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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

* I would like to thank the editors, Michal Bar-Asher Siegal and Moulie Vidas, for their encouragement and comments, as well as the anonymous reviewer who provided vital feedback. Yaakov Elman, z”l, read an earlier version of this paper and provided valuable insights and Zvi Arieh Steinfeld, z”l discussed several of the sugyot with me. This article is dedicated to the memory of Rabbi Dr. Meir (Manfred) Fulda z”l, whose dissertation, completed in 1979 at Yeshiva University, on the very same talmudic phrase, came to my attention thanks to the comments of the aforementioned reviewer. His study, conducted without the aid of modern computers and search engines, serves as a testament to his vast erudition and diligence as a scholar.


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. 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.

Suggestions

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Manfred Fulda, “Studies in the ‘Haynu Tanna Qamma’ and ‘Peloni Haynu Peloni’ 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) 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, 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 “atyat 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

Fulda argues that almost every occurrence of PHTQIB is unwarranted.

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:Miami שישן בדרכו ולא ידע עד שנחשיכה ישתהו באם לכל רוח דבריו.
רבי יוחנן בן נורי.
וחכמים, אוים צרכו ולא ארבע אם.
ר' אלעזר אומ' הוא באם ממוצע.
ר' יהודה אומ' לא אם זה רוח שירצה ילך.
וימודה ר' יהודה שאם ברבר ולא ישאנו.
יוכל להוור ב'.

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. Eleazar 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. Eleaz and R. Judah seem to debate the parameters of the Sage’s four amot; R. Eleazar 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:

**Yerushalmi**

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 not**.

**Bavli**

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**

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7 Text from Sussman, pp. 471–2.

8 [ודֶּרֶבֶּא, נּוּרֵי] 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, 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 יוהניא 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, 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:

> "ויהי תנא קמא - ר' יהודה יומין לאותו רוח שירצה יש לו ארבע אמות היינו. תנא קמא רבנן דפליגי עליה ד' יוחנן בן נורי.


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.\(^\text{13}\) While it could suggest that two opinions are the same, it also connotes other more complex associations, sometimes even linking opposing views.\(^\text{14}\) 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.\(^\text{15}\)

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


\(^\text{14}\) 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.

\(^\text{15}\) 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. 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:

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].


17 MS Leiden Eruvin contains the line: ודרבא 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.


\(^{19}\) 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, the distinction signaled by איכא בינייהו, is attributed to Amoraim—usually with איכא בינייהו following the distinction. 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*” is attributed to a named sage.

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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

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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


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

26 [דנין תאו קמם איה צטעי שמצא אשם חלוי אמן ליה חמה לא ידיעו ותושע לא ידעיה ותרשיה יא ודיעיה והתרשיה יא] 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 א'.
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 'והני 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. Nahman 29 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. (Zuckermandel), 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 Yisraeliyot 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 "והני 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.  

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,” along with his approach of providing “large-scale consistent reading of rabbinic sources.” For example, Rava also introduces מַעֲנֵי נְמוּ הַדִּיקָא, “the mishnah is also precise…” (along with his younger contemporary R. Nahman b. Isaac), 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. Consequently, in

33 Other occurrences of מַעֲנֵי נְמוּ הַדִּיקָא 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


35 E.g. b.Git 73b–74a asks, "הכמים היהי 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 "ר' יוסי ברבי יהודה היינו אבוה"; b.Sanh. 13a–b contains both, "הרן בר יהודה" and "הרן 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. 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 [אתי lee מוותת] Ms Vatican 113; Vatican 487.11.

(C) is a later redactional addition to elucidate how the baraita addresses the case of the \textit{mema‘enet}.\footnote{Or perhaps, the fact that the mishnah does not include the \textit{mema‘enet} indicates that she would not receive support.} This is supported by the fact that R. Sheshet often responds to questions posed to him with \textit{tenitu’ha} (you have learned this in a baraita) without an accompanying explanation.\footnote{See Friedman, “A Critical Study”, 9–12; David Weiss Halivni, \textit{Megorot 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 Moscovitz’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.} \textit{Tenitu’ha} may therefore introduce a baraita alone or one supplemented by explanation, making R. Sheshet’s authorship of \textit{PHTQIB} inconclusive at best.\footnote{Fulda maintains that R. Sheshet likely only cited the baraita, without the accompanying question and answer. Manfred Fulda, “Studies in ‘Haynu Tanna Qamma’”, 80.} In terms of function, \textit{PHTQIB} in this \textit{sugya} does not merely explicate the difference between the two opinions. R. Sheshet seeks to establish the law concerning a \textit{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 \textit{mutatis mutandis} to \textit{mema‘enet}. In this context, \textit{PHTQIB} plays a role in the larger discussion of the \textit{sugya} and thus appears as an organic outgrowth of it, much like in Rava’s statement discussed above.\footnote{For more examples of this seemingly earlier use of \textit{PHTQIB} see b.Men. 17a–b, b.Ker. 19b–20a, which both make the association to a named sage (and are discussed above, where \textit{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, \textit{PHTQIB} opens with "אי הכי", if this is so, in response to an (amoraic or redactional) argument that precedes it, underscoring that \textit{PHTQIB} relates to its surrounding \textit{sugya}. Note that in many such instances, the association is not made to “\textit{Tanna Qamma}” but to a named sage: e.g. b.Er. 22a, 23b (יirezא 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. In a subsequent stage, “Tanna Qamma” comes to refer to any opinion in a mishna/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
במה מדליקין ובהא_MD莉יקריןرُ
A
אלא באיליה ולא בלולב.
B
ונוחו המדיא אוומד_MD莉יקרין בלולב מובשל.
C
התכמיםופהיהואד מובשל ואחד שארון/md莉יקרין בו.
D
אלא באיליה בל. התכמיםhip נטן קמא ואה בינייהו דרב ברמא ואר פר ר
A. Yom. 80a (ויב, יומא ר אליעזר), b.Bet. 12b (ויב, יומא ר יהודה), b.Yeb. 43b, 67b (ויב, יומא ר יהודה), b.BQ 59a (ויב, יומא ר יהודה), b.BM 9a (ויב, יומא ר יהודה), b.Men. 6b (ויב, יומא ר יהודה), and b.Zeb. 21a–b (ויב, יומא ר יהודה), 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 תנא קמא as “the first Tanna” (and p. 1215 s.v. תנא),

43 Halivni lists four other instances in which the phrase “אלא מסיימי” appears in the Bavli, and notes that all occurrences of אלא מסיימי 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 ממהות וקרבי דגים שנמוחו אדם נותן לתוכו שמן כל שמה ממודלים.

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; 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. Furthermore, PHTQIB does not appear to offer any insight into the sugya; it remains unclear who agrees with Rav’s ruling. Moreover neither the initial appearance of R. Beruna’s citation of Rav’s ruling (b.Shabb. 21a), nor the corresponding Yerushalmi (y.Shabb. 2:1, 4d) mentions that it is subject to a tannaitic debate.

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, 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

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.
48 In a similar vein, the discussion prompted by “הני” 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:

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.

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50 I have found only two instances in which “Tanna Qamma” (not in the context of PHTQB) 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:

It is the Tanna Qamma according to R. Eleazar 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-lekarpa).
Following a brief anonymous discussion on the necessity of ‘ועוד’ at the onset of the mishnah, the Bavli sugya continues:

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. 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 *suga* 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 PHQTQIB 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

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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 *suga* 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), 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.

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 why is it not equal to seventy. The Mishnah m.Ket. 5:5 with the corresponding Bavli sugya found in b.Ket 61b states:

56 The Yerushalmi similarly states, “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 "ויהי 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.

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. Petersbur-RNL Evr. 187.
MS Munich 95.
them is, she plays with wooden cubs, and she plays backgammon.

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 “יהיוו תמא קמא” refers to. The most probable association is R. Eleazar (B), whom Rashi likewise identifies as the “Tanna Qamma”. However, the statements of R. Simeon b. Gamliel and R. Eleazar 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. Eleazar 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. Eleazar share the same underlying principle, though their actual rulings differ; unemployment has negative consequences. 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.”

59 Sokoloff, Babylonian Aramaic, 272, s.v. גוריתא.
60 Sokoloff, 777, s.v. נרדشير.
61 Rashi ad loc.
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:

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

A. كلאר ואחריו התליכו转变ו והתעבירה השנה קורין איה באדר שני

B. אתיי בחף יוסי ולא הרב שמעון בן גמליאל.

C. מנהיג:

D. רבן שמעון בן גמליאל אומר בדקדוק בשתוין בהספד ובתעניות שאסורין זה ובזה במלאה. רבן שמעון בן גמליאל היינו תנא קמא.

E. אמר רב פפא סדר פרשיות איכא בינייהו דתנא קמא סבר לכתחילה בשני ואף על גב דקרו בראשון קרו בשני ורבי אליעזר ברבי יוסי סבר אפילו מקרא מגילה לכתחילה קרוי

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. Eleazer 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.). 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.

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, while in this case, איכא בינייהו (E) is attributed to R. Papa and ר' שמעון בן גמליאל היינו תנא קמא (D) remains anonymous. Finally, this is unusual in that יראת בנייהו 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.

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). 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:

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.\textsuperscript{70} The independence of R. Papa’s statement from "רבן שמעון בן גמליאל他说 אני קמא" is further supported by six of the manuscripts (including the aforementioned three) which introduce R. Papa’s statement with 'אמר ר' פפא" ואמר ר' פפא" as opposed to "אמר ר' פפא" ואמר ר' פפא". Since an answer to a question does not usually begin with “and,” "אמר ר' פפא" seems to indicate that it is an independent clause.\textsuperscript{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 שנוהגות בשני נוהגים בראשון" is absent from the ruling of the Tanna Qamma.\textsuperscript{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他说 אני קמא" ואמר ר' פפא" ואמר ר' פפא". MS Columbia T-398X141 which includes "רבן שמעון בן גמליאל他说 אני קמא" ואמר ר' פפא" ואמר ר' פפא" 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 בן גמליאל他说 אני 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.\textsuperscript{73} Once PHTQIB became a standard formula used

\textsuperscript{70} Likewise in MS British Museum, instead of "אמר ר' פפא" ואמר ר' פפא" it asks את מי בינייהו.
\textsuperscript{71} Rashi ad. loc. s.v. amar, notes that he has a version which reads "אמר ר' פפא" ואמר ר' פפא".
\textsuperscript{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:
\begin{quote}
kerja את המגלה באדר הראשון ונתעברה שהנה צריכין לקרות באדר השני כל מצות שנוהגות באדר שני אין נוהגות באדר הראשון.
\end{quote}
\textsuperscript{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 "רובנ ליי תנא קמא" to the extent that R. Papa’s statement containing "איכא בינייהו" was understood as a response to "רובנ ליי תנא קמא". 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.

**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

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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 אי אתה месте שיש עוררין אבל באדなければ מעילין לכהונה על פי עד אחד.

רבן שמעון בן גמליאל אומר משום רבי שמעון בן הסגן מעליין 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: "רשבל ויינו ר’ אליעזר; רשבל ויינו 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 "דבע". 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.

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thinking and analysis.\textsuperscript{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,\textsuperscript{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, איכאבינייהו becomes identified as a response to היוון ת”ק, such that its presence induces the questions of 플וני 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.

\textsuperscript{76} See Elman, “Hercules within the Halakhic Tradition”.

\textsuperscript{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 שלמה אומר אין תפילת המוספין אלא בחבר עיר.
וחכמים אומרים בחבר עיר ושלא בחבר עיר.
רבי יהודה אומר משמו כל מקום שיש שם חבר עיר יחיד פטור מתפילת 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.

Yerushalmi

Bavli

R' BIBI BESH' RHENA.

A. דְּרֵי יְהוּדָה הִיָּה תַּנְאָה קָפָא! אֲכָא בְּהֵינָהוּ:

1. מִלְּתוֹתָה דְּשַּׁמָּוָאָלָא אֵאָלָן.

ב. דָּאָר רֵי רֵי בְּרֵי הַרְבּוּ דְּשַׁמָּוָא אֵאָלָן. טָבָא מַמְשָׁא לְאֵא דְּשַׁמָּוָא עָלָּא דְּשַׁמָּוָא עָלָּא דְּשַׁמָּוָא.

ג. אֲמֶר רָאָר יוּדָה הָא מְלַכּ אֵמַר רֵי בְּרֵי הַרְבּוּ דְּשַׁמָּוָא.

ד. מִלְּתָהוֹן דְּרַבְּנָן פֶּלְגָּינָה. דְּמֶר ר' וְיַצָּבָר בְּרֵי הַרְבּוּ דְּשַׁמָּוָא.

E. אמר ר' הוןא בר חיננא אמר רב חייא בר רב הלכה כר' יהודה שאמר משום ר' אלעזר בן עזריה.

D. אמר ליה רב חייא בר אבין שפיר קאמרת דאמר שמואל מימי לא מצלינה צולים דarsity Вош וצלייתו. אנא מן יומיי לא צליתו דמוספין באדタイム והצלייתו. והויה יהודה.

A. רבי יהודה היינו תנא קמא! איכא בינייהו לא בחבר עיר;

B. ה' קרית יהודה שאמר משה רב בר שמעון בן דוד.

C. אמרו ר' אלעזר אומ' ר' ביבי בשם ר' חנינא הלכה כר' יוסה ומלתיה...

D. אמרו ר' אלעזר אומ' ר' ביבי בשמ' ר' חנינא אמר הלכה כר' יהודה שאמר ORM שאמ' Rosenstein.

E. אמרו רב בר רב הלכה כר' יהודה שאמר ORM שאמ' Rosenstein. ויתיב וקאמר הלכה C. AMIR.

F. אמרו רב בר רב הלכה כר' יהודה שאמר ORM שאמ' Rosenstein.

G. אמרו רב בר רב הלכה C. AMIR.

H. אמרו רב בר רב הלכה C. AMIR.

I. אמרו רב בר רב הלכה C. AMIR.

J. אמרו רב בר רב הלכה C. AMIR.

K. אמרו רב בר רב הלכה C. AMIR.

L. אמרו רב בר רב הלכה C. AMIR.

M. אמרו רב בר רב הלכה C. AMIR.

N. אמרו רב בר רב הלכה C. AMIR.

O. אמרו רב בר רב הלכה C. AMIR.

P. אמרו רב בר רב הלכה C. AMIR.

Q. אמרו רב בר רב הלכה C. AMIR.

R. אמרו רב בר רב הלכה C. AMIR.

S. אמרו רב בר רב הלכה C. AMIR.

T. אמרו רב בר רב הלכה C. AMIR.

U. אמרו רב בר רב הלכה C. AMIR.

V. אמרו רב בר רב הלכה C. AMIR.

W. אמרו רב בר רב הלכה C. AMIR.

X. אמרו רב בר רב הלכה C. AMIR.

Y. אמרו רב בר רב הלכה C. AMIR.

Z. אמרו רב בר רב הלכה C. AMIR.

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.

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’.

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

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 \textit{musaf}].

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 \textit{amot} and prayed \textit{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 \textit{musaf} due to the death of the exilarch’s son, while in the Bavli it is due to the arrival of the

\(^{88}\) Found only in Ed. Soncino (1484), Vilna. Absent from all MSS.

\(^{89}\) Sokoloff, \textit{Palestinian Aramaic}, 490, s.v. \textit{קייט/קייץ}.

\(^{90}\) 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 \textit{musaf} prayer. \textit{Penei Moshe ad. loc.}, s.v. \textit{mileihon}.

\(^{91}\) Even though there was clearly a town assembly in Tzipporin, he nonetheless prayed \textit{shaharit} in the market and then walked four \textit{amot} and prayed \textit{musaf} on his own. \textit{Penei Moshe ad. loc.}, s.v. \textit{mileih}.

\(^{92}\) I.e. he prayed the two separate morning prayers of \textit{shaharit} and \textit{musaf} on his own, even though there was a town assembly; thus implying that the law does not follow R. Eleazar b. Azariah. Rashi \textit{ad. loc.} s.v. \textit{dezali}.

\(^{93}\) 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 בינייו 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,\textsuperscript{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.\textsuperscript{98} PHTQIB rather remains an independent, easily detachable unit.

\textsuperscript{97} Supra n. 87.

הנה קורין אותה
קורין אותה באדר
הראשון ונתעברה
שמעון בן גמליאל
באדר השיני כלשון

shmuel Schick

The Evolution of a Talmudic Formula
Appendix 2: b.Megillah 6b

Balancer רב פפא סדר פרשיות איכא
בינייהו דתנא קמא
סבר לכתחילה בשני
ואי עביד בראשון
עבד ממקרא מגילה דאעג' דקרו בראשון
カーו בשני ר' אלעזר
בר' יוסי סבר אפי' מקרא מגילה
לכתחילה בראשון ור' שמעון בן גמליאל
סבר גם סדר פרשיות נמי אעג' דקרו בראשון
ליקרו בשני
אעג' דקרו בראשון קרו בשני
ר' אלעזר בר' יוסי
סבר גם מקרא מגילה
לכתחילה בראשון ור' שמעון בן גמליאל
סבר גם סדר פרשיות נמי אעג' דקרו בראשון
ליקרו בשני
אעג' דקרו בראשון קרו בשני
ר' אלעזר בר' יוסי
סבר גם מקרא מגילה
לכתחילה בראשון ור' שמעון
בן גמליאל
סבר גם סדר פרשיות נמי אעג' דקרו בראשון
ליקרו בשני
אעג' דקרו בראשון קרו בשני
ר' אלעזר בר' יוסי
סבר גם מקרא מגילה
לכתחילה בראשון ור' שמעון
בן גמליאל
סבר גם סדר פרשיות נמי אעג' דקרו בראשון
ליקרו בשני
אעג' דקרו בראשון קרו בשeni
ר' אלעזר בר' יוסי
סבר גם מקרא מגילה
לכתחילה בראשון ור' שמעון
בן גמליאל
סבר גם סדר פרשיות נמי אעג' דקרו בראשון
ליקרו בשני
אעג' דקרו בראשון קרו בשני
ר' אלעזר בר' יוסי
סבר גם מקרא מגילה
לכתחילה בראשון ור' שמעון
בן גמליאל
סבר גם סדר פרשיות נמי אעג' דקרו בראשון
ליקרו בשני
אעג' דקרו בראשון קרו בשני
ר' אלעזר בר' יוסי
סבר גם מקרא מגילה
לכתחילה בראשון ור' שמעון
ben גמליאל
סבר גם סדר פרשיות נמי אעג' דקרו בראשון
ליקרו בשני
אעג' דקרו בראשון קרו בשני
ר' אלעזר בר' יוסי
סבר גם מקרא מגילה
לכתחילה בראשון ור' שמעון
בן גמליאל
סבר גם סדר פרשיות נמי אעג' דקרו בראשון
ליקרו בשני
אעג' דקרו בראשון קרו בשני
ר' אלעזר בר' יוסי
סבר גם מקרא מגילה
לכתחילה בראשון ור' שמעון
ben גמליאל
סבר גם סדר פרשיות נמי אעג' דקרו בראשון
ליקרו בשני
אעג' דקרו בראשון קרו בשני
ר' אלעזר בר' יוסי
סבר גם מקרא מגילה
לכתחילה בראשון ור' שמעון
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סבר גם סדר פרשיות נמי אעג' דקרו בראשון
ליקרו בשני
אעג' דקרו בראשון קרו בשני
ר' אלעזר בר' יוסי
סבר גם מקרא מגילה
לכתחילה בראשון ור' שמעון
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ליקרו בשני
אעג' דקרו בראשון קרו בשני
ר' אלעזר בר' יוסי
סבר גם מקרא מגילה
לכתחילה בראשון ור' שמעון
ben גמליאל
סבר גם סדר פרשיות נמי אעג' דקרו בראשון
ליקרו בשני
אעג' דקרו בראשון קרו בשני
ר' אלעזר בר' יוסי
סבר גם מקרא מגילה
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