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פלוני היינו תנא קמא - איכא בינייהו

The Evolution of a Talmudic Formula

Shana Strauch Schick

One of the most common strategies for differentiating between the different layers in the Babylonian Talmud is distinguishing between attributed statements and the anonymous editorial layer of the Bavli's redactors.¹ Aside from being anonymous, the redactional material is

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1 The most influential accounts of this methodology in American scholarship were delineated by Shamma Friedman, "A Critical Study of Yevamot X with a Methodological Introduction," in *Mehqarim u-Meqorot: Texts and Studies, Analecta Judaica*, ed. H. Dimitrovski, vol. I (New York: Jewish Theological Seminary, 1977), 283–321; David Halivni, "Sefeqei de-Gavrei," in *Proceedings of the American Academy for Jewish Research*, vol. 46–47, 1980, 67–93; David Halivni, *Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law* (Harvard University Press, 1986); David Halivni, *Meqorot U-Mesorot: Bi'urim Ba-Talmud Massekhet Baba Batra* (Jerusalem: Magnes, 2007), 1–147. Robert Brody has recently challenged Halivni's late dating of the redactors, arguing that cases where Amoraim appear to respond to anonymous questions serve as evidence for an early "stam" though not necessarily of what material the Amoraim had before them. Robert Brody, "Stam ha-Talmud ve-Divrei

characterized by its use of distinct phrases and formulas, some of which are adapted from those found in earlier strata. By tracing the evolving syntax and use of one such phrase, it may be possible to further distinguish between earlier and later redactional layers and trace developments in the formulation of *sugyot* through the course of what are apparently different generations of redactional activity.

This article focuses on a question-answer formula which is found only in the Bavli “X (*ploni*) *Haynu Tanna Qamma / Y? Icka beinaihu...*” (PHTQIB), “[The opinion of] X is [identical to] the first opinion of the mishnah or baraita/Y? [No,] there is [a difference] between them...” This phrase compares two opinions appearing in a mishnah or baraita, one of which is usually the first, objecting that the two are essentially the same, and then offering a distinction between them. I will trace the development of this phrase, from what appears to be its first appearance in amoraic discourse as part of a dynamic exchange between two Amoraim, to its frequent use in the redactional strata where it becomes a formulaic rhetorical device—a stock phrase used to structure a statement in the form of a question and answer.

Manfred (Meir) Fulda explored this phrase four decades ago in his comprehensive study on the topic, offering critical analyses of all its eighty occurrences in the Bavli, and concluding that it is a post-amoraic term that reflects post-amoraic conceptions of the structure and redaction of the Mishnah.² Moving beyond his findings, I examine this phrase on a more granular level, tracing its development and different usages within the various strata of the Bavli—from amoraic to redactional.

ha’amoraim,” *Igud: Mivhar Ma’amarim be’Mada ha-Yahadut* 1 (Jerusalem: Magnes Press, 2008), 213–232. See Moulie Vidas, *Tradition and the Formation of the Talmud* (Princeton, NJ: Princeton University Press, 2014), 45–51, for a summary of the scholarly views regarding the dating of the anonymous strata. Whether this phrase could serve as evidence of “Stam Kadum” is addressed below.

- 2 Manfred Fulda, “Studies in the ‘Haynu Tanna Qamma’ and ‘Piloni Haynu Piloni’ sugyot: An Analysis of their Nature, Composition, and Approach to the Mishnah” (Yeshiva University, 1979). This study therefore does not shed light on the issue of “Stam Kadum,” more on this below.

As will be shown, the meaning of PHTQIB and its function within the *sugya* are indicative of the stage of formation at which it was incorporated. In earlier strata, it is employed as part of a larger argument which rejects or supports amoraic (and sometimes anonymous) positions. PHTQIB is used in this manner by the fourth-generation amora Rava, and this context appears to be the original setting for the formula since it both relates to the larger *sugya* and (arguably)³ makes a point justified by the tannaitic sources. At this point “*X haynu Tanna Qamma*” may instead appear as “*X haynu Y*” where Y is a sage cited later in the mishnah/baraita. In the next stage, PHTQIB appears as an independent discussion, which can be easily detached from the surrounding *sugya*. Often, the question itself seems to be unwarranted. At this stage, the title “*Tanna Qamma*” is an integral element in the formula and maintains its literal meaning as the first (usually anonymous) opinion in a mishnah or baraita. In ostensibly later anonymous strata, PHTQIB has become a standard formula serving as a stock rhetorical device such that the title “*Tanna Qamma*” no longer carries its literal meaning but can now refer to any tannaitic opinion.

The progression of this phrase from a natural and malleable dialogical element within a *sugya* to an artificial fixed rhetorical device indicates that later stages of the formulation of Bavli *sugyot* (1) often add on, rather than revise them (2) attempt to preserve the appearance of dialogue, and (3) may do so by reproducing existing rhetorical formulations, even when they do not fit well within the new context.

A Yerushalmi precursor?

PHTQIB is absent from the Yerushalmi,⁴ and even ostensible precursors to PHTQIB fail to meet all the criteria that would show them to be the Palestinian precedents. While statements such as “*ameru davar ehad*” and “*atya derabbi Ploni ki-rabbi Almoni*” in the Yerushalmi, ostensibly express a similar idea, it becomes apparent that PHTQIB possesses a more narrow meaning. In one instance where *atya* appears, y.Er 4.5, 22a, the

3 Fulda argues that almost every occurrence of PHTQIB is unwarranted.

4 See Appendix 1 for a parallel Bavli and Yerushalmi *sugya* with the major difference being that the latter lacks PHTKIB.

parallel *sugya* in b.Er 45b, 48a contains PHTQIB in its stead. If *atya* and PHTQIB have the same meaning, then it is possible that *atya* is a precursor to PHTQIB. Both *sugyot* appear as discussions on m.Er. 4:5:

משנה: מי שישן בדרך ולא ידע עד שחשיכה יש לו אלפים אמה לכל רוח דברי רבי יוחנן בן נורי.
 וחכמי אומ' אין לו אלא ארבע אמות.
 ר' אלעזר אומ' והוא באמצען.
 ור' יהודה או' לאי זה רוח שירצה ילך⁵ ומודה ר' יהודה שאם ברר לו שאינו יכול לחזור בו.⁶

Mishnah: He who fell asleep on the road [Friday before sundown], and did not know until it had become dark, has [the right to move] two thousand *amot* in any direction—these are the words of R. Johanan b. Nuri.

The Sages say: ‘he only has four *amot*’.

R. Eleazer says: he is in the middle (of the four *amot*—i.e. he has only two *amot* in each direction).

R. Judah says: ‘He can go in whichever direction he wants’. And R. Judah agrees that once he chooses [a direction] for himself, he may not go back on it.

The mishnah presents a series of opinions regarding how far one may move during the course of the Sabbath if he is asleep at its onset and therefore does not actively establish a Sabbath residence to create his travelling boundary limit. R. Johanan b. Nuri permits up to 2,000 *amot* in any direction, while the sages grant him only four *amot*. R. Eleazer and R. Judah seem to debate the parameters of the Sage’s four *amot*; R. Eleazer explains that the four *amot* allows only two *amot* in each direction, while R. Judah allows him to walk four *amot* in any one direction he chooses.

5 [ילך] absent from y.Er. 4:5 (both MS Leiden and printed editions), m.Er 4:5 MS Parma, Biblioteca Palatina-3171 (138).

6 Following MS Kaufmann A-50.

The Bavli and Yerushalmi each record the following discussion on this mishnah:

Yerushalmi⁷

a. פיס' מי שישן בדרך ולא ידע עד שחשיכה כול' רבי זעירא בשם רבי חסדיי טעמ' דרבי יוחנן בן נורי. מאחר שאילו היה ער היה קונה שביתה. ישן לא קנה לו שביתה. אין לו אלא אלפיים אמה לכל רוח.

b. ר' יודה א'. ואפילו ער ולא קנה לו שביתה. אין לו אלא אלפיים אמה לכל רוח

c. אתייה דר' יודה כר' יוחנן בן נורי (ודרובא כדר' יוחנן בן נורי)⁸ [ד]ר' יוחנן בן נורי אמ'. אחר שאילו היה ער קונה לו שביתה [היה] (ה)ע(יר)[ר] ולא קנה לו שביתה אין לו אלא אלפיים אמה לכל רוח

Bavli

A. (מה ע"ב) בעי רבא מאי קסבר רבי יוחנן בן נורי מסבר קא סבר חפצי הפקר קונין שביתה ובדין הוא דליפלוג בכלים והא דקמיפלגי באדם להודיעך כוחן דרבנן דאף על גב דאיכא למימר הואיל וניעור קנה ישן נמי קנה קא משמע לן דלא או דילמא קסבר רבי יוחנן בן נורי בעלמא חפצי הפקר אין קונין שביתה. והכא היינו טעמא הואיל וניעור קנה ישן נמי קנה...

C. (מה ע"א) וחכמים אומרים אין לו אלא ארבע וכו'. רבי יהודה היינו תנא קמא אמר רבא שמונה על שמונה איכא בינייהו.

a. 'He who fell asleep on the road, and did not know until it had become dark etc.' R. Zeira in the name of R. Hisdai: R. Johanan's b. Nuri's reasons is; **were he to be awake (when the Sabbath commenced), he would have acquired Sabbath residence, if he is sleeping he does**

A. (45b) Rava enquired what does R. Johanan b. Nuri maintain? Does he hold that ownerless objects acquire residence, and it would be proper to disagree regarding vessels, and they only disagrees regarding a [sleeping] person to inform you how far the sages view extends; **for although it**

⁷ Text from Sussman, pp. 471–2.

⁸ [ד] absent from Vilna and Venice editions. This line will be addressed below.

not acquire residence and he only has 2,000 *amot* in every direction.

may be argued that ‘since a man who is awake acquires [residence]. One sleeping should also acquire [residence]’, and so we are informed that no [not to distinguish between a sleeping person and an ownerless object].

Or perhaps R. Johanan b. Nuri holds that generally ownerless object do not acquire residence and here the reason (the sleeper acquires residence) is because a man awake acquires residence, so does a man who is asleep...

b. R. Judah said: even if he was awake and did not acquire residence he only has 2,000 *amot* in every direction.

c. R. Judah is like R. Johanan b. Nuri {and more than R. Johanan b. Nuri} for R. Johanan b. Nuri said: were he awake, he would acquire residence, if he is awakened and does not acquire residence, he only has 2,000 *amot* in every direction.

C. (48b) The Sages say: he only has four... R. Judah is [of the same opinion as] the first view of the mishnah? Rava said: Eight [cubits] by eight [cubits] is the difference between them.

The *sugyot* are clearly parallel:⁹ They both begin by explaining the logic behind the ruling of R. Johanan b. Nuri in similar manners (A, a).

9 There is much discussion on the relationship between the Bavli and Yerushalmi, and whether the former had a so-called “Talmud Kadum”, proto-version of the Yerushalmi as several scholars contend (see e.g. Shamma Yehuda Friedman, *Talmud Arukh: BT Bava Mezi’a VI, Text: Critical Edition with Comprehensive Commentary*, vol. II [Yerushalayim: The Jewish Theological Seminary Press, 2014], 13–16) or whether the Bavli redactor’s possessed tractates of the

Although, as is often the case, the Bavli discussion is more complex,¹⁰ it similarly argues that one who is awake and thus able to acquire residence, cannot be compared to one asleep. After citing the opinion of R. Judah, the Yerushalmi links his views with that of R. Johanan b. Nuri (section c.), asserting: *atya deRabbi Yudah ke-Rabbi Yohanan*. In the Bavli (C), the view of R. Judah is likewise connected with what is referred to as the first opinion of the mishnah, but only three folio later in its discussion of the sages' opinion, and in this instance the association is formulated as an inquiry: "ר' יהודה היינו תנא קמא".

Despite the apparent similarities between these two phrases, there are significant differences, including whom R. Yehuda is associated with. While "R. Judah is like the *Tanna Qamma*", presumably refers to R. Johanan b. Nuri, who appears as the first opinion cited in the mishnah as in the Yerushalmi, it is nevertheless clear that the comparison is being made to the Sages. This is evident both from the heading which precedes this question (i.e. the opinion of the Sages) and that the opinion of R. Judah is not mentioned during the extensive discussion of R. Johanan's ruling,¹¹ but appears only in the context of the Sages' opinion. The opinion of R. Judah is rather understood unrelated to R. Johanan b. Nuri. Indeed, the medieval commentary of Rashi explains that "*Tanna Qamma*" refers to the Sages.¹²

היינו תנא קמא - ר' יהודה דאמר לאיזה רוח שירצה יש לו ארבע אמות היינו תנא קמא רבנן דפליגי עליה דר' יוחנן בן נורי.

Yerushalmi (see Alyssa M. Gray, *A Talmud in Exile: The Influence of Yerushalmi Avodah Zarah on the Formation of Bavli Avodah Zarah*, Brown Judaic Studies; No. 342 (Providence, RI: Brown University, 2005).

10 Gray, *A Talmud in Exile*, 58–59.

11 Furthermore, b.Er. 46a describes the opinion of R. Johanan b. Nuri as a *yahid*, individual opposed to the *rabim*, many, thus making it clear that his view is unshared by other Tannaim.

12 This is also the view/version of R. Hananel *ad loc.*

He is the *Tanna Qamma* - R. Judah who says he has four *amot* in whichever direction he wants, is [of the same opinion as] the *Tanna Qamma* (i.e.) the Sages who argue with R. Yohanan b. Nuri.

How the opinion of R. Judah is understood and what association is made by these different formulas therefore diverges in the two Talmuds. Leib Moscovitz has examined the term *atya*, demonstrating its multiple connotations and associations, making its meaning in each case subject to ambiguity.¹³ While it could suggest that two opinions are the same, it also connotes other more complex associations, sometimes even linking opposing views.¹⁴ Furthermore, the meaning of this particular Yerushalmi *sugya* is unclear, since the opinion of R. Judah as reported in the *sugya* bears little resemblance to both his view presented in the mishnah as well as that of R. Johanan b. Nuri.¹⁵

Saul Lieberman therefore suggests an alternative explanation of this Yerushalmi, which underscores the difference between *atya* and the

- 13 On the meaning of *atya*, see Leib Moscovitz, "Between Casuistics and Conceptualization: On The Term *Ameru Davar Ehad* In The Palestinian Talmud," *The Jewish Quarterly Review* XCI (2000) 101–142; Willhelm Bacher, *Erkei Midrash Hatannaim (Lexicon of Rabbinic Exegetical Terminology)*, trans. A. Z. Rabinowitz (Tel Aviv, 1923), 155; and for a list of the uses and appearances of this term, see Moshe Assis, *A Concordance of Amoraic Terms Expressions and Phrases in the Yerushalmi, v.1* (New York: The Jewish Theological Seminary Press, 2013), 195–203.
- 14 See Leib Moscovitz, *Ibid.* He discusses the term that appears both in the Palestinian and Babylonian Talmuds, *ameru davar ehad* and how it compares to *atya* (which only occurs in the Palestinian Talmud), concluding that they are essentially synonyms.
- 15 The various commentaries of the Yerushalmi attempts to clarify this. *Korban ha-Eidah ad loc.*s.v. *ha*, alters the Talmudic text, thus explaining R. Johanan b. Nuri's view as follows: were he awake, he would acquire right of movement, similarly when he is asleep he acquires right of movement, which is parallel to R. Judah's view cited in the *sugya*, which states that one who is awake and makes no verbal declaration acquires 2,000 *amot* in every direction. *Pnei Moshe*, understands R. Zeira's explanation of R. Johanan b. Nuri as a question; if one who is awake is able to acquire residence, shouldn't one who is sleeping acquire it as well?

Bavli's PHTQIB.¹⁶ Unlike in the Bavli where R. Judah's opinion in the Mishnah appears to be remarking on the sages, the Yerushalmi's version of R. Judah's opinion comments on the ruling of R. Johanan b. Nuri. R. Johanan deems being awake at the onset of the Sabbath more effective in acquiring rights of movement than being asleep. Hence, if one who is awake but makes no verbal declaration acquires 2,000 *amot*, then one who is asleep can certainly not acquire more than that, but similarly acquires 2,000 *amot*. R. Judah, by contrast, maintains the opposite: being asleep is more effective than being awake without verbally acquiring a residence. In other words, if one may travel up to 2,000 *amot* in every direction where one consciously makes no verbal declaration (i.e. when he is awake at the onset of the Sabbath), he may certainly travel 4,000 *amot* in any direction he chooses if he is asleep when the Sabbath commences and thus his lack of declaration was unintended.

Lieberman further posits that section (c.) cannot be read according to the version of the printed text of the Yerushalmi, but he reconstructs the Yerushalmi based on MS Leiden as follows:¹⁷

אתייא דרבי יודה כרבי יוחנן בן נורי, ורובא מדר' יוחנן בן נורי, דרבי יוחנן בן נורי אמר אחר שאילו היה ער קונה לו שביתה, היה ער ולא קנה לו שביתה אין לו אלא אלפים אמה לכל רוח [ור' יהודה אמר אילו היה ער ולא קנה לו שביתה אין לו אלא אלפים אמה לכל רוח], אבל עכשיו שישן יש לו ד' אלפים.

R. Judah is like R. Johanan b. Nuri and more than R. Johanan b. Nuri, for R. Johanan b. Nuri said: were he awake, he would acquire residence, if he is awakened and does not acquire residence, he only has 2,000 *amot* in every direction. And R. Judah maintains even were he awake and he did not acquire residence, he would only have 2,000 *amot* in every direction, but now that he is sleeping he has 4,000 [*amot*].

16 *Hayerushalmi Kipshuto I: Sabbath, Erubin, Pesahim*, Saul Lieberman (Jerusalem: Darom Publishing Co., 1934), 284–5.

17 MS Leiden Eruvin contains the line: יוחנן בן נורי, ודרובא כר' יוחנן בן נורי, which does not appear in any other known manuscript of the Yerushalmi.

R. Judah is both like R. Johanan b. Nuri and “more than” R. Johanan b. Nuri, for the reason stated above. They are similar in that both agree that the actor, who is awake without verbally acquiring residence, acquires 2,000 *amot* in every direction. They differ, however in a case where one is sleeping; R. Judah maintains that one acquires 4,000 *amot*, whereas R. Johanan b. Nuri limits it to 2,000 *amot*.

Another difference which arises from Lieberman’s reconstruction of the Yerushalmi, is that *atya* does not make an absolute association, but rather suggests that the two views share a similar feature, while acknowledging that there are differences between them. This is as opposed to PHTQIB, which asserts that the two views are apparently identical. Furthermore, *atya deRabbi Yudah ke-Rabbi Yohanan* is not raised as a question, which begs a solution explicating how they are different. It rather functions to point to a similarity between the two opinions. In fact, *atya* in the Yerushalmi may generally serve as a mnemonic device to aid in memorizing the various views presented in a mishnah.¹⁸ In the Bavli, by contrast, PHTQIB spurs further analysis; presenting a challenge that two views seem to be identical and that the mishnah/baraita therefore contains superfluous information, necessitating a distinction to be made between them. Rava resolves this problem of the seeming redundancy by clarifying the difference.¹⁹ Accordingly, these parallels suggest that that Yerushalmi *sugya* likely served as the foundation for the Bavli which the latter reworked; replacing a Yerushalmi term with a Bavli one, likely resulting from the different understandings of R. Judah’s statement, which therefore necessitated the re-ordering of the material due to the new association made.²⁰ Thus while *atya* may have functioned as the impetus for the Bavli’s placement of PHTQIB in this *sugya*, the two terms serve differing functions.

18 Zacharias Frankel, *Mevo ha-Yerushalmi* (Breslau, 1870; repr. Jerusalem, 1967), p. 37a.

19 See below for discussions regarding instances where Amoraim appear to respond to anonymous questions and the issue of “*Stam Kadum*” along with Rava’s role in talmudic conceptualization.

20 This accords with what Alyssa Grey has described as two of the characteristic ways that the Bavli reworks edited units of Palestinian amoraic material, in her study on the relationship between the Bavli and Yerushalmi tractate Avoda Zara. Gray, *A Talmud in Exile*, 101, 106–16, 125.

Having established that PHTQIB is a distinctly Babylonian phrase, in the sections that follow we will trace how it is introduced and continues to evolve throughout the Bavli.

PHTQIB in an Attributed Statement

PHTQIB by and large appears without attribution in the anonymous redactional strata of the Bavli. In several instances,²¹ the distinction signaled by *איכא בינייהו*, is attributed to Amoraim—usually with *איכא בינייהו* following the distinction.²² In what seems to be its first appearance, Rava is attributed with issuing the question to his teacher R. Nahman b. Jacob regarding m.Ker. 5:5 (b.Ker. 22b–23a). This is the first (and seemingly only) instance in which this question—along with the very term “*Tanna Qamma*”²³—is attributed to a named sage:²⁴

- 21 I have found the following: b.Er. 48a (Rava); b.Meg. 6b (R. Papa, discussed below); b.Er 28b (Abaye); b.Ket. 14b (R. Yohanan); b.Ket. 71a (Abaye and Rava, but only Rava states *איכא בינייהו*); b.Yeb 90a (R. Aha b. R. Ika); b.BM 74a–b (Rava); b.A.Z. 45a–b (Rami b. Hama citing Reish Lakish); b.Zeb. 118a (R. Papa); b.Hul. 75b (R. Kahana); b.Sanh. 12b (Rava); b.Ker. 20a (Rava) b.Meil. 19b (Rava, R. Papa). With the exception of the last passage, in all instances in which the *איכא בינייהו* is attributed, the distinction precedes *איכא בינייהו*, as opposed to the later stock formula in which *איכא בינייהו* precedes the distinction. Some manuscripts of b.Ket. 79b also contain *איכא בינייהו* attributed to Rava. See also b.Bekh.9b–10a, where *איכא בינייהו* repeats a distinction attributed to Rava cited earlier in the same passage, and *ibid* 26a, where Rava is presented as responding to the distinction offered by *איכא בינייהו*. See Manfred Fulda, “Studies in ‘Haynu Tanna Qamma’”, 17.
- 22 While such cases could arguably bolster the claim for a “*Stam Kadum*,” (as discussed by Robert Brody in several recent studies, e.g. Robert Brody, “The Anonymous Talmud and the Words of the Amoraim,” *Igud* 1 (2008): 213–32), it is likely that the redactional question was added later to introduce the amoraic statement issuing a distinction between two rulings. See Friedman, “A Critical Study,” 18–23, see note 42.; Manfred Fulda, “Studies in ‘Haynu Tanna Qamma’”, 58–59, 61–62, 84 who maintains that the “*haynu*” question is a post-amoraic addition to the distinction offered by the Amoraim. Indeed, even Brody links the “*Stam Kadum*” to generations *after* that of Rava and Abaye, and as the above list shows, some of the sages who are presented as responding to “*haynu*” are earlier Amoraim.
- 23 *Infra* nt. 42

- A. משנה: ...התיכת חלב והתיכת חולין אכל אחת מהן ואינו יודע איזה מהן אכל מביא אשם תלוי אכל את השניה מביא חטאת אכל אחד את הראשונה ובא אחר ואכל את השניה זה מביא אשם תלוי וזה מביא אשם תלוי (דברי ר"ע).²⁵
- B. ר"ש אומר שניהם מביאין חטאת אחת.
- C. רבי יוסי אומר אין שנים מביאין חטאת אחת.
- D. גמ': א"ל רבא לרב נחמן לרבי יוסי חטאת הוא דלא מייתו שניהן הא אשם תלוי מייתו שניהם היינו ת"ק וכ"ת התיכה משתי חתיכות איכא בינייהו והתניא רבי יוסי אומר זה מביא אשם תלוי וזה מביא אשם תלוי.²⁶
- E. א"ל²⁷ הא קמ"ל דמאן ת"ק ר' יוסי.

- A. Mishnah: ...If there was a piece of *helev* and of unconsecrated food, and he ate one of them but does not know which one he ate - he is liable to a suspensive guilt-offering; if he ate the second piece, he is liable to a sin-offering. If he ate one piece and another person came and ate the other, each of them is liable to a suspensive guilt-offering.
- B. R. Simeon says: they together bring one sin-offering.
- C. R. Jose says: Two people cannot bring one sin-offering.
- D. Gemara: Rava said to R. Nahman: According to R. Jose it is only a sin-offering that cannot be brought by two people, [the implication is that] a suspensive-guilt offering can be brought by two people. This is then [the same as] the first opinion of the mishnah? And if you will say that they differ

24 B.Men. 17a-b (R. Assi) b.Ker. 19b-20a (R. Oshaya), b.Ket. 53 seem to attribute PHTK to named sages, but are likely redactional additions. See discussion of b.Ket. 53 below.

25 This attribution to R. Akiva is missing from MSS. Kaufman and Cambridge Add.470.1.

26 [הינו תנא קמא הוא עצמו שמביא אשם תלוי אמ' ליה התם לא ידיעה חיטאו וכי תימא MS Oxford-Bodl. Heb. B. 1 (2537) 10-20. In this version, it is unclear who suggests the possible difference between them which is rejected. Other than this instance, this passage has no variations among the text witnesses.

27 MS. Munich אלא.

as to whether one or two pieces is required, but it has been taught: ‘R. Jose maintains that each of them brings a suspensive guilt-offering?’

- E. [R. Nahman] replied: what it teaches is that R. Jose is the first opinion of the mishnah.

Rava seemingly raises a question to R. Nahman based on an inference he makes concerning the opinion of R. Jose in m.Ker. 5:5. R. Jose only exempts the two actors from bringing a sin offering as R. Simeon requires; he would still, however, require them to each bring a suspensive-guilt offering. Thus, Rava argues that R. Jose "היינו תנא קמא", issues the same ruling as the first opinion of the mishnah.²⁸ A possible difference between them is suggested, by Rava or the redactors, which is immediately rejected. R. Nahman²⁹ responds to Rava that R. Jose does in

28 Although R. Jose makes no mention of guilt offerings in the mishnah, the Tosefta reports R. Jose as requiring both parties to bring guilt offerings (t.Ker. (Zuckermann), 2:8 and see t.Ker 3:1 which describes the same case as the mishnah in question and refers to the ruling of R. Jose reported in 2:8). This correlates with what has been found to be the general tendency of fourth-generation Amoraim to be influenced by teachings from the Land of Israel (Zvi Dor, *Torat Erez Yisrael beBavel* (Tel Aviv: Devir, 1971); Richard Kalmin, *Jewish Babylonia between Persia and Roman Palestine*. New York: Oxford University Press, 2006, 4, see esp. chapter three and his conclusion) along with Rava’s awareness (and espousal) of Palestinian teachings and approaches (Yaakov Elman, “Rava ve-Darkhei ha-Iyyun ha-Eretz Yisraeliyyot be-Midrash ha-Halakhah,” in *Merkaz u-Tefutzah: Eretz Yisrael veHa-Tefutzot bi-Ymei Bayit Sheni, ha-Mishnah veHa-Talmud*, ed. Isaiah Gafni [Jerusalem: Merkaz Shazar, 2004], 217–42).

Fulda, however, argues that Rava likely did not state "היינו תנא קמא", since the inference made regarding R. Jose (i.e. he would require both to bring a suspensive guilt offering) could also be made about the first case of the mishnah, which he does not, since there the *Tanna Qamma* is explicitly attributed to R. Akiva. Fulda therefore maintains that Rava only made the inference regarding R. Jose’s opinion without raising the question that it is like the *Tanna Qamma*. The question was only inserted later by the redactors. Manfred Fulda, “Studies in ‘Haynu Tanna Qamma’”, 187.

29 According to MS. Munich, R. Nahman does not respond, but this suggestion is a continuation of what precedes it.

fact have the same view as the *Tanna Qamma*, and that therefore R. Yose is the *Tanna Qamma*. In this probable first occurrence of PHTQIB, it is presented as a genuine inquiry, rather than a rhetorical device to introduce another teaching—indeed, it lacks the first half of what becomes the final formula—Rabbi X.

Rava's reported concern with redundancy in the Mishnah conforms to what Yaakov Elman has described as this sage's (borrowing James Kugel's terminology) "omnisignificant revolution," or his systematic program to create consistent use of exegetical principles, wherein all details of the biblical text carry meaning in interpretation.³⁰ This in turn correlates with what has been observed as one of the hallmarks of Rava's methodology, developing "the terminology for evaluating the text of the Mishnah,"³¹ along with his approach of providing "large-scale consistent reading of rabbinic sources".³² For example, Rava also introduces "מתניתין נמי דיקא" "גמי דיקא", "the mishnah is also precise..." (along with his younger contemporary R. Nahman b. Isaac),³³ which like PHTQIB, involves a careful reading of the Mishnah in order to deduce new laws from it. Indeed, many fundamental concepts and modes of analysis in the Bavli can ultimately be traced to Rava, whose rulings were often further abstracted by the later redactors into explicit formulas and principles, and who therefore could be said to have ushered in the conceptualization characteristic of the redactional strata of the Bavli.³⁴ Consequently, in

30 Yaakov Elman, "Classical Rabbinic Interpretation" in *The Jewish Study Bible* ed. Adele Berlin and Marc Zvi Brettler. (Oxford: Oxford University Press, 2004), 1861–71.

31 Jacob Epstein, *Mevo'ot leSifrut ha-Amoraim: Bavli ve-Yerushalmi*. Ed. Ezra Melamed. (Jerusalem: Magnes, 1963), 369.

32 Yaakov Elman, "Hercules within the Halakhic Tradition", *Diné Israel* 25 (2008): 39.

33 Other occurrences of "מתניתין נמי דיקא" are attributed to R. Ashi, Ravina, Mar Zutra, and R. Aha grandfather of R. Ashi. In b.Shev. 29b, Ravina quotes it in the name of Rava. Moreover, since R. Nahman b. Isaac is younger than Rava, it is possible that Rava was the first to use this term.

34 Leib Moscovits, *Talmudic Reasoning, From Casuistics to Conceptualization* (Tubingen: Mohr Siebeck, 2002), 349. Yaakov Elman has several studies on Rava's innovative approaches with regard to conceptual analysis and jurisprudence, see e.g. Yaakov Elman, "Rava ve-Darkhei ha-Iyyun", 217–42; Yaakov Elman, "A Tale of Two Cities: Mahoza and Pumbedita as Representing

this instance Rava's specific query is developed by the redactors into a standard form of analysis, consisting of a rhetorical question and answer, and applied to a range of cases throughout the Bavli.

PHTQIB in the redactional Strata

PHTQIB's frequent appearance in the anonymous redactional strata of the Bavli functions in one of two ways. The first is as part of a larger argument, in which it is employed to reject or support an amoraic or anonymous opinion. This is likely the more original use of PHTQIB, since in this context it is related to the surrounding *sugya* in which it is embedded and makes an (arguably) justified point, and therefore appears to be in its more natural setting. The second way it occurs in the redactional strata is as an independent question and answer, which forms its own self-contained unit, detached from the rest of the *sugya*. We will examine instances of both in the sections that follow.

Stage One PHTQIB: Part of the Sugya

In what might be the earlier redactional use of PHTQIB, it relates to the rest of *sugya* and forms a part of a larger discourse. In this stage "*Tanna Qamma*" is not integral but a named sage may too be associated.³⁵

One example (which associates a sage and the "*Tanna Qamma*") is found in b.Ket 53b, regarding the case of a *mema'enet*, a young woman

Two Halakhic Cultures," in *Torah le-Shamma: Essays in Jewish Studies in Honor of Professor Shamma Friedman*, ed. David Golinkin and Moshe Benovitz (Jerusalem: Makhon Schechter, 2007), 3–38; Elman, "Hercules within the Halakhic Tradition.,"; Yaakov Elman, "Rava as Mara de-Atra of Mahoza," *Hakira* 11 (2011): 59–85.

35 E.g. b.Git 73b–74a asks, "הכמים היינו ר' יוסי", "the Sages are like R. Jose", the latter being the third view cited and the sages, the fourth view. Similarly, b.Men 63 states "היינו ר' יהודה היינו אברהם"; b.Sanh. 13a–b contains both, "היינו ר' יהודה" and "היינו תנא קמא". In this case, *Haynu* does not necessarily mean that the two opinions are identical, but rather that they share a basic similarity. More on this meaning below). These examples would seem to be from the early stage of PHTQIB, before "*Tanna Qamma*" became a standardized element. *Infra* n. 41 for more examples.

who refuses the marriage arranged by her mother/brother while she had been a minor:

- A. בעו מיניה מרב ששת ממאנת יש לה מזונות³⁶ או אין לה מזונות.
 B. אמר להו רב ששת תניתיה:
 אלמנה בבית אביה וגרושה בבית אביה ושומרת יבם בבית אביה יש לה מזונות.
 רבי יהודה אומר עודה בבית אביה יש לה מזונות אינה בבית אביה אין לה מזונות.
 C. רבי יהודה היינו ת"ק אלא לאו ממאנת איכא בינייהו דתנא קמא סבר אית לה³⁷ ורבי יהודה סבר לית לה.

- A. They inquired of R. Sheshet: Does a *mema'enet* receive support (from her father's estate) or does she not receive support?
 B. R. Sheshet said to them: You have learned this in a baraita: A widow in her father's house, a divorced woman in her father's house, or a woman awaiting levirate marriage in her father's house receives support.
 R. Judah says: if she is still in her father's house, she receives support. If not, she does not receive support.
 C. [The ruling of] R. Judah is [of the same opinion as] the [ruling of the] first opinion of the mishnah? Rather a *mema'enet* is [the difference] between them; the *Tanna Qamma* maintains she receives [support], and R. Judah maintains she does not receive [support].

It is uncertain whether section (C) is part of R. Sheshet's response to the inquiry posed to him (B), or a redactional addition. On the one hand, without (C), his answer is difficult to understand: the baraita does not refer to a case of a *mema'enet*, making it unclear how it answers the question. On the other hand, it is possible that the explanation in section

36 MS St. Petersburg - RNL Evr. I 187 - מזונות מאחין -

37 [אית לה מזונות MS Vatican 113; Vatican 487.11.]

(C) is a later redactional addition to elucidate how the baraita addresses the case of the *mema'enet*.³⁸ This is supported by the fact that R. Sheshet often responds to questions posed to him with *tenitu'ha* (you have learned this in a baraita) without an accompanying explanation.³⁹ *Tenitu'ha* may therefore introduce a baraita alone or one supplemented by explanation, making R. Sheshet's authorship of PHTQIB inconclusive at best.⁴⁰ In terms of function, PHTQIB in this *sugya* does not merely explicate the difference between the two opinions. R. Sheshet seeks to establish the law concerning a *mema'enet*, and the apparent redundancy in the mishnah is the instrument by which that is accomplished; since two opinions in the mishnah cannot be the same, one refers *mutatis mutandis* to *mema'enet*. In this context, PHTQIB plays a role in the larger discussion of the *sugya* and thus appears as an organic outgrowth of it, much like in Rava's statement discussed above.⁴¹

38 Or perhaps, the fact that the mishnah does not include the *mema'enet* indicates that she would not receive support.

39 See Friedman, "A Critical Study", 9–12; David Weiss Halivni, *Meqorot u-Mesorot: Tractate Shabbath* (Israel: Jewish Theological Seminary, 1982), 1968–94. Perhaps relatedly, R. Sheshet is known for his wealth of knowledge in tannaitic teachings, but not for his "sharpness" or analytical ability (b.Er. 67a and b.BM 38b where he insults the Pumpidetan style of casuistry). Also of relevance is Leib Mozcovitz's observation that the Yerushalmi alludes to tannaitic teachings without specifying the source, further bolstering the claim that Amoraim tended not to spell out their arguments but only refer to the tannaitic opinions, whereas the later redactors fill in the missing information. Leib Moscovitz, "Ameru Davar Ehad," 111, n. 34.

40 Fulda maintains that R. Sheshet likely only cited the baraita, without the accompanying question and answer. Manfred Fulda, "Studies in 'Haynu Tanna Qamma'", 80.

41 For more examples of this seemingly earlier use of PHTQIB see b.Men. 17a–b, b.Ker. 19b–20a, which both make the association to a named sage (and are discussed above, where PHTQIB appears on the heels of R. Assi and R. Oshaya's respective statements) b.Ber. 2b, 26b–27a, b.Shabb. 40b, 103a, b.Pes.37b, b.BQ 21b, b.BB 130a, 144b–145a, b.A.Z. 7b, 30b, b.Bekh. 10b, 26a, 35b, 42a, b.Hul. 4a, b.Tem. 7b. In some instances, PHTQIB opens with "אי הכי", if this is so, in response to an (amoraic or redactional) argument that precedes it, underscoring that PHTQIB relates to its surrounding *sugya*. Note that in many such instances, the association is not made to "*Tanna Qamma*" but to a named sage: e.g. b.Er. 22a, 23b (היינו ר')

STAGE TWO PHTQIB: An Independent Unit

PHTQIB also occurs in the redactional strata as a question and answer which forms its own self-contained unit, without interacting with or relating to the rest of the *sugya*. In these instances, there is often no further exploration of the distinction that has been made between the two associated opinions. The development of this second form of PHTQIB may be further differentiated into two different stages in the Bavli. In the first “*Tanna Qamma*,” a term which is found only in the Bavli and primarily in the anonymous strata, becomes an essential part of the formula. At first, it retains its usual meaning of the first opinion in the mishnah/baraita.⁴² In a subsequent stage, “*Tanna Qamma*” comes to refer to any opinion in a mishnah/baraita, even one that is not the first.

a. *Tanna Qamma* Retains its Meaning

One instance where “*Tanna Qamma*” maintains its usual meaning of the first opinion, is found in b.Shabb 24b on m.Shabb. 2:1. The Mishnah states:

- משנה
- A. במה מדליקין ובמה אין מדליקין אין מדליקין... ולא באליה ולא בחלב.
 B. נחום המדי אומר מדליקין בחלב מבושל.
 C. וחכמים אומרים אחד מבושל ואחד שאינו מבושל אין מדליקין בו.
 גמ'
 D. ולא באליה כו'. חכמים היינו תנא קמא איכא בינייהו דרב ברונא אמר רב
 ולא מסיימי.⁴³

היינו ר' (b.Yeb. 43b, 67b (היינו ר' יהודה), b.Bet. 12b (היינו ר' אליעזר), b.Yom. 80a (יוסי ויסי), b.Men. 6b (היינו ר' יהודה), b.BM 9a (היינו ר' יהושע), b.BQ 59a (היינו רבנן), 90a (יוסי), which is an usual case in that it associates two Amoraim rather than tannaitic sages.

42 Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Ramat Gan: Bar Ilan University Press, 2002), 1022, s.v. קמא., which translates קמא as “the first *Tanna*” (and p. 1215 s.v. תנא).

43 Halivni lists four other instances in which the phrase “אִיכָא בִּינֵיהוּ... וְלֹא מְסִימִי” appears in the Bavli, and notes that all occurrences of “אִיכָא בִּינֵיהוּ... וְלֹא מְסִימִי” are late, sometimes post-geonic, additions. Weiss Halivni, *Meqorot u-Mesorot: Shabbath*, 74–75.

Mishnah

- A. With what may we kindle and with what may we not kindle (the Sabbath lights)? We may not kindle with.... (fat from a) sheep's tail, nor forbidden fat tissue.
- B. Nahum the Mede says: we may not kindle with boiled fat tissue.
- C. The Sages say: whether it is boiled or not, we may not kindle with it.

Gemara

- D. ...(24b) "Nor with sheep's tail": the [opinion of] the sages is [of the same opinion as] the first opinion of the mishnah? The ruling of R. Beruna in the name of Rav is [the difference] between them, but they cannot be specified (as to who said what).

The first opinion of the mishnah (A) prohibits *helev*, fat tissue (among other substances), to be used to light Sabbath candles. In the final, self-contained section of this *sugya* (D), the redactors point out that the Sages (C) share the same view as the *Tanna Qamma*, since they too maintain *helev* may not be used, whether or not it is cooked, indicating that all forms of *helev* are forbidden. They offer a solution by postulating the difference between the two rulings as the teaching of R. Beruna in the name of Rav. This ostensibly refers to a ruling appearing on b.Shabb. 21a:

והאמר רב ברונא אמר רב חלב מהותך וקרבי דגים שנמוחו אדם גותן לתוכו
שמן כל שהוא ומדליק.

For R. Beruna said that Rav said: melted fat tissue or fish innards that have dissolved, a person may put a small amount of oil into it and light.

The distinction between the *Tanna Qamma* and the Sages is that one agrees with this ruling of Rav, namely that fat may be permitted if oil is

added to it, while the other prohibits fat in all instances. It is unclear, however, which of the two agrees. In this instance, “*Tanna Qamma*” refers to the first opinion of the mishnah and retains its plain meaning.

As opposed to the case from the previous stage, in which PHTQIB was justified, in this one it is arguably unnecessary, since it is possible to understand the opinions of Nahum Hamadi (B) and the Sages as two possible interpretations of the *Tanna Qamma* rather than alternative views;⁴⁴ Nahum Hamadi maintains that the *Tanna Qamma* (which Halivni views as an older mishnaic ruling) only forbids uncooked *helev*, whereas the sages understand the *Tanna Qamma* to exclude all forms of *helev*.⁴⁵ Furthermore, PHTQIB does not appear to offer any insight into the *sugya*; it remains unclear who agrees with Rav’s ruling.⁴⁶ Moreover neither the initial appearance of R. Beruna’s citation of Rav’s ruling (b.Shabb. 21a),⁴⁷ nor the corresponding Yerushalmi (y.Shabb. 2:1, 4d) mentions that it is subject to a tannaitic debate.⁴⁸

b. Tanna Qamma Loses its Meaning

As PHTQIB is incorporated into more *sugyot* and gains wider use, it evolves into a stock phrase with a standardized formula: “*Tanna Qamma*” loses its usual meaning of the first view,⁴⁹ and now may refer to any opinion cited in a tannaitic ruling, even one that is not the first. This constitutes a significant development in redactional terminology for in

44 Weiss Halivni, 74; Manfred Fulda, “Studies in ‘Haynu Tanna Qamma’”, 39–40.

45 This ruling is also found in Yerushalmi Shabbat 2,4d.

46 For other examples see b.Er. 13a; b.R.H. 29b both cases in which *Tanna Qamma* retains its original meaning, and PHTQIB is not justified since the supposed redundant opinions are presented as alternative understanding of the *Tanna Qamma*. (See also b.Er. 17a as an example of this latter phenomenon as well as where it is unrelated to the rest of the *sugya*). For more cases of where *Tanna Qamma* retains its meaning and is self-contained unit, see b.Ber 30a, 48b, 61b, b.Kid. 32b–33a, b.Sot. 7a, b.Ned. 53a, b.Sanh. 15b, b.Nid. 19a–b; b.AZ. 75a, b.Erekh. 28a.

47 Manfred Fulda, “Studies in ‘Haynu Tanna Qamma’”, 41.

48 In a similar vein, the discussion prompted by “היינו” is entirely absent from the Yerushalmi.

49 *Supra* n. 42.

most instances where *Tanna Qamma* appears, it almost always refers to the first opinion.⁵⁰ This would also point to the late provenance of such cases.

One example, (appearing in Appendix 1) is b.Ber. 30a. In this case, the redactors refer to the opinion of R. Eleazar b. Azaria as *Tanna Qamma*, though his is not the first opinion cited.⁵¹ Another case is b.Er. 23a-b. Mishnah 2:5 states:

ועוד אמר רבי יהודה בן בבא הגינה והקרפף שהן שבעים אמה ושיריים על שבעים אמה ושיריים המוקפות גדר גבוה עשרה טפחים מטלטלין בתוכה ובלבד שיהא בה שומירה או בית דירה או שתהא סמוכה לעיר.
 רבי יהודה אומר אפילו אין בה אלא בור ושיה ומערה מטלטלין בתוכה.
 רבי עקיבא אומר אפילו אין בה אחת מכל אלו מטלטלין בתוכה ובלבד שיהא בה שבעים אמה ושיריים על שבעים אמה ושיריים...

Rabbi Judah ben Bava further said: a garden or a *karpaf*,⁵² whose [area does not exceed] seventy cubits and a fraction by seventy cubits and a fraction, which is surrounded by a fence ten handbreadths high, one may carry in it, as long as there is in it a watchman's hut or a dwelling or it is near a town.

Rabbi Judah says: even if it contained only a cistern, a ditch, or a cave one may carry in it.

Rabbi Akiva says: even if it contains none of these one may carry in it, as long as its area [does not exceed] seventy cubits and a fraction by seventy cubits and a fraction.

50 I have found only two instances in which "*Tanna Qamma*" (not in the context of PHTQIB) does not refer to the first opinion (b.Betz. 9b; b.Sanh. 6b), but is one that appears earlier than the position under discussion.

51 Rashi, it seems, deals with this question by explaining:

היינו תנא קמא אליבא דרבי אלעזר בן עזריה

It is the *Tanna Qamma* according to R. Eleazer b. Azariah.

52 i.e. a type of enclosure Sokoloff, *Palestinian Aramaic*, p. 507, s.v. קרפף. Rashi explains that a *karpaf* was not intended for human habitation (Rashi, b.Er. 18a, s.v. *le'ginah u-lekarpaf*).

Following a brief anonymous discussion on the necessity of “ועוד” at the onset of the mishnah, the Bavli *sugya* continues:

- .D רבי עקיבא היינו תנא קמא.
 .E איכא בינייהו דבר מועט.
 .F תניא, רבי יהודה אומר: דבר מועט יש על שבעים אמה ושיריים, ולא נתנו חכמים בו שיעור.
 .G וכמה שיעור סאתים - כחצר המשכן.
 .H מנא הני מילי? - אמר רב יהודה: דאמר קרא ארך החצר מאה באמה ורחב חמשים בחמשים, אמרה תורה: טול חמשים וסבב חמשים.

- D. Akiva is [the of same opinion as] the *Tanna Qamma*?
 E. The difference between them is a small amount.
 F. For it is taught: R. Judah said: There is a small amount that exceeds seventy cubits and a fraction, but the sages did not specify this amount.
 G. And what [is the area of] the size of two *beit se'ah*?—One like that of the courtyard of the Tabernacle.
 H. From where is this deduced?—Rab Judah replied: For Scripture said: “The length of the court shall be a hundred cubits, and the breadth fifty everywhere,” the Torah states, ‘Take away fifty and surround [with them the other] fifty’...

In this *sugya* it is unclear who “*Tanna Qamma*” refers to, since the first opinion, which is attributed to R. Judah b. Baba (A) is unlike that of R. Akiva (C); the former only permits one to carry in a garden or *karpaf* that measures 70+ by 70+ if there is also some kind of living enclosure therein or it is adjacent to a city. R. Akiva, by contrast, requires only that it measure 70+ by 70+. The various Talmudic commentators therefore struggle to interpret whom “*Tanna Qamma*” denotes. Rashi (*ad. loc. s.v. R. Akiva*) explains that it actually refers to an opinion cited in an earlier mishnah in the same chapter, Mishnah 2:3:⁵³

53 This is likewise the view of Tosafot *ad loc. s.v. rabbi Akiva*. The same anonymous sages responding to R. Judah also appear in the first Mishnah of this chapter.

- a. רבי יהודה אומר עד בית סאתים.
 b. אמרו לו לא אמרו בית סאתים אלא לגנה ולקרפף. אבל אם היה דיר או סהר או מוקצה או חצר אפילו בית חמשת כורין אפילו בית עשרה כורין מותר ומותר להרחיק כל שהוא ובלבד שירבה בפסין.

- a. R. Judah says: up to two *beit se'ah*.
 b. They said to him: They only said two *beit se'ah* in regard to a garden and *karpaf*, but if the enclosed area was a cattle pen, fold, backyard, or courtyard, even if it is five *beit kor* or even ten *beit kor*, it is permitted [to carry within it]. And it is permitted to distance [the boards] any amount, as long as one adds to the boards.

According to this rendering, R. Akiva (C) in Mishnah 2:5 is synonymous to the sages responding to R. Judah (b) in 2:3.⁵⁴ *Tanna Qamma* in this *sugya* thus refers to an earlier tannaitic (anonymous) opinion that is found in a prior mishnah, but not the first one of any mishnah. Here too it may be argued that PHTQIB is unwarranted. The first time this ruling is presented in 2:3, it is part of an argument against R. Judah who maintains that slats may only be expanded up to two *beit se'ah*, even around a well (a). The Sages thus respond (b) that this limit of two *beit se'ah* only applies to a garden or a *karpaf*, but not to an area which is used for daily purposes, i.e. the main concern of 2:3. Surrounding a garden or *karpaf*, by contrast, is not discussed and is mentioned only to dispute R. Judah. Mishnah 2:5 is rather concerned with enclosing a garden and *karpaf* and lists the various opinions associated with them, including the opinion of R. Akiva which has already been stated. In this context it is therefore understandable why his opinion is repeated.⁵⁵ As we have seen in

Though R. Hananel *ad loc.* maintains the literal sense of “*Tanna Qamma*” arguing that it refers to the opinion of R. Judah b. Baba in the Mishnah.

54 See commentary of R. Ovadia of Bartenura on Mishnah 2:3 which explains how two *beit se'ah* is equivalent to seventy and a fraction by seventy and a fraction.

55 Halivni suggests an alternative interpretation of the *sugya* based on a reconstruction of R. Akiva's ruling. He maintains that the first clause of his ruling,

previous cases, the Yerushalmi shares several parallels with this short Bavli passage, including a ruling which is strikingly similar to the stated distinction between R. Akiva and the “*Tanna Qamma*” (F),⁵⁶ a teaching that the measurement is derived from the dimensions of the Tabernacle’s courtyard, and the citation of the accompanying verse, Ex. 27:18 as a proof text (G, H). However, the Yerushalmi lacks the question, “Akiva is [the same as] the *Tanna Qamma*?” In the Bavli’s version, the order in which the material is presented is reversed, and the question preceding it, “Akiva is [the same as] the *Tanna Qamma*?” subsequently has been added.⁵⁷

Tanna Qamma also lacks its usual meaning in the following case, which is noteworthy for it also demonstrates another possible import for the question of *היינו תנא קמא*. The Mishnah m.Ket. 5:5 with the corresponding Bavli *sugya* found in b.Ket 61b states:

אפילו אין בה אהת מכל אלו is not original to R. Akiva’s statement but was added by the compiler of the Mishnah; R. Akiva’s opinion, is therefore indeed redundant since it appears to be similar to the *Tanna Qamma*. “R. Akivah is the Tanna Qamma,” is therefore justified; they both mention the need for 70+ by 70+ (this is likewise how R. Hananel understands the question in his commentary *ad. loc.*). David Weiss Halivni, *Meqorot U-Mesorot: Seder Mo’ed, Tractates Erubin and Pesahim* (Jerusalem: JTS, 1974), 545–46.

Hiddushei ha-Ritva, and *ha-Rashba* both report an alternative older version of R. Akiva’s statement which lacks only the latter clause, *ובלבד שיהא בה שבעים אמה*, ושיריים על שבעים אמה ושיריים. The difference between *Tanna Qamma* and R. Akiva is therefore quite clear; he thus concludes that *Tanna Qamma* refers to R. Judah.

- 56 The Yerushalmi similarly states, *כהדא דתני יש כאן דבר קל ולא יכלו חכמים לעמוד עליו*, “This is in line with that which has been taught: There is a small point of difference here and sages could not solve the problem,” however, whereas in the Bavli, this is the answer to “היינו תנא קמא”, in the Yerushalmi it is not in response to an inquiry, but follows the teaching that the size of the enclosure that one may carry in, is derived from the Tabernacle (along with a complicated mathematical equation of how it leads to the dimensions of 70+x70+, lacking in the Bavli).
- 57 This case is similar to what we observed in the first case examined, and Alissa Gray’s description of the relationship between the Bavli and its received Yerushalmi traditions. *Supra* n. 20.

משנה

- A. ואלו מלאכות שהאשה עושה לבעלה טוחנת ואופה ומכבסת מבשלת ומניקה את בנה מצעת לו המטה ועושה בצמר הכניסה לו שפחה אחת לא טוחנת ולא אופה ולא מכבסת שתיים אין מבשלת ואין מניקה את בנה שלש אין מצעת לו המטה ואין עושה בצמר ארבע יושבת בקתדרא.
- B. רבי אליעזר אומר אפי' הכניסה לו מאה שפחות כופה לעשות בצמר שהבטלה מביאה לידי זימה.
- C. רשב"ג אומר אף המדיר את אשתו מלעשות מלאכה יוציא ויתן כתובה שהבטלה מביאה לידי שיעמום.
- גמ'
- D. רשב"ג אומר וכו'. היינו תנא קמא איכא בינייהו דמיטללא בגורייתא קיסנייתא⁵⁸ ונדרשיר.

Mishnah

- A. These are the tasks that a woman performs for her husband: grinding, baking, laundering, cooking, sucking her child, making his bed, and working in wool. If she brings one servant, she does not have to grind, bake, or launder; two servants, she (also) does not have to cook or suckle; three servants, she does not make his bed or work in wool; four servants, she may lounge on her chair.
- B. R. Eleazar says: even if she brings 100 servants, he may force her to work in wool, for idleness leads to lewdness.
- C. R. Simeon b. Gamliel says: even one who takes a vow forbidding his wife from doing work, must divorce her and pay her *ketubah*, for idleness leads to idiocy.

Gemara

- D. Rashbag says etc.: [the opinion of Rashbag] is [of the same opinion as] the *Tanna Qamma*? [the difference] between

58 Ed. Soncino (1487).

MS St. Petersburg-RNL Evr. 187 – קוסיניאחא.

MS Munich 95 – קסנייתא.

them is, she plays with wooden cubs,⁵⁹ and she plays backgammon.⁶⁰

Despite the anonymous question which opens the *sugya*, the *Tanna Qamma* (A) bears no resemblance to the opinion of R. Simeon b. Gamliel (C) and hence likely not whom “היינו תנא קמא” refers to. The most probable association is R. Eleazer (B), whom Rashi likewise identifies as the “*Tanna Qamma*”.⁶¹ However, the statements of R. Simeon b. Gamliel and R. Eleazer are also not identical. Notwithstanding Rashi’s assessment, namely that there is no significant difference between lewdness and idiocy, it is uncertain that R. Simeon b. Gamliel would agree that a man could compel his wife to do work, nor is it clear that R. Eleazer would obligate a man to divorce his wife should he forbid her to do so. Perhaps PHTQIB can be understood in this case as querying that R. Simeon b. Gamliel and R. Eleazer share the same underlying principle, though their actual rulings differ; unemployment has negative consequences.⁶² The redactors thus inquire what practical difference arises between the logic that underlies their respective rulings and answer by explicating the specific activities which lead to “lewdness” versus “idiocy.”⁶³

59 Sokoloff, *Babylonian Aramaic*, 272, s.v. גוריתא.

60 Sokoloff, 777, s.v. גרדשיר.

61 Rashi *ad loc.*

היינו ת"ק - רבי אליעזר מה לי לידי שעמום מה לי לידי זימא.

62 This discussion is entirely absent from the corresponding Yerushalmi.

See also b.A.Z. 45a–b, in which PHTQIB may likewise indicate that the underlying principle between R. Jose ha-Gelili and *Tanna Qamma* are the same; the question is thus what the practical difference between them is. Also see b.Sanh. 13a–b (*supra* n.35).

63 For more examples of where *Tanna Qamma* does not refer to the first (anonymous) opinion in a tannaitic passage, see b.Er. 16b, 45a, b.M.Q. 20b, b.Shabb 26a. Though in the last case, where “*Tanna Qamma*” of PHTQIB does not align with the first opinion of the Mishnah in question, it is the first opinion reported in the corresponding tosefta attributed to R. Yohanan b. Nuri (t.Shabb (Lieberman) 2:3,4) which therefore could ostensibly justify why in the Bavli it is referred to as “*Tanna Qamma*”.

Late Addition to a Fixed Sugya

In the final passage we will examine, PHTQIB is already a well-established and well-known phrase such that it is added to the *sugya* after it had already been formulated. M.Meg. 1:4 followed by the *sugya* in b.Meg. 6b state:

משנה

- A. קראו את המגילה באדר הראשון ונתעברה השנה קורין אותה באדר שני אין בין אדר הראשון לאדר השני אלא קריאת המגילה ומתנות לאביונים.
- גמ'
B. הא לענין סדר פרשיות זה וזה שוין מני מתניתין לא תנא קמא ולא רבי אליעזר ברבי יוסי ולא רבן שמעון בן גמליאל.
- C. דתניא:
1. קראו את המגילה באדר הראשון ונתעברה השנה קורין אותה באדר השני שכל מצות שנוהגות בשני נוהגות בראשון חוץ ממקרא מגילה.
2. רבי אליעזר ברבי יוסי אומר אין קורין אותה באדר השני שכל מצות שנוהגות בשני נוהגות בראשון.
3. רבן שמעון בן גמליאל אומר משום רבי יוסי אף קורין אותה באדר השני שכל מצות שנוהגות בשני אין נוהגות בראשון.
4. ושוין בהספד ובתענית שאסורין בזה ובזה.
D. רבן שמעון בן גמליאל היינו תנא קמא.
E. אמר רב פפא סדר פרשיות איכא בינייהו דתנא קמא סבר לכתחילה בשני ואי עבוד בראשון עבוד בר ממקרא מגילה דאף על גב דקרו בראשון קרו בשני ורבי אליעזר ברבי יוסי סבר אפילו מקרא מגילה לכתחילה בראשון ורבן שמעון בן גמליאל סבר אפילו סדר פרשיות אי קרו בראשון קרו בשני.

Mishnah

- A. If they had read the Megillah (Scroll of Esther) in the first Adar, and then an extra month was added to the year, they read it again in the second Adar. The only differences between the first Adar and second Adar are reading the Megillah and gifts to the poor.

Gemara

- B. [The implication is that] with respect to the four [Torah] portions,⁶⁴ [first and second Adar] are the same (i.e. one does not have to reread them during second Adar). Who is the author of our mishnah? It is neither the *Tanna Qamma* nor R. Eleazar b. R. Jose, nor R. Simeon b. Gamliel.
- C. For it is taught in a baraita:
1. If they read the Megillah in first Adar, and an extra month was added to the year, they must read [the Megillah] again in second Adar, since all of the precepts which are performed in the second Adar can be performed in the first, except for reading the Megillah.
 2. R. Eleazar son of R. Jose says: it is not to be read in the second Adar, because all precepts that are to be performed in the second may be performed in the first.
 3. R. Simeon b. Gamliel says in the name of R. Jose: it is to be read again in second Adar, since precepts that are performed in the second Adar may not be performed in the first.
 4. They all agree that mourning and fasting are prohibited in both.
- D. R. Simeon b. Gamliel is [of the same opinion as] *Tanna Qamma*?
- E. R. Papa said: the order of the [special Torah] portions is the difference between them. The *Tanna Qamma* maintains that from the onset [it should be performed] in second [Adar], but if is performed in the first, this suffices - except for reading the Megillah; even if it is read in the first, it must be read in the second; R. Eleazar b. R. Jose maintains even reading the Megillah should be read in the first from the onset; and R. Simeon b. Gamliel maintains, even the order of the [Torah] portions, if they are read in the first, must be read in the second.

64 The special Sabbath Torah portions read prior to and during the month of Adar: *Shekalim* (Ex. 30:11–16), *Zakhor* (Deur. 25:17–19), *Parah* (Numb. 19:1–22), and *Hahodesh* (Ex. 12:1–20). Rashi *ad loc.* s.v. *seder*.

Several aspects of this *sugya* are distinct from others containing PHTQIB. First, although R. Papa seemingly responds to the query by distinguishing between the three opinions cited in the mishnah, R. Simeon b. Gamliel (3.) does not share the same opinion as *Tanna Qamma* (1.);⁶⁵ R. Simeon b. Gamliel maintains that all the obligations of Purim must be performed again in second Adar, while the first opinion mandates that only reading the *Megillah* be repeated in second Adar. His opinion is also unlike R. Eleazer (2.) who does not require anything be performed in second Adar where Purim was already observed during the first Adar.⁶⁶

Another peculiarity, though by no means wholly distinct as we have already noted, is that PHTQIB is generally a redactional term, since in most instances the entire PHTQIB discussion is unattributed,⁶⁷ while in this case, "ר' שמעון בן גמליאל היינו תנא קמא" (E) is attributed to R. Papa and "איכא בינייהו" (D) remains anonymous. Finally, this is unusual in that "איכא בינייהו" does not only qualify the difference between *Tanna Qamma* and R. Simeon b. Gamliel, but also elucidates the distinctiveness of R. Eleazer, which does not correlate with the initial inquiry.⁶⁸

It is therefore unsurprising that רבן שמעון בן גמליאל היינו תנא קמא is absent from several text witnesses; MSS Munich 140, Gottingen 3, and Oxford (366).⁶⁹ In these versions, R. Papa's statement appears

65 In the Tosefta's version of this baraita, however, they are similar. *Infr.* 72. The version of R. Simeon b. Gamliel cited in the Yerushalmi (y.Meg. 1:5, 71a) is closer to that of the Bavli, however since the rest of the baraita does not appear, the question is irrelevant and therefore, unsurprisingly, not raised.

66 Leib Moscovitz confronts this same problem with several *ameru davar ehad* cases, in which the rabbis associated in no way seem to be saying the same thing. Moscovitz, *Ameru Davar Ehad*, 101–142.

67 *Supra* n. 21 for the cases in which just the "איכא בינייהו" is attributed.

68 Rabbi Yehudah Leib Alter in *Sefat Emet ad loc.* b.Meg. 6b is one of the only commentators to attempt to answer these questions. He explains:

ומתוך הדוחק נ"ל לפרש דבס"ד הוי ס"ל דכל מצות דת"ק היינו הספד ותענית -- והא דקתני ושיון הי' מפרש דקאי על ב' האדרים ולא אפלוגתא דתנאי פ"י ושיון ב' האדרים בהספד ותענית דאסור בשניהם וא"כ לפ"ז רשב"ג היינו ת"ק.

However, he admits the weakness of this answer.

69 See Appendix 2 for a table comparing the different manuscripts of this passage.

immediately following the citation of the baraita, delineating the various opinions listed therein regarding the order of the four Torah portions.⁷⁰ The independence of R. Papa's statement from "רבן שמעון בן גמליאל היינו תנא קמא" is further supported by six of the manuscripts (including the aforementioned three) which introduce R. Papa's statement with "ואמר ר' פפא", as opposed to "אמר ר' פפא". Since an answer to a question does not usually begin with "and," "ואמר ר' פפא" seems to indicate that it is an independent clause.⁷¹

Alternatively in five manuscripts; MSS British Library 400, Munich 140, Munich 95, Vatican 134 and Oxford 366, R. Simeon b. Gamliel and *Tanna Qamma* could ostensibly share the same view, since "שכל מצות בראשון" "שכל מצות בראשון" is absent from the ruling of the *Tanna Qamma*.⁷² Nevertheless two such instances (MSS Oxford 366, Munich 140), which report a condensed first opinion that is more in line with R. Simeon b. Gamliel, do not include the question "רבן שמעון בן גמליאל היינו תנא קמא". MS Columbia T-398X141 which includes "רבן שמעון בן גמליאל היינו תנא קמא", also contains the full quotation of the first opinion of the mishnah as it appears in the printed editions.

Based on the multiple variants among the text witnesses, we might suggest a possible development of this *sugya*, which also sheds light on the PHTQIB formula in general. It is likely that "רבן שמעון היינו תנא קמא" was not included in earlier versions of the *sugya*. R. Papa's statement was rather intended at either ascertaining the author of the mishnah based on an analysis of the different opinions reported in the baraita, or elucidating which obligations apply on the first day so as to differentiate between the opinions in the mishnah.⁷³ Once PHTQIB became a standard formula used

70 Likewise in MS British Museum, instead of "רבן שמעון בן גמליאל היינו תנא קמא" it asks "מאי בינייהו".

71 Rashi *ad. loc.* s.v. *amar*, notes that he has a version which reads "אמר ר' פפא".

72 Likewise in the Tosefta's version of this baraita (t.Meg [Lieberman] 1:6), *Tanna Qamma* and R. Simeon b. Gamliel share the same view. In this baraita the view of *Tanna Qamma* reads:

קראו את המגלה באדר הראשון ונתעברה שנה צריכין לקרותה באדר השני שכל מצות שנוהגות באדר השני אין נוהגות באדר הראשון.

73 This second option is suggested by Manfred Fulda, "Studies in 'Haynu Tanna Qamma'", 69.

in the Bavli, *רבן שמעון היינו תנא קמא* was inserted by virtue of the presence of the associated term, "איכא בינייהו". In other words, "איכא בינייהו" had become linked with "פלוני היינו תנא קמא" to the extent that R. Papa's statement containing "איכא בינייהו" was understood as a response to "רבן שמעון היינו תנא קמא".⁷⁴ This case therefore illustrates a later stage in which PHTQIB is already a set formula, and is inserted due to the presence of *איכא בינייהו*, despite its irrelevance to the context.⁷⁵

Conclusion

We have observed PHTKIB's development through different stages in amoraic and redactional material. Absent from the Yerushalmi, PHTQIB originates as an amoraic statement in the Bavli attributed to Rava. While it is impossible to affirm definitively that it is indeed reliably attributed to Rava, it is consistent with other statements of this sage, which evince an interest in systemization of earlier teachings, innovation, and abstract

74 This would also be true in all instances where *איכא בינייהו* is attributed. *Supra* n. 21.

75 Another example demonstrates how an earlier appearance of this phrase was altered based on its later iteration, in the Bavli's discussion of m.Ket. 2:8 (b.Ket. 26a–b). The Mishnah records three opinions:

רבי יהודה אומר אין מעלין לכהונה על פי עד אחד.

אמר רבי אלעזר אימתי במקום שיש עוררין אבל במקום שאין עוררין מעלין לכהונה על פי עד אחד.

רבן שמעון בן גמליאל אומר משום רבי שמעון בן הסגן מעלין לכהונה על פי עד אחד:

In the Bavli's opening discussion of this mishnah, the opinions of R. Simeon b. Gamliel and R. Eleazar are associated; however, the phrasing of the *haynu* question varies among the text witnesses. While in most, the question follows the earlier form, associating the sages by name: רשב"ג היינו ר' אליעזר; some manuscripts (MSS Firkovich 187, CUL: TS AS 79.14, Oxford: Heb. E. 76/115-1, Vatican, Bibliotheca Apostolica Ebr. 487/12) contain the more formulaic "רשב"ג היינו תנא קמא". The ways the differences between these two sages are presented therefore also vary. Some consistently refer only to R. Eleazar (MSS Vatican, Bibliotheca Apostolica Ebr. 112, Vatican, Bibliotheca Apostolica Ebr. 113, 130), while some have "*Tanna Qamma*" (MSS Munich 95, CUL: TS AS 79.14, Oxford: Heb. E. 76/115-1). The printed editions (Venice, Soncino, and Vilna) contain "R. Eleazar" in the first difference raised between the two opinions, and "*Tanna Qamma*" in the second. These would all suggest that the original version had "R. Eleazar" which was changed at a later point to "*Tanna Qamma*" once it had become a part of the formula.

thinking and analysis.⁷⁶ PHTQIB is later incorporated into redactional material in which different layers are discernible. In what appears to be an earlier stratum—including cases in which PHTQIB is presented as partially attributed—it is part of a rejection or support of a ruling, makes a justified point, and plays a role in the context of the *sugya* in which it is embedded. In this stratum, *Tanna Qamma* is not always part of the formula, but two named sages may be associated as well. Later instances introduce *Tanna Qamma* as an essential element,⁷⁷ and the question and distinction often appear unnecessary, adding little to the overall *sugya*. At this point PHTQIB becomes a standardized formula in which “*Tanna Qamma*” is integral to it. Subsequently “*Tanna Qamma*” becomes divorced from its usual meaning and rather refers to an earlier opinion in a mishna/baraita. In what is perhaps the latest stage, איכא היינו ת"ק becomes identified as a response to פלוני היינו תנא קמא, though it is not the original intent of the text.

In terms of its meaning, PHTQIB tends to associate views perceived to be wholly similar to the effect that a difference and sometimes new principle is deduced. In this way it departs from earlier phrases dating back to *sugyot* in the Yerushalmi, such as “*ameru davar ehad*”, “*atya*”, as well as “*ma’i beinaihu*” which sometimes associate conflicting views or ones with varying levels of similarities. PHTQIB seems to represent another level of talmudic analytical discourse in which careful readings of earlier tannaitic rulings lead to new insights. PHTQIB is thus a rhetorical formula that is reflective of the honed conceptualization which is the hallmark of Bavli legal discourse.

76 See Elman, “Hercules within the Halakhic Tradition”.

77 “*Tanna Qamma*’s” inclusion may be because it is part of Rava’s initial inquiry, it is easy to remember, and most mishnayot and baraitot contain a *Tanna Qamma*.

Appendix 1: Parallel Bavli and Yerushalmi Sugyot, no Yerushalmi Precursor

We have seen that PHTQIB first appears in the context of an amoraic dialogue, and that it subsequently becomes a redactional phrase added to *sugyot*. That it is of Babylonian origin is strongly indicated by its absence from the Yerushalmi, particularly in those *sugyot* where the Bavli and the Yerushalmi are parallel in all other respects. While we have already seen a few cases where the Bavli and Yerushalmi are parallel, let us examine one additional example, b.Ber 30a-b and y.Ber. 4.7, 8c on m.Ber. 4:7,⁷⁸ where the Yerushalmi contains no precedent of PHTKIB. This case falls into what we characterized above as Stage Two PHTKIB: an independent unit, in its later form, where *Tanna Qamma* no longer retains its usual meaning of the first opinion. The Mishnah there states:

רבי אלעזר בן עזריה אומר אין תפלת המוספין אלא בחבר עיר.
 וחכמים אומרים בחבר עיר ושלא בחבר עיר.
 רבי יהודה אומר משמו כל מקום שיש שם חבר עיר יחיד פטור מתפלת
 המוספין.

Eleazar b. Azariah says: the *musaf* prayer may only be said with the assembly of the town (i.e. a congregation of ten men).

The sages say: whether with or without the assembly of the town.

R. Judah said in his name: wherever there is an assembly of the town, an individual is exempt from the *musaf* prayer.

78 See Manfred Fulda, "Studies in 'Haynu Tanna Qamma'", 27–31, for his analysis of the *sugya*.

Yerushalmi⁷⁹

Bavli

A. רבי יהודה היינו תנא קמא! איכא בינייהו:
יחיד שלא בחבר עיר;⁸¹ תנא⁸² קמא סבר:
פטור, ורבי יהודה סבר: חייב.

B. אמר רב הונא⁸³ בר חנינא אמר רב חייא
בר רב⁸⁴ הלכה כרבי יהודה שאמר משום רבי
אלעזר בן עזריה.

C. אמר ליה רב חייא בר אבין שפיר קאמרת
דאמר שמואל מימי לא מצלינא צלותא
דמוספין ביחיד בנהרדעא לבר מההוא יומא
דאתא פולמוסא דמלכא למתא ואטרידו
רבנן⁸⁵ ולא צלו וצלי לי ביחיד⁸⁶ והואי יחיד
שלא בחבר עיר.⁸⁷

D. יתיב רבי חנינא קרא קמיה דרבי ינאי
ויתיב וקאמר הלכה כרבי יהודה שאמר משום
רבי אלעזר בן עזריה אמר⁸⁸ ליה פוק קרא

79 Sussman, p. 41.

80 MS Vatican - 'ר' אלעזר אומ' ר' ביבי בשם ר' חנינא הלכה כר' יוסה ומלתיה... .

MS Paris - 'ר' ביב בשם ר' חונא אמ' הלכה כר' יהודה שאמר משום ר' אלעזר בן עזריה מילתיה... .

MS London - 'ר' ביבי בש'ר' חונא אמ' הלכה כר' יהודה שאמר משום ר' אלעזר בן עזריה... מילתיה -

Ed. Amsterdam - 'ר' ביב בשם ר' חנא אמר הלכה כר' יודא שאמר משום ראב"ע מלתיה... .

Ed. Constantinople - 'ר' ביבי אמר הלכה כר' יהודה משום ראב"ע מילתיה... .

81 MS Paris 671 - rest of sentence missing. absent MS Oxford Opp. Add. Fol. 23.

82 MS Paris 671 - 'א"ר אבא בר חנינא ואיתימ' -

MS Paris 671 - 'א"ר אבא בר חנינא ואיתימ' -

84 Paris 671 - 'א"ר אבא בר חנינא ואיתימ' ר' חייא בר רב הלכה כר' יהודה שאמר משום ר' אלעזר בן עזריה.

85 MS Florence II-I-7; MS Paris 671 - 'א"ר אבא בר חנינא ואיתימ' ר' חייא בר רב הלכה כר' יהודה שאמר משום ר' אלעזר בן עזריה.

86 MS Oxford Opp. Add. Fol. 23; MS Florence II-I-7 - 'א"ר אבא בר חנינא ואיתימ' ר' חייא בר רב הלכה כר' יהודה שאמר משום ר' אלעזר בן עזריה.

87 MS Oxford Opp. Add. Fol. 23; MS Florence II-I-7 - 'א"ר אבא בר חנינא ואיתימ' ר' חייא בר רב הלכה כר' יהודה שאמר משום ר' אלעזר בן עזריה.

88 MS Paris 671 - 'א"ר אבא בר חנינא ואיתימ' ר' חייא בר רב הלכה כר' יהודה שאמר משום ר' אלעזר בן עזריה.

קראיך לברא דאין הלכה כרבי יהודה שאמר
משום רבי אלעזר בן עזריה.

E. אמר רבי יוחנן אני ראיתי את רבי ינאי
דצלי והדר צלי...
e. מילתיה דר' יוחנן אמ' כן.
דמר ר' [יוחנן]. אני ראיתי את ר' ינאי עומד
ומתפלל בש[ו]ן קי שלציפורין ומהלך ד' אמות
ומתפלל שלמוסף. ואין חבר עיר בציפורין...

A. R. Judah is [of the same opinion as] the *Tanna Qamma*? They differ in the case of an individual who is not [in the presence of] a town assembly: *Tanna Qamma* holds he is exempt; R. Judah holds he is liable.

b. R. Bibi said in the name of R. Hanah: The law accords with R. Judah in the name of R. Eleazar b. Azariah.

B. R. Huna b. Hinena said in the name of R. Hiyya b. Rab: the law accords with R. Judah in the name of R. Eleazar b. Azariah.

c. The statement of Samuel says this, for Samuel said: 'In all my days I never prayed *musaf* [alone] except for one time when the son of the exilarch died and the congregation did not pray and I prayed'.

C. R. Hiyya b. Abin said to him: You are right, for Samuel said, '[In] all my days I never prayed *musaf* alone in Nahardea, except for the day when the king's forces came to the town and disturbed the rabbis and they did not pray. I prayed alone', (I was an individual not in the presence of a congregation).⁹²

d. The statements of the [following] rabbis dispute this. For R. Jacob b. Idi said in the name of R. Simeon the pious: 'The mishnah [refers] to

D. R. Haninah was studying Scripture before R. Jannai and he was sitting and saying; 'the law is like R. Judah who said in the name

shepherds and fig gatherers,⁸⁹ [The mishnah] (only?) refers to shepherds and fig gatherers,⁹⁰ which implies that all other people are obligated [to recite *musaf*].

of R. Eleazar b. Azariah'. [R. Jannai] said to him: Go and give your Bible reading outside, for the law is not like R. Judah who said in the name of R. Eleazar b. Azariah.

e. The statement of R. Johanan says this: for R. Johanan said, 'I saw R. Jannai standing and praying in the market of Tzipporin and he walked four *amot* and prayed *musaf*. Is there no town assembly in Tzipporin?!⁹¹

E. R. Johanan said: I have seen R. Jannai pray (privately) and then pray again (privately)...⁹³

The Yerushalmi opens with a statement of R. Bibi in the name of R. Hanah (b), which likewise appears in the Bavli (B), with a different attribution,⁹⁴ upholding the view of R. Judah in the name of R. Eleazar. Both talmuds subsequently bring further support for R. Judah from an anecdote of Samuel (C,c). Though the settings of the narratives differ — in the Yerushalmi the congregation is unable to say *musaf* due to the death of the exilarch's son, while in the Bavli it is due to the arrival of the

92 Found only in Ed. Soncino (1484), Vilna. Absent from all MSS.

89 Sokoloff, *Palestinian Aramaic*, 490, s.v. קייט/קייט.

90 Meaning only shepherds and fig gatherers are exempt from praying when there is a town assembly, since they work in the field most of the time and are therefore ignorant in how to recite the *musaf* prayer. *Penei Moshe, ad. loc.*, s.v. *mileihon*.

91 Even though there was clearly a town assembly in Tzipporin, he nonetheless prayed *shaharit* in the market and then walked four *amot* and prayed *musaf* on his own. *Penei Moshe ad. loc.*, s.v. *milteih*.

93 I.e. he prayed the two separate morning prayers of *shaharit* and *musaf* on his own, even though there was a town assembly; thus implying that the law does not follow R. Eleazar b. Azariah. Rashi *ad. loc.* s.v. *dezali*.

94 The names are so similar that the disparity could be due to a scribal error or a result of the process of oral transmission. In fact MSS Paris and London (see footnote 80) contain R. Bibi in the name of R. Huna. Furthermore in MS Paris 671, it is first attributed to R. Abba, which is similar to Bibi such that the two could have been confused.

king's army—in both, Samuel maintains that he never recited *musaf* by himself as long as there was a congregation, per R. Judah. Sections (D,d) challenge the notion that the law follows R. Judah and sections (E,e) are also similar, though the Yerushalmi supplies more details; both report R. Johanan positing that R. Jannai prayed both *shaharit* and *musaf* by himself, even though there was a congregation. From this point on the two *sugyot* diverge and each digresses to a topic relating to the statement of R. Jannai.⁹⁵

A conspicuous difference between the two *sugyot* is the Bavli's opening statement, 'ר יהודה היינו ת"ק איכא בנייהו וגו', which is lacking from the Yerushalmi. Absent this question and answer, however, the two *sugyot* remain remarkably similar which demonstrates its inconsequentiality. Its very placement at the beginning of the Bavli *sugya*, thus making it easily removable, likewise demonstrates its independence and late provenance. What is more, the difference between the two supposed identical opinions receives no further attention.⁹⁶ Although the two printed editions (Soncino 1484, Vilna) incorporate the distinction between *Tanna Qamma* and R. Judah into the end of Samuel's statement, ('I was an individual not in the presence of a congregation'),

95 The Bavli's discussion centers on intention, suggesting the possibility that R. Jannai merely prayed *shaharit* twice since the first time he did not have the proper intention, while this concern with intention is absent from the corresponding Yerushalmi. This accords with what many scholars have observed as the Bavli's increasing interest in matters relating to intention and interiority. See Shamma Friedman, *Tosefta Atikta: Pesah Rishon*, (Ramat Gan: Bar Ilan UP, 2002), 333–47, who demonstrates how the Bavli introduces the notion of בטל בלב, mentally nullifying leavened bread on Passover, i.e. that mental thoughts are legally significant, which is not found in the Mishnah, Tosefta and corresponding Yerushalmi; Ayelet Hoffman Libson, *Law and Self-Knowledge in the Talmud* (NY: Cambridge University Press, 2018), chap. One.; Yishai Kiel, "Cognizance of Sin and Penalty in the Babylonian Talmud and Pahlavi Literature: A Comparative Analysis," *Oqimta* 1 (2013), 319–67, and his bibliography in note 4; Shana Strauch Schick, *Between Thought & Deed: Intention in Talmudic Jurisprudence* (Brill, forthcoming).

96 Fulda also argues that the alleged difference between R. Judah and the *Tanna Qamma* is not compelling. Manfred Fulda, "Studies in 'Haynu Tanna Qamma'", 31.

this clause is absent from all extant manuscript traditions,⁹⁷ indicating that it is a late addition intended to include the initial distinction which opens the *sugya* into a later part of the passage.⁹⁸ PHTQIB rather remains an independent, easily detachable unit.

97 *Supra* n. 87.

Appendix 2: b.Megillah 6b

דפוס (פירוש) רע"ו	קולומביה 141X893-T	ספרייה ברישית 5508 (400) HARL	מינכן 140	מינכן 95	גטינגן 3	אוקספורד (366) Opp. Add. Fol. 23	ויסקן 134
הא לענין סדר פרשיות זה וזה שוין מני מתניתין לא תנא קמא ולא רבי אלעזר כרבי יוסי ולא רבן שמעון בן גמליאל	הא לענין סדר פרשיות זה וזה שוויין מני מתניתין לא תנא קמא ולא רבי אלעזר ביר' יוסי ולא רבן שמעון בן גמליאל?	הא לענין [סדר] פרשיות זה וזה שוין מני מתני' לא תנא קמא ולא ר' אלע' בר' יוסי ולא רבן שמע' בן גמל'	הא לענין סדר פרשיות זה וזה שוין (מ)גי מתניתין לא תנא קמא ולא ר' אלעזר בר' יוסי ולא רבן שמעון בן גמליאל	הא לענין סדר פרשיות זה וזה שוין מני מתני' לא תנא קמא ולא ר' אלעזר ב"ר יוסי ולא רשב"ג	הא לענין סדר פרשיות זה וזה שוין מני מתניתין לא תנא קמא ולא ר' אלעזר בר' יוסי ולא רבן שמעון בן גמליאל	גמ' הא לענין פרשיות זה וזה שוין מני מתני' לא תנא קמא ולא ר' אלעזר בר' יוסי ולא רשב"ג	הא לענין סדר פרשיות זה וזה שוין מני מתני' לא תנא קמא ולא ר' אלעזר בר' יוסי >.< רשב"ג
דתניא קראו את המגילה באדר הראשון ונתעברה השנה קורין אותה באדר השני שכל מצוות שנוהגות בשיני נוהגות בראשון חוץ ממקרא מגילה	דתנא קראו את המגילה באדר הראשון ונתעברה השנה קורין אותה באדר השני? כל? מצוות הנהגות בשיני נוהגות בראשון חוץ ממקרא מגילה	דתניא קראו את המגילה באדר הראשון ונתעברה השנה קורין אותה באדר השני	דתניא קראו את המגילה באדר [ה]ראשון ונתעברה השנה קורין אותה באדר השני	דתניא קראו את המגילה באדר הראשון ונתעברה השנה קורין אותה באדר השני	דתניא קראו את המגילה באדר הראשון ונתעברה שנה קורין אותה באדר השני שכל מצוות שנוהגות בשיני נוהגות בראשון חוץ ממקרא מגילה	דתניא קראו את המגילה באדר הראשון ונתעברה השנה קורין אותה באדר השני	דתני קראו את המגילה באדר הראשון ונתעברה השנה [קורין אותה] באדר השיני
רבי אלעזר בר יוסי אומר אין קורין אותה באדר השני שכל מצות שנוהגות בשיני נוהגות בראשון	ר' אלעזר ביר' יוסי אומ' מ?ש'ום רבי זכריה בן הקצב קורין אותה באדר ה[ר?>?]ש[ני] שכל מצוות שנוהגות בשיני נוהגות בראשון?>?	ר' אלע' בר' יוסי אומ' משום ר' זכריה בן הקצב אין קורין אותה באדר השני שכל מצות הנהגות [בשיני] נוהגות [בראשון] [אין] נוהגות [בשיני] (בראשון)	ר' אלעזר בר' יוסי אומ' משום ר' זכריה בן הקצב אין קורין אותה [באדר] השני שכל מצות הנהגות בשיני נוהגות בראשון	ר' אלעזר ב"ר יוסי אומ' משום ר' זכריה בן הקצב אין קורין אותה באדר השני שכל המצוות הנהגות בשיני נוהגות בראשון	ר' אלעזר בר' יוסי אומ' משום ר' זכריה בן הקצב אין קורין אותה באדר השני שכל מצות הנהגות בשיני נוהגות בראשון	ר' אלעזר בר' יוסי אומ' משום ר' זכריה בן הקצב קורין אותה באדר השני שכל מצות הנהגות בשיני נוהגות בראשון	ר' אלעזר בר' יוסי אומ' משום ר' זכריה בן הקצב אין קורין אותה באדר השני שכל מצות הנהגות בשיני נוהגות בראשון
רבן שמעון בן גמליאל אומר משום רבי יוסי אף קורין אותה באדר השני שכל מצות שנוהגות בשיני נוהגות בראשון ושיוין בספד ובתענית שאסורין בזה ובוה רבן	רבן שמעון בן גמליאל אומ' משום ר' יוסי אין קורין אותה אלא באדר השני שכל מצות? וות? ש?נ?הגות בשיני אין נוהגות בראשון ושיוין בספד ותענית שאסורין בזה ובוה	רבן שמע' בן גמל' אומ' משום ר' יוסי אף קורין אותה באדר השני שכל מצות הנהגות (בשיני) [בראשון] נוהגות (בראשון) [בשיני] ושיוין בספד ובתענית שאסורין בזה ובוה	[רבן] שמעון בן גמליאל [משום ר' אלעזר] אומ' אף קורין אותה באדר השני שכל מצות שנוהגות בשיני [אין] נוהגות בראשון ושיוין בספד ובתענית שאסורין בזה ובוה	רשב"ג אומ' משום ר' יוסי אף קורין אותה באדר השני שכל מצות שנוהגות בשיני אין נוהגות בראשון ושיוין בספד ובתענית שאסורין בזה ובוה	רבן שמעון בן גמליאל אומ' משום ר' יוסי אף קורין אותה באדר השני שכל מצות הנהגות בשיני אין נוהגות בראשון ושיוין בספד ובתענית שאסורין בזה ובוה	ורשב"ג אומ' משום ר' יוסי אומ' כמוכן קורין אותה באדר השני שכל המצוות הנהגות בשיני נוהגות בראשון ושיוין בספד ותענית שאסורין זה בזה	[רשב"ג אומ' משום ר' יוסי אומ' כמוכן קורין אותה באדר השני שכל המצוות הנהגות בשיני נוהגות בראשון ושיוין בספד ותענית שאסורין זה בזה ובוה ווינון בה
שמעון בן גמליאל היינו תנא קמא	רבן שמעון בן גמליאל אומ' הינו תנא קמא	מאי ביניהו	רשב"ג היינו ת"ק	רשב"ג היינו ת"ק			רבן שמעון הינו תנא קמא

סדר פרשיות איכא ביניהו ואמר רב פפא דתנא קמא סבר לכתחילה בשיני ואי עבוד בראשון עבוד בר ממקרא מגילה דאף על גב דקרו בראשון קרו בשיני ורבי אליעזר בר יוסי סבר אפילו מקרא מגילה לכתחילה בראשון ורבן שמעון בן גמליאל סבר אפילו סדר פרשיות אי קרו בראשון קרו בשיני	אמ' רב פפא סדר פרשיות איכא ביניהו דתנא קמא סבר סדר פרשיות נמי לכתחילה בשיני ואי עבוד בראשון עבוד לבד ממקרא מגילה דאע"ג דקארו בראשון קארו בשיני ר' אליעזר ביר' יוסי אומ' אפלו מקרא מגילה לכתחילה בראשון רבן שמעון סדר פרשיות נמי אע"ג דקארו בראשון קארו בשיני נמי	אמ' רב פפא סדר פרשיות איכא ביניהו דתנא קמא סבר לכתחילה בשיני ואי עבוד בראשון עבוד לבד ממקרא מגילה דאע"ג דקרו בראשון יקרו בשיני ור' אלע' בר' יוסי סבר אפילו מקרא מגילה לכתחילה בראשון [1]רבן שמע' בן גמל' סבר סדר פרשיות נמי אע"ג דקרו בראשון קרו בשיני	ואמ' רב פפא סדר פרשיות איכא ביניהו תנא קמא סבר לכתחילה בשני ואי עבוד בראשון עבוד (למ) לבר ממקרא מגילה דאף על גב דקרו בראשון [ל]קרו בשיני ר' אלעזר בר' יוסי (אומ') סבר אף מקרא מגילה [נמי] [2] בראשון [1] לכתחילה ורבן שמעון בן גמליאל סבר סדר פרשיות נמי אע"ג דקרו בראשון [לי]קרו בשני	ואמ' רב פפא סדר פרשיות איכא ביניהו דת"ק סבר לכתחילה בשני ואי עביד בראשון עביד לבד ממקרא מגילה דאע"ג דקרו בראשון קרו בשני ור' אלעזר סבר אפי' מקרא מגילה לכתחילה בראשון ורשב"ג סבר אפילו סדר פרשיות נמי אע"ג דקרו בראשון קרו בשני	ואמ' רב פפא בין רבן גמליאל ותנא קמא סדר פרשיות איכא ביניהו דתנא קמא סבר לכתחילה בשני ואי עבוד ממקרא מגילה דאע"ג דקרו בראשון עביד לבר ממקרא מגילה דאע"ג דקרו בראשון קרו בשני ר' אליעזר בר' יוסי סבר אפלו מקרא מגילה לכתחילה בראשון ורבן שמעון בן גמליאל סבר אפילו סדר פרשיות אע"ג דקרו בראשון קרו בשני	ואמ' רב פפא סדר פרשיות איכא ביניהו דתנא קמא סבר לכתחילה בשני ואי עבוד בר ממקרא מגילה דאע"ג דקרו בראשון ליקרו בשיני ור' אליעזר בר' יוסי סבר אפי' מקרא מגילה נמי לכתחילה בראשון ורשב"ג אומ' סדר פרשיות נמי אע"ג דקארו בראשון ליקרו בשני	וא' רב פפא סדר פרשיות איכא ביני' דתנא קמא סבר לכתחיל' בשיני ואי עביד בראשון עבוד לבר ממקרא מגילה דאע"ג ב דקרו ברא' קרו בשיני ר' אלעז' בר' יוסי סבר אפי' מקרא מגי' לכתחיל' בראשון [...] ורשב"ג סבר סדר פרשיות נמי דקרו בראשון קרו בשיני	מני... מתניתין מני... מני... מתניתין מני... מני... מני... מתניתין מני... מני...
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