
GLOSS BY ADDING A ‘LISHNA ACHRINA’ ORIGINATING FROM RASHI’S COMMENTARY THAT WAS INTERPOLATED INTO THE PRINTED VERSION OF BAVLI ERUVIN 52B

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Abstract

A comparison between the printed version of the sugya in Bavli Eruvin 52a and other parallel sources reveals an added gloss of a ‘lishna achrina’ (another reading) originating from Rashi’s commentary that was interpolated into the printed version of the Talmudic text. This addition is located at the end of the sugya and has implications regarding the originality of the sugya’s conclusion. The interpolation of this gloss from Rashi’s commentary may have resulted from the inclination to adapt the content of the sugya to the customary halakhic rules as well as from the authority of Rashi’s commentary. The purpose of the article is to examine the evolvement of the ‘lishna achrina’ from Rashi’s commentary, which was added to the sugya, as well as its time, namely, was the ‘lishna achrina’ known to the early commentators and decisors (poskim). Also, to explore Rashi’s explanation for the ‘lishna achrina’ as well as the purpose of its inclusion in the printed version.

Keywords: Rashi, gloss, bavli, interpolation, lishna achrina

1. Introduction

The Mishna (bEruvin 52a) contains a dispute on the topic of ‘having set out’, namely, a person who proceeded on Friday to a nearby town, which is at a distance of no more than four thousand cubits and to which one can walk on the Sabbath only if having previously prepared an ‘*erub techumin*’ (a rabbinical regulation that allows people to depart from their place of residence to a distance of more than two thousand cubits on the Sabbath). But while still on the way a friend induced him to return for some reason (for instance, told him that it is too hot or too cold to walk now). But before he returned he declared: “I will spend the Sabbath at a certain place that is at the edge of the Sabbath limit”, so that he would be permitted to walk four thousand cubits on the Sabbath to the nearby town. R. Judah says that that person may walk on the Sabbath to the nearby town

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but all the other townspeople cannot. R. Meir submitted that “having set out”, even if a person declared “I will spend the Sabbath at a certain place that is at the edge of the Sabbath limit” this does not allow him to walk another two thousand cubits in addition to the two thousand permitted him as the Sabbath limit [bEruvin 52a].

Further on in the sugya (52a-b), a Baraita is brought that notes the words of R. Judah who said that, “having set out”, a person who has two homes and wishes to walk from one home to the other that is in the nearby town, when the distance between them is no more than four thousand cubits, may do so if he declared: “I will spend the Sabbath at a certain place”.

R. Jose son of R. Judah, however, adds to his father’s words and says: “Even if” the person’s friend accosted him before he left town and said: “Spend the night in town because it is too hot or too cold to leave now”, and the person declared: “I will spend the Sabbath at a certain place that is at the edge of the Sabbath limit”, then he may walk on the Sabbath to his home in the other town, based on this statement [bEruvin 52a].

The amoraim Rabbah and R. Joseph disagree in their explanation of the dispute between R. Judah and his son, R. Jose, in the Baraita. According to Rabbah, there is no dispute between R. Judah and R. Jose son of R. Judah regarding the need to say “I will spend the Sabbath at a certain place that is at the edge of the Sabbath limit”. The dispute regards ‘having set out’. R. Judah submitted that only one who actually ‘set out’ can say “I will spend the Sabbath at a certain place”. R. Jose son of R. Judah submitted that even one who intended to ‘set out’ but did not do so yet since his friend held him back, can say “I will spend the Sabbath at a certain place” [bEruvin 52a].

R. Joseph, however, submitted otherwise. As he sees it, there is no issue between R. Judah and R. Jose son of R. Judah regarding the need to have ‘set out’ in order to say “I will spend the Sabbath at a certain place that is at the edge of the Sabbath limit”. R. Judah submitted that it is necessary to say: “I will spend the Sabbath at a certain place that is at the edge of the Sabbath limit” and if he did not say so, then he is not considered to have determined his place for Shabbat at that location [bEruvin 52a]. And R. Jose son of R. Judah submitted that even if he did not say “I will spend the Sabbath at a certain place that is at the edge of the Sabbath limit” – he is considered to have determined his place for Shabbat at that location by virtue of ‘having set out’, which grants him the status of one who said “I will spend the Sabbath at a certain place that is at the edge of the Sabbath limit” [bEruvin 52a]. Further on, the sugya notes ‘Ullah’s statement, which insinuates that he was in agreement with R. Joseph according to R. Jose son of R. Judah, whereby it is not necessary to say “I will spend the Sabbath at a certain place that is at the edge of the Sabbath limit”, rather only to “have set out” [bEruvin 52a].

Then, a story is brought that involves R. Judah b. Ishtatha and R. Nathan b. Oshaia, which also insinuates that these two sages were in agreement with R. Joseph according to R. Jose son of R. Judah, namely, that it is only necessary to ‘have set out’ and not to say “I will spend the Sabbath at a certain place that is at the edge of the Sabbath limit” [bEruvin 52a].

From the words of some of the commentators and decisors (*poskim*) whom we shall present below (under the title 'The absence of the *lishna achrina*'), it appears that the sugya concluded with the phrase "Now in agreement with whose view has this statement been made? - In agreement with that of R. Joseph according to R. Jose son of R. Judah", and they interpreted or ruled following this phrase. Namely, that it is only necessary to "have set out" and not to say "I will spend the Sabbath at a certain place that is at the edge of the Sabbath limit" [1], or that the person's friend said "spend the night here", as for example in MS Munich 216 and in the writings of several commentators [1].

In the printed version, however, the sugya does not end with the phrase "in agreement with whose view has this statement been made? - In agreement with that of R. Joseph according to R. Jose son of R. Judah" in its meaning as presented in the previous paragraph, rather there is an essential change stemming from the tendency to adhere to the halakhic rules as presented by Rashi in his commentary on the sugya. Rashi adds the gloss "No, in agreement with Rabbah according to R. Judah", which means that it is necessary both to "have set out" and to say "I will spend the Sabbath at a certain place". This gloss by Rashi was interpolated into the printed version of the sugya from his commentary, as it was into some of the manuscripts and the writings of the commentators and decisors (*poskim*) after Rashi's time.

2. The text of the printed version (Vilna edition) (bEruvin 52a-b)

2.1. Mishna

"If a man left his home to proceed to a town with which [his home town desired to be] connected by an 'erub, but a friend of his induced him to return home, he himself is allowed to proceed to the other town but all the other townspeople are forbidden; so R. Judah. R. Meir ruled: whosoever is able to prepare an 'erub and neglected to do it is in the position of an ass-driver and camel-driver."

2.2. Gemara

"...So it was also taught: If a man had two houses, and two Sabbath limits intervened between them, he acquires his 'erub as soon as he had set out on his journey; so R. Judah. R. Jose son of R. Judah ruled: Even if a friend of his met him and said, 'Spend the night here, as the weather is rather hot' or 'rather cold', he may set out on his journey on the following day as early as he likes."

Rabbah submitted: "All agree that it is necessary to make [the prescribed declaration], the only point at issue between them [being whether it is essential for the man] to have actually set out on his journey. R. Joseph, however, submitted: That it is essential for the man to have set out on his journey is disputed by none, the only point at issue between them being whether it is necessary for him to make [the prescribed declaration]."

Whose view is followed in the ruling of “Ulla that if a man set out on a journey and a friend of his induced him to return, behold he is regarded as having returned and as having set out? (But if he is regarded as ‘having returned’ why is he described as ‘having set out’? And if he is regarded as ‘having set out’ why is he described as ‘having returned’? - It is this that was meant: Although he has actually returned he is regarded as one who had set out). Now in agreement with whose view has this statement been made? - In agreement with that of R. Joseph according to R. Jose son of R. Judah.”

“R. Judah b. Ishtatha once brought a basket of fruit to R. Nathan b. Oshaia. When the former was departing the latter allowed him to descend the stairs and then called after him, ‘Spend the night here’. On the following day he got up early and departed [52b]. In agreement with whose view did he act? Was it in agreement with that of R. Joseph according to R. Jose son of R. Judah? - No; in agreement with Rabbah according to R. Judah.” [2]

3. Results and discussion

The main part of this paper focuses on the concluding phrase in the sugya: “No, in agreement with Rabbah according to R. Judah”.

A comparison between the end of the sugya in the printed version and in various manuscripts and variants indicates significant version and linguistic differences. In the printed version, the sugya ends with the phrase "ואליבא דר' יהודה" [3]. However R. Hananel, for example, does not have this phrase [4]. In other versions, as well, the discussion does not end as in the printed version, rather otherwise. For instance, in MS Munich 95 the concluding phrase is "לא, כרבא ואליבא דר' יהודה". The concluding phrase in MS Oxford 366 is: "לא, לעולם אימ' לך דקאמ' וכמאן ככולהו ואליבא דר' יהודה". In MS Vatican 109: "י?ה...ה". In the fragment Gottweig: Cod. 135: "ואיבע' אימ' כרבה ואליבא דר' יהודה". (according to the database of the Friedberg Jewish Manuscript Society, Hachi Garsinan-Bavli). In the fragment Wien, ÖNB, Hebr. Frag. B25 1*r, [Cod. 1239]: "כרב יוסף ואליב' דר' יוסי בר' יהוד' כרבא ואליבא דר' יהוד'": "כמן".

Another difference between the various versions is the alternate use of the names “Rabbah” and “Raba” [5-8]. In the printed version the name of the amora is “Rabbah”, as it is in a small part of the manuscripts (MS Vatican 109 and Gottweig: Cod. 135). But MS Munich 95, as well as the Venice edition and the Pisaro edition have “in agreement with Raba”, and these are two different amoraim. Rabbah was older and Raba younger and a disciple of Rabbah [9]. In MS Oxford 366 the name of the amora does not appear at all, and it was replaced by the word "ככולהו" (MS Oxford 366) (meaning: in agreement with everybody [10], i.e. in agreement with the two amoraim Rabbah and R. Joseph). Accordingly, both in the manuscripts and in the printed versions the wording “in agreement with Raba” or “Rabbah” is not uniform or unequivocal.

Notably, as stated, R. Hananel (as well as the Rif's rulings) [11] does not bring this additional phrase at the end of the sugya, but in his previous interpretation of the sugya [4] he does note that Rabbah and R. Joseph are the

amoraim who disagree as to the dispute in the Baraita between the tannaim R. Judah and R. Jose son of R. Judah. Nonetheless, it is notable that according to the Baraita in the Tosefta they do not disagree, rather R. Judah alone said the entire content of the Baraita (tEruvin 3(4):10) [1, 12]. The words of Rabbah in the sugya precede those of R. Joseph. If it had been Raba, the disciple of Rabbah (bBerakhot 48a), the words of Raba the disciple of R. Joseph [9] would not have preceded those of R. Joseph, his teacher, in the sugya. Therefore, since the words of Rabbah preceded those of R. Joseph as everywhere else [9], it is obvious that this is Rabbah, R. Joseph's colleague [9, 13]. Hence, the correct version is that which appears in the printed version, which has "Rabbah" [3], as well as in the other similar versions, rather than those that have "Raba".

3.1. The *lishna achrina* in Rashi's commentary

Rashi explains the dispute between Rabbah and R. Joseph by means of two phrases, an initial phrase and a *lishna achrina*, which is that he "had not heard it" (MS Munich 216) [1, 14] (apparently, from his teachers). Therefore, he was compelled to explain the story at the end of the sugya, i.e. with whose view did R. Nathan b. Oshaia agree - in light of these two phrases. Following the first phrase, R. Nathan b. Oshaia agreed with R. Joseph according to R. Jose son of R. Judah, whereby one who wishes to proceed on the Sabbath to his home that is within the range of four thousand cubits must both have set out (before the beginning of the Sabbath, for the purpose of *'erub techumin*) and have had a friend say: Spend the night here, i.e., in the host's home.

With regard to the *lishna achrina*, it seems that R. Nathan b. Oshaia agreed with R. Joseph according to R. Jose son of R. Judah, namely, that it is only necessary to have set out, without saying "I will spend the Sabbath at a certain place". However Rashi, further on in his commentary, rejects this and says: "No... in agreement with Rabbah according to R. Judah" [1]. Namely, R. Nathan b. Oshaia agreed with Rabbah according to R. Judah, who requires both "having been on the way" and saying "I will spend the Sabbath at a certain place". Rashi further adds that in fact, R. Joseph too submitted that according to R. Judah there is both need to have been on the way and to say: "I will spend the Sabbath in a certain place". Hence, according to the *lishna achrina* there is no dispute between Rabbah and R. Joseph with regard to the words of R. Judah, as they both agree that both these conditions are necessary. And although there is no dispute between them, it is preferable to say that R. Nathan b. R. Oshaiah agreed with Rabbah according to R. Judah (rather than with R. Joseph according to R. Judah) because in the case of a dispute between Rabbah and R. Joseph - the halakha (halakhic rule) is that the ruling follows Rabbah, with the exception of three issues in which the halakha was determined to follow R. Joseph (bBava Batra 12b, 114a-b, 143a-b).

3.2. *The views of the commentators who accept the lishna achrina from Rashi's commentary*

Some of the commentators noted that Rashi contended that the version cited in the *lishna achrina* is 'fundamental' [10, 15], while others merely sided with Rashi [16, 17]. Some of the commentators explained the *lishna achrina* noted by Rashi by saying that if the halakha indeed follows R. Joseph (according to R. Jose son of R. Judah), why does Tractate Bava Batra state that the halakha follows R. Joseph only in three places? (bBava Batra 12b, 114a-b, 143a-b). Assumedly, the present sugya should also have been included in the count [18, 19], whereupon that the halakha follows R. Joseph in four places. Since this was not said, it is to be understood that the present sugya is not included and it cannot be said that the halakha follows R. Joseph rather than it follows Rabbah according to R. Judah - as in the *lishna achrina* in Rashi's commentary. But, notably, Rashi's explanation according to the *lishna achrina* still contains difficulties [20].

3.3. *The lishna achrina in Rashi's commentary in MS Munich 216, versus Rashi's commentary in the printed version*

Notably, from among several manuscripts and manuscript fragments of Rashi's commentary on Tractate Eruvin, MS Munich 216 preserves Rashi's commentary on Tractate Eruvin 52a with regard to a *lishna achrina* [1, 14, 21]. When comparing Rashi's commentary in the manuscript's version to Rashi's commentary in the printed version, differences and changes can be discerned [21]. For instance, Rashi's commentary in MS Munich 216 is shorter: "כמאן בדרך ולין פה וללישנא אחר'י כמ[א]ן דסגי ליה בהכי ואע"ג דלא אמ' שביתתי במקום פל' [וני] [בע"י] כן החזיק".

Then again, Rashi's commentary in the printed version is longer.

A comparison between Rashi's commentary in MS Munich 216 and in the printed version indicates differences manifested in additions that appear in the printed version, for example, "*hakhei garsinan*" [22, 23]. The latter phrase means that this is the correct view, namely: Rashi's choice of the version he thought correct and his disagreement with another version that he had before him or that was known to him [23]. The differences are also evident in the length of the interpretation, as a result of which some of the comments (or their adaptations) written on the right margins of the manuscript were interpolated into the printed version [21]. Indeed, although we do not know who wrote the comments on the margins of Rashi's commentary, it is notable that they were not written by the same person who recorded the body of the commentary, as evident from palaeographic differences in the form of the letters between the commentary itself and the notes in the margins. Hence, it can be said that additional individuals contributed to the current form of Rashi's commentary in the printed version (possibly Rashi's disciples [14] or redactors [23] or various scribes [21]), and these intervened in Rashi's commentary and added [24] notes or glosses that entered Rashi's commentary in the printed version and may have

even affected the oldest version of Rashi's commentary from the 13th century, reflected in MS Munich 216. This manuscript is one of the complete manuscripts of Tractate Eruvin [25] and the writing style is Italian (according to the Ktiv website in the National Library of Israel), where the Italian tradition is closer to the Ashkenazi source than the Sephardic tradition [23].

3.4. The absence of the lishna achrina in the writings of the early commentators and decisors

As mentioned above, the *lishna achrina* "לא, כרבה ואליבא דר' יהודה" ("No, in agreement with Rabbah according to R. Judah") was not brought at the end of the sugya by R. Hananel who lived in the tenth century (965-1055) [26]. It is also absent from the rulings of the Rif who lived in the eleventh century (1013-1103) [27], and as the Rif ruled in the absence of this phrase [11] so did other decisors [28]. Maimonides too ruled in the absence of this phrase [29]. The phrase is also absent from the commentary of R. Asher (ha-Rosh), although he was already familiar with this additional phrase and quoted it from Rashi [18], as did other commentators [30]. This phrase is also absent from other decisors [31, 32] as well as from the interpretations of other commentators [33-37], and some commentators even objected to this addition: "And we do not hold as it says in the books, כרבה ואליבא דר' יהודה, because 'Ulla and R. Nathan b. Oshaia agree with R. Joseph'" [15]. In light of the above, it can be said that until the time of Rashi in the 12th century the *lishna achrina* did not appear at the end of the sugya and was not known to some of the commentators and to the decisors mentioned above, which is why they did not rule in accordance with this phrase. Of those who were familiar with the *lishna achrina*, some did not agree with it and others even objected to it.

3.5. The interpolation of the gloss containing the lishna achrina from Rashi's commentary into the sugya in the printed version

Various researchers have already commented that the printed version of the Talmud Bavli is at times deficient [23] and that in the Middle Ages the sages had before them different versions of the Talmud Bavli [21]. Rashi's gloss concerns the talmudic text [21] and it affected the interpolation of the *lishna achrina* from Rashi's commentary into the printed version of the talmudic text [22, 23, 38] (at least) at the time the Talmud Bavli was printed [39] in the late 15th and early 16th centuries, and perhaps also in other manuscripts of Rashi's commentary on Tractate Eruvin as well as other commentators in Rashi's period and subsequently. This, considering that as shown in the previous subsection, the *lishna achrina* is absent from the writings of the early commentators and decisors [22] until the time of Rashi's commentary. Hence, the printed version of the Talmudic text was in fact significantly affected by Rashi's commentary [23, 38, 40], while in other instances the version that was not accepted by Rashi was not interpolated into the printed version and was often forgotten [23].

3.6. The justifications for ruling in agreement with R. Joseph according to R. Jose son of R. Judah, without the *lishna achrina*

The commentators and decisors mentioned above (under the title ‘The absence of the *lishna achrina*’) ruled in agreement with R. Joseph according to R. Jose son of R. Judah [41, 42] in light of three different justifications. The first followed from the story (about “R. Judah b. Ishtatha who brought a basket of fruit to R. Nathan b. Oshaia”) that preceded the ruling in agreement with R. Joseph according to R. Jose son of R. Judah [4, 11, 15, 28, 29, 33, 34, 36, 43-48]. The second was that the amora should have noted in the sugya explicitly that the halakha is “in agreement with Rabbah and according to R. Jose son of R. Judah” [35, 49] because “an amora should not speak vaguely but rather be explicit”, namely, an amora should speak his mind clearly and not ambiguously, inexplicitly [33, 35, 37, 49]. Since this was not stated, this means that the halakha is in agreement with R. Joseph according to R. Jose son of R. Judah. The third is that the halakha was determined in agreement with R. Joseph also because the amoraim Ulla and R. Nathan b. Oshaia agreed with R. Joseph [1, 15, 50, 51]. Rashi too contends that the words of Ulla can be interpreted both as agreement with R. Joseph according to R. Jose son of R. Judah and as agreement with Rabbah according to R. Judah, although in the sugya only one of these was cited (but according to the *lishna achrina* the only possible meaning is in agreement with R. Joseph according to R. Jose son of R. Judah) [1, 52].

3.7. The rule ‘Rabbah and R. Joseph - the halakha is in agreement with Rabbah’ in the literature of halakhic rules, in light of the interpolation of the *lishna achrina* into the printed version

This is one of the rules that appears in the literature of halakhic rules [53-56]. Some of the commentators and decisors (mostly preceding Rashi) do not refrain from ruling in agreement with R. Joseph against Rabbah in some places [57], for example R. Hananel [4, 58, 59], and the author of Halakhot Gedolot (attributed to R. Simeon Kayyara) [60, 61], and Maimonides [62, 63].

Some of the commentators restrict rulings in agreement with R. Joseph against Rabbah to a specific tractate (bBava Batra 12b, 114a-b, 143a-b), for example as noted by the Tosafot in the name of Rav Zemach [61] that only in Tractate Bava Batra in the context of three issues discussed there does the ruling agree with R. Joseph rather than Rabbah (bBava Batra 114b) [53, 56, 64-66], while in other places the halakha is in agreement with Rabbah rather than with R. Joseph.

The other commentators contend that in any case the halakha is in agreement with Rabbah against R. Joseph, for instance the Tosafot in other places [59-61, 67-69]. Considering the different approaches of the commentators with regard to this halakhic rule, it may have been formed in a late period.

3.8. The halakhic ruling in the sugya in agreement with Rabbah in light of the rule 'Rabbah and R. Joseph - the halakha is in agreement with Rabbah' is compatible with Rashi's view

Certain commentators ruled clearly and unequivocally in agreement with Rabbah, explaining that in this way the halakha in the sugya (Eruvin 52b) aligns better with the rule 'Rabbah and R. Joseph - the halakha is in agreement with Rabbah', as in Rashi's interpretation and based on it [61]. This explanation, that it is necessary to rule in agreement with Rabbah to suit this rule, is found elsewhere as well [59]. Moreover, despite the different phrases in the various manuscripts and versions (see above, section 3), it appears that the phrase cited by Rashi "was added by redactors in order to determine the halakha in agreement with Rabbah, in accordance with the rule explained by Rashi" [70].

4. Conclusions

The phrase at the end of the sugya under discussion, as held by some of the early commentators and decisors, for example R. Hananel and the Rif, was: "כמאן, כרב יוסף ואליבא דר' יוסי בר' יהודה" (In agreement with whose view ...? ... in agreement with that of R. Joseph according to R. Jose son of R. Judah). Rashi in his commentary, however, determined the appropriate subsequent phrase, adding "לא, כרבא ואליבא דרבי יהודה" (No, in agreement with Rabbah according to R. Judah). Rashi explains that the added expression he suggests as the *lishna achrina* indeed contains no halakhic change compared to the words of 'R. Joseph according to R. Judah', because the halakhic conclusion is identical when following these two amoraim, Rabbah and R. Joseph. Both following 'R. Joseph according to R. Judah' and following 'Rabbah according to R. Judah' two things are necessary, 'having set out' and making a statement (namely, 'I will spend the Sabbath there'), in order to be considered one who spent a Sabbath at the edge of the Sabbath limit. But Rashi prefers the concluding phrase 'in agreement with Rabbah according to R. Judah' rather than 'in agreement with R. Joseph according to R. Judah', and certainly not 'in agreement with R. Joseph according to R. Jose son of R. Judah', which requires only one thing (namely, only 'having set out' without being obliged to say anything). Rashi justifies his preference by the contention that it is necessary to follow the halakhic rule determining that in any dispute between the amoraim Rabbah and R. Joseph - the halakha agrees with Rabbah, aside from three issues where the halakha was determined in agreement with R. Joseph.

When compared with the old complete version of Rashi's commentary, MS Munich 216, it is evident that the printed version of his commentary contains parts that originated from other authors, and it is doubtful whether all that appears in the printed version was indeed written by Rashi. The versions contained in the various manuscripts mentioned above are evidence of the significant disarray in the wording of the sugya's conclusion.

Naturally, some of the commentators accepted the version of Rashi's commentary as it appears in the print, for various reasons mentioned above. Other commentators mentioned above, however, did not agree with the version that appears in the print. This, in addition to the early commentators and decisors who preceded Rashi's time, where not only the phrase 'in agreement with R. Joseph and according to R. Jose son of R. Judah' differed than the printed version of Rashi's commentary but rather also the halakhic conclusion that emerges from their version (there is only need for one thing, 'having set out').

It is well known, however, that Rashi's commentary had an enormous influence on all subsequent sages. Hence, ultimately, Rashi's gloss of a *lishna achrina* was added to the printed version of the talmudic sugya.

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