

**TEXTS AND STUDIES OF
THE JEWISH THEOLOGICAL
SEMINARY OF AMERICA,
VOL. I. GEONICA**

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Texts and studies of the Jewish Theological Seminary of America, Vol. I. Geonica by Louis Ginzberg

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LOUIS GINZBERG

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TEXTS AND STUDIES OF THE JEWISH
THEOLOGICAL SEMINARY OF AMERICA, VOL. I

GEONICA

BY

LOUIS GINZBERG

I

THE GEONIM AND THEIR
HALAKIC WRITINGS

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1909

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TO THE MEMORY OF

ISAAC LEESER

FOUNDER OF THE FIRST AMERICAN COLLEGE
FOR HIGHER JEWISH LEARNING THIS FIRST
PUBLICATION OF THE JEWISH THEOLOGICAL
SEMINARY OF AMERICA IS DEDICATED

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PREFACE

THE centuries between the final redaction of the Talmud and the beginning of Jewish culture in the West is one of the most obscure periods in the history of the Jews of post-Biblical times. If we regard the literary productiveness of a people as the only standard by which to measure its culture, then we must confess that this was a period of decline; the Geonic epoch has not brought forth one monumental work. Yet, a period which has produced such powerful religious movements as Karaism and mysticism, and has for the first time made a serious attempt to harmonize Hellenism with Talmudic Judaism cannot be considered as stagnant. The first step towards a correct understanding of this period must be a clear comprehension of the institution which gave it its name: "the Gaonate." With the exception of R. Saadia, who flourished toward the end of this period, we meet with no name of the first magnitude. But, the less important the Geonim were in themselves, the more important must have been the Gaonate to be able to impress its stamp upon several centuries. The fundamental question which we have to answer before we proceed to form an estimate of this period is: Were the Geonim *only* heads of Academies, or were they representatives of authoritative bodies?

The first volume of this book presents some material towards the solution of this question. Granted that we will never be able to form an adequate picture of the activity of the Geonim, for the contemporary sources are too meagre for this purpose, yet I hope to have shown that the Gaon was more than the president of a scholastic institution. The results of my studies are mostly directed

against the conception of the Gaonate as formulated by Isaac Halevy in the third volume of his *Dorot ha-Rishonim* (Pressburg, 1898), according to whom the Academies were only Talmud-schools, and the Geonim Talmud teachers. In spite of all his Rabbinic erudition and extraordinary critical acumen Halevy has contributed but little towards the understanding of the Gaonate. His bitter attacks upon men like Rapoport, Frankel, Weiss, Graetz, and other Jewish scholars are but poor compensation for the lack of positive results.

In accordance with my conception of the Gaonate as an authoritative body, I have, in dealing with the literary activity of the Geonim, confined myself to their Halakic writings, since it is only in the Halakah that the authority of the Geonim found its full expression. In the chapter, "The Halakic Literature of the Geonim" (pp. 72-205), I have given a survey of the literary activity of the Geonim along the different departments of the Halakah: Codification, Talmud exegesis, Responsa, and Liturgy. I hope that my investigation about the *Seder R. Amram* (pp. 119-54) will interest even those to whom the Halakah is either a *terra incognita* or a *noli me tangere*. Upon no other department was the activity of the Geonim so decisive and important as upon the Liturgy, yet even this branch of research remained uncultivated.

Conscious of the fact that in many respects I have chosen a way which not all will be ready to follow, I only claim credit for having undertaken anew the examination of some important questions relating to the history of the Geonim, which may lead others to study this very obscure period of Jewish history.

A considerable part of the material utilised in my representation of the history and literature of the Geonim is taken from the Genizah. There is no

exaggeration in maintaining that the discovery of the Genizah by Prof. Solomon Schechter was in no other department of Jewish learning so epoch-making as in the history of the Geonim. Prof. Schechter's *Saadyana* (Cambridge, 1903) is a fair specimen of what we may expect from the Genizah for the understanding of the Geonic period. Indeed it is a veritable treasure trove for the history of this period. New Halakic material, however, has not been brought forth from the Genizah till now, and yet no one will doubt, except those who are given over to philological trifles or theological sophisms that it is the Halakah alone which gives us a true mirror of that time. Especially is this the case with the Responsa which deal with life in all its aspects. They enable us to penetrate into the study of the scholar as well as into the home of the everyday man.

The second volume consists of Halakic Fragments from the Genizah now stored in the Taylor-Schechter collection in the Cambridge University Library, and in the Bodleian at Oxford¹. The first thirty-eight fragments are Geonic Responsa², which hitherto were entirely unknown, or which differ in some way from the form in which they have been known. I have disregarded such Geonic Responsa from the Genizah as are identical with those previously printed as well as those which are written in Arabic. With the exception of a few very badly damaged fragments, this book contains nearly all the Geonic Responsa from the Genizah in the above-mentioned libraries.

The Fragments coming from the Bodleian were copied by myself, and I can therefore confidently

¹ Comp. Index s. v. *מגילות* and *מגילות—שטר*. Pages 1-165 were first published in the *Jewish Quarterly Review*, XVI-XX.

² Frag. XXXIV is a part of R. Nissim's *Mofteah*, which I have incorporated in this book, as the *Mofteah* is mainly based on Geonic Responsa.

vouch for their correctness in reproducing the original. For the copies of the Cambridge Fragments I am indebted to Ernest Worman, M.A., Cambridge.

The Fragments reproduced here line for line, page for page, are preceded by short introductions describing the manuscripts and the nature of their varying contents. I have made it a point to call the reader's attention to certain interesting Halakic views expressed in the Fragments. I was brought up in surroundings where the understanding of the Halakah was the chief subject of Jewish learning, and even now I cannot free myself of the view that the Halakah ought to be no less important than the correct spelling of an Aramaic preposition.

The Appendix to the second volume contains nine Fragments (XXXIX-XLVII) of the *She'iltot* and *Halakot Gedolot*. The importance of these Fragments in the study of the early Geonic literature is fully dealt with in the first volume (pp. 91-3, 108-9), and also in the introductory note (pp. 349-52) preceding them.

To facilitate the use of the Fragments I have added two Indices. The first, arranged according to the *Shulhan 'Aruk*, gives the subject of the Responsa; those containing explanations of Talmudical passages are indexed at the end of this in accordance with the order of the Talmudical treatises. The second index is alphabetical, and deals with the historical or philological matter found either in the text of the Fragments or in the notes and introductions accompanying them.

I desire to acknowledge my indebtedness to the authorities of the Cambridge University and Bodleian Libraries for courtesies shown me in connexion with the present work.

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