabbat lying in the sun to shade it from the sun, and one may cover it during the rain to shield it from the rain, on the condition that one does not do so with the intention of trapping the bees.

The Gemara answers: This is not a proof that one may move an object even for another one which cannot be carried on Shabbat. This case is dealing with a beehive that has honey inside it [and is therefore being moved for the sake of the honey]. Rav Ukva from Meshan challenged Rav Ashi. The assertion [that we are dealing with a beehive containing honey] is reasonable during the summer [when it is common for beehives] to contain honey. However, during the rainy months, when there is no honey to be found in beehives, how can we explain the baraita? [The Gemara answers that] we are referring to the two honeycombs [that are always to be found in the beehive]...

After continuing the give-and-take and adding additional interpretations, the Gemara quotes Rav Ashi:

Rav Ashi said: does it say [in the baraita] during the summer days and the rainy days? It [only] says in the sun because of the sun, in the rain because of the rain. [We can say that] the baraita is talking about the month of Nissan and the month of Tishrei when [it is common to have] sun, rain and honey.

The question to be raised in this passage is obvious. Why did Rav Ashi not respond immediately to Rav Ukva? Why is there a lengthy

discussion intended at answering Rav Ukva's objection only after which Rav Ashi produces a response?

Tosafot offer an answer: "Rav Ashi probably answered this to Rav Ukva immediately. The "Shas" (Gemara) however placed its answer first."

Who is the "Shas" that Tosafot is referring to? It is clearly not Rav Ashi himself, but rather someone who came after Rav Ashi who redacted the give and take of the above passage.

We see clearly that Tosafot understood that there was an anonymous redactor after Rav Ashi even of questions and answers which were posed in Rav Ashi's lifetime. Clearly, although Tosafot considered Rav Ashi to be the final redactor (as we saw above) he was by far not the last.

The plain reading of the Gemara's assertion in Bava Metzia 86a "Ravina and Rav Ashi are the end of *hora'ab*" is, as we have seen above, that Rav Ashi and Ravina redacted the Babylonian Talmud. Rabbi Isaac Stein, however, in his commentary on the *Sefer Mitzvot Gedolot* understands that passage to directly imply that the Talmud was in fact completed after Rav Ashi. He claims that it would be unusual for Rav Ashi to have written "praise about himself", and that therefore "the statement is more likely to be attributed to someone who lived after him". Similarly, Rav Sherira Gaon's opinion is that the Talmud was completed during the period of Rabbanan Savorai during the lifetime of Rav Yossi. To quote the entire passage as it appears in his epistle:

[Rav Ashi] passed away in 735. Rav Yaimar ruled (i.e. sat at the head of the Sanhedrin) in the city of Chasia and passed away in 743. [After him ruled] Rav Idi bar Avin and passed away in 763. [After him ruled] Rav Nachmnan bar Rav Huna who passed away in 766. Rav Tivyumi, who is Mar bar Rav Ashi, ruled in Michala and passed away on the night following Yom Kippur. After him [ruled] Rav Taspah who

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passed away in 781 on the fourth day of [the Hebrew month of] Shevat. On the thirteenth of Kislev of the year 786 passed away Ravina, the son of Rav Huna. He is the Ravina who is called the end of hora'ah.... in the year 787 Rav Sammah the son of Rava passed away. After him ruled Rav Yossi and in his lifetime hora'ah ended and the Talmud was concluded. (RSG 97).

The opinion that the Talmud was redacted after Rav Ashi is shared by other medieval commentaries. Several even extended the period of redaction to a time after the Savoraim up until the time of the Gaonim. Evidence for this is gleaned from a discussion in the tractate *Ketubot* in 2a-b. There the Gemara has a discussion about whether a husband must provide food for his bride if the wedding is delayed longer than the normal twelve month engagement period due to circumstances beyond their control. The Gemara's question is first answered by Rav Achai based upon a very close reading of the relevant baraita. According to Rav Achai's reading the husband is always obligated whether or not the marriage is actually consummated. This reading of Rav Achai is countered by Rav Ashi who offers an alternative reading of the baraita, thereby rejecting Rav Achai's halachic position.

Who is this Rav Achai whom the Gemara is citing? Tosafot, in their commentary on this Gemara cites Rashbam who claims that Rav Achai is not from the Amoraic era, but is in fact the famous Rav Achai Gaon, author of the *Sheiltot*. This Rav Achai must have lived approximately four hundred years after Rav Ashi. Rashbam basis his assertion upon the fact that the language of the Gemara quoting Rav Achai is not a normative expression used by the Talmud but rather a non-generic term. Instead of using a more common term for 'answers' the Gemara says "*pasbit* Rav Achai" which indicates that the Rabbinical passage being quoted is not from the Amoraic era. [It should be mentioned that in Tosafot to *Zevachim* 102b Rashbam is quoted as saying that Rav Achai is one of the Rabbanan Savorai, in

which case he lived much closer to Rav Ashi]. While the Tosafot take objection to Rashbam's contention, Rav Isaac Stein points out that the objection is only because Rav Ashi is responding to Rav Achai which implies that they were contemporaries. It is not because Tosafot objected to the implication that a Gaon was incorporated into the Gemara. Clearly, concludes Rav Isaac Stem, Tosafot agreed with Rashbam that the Gemara was not completed until the time of the Gaonim.

Let us now turn to a passage in another Gemara which will elucidate the opinions of other medieval commentators. The Mishna in the first chapter of tractate Shabbat in 9b states:

One should not sit himself in front of the barber (to take a haircut - Rashi) close to the time of Mincha, but if they have already commenced [the haircut or any of the activities mentioned in the Mishna] he does not have to interrupt the activity [in order to offer the Mincha prayer].

The term 'Mincha' refers to a specific time in the afternoon. There are two Minchas; one is called *Mincha Gedolah* (literally the greater Mincha) whose time is half an hour after noon. The other is referred to as *Mincha Ketanah* (literally the smaller Mincha). Its time is three and a half hours after noon. The law in the Mishna is that one should not commence certain types of activities shortly before the time of Mincha out of fear that involvement in those activities might lead one to forget to offer the Mincha prayer.

The Mishna uses the term Mincha without stipulating which Mincha it is referring to. Is it *Mincha Ketanah* or *Mincha Gedolah*? This question is discussed by the Gemara:

Which Mincha is the Mishna referring to? If the Mishna means *Mincha Gedolah*, then why no [can one commence any of these activities before the time of *Mincha Gedolah*]? Isn't there plenty of time left in the day [to offer the Mincha prayer]? But rather [the Mishna must mean] close to the time

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of *Mincha Ketanab*. If so, then [the next part of the mishna which reads] “If they have already commenced they do not have to interrupt themselves” constitutes a direct refutation of [a ruling of] Rabbi Yehoshua ben Levi who says “as soon as the time for the Mincha prayer has arrived it is forbidden for one to even taste anything [before offering the Mincha prayer] (implying that one must cease any activity even though he has already commenced it). The Gemara reverses its reading of the mishna. The Mincha of the Mishna is referring to] *Mincha Gedolah*. [In response to the question “isn’t there plenty of time before *Mincha Gedolah*, and why is it forbidden to commence any activity beforehand, we can answer by saying that the haircut the Mishna is referring to is] the haircut of *ben Alasa* (a rather complex haircut which takes an inordinate amount of time).

Rav Acha bar Yaakov [responds to this and] says: We can [even] interpret the haircut [referred to in the Mishna] as a normal haircut. But [nonetheless] one should not commence [even a normal haircut] a priori [before *Mincha Gedolah*]. Why not? It is a [Rabbinic] decree lest the scissors break [and as result one might take a long time looking for a new scissors and forget to offer the Mincha prayer].

Examining the structure of the *sugya*, we see that it is composed of two major parts. This is an anonymous give-and-take which arrives at the conclusion that the word “Mincha” which appears in the Mishna is in fact referring to *Mincha Gedolah*. In addition the haircut referred to in the Mishna is the elaborate haircut of *ben Alasa*. As a consequence, one may commence taking a normal haircut up to a half hour before *Mincha Ketanab*. The second part of the *sugya* consists of Rav Acha bar Yaakov’s rejection of the halachic conclusion of the anonymous section. According to Rav Acha bar Yaakov the “Mincha” in the Mishna is indeed referring to *Mincha Gedolah*. Furthermore, the prohibition of commencing a haircut

applies to all types of haircuts, and not only the special type of *ben Alasa*. To justify his reading, Rav Acha bar Yaakov maintains that the prohibition of the Mishna was a special precaution to guard against unexpected events such as the breaking of the barber's scissors. Thus according to Rav Acha bar Yaakov, all haircuts are forbidden from close to *Mincha Gedolah*.

To summarize, the Talmud presents us with a halachic dispute between an anonymous section and Rav Acha bar Yaakov. There emerges from this a dispute between the major medieval commentaries with important consequences for understanding their views on the redaction of the Talmud. Tosafot (ibid 9b) reject Rav Acha's position and concludes that the Halacha is in accordance with the anonymous section. They justify their ruling on historical grounds. The anonymous section represents the position of Rav Ashi, who came later than Rav Acha, and there is a principle that the Halacha follows the later opinion. This is in accordance with their position in Chullin 2b cited above that the anonymous give-and-take of the Talmud is from Rav Ashi. And also because he is the anonymous voice of the Gemara. Thus the Halacha must be like Rav Ashi for two reasons:

1. Rav Ashi lived later than Rav Acha ben Yaakov, and
2. He was the final redactor of the Gemara

Rav Ashi's opinion, both with respect to the reading of the Mishna and the consequential ruling, must be given greatest legal weight.<sup>3</sup>

In contrast to Tosafot, the Rif arrives at the opposite halachic conclusion. He writes that the phrase "close to the time of Mincha" in the Mishna is "concluded" by the Gemara (a reference to Rav

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<sup>3</sup> It is interesting to note that the Tosafot is not at all concerned with the fact that Rav Acha bar Yaakov is seemingly responding to a position arrived at historically after his lifetime. This would appear to be in accordance with the position of the Rashbam quoted above in *Ketubot* 2b and *Zevachim* 102b, objected to by Rabbeinu Tarn.

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Acha bar Yaakov) to mean “close to the time of *Mincha Gedolah*”. The Rif then goes on to explain the prohibition in accordance with the position of Rav Acha bar Yaakov.

There are two ways of understanding the Rif’s halachic position. Either:

1. The anonymous section is not from Rav Ashi or anyone of his generation (i.e. in direct contradiction to the opinion of Tosafot), but rather represents a conclusion reached during or before the time of Rav Acha bar Yaakov. Hence Rav Acha bar Yaakov is, historically, the final arbiter of this particular sugya.
2. The anonymous section is indeed from Rav Ashi (like Tosafot). However, the ‘redactor’ of this sugya (the Rif uses the language ‘concluder’) lived after Rav Ashi. He therefore constructed a non-historical dialectic and dialogue between Rav Acha bar Yaakov and the anonymous section concluding with Rav Acha’s position. This ‘redactor’ lived after the time of Rav Ashi and constructed the sugya to reflect his own halachic opinion. Since the opinion of the redactor is indeed the final opinion of the Talmud, it therefore is given the appropriate halachic weight.

In order to arrive at the true position of the Rif vis-à-vis the above two possibilities let us turn to further discussion of his position by the two medieval authorities Rav Zechariah Halevi (the author of the *Maor HaGadol*) and Ramban (author of *Milchamot Hashem*). The ‘dialogue’ between these two major commentaries on the Rif will flesh out the true position that he is taking.

Rav Zachariah Halevi (on the Rif) takes issue with the Rif’s ruling. The opinions of both Rav Acha bar Yaakov and the anonymous voice of the Gemara are based upon a ruling of Rabbi Yehoshua ben Levi elsewhere in Berachot. However that ruling is explicitly rejected there. Since both the anonymous section of the Gemara and Rav Acha bar Yaakov reach their conclusions on the basis of Rabbi Yehoshua ben Levi’s statement, it follows that both must be rejected.

The Ramban, however, in his commentary *Milchamot Hashem* (ibid.) defends the ruling of the Rif against *Baal Hamaor's* critique. He writes “We always rely upon the sugya of the gemara”. In Ramban’s view, Rav Acha’s opinion is not necessarily contingent upon Rabbi Yehoshua ben Levi’s ruling. The anonymous redactor, who must have lived after Rav Ashi, arrived at his halachic conclusion for independent reasons. The role of Rav Yehoshua ben Levi only appears in the dialectic to provide a reasoning behind Rav Acha bar Yaakov. It does not necessarily represent the ultimate basis for the Halacha.

According to Ramban, the reasoning of the Rif is in accordance with 2 above. The conclusion of the Gemara represents the ‘sugya’ of the Gemara which in turn is the halachic ruling of the final redactor who lived after Rav Ashi.

We have already seen above that Ramban understands that the Gemara (Shabbat 74a) incorporates statements of Amoraim of previous generations, which were not necessarily said in the context of that *sugya*, within a constructed dialectical give-and-take. The Talmudic discourse is therefore not necessarily ‘historical’ but rather ‘textual’. It represents the halachic reasoning of the anonymous redactor. Ramban, here, is building upon his principle. The dialectical give and take in Shabbat 9b was constructed by the sugya, the anonymous redactor, to provide reasoning for his halachic conclusion. This has the consequence that statements of Amoraim, while independently not accepted as final Halacha, will be used in a give and take which brings the Gemara to the halachic ruling of the redactor. It seems from Ramban’s commentary that the final redactor lived after Rav Ashi, for we do not see him challenging the position of Tosafot that the anonymous give-and-take, which constitutes the first part of the sugya, is from Rav Ashi. For this reason, Ramban prefers to use the expression “*sugya* of the Gemara” instead of Rav Ashi. The redactor actually took an anonymous give-and-take originating from the Belt Midrash of Rav Ashi, and incorporated it in

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a larger and more comprehensive give-and-take to arrive at his conclusion. From the redactor's point of view, both the anonymous section of Rav Ashi, and the words of Rav Acha bar Yaakov, are 'earlier' opinions which are to be incorporated in a give-and-take in arriving at the historically later conclusion.

To conclude, we see that the position of many medieval authorities was that although Rav Ashi redacted the Talmud in order to incorporate the statements of Amoraim within a constructed give and take, this methodology was also continued after him by redactors who came after him. As a consequence, the final redaction of the Gemara incorporated not only the statements of specific Amoraim but also the "canonical dialectics" which appear as anonymous give-and-takes. These replaced the '*halachot pesukot*', the terse rulings and interpretations of Amoraim of previous generations, as a consequence of Rav Ashi's work, and began the era of redaction which extended from the time of Rav Ashi through the period of the Savoraim, until its completion which according to Rav Sherira Gaon took place during the lifetime of Rav Yossi.

