

PREFACE

This study had its beginnings during a casual Shabbat walk to synagogue with Prof. Bernard Septimus of Harvard University. On that occasion Prof. Septimus suggested an investigation into gaonic legal theory as a possible topic for my doctoral thesis as it seemed a good way to bring together a number of my research interests. At the time it seemed appropriate to limit the work to already-published materials. A number of months later Prof. Septimus, together with Prof. Isidore Twersky, made the rather attractive and fateful further suggestion that I travel to Jerusalem for a few months “to get my feet wet in the Genizah.” Those few months turned into seven years, most of them spent wading through many thousands of manuscript fragments from the Cairo Genizah, searching for material that might be relevant to a study of legal theory.

It was during these years in Jerusalem — now my home — that the texts published here, and others, were slowly reconstructed. At the beginning of this process, the texts were fragmentary and anonymous. But, gradually, I found that some of these fragments could be pieced together to form parts of books. And, as my research on these books progressed, I was able to identify a number of the texts as works by Samuel ben Ḥofni Gaon. A heretofore relatively obscure figure, I found that Samuel ben Ḥofni, who headed the Yeshivah of Sura at the beginning of the eleventh century, played a significant and interesting role in the development of Jewish thought in his time. As my reconstruction and analysis of his works revealed more and more new facets of the cultural world of the later gaonim, my doctoral thesis gradually evolved from an analysis of gaonic legal theory to the study on which the present volume is based.

Although almost a century has passed since Solomon Schechter brought his great hoard of manuscripts from the Genizah of the Ben Ezra synagogue in Cairo to the Cambridge University Library, the Genizah is still providing new windows into the cultural and social life of medieval Middle Eastern Jewry. One part of the Genizah's

treasures which has been relatively neglected until recently comprises the Judeo-Arabic literary manuscripts. Works from a wide variety of genres, including biblical exegesis, halakhah, philosophy, polemics and philology, can be reconstructed from these manuscript fragments. The present volume presents the reconstruction of two works by Samuel ben Ḥofni Gaon: *Treatise on the Commandments* and *Ten Questions*.

These two works are concerned mostly with the philosophy of religious law and the theory of the sources of Jewish law, both of which serve as important foci for understanding the intellectual and religious structure of Jewish culture in any period. Legal theory serves as a crossroad for many of the issues which come together in the construction of an understanding of how law functions within a particular culture. Epistemology, theology, linguistic theory, biblical exegesis and halakhah are some of the primary disciplines involved. Thus, the analysis of these works of Samuel ben Ḥofni opens up a number of the compartments of his intellectual world. In turn, it allows us to gain new perspectives on the cultural dynamics of the Jewish culture of the East in the tenth and early eleventh centuries.

It should be stressed at the outset that this is only a preliminary study of the works presented here, of Samuel ben Ḥofni himself and of the legal and religious issues with which he concerned himself. Question marks remain on several levels, the first being that of the texts themselves. As these texts have been put together from a jigsaw puzzle of manuscript fragments deriving from a number of original manuscripts, there is still some degree of doubt as to whether some of the fragments belong to the works to which I have assigned them. In this regard, I have excluded questionable fragments unless there is a high degree of likelihood that they are indeed part of the reconstructed books. In the case of the *Ten Questions*, I have included an appendix of a few fragments which probably belong to the text or are related to it in some fashion, but whose identity is still too questionable for them to have been included in this edition.

A second aspect of the tentative quality of this study is that research into the works of Samuel ben Ḥofni is still in its initial stages as the bulk of his literary output is still not available to us. While the broad outlines of his intellectual character were drawn by Harkavy almost a century ago, only now are we beginning to feel its texture. As a result, my emphasis has been on the attempt to understand the

works of Samuel ben Ḥofni presented in this volume in their contemporary context.

Samuel ben Ḥofni's literary corpus reveals a high degree of participation in the Arabic culture around him. In particular, one can detect his attraction to the Muʿtazili school of Kalām theology, an attraction he shared with many of his Rabbanite and Karaite contemporaries. The impact of Muʿtazili writings can perhaps be seen best in his book *Ten Questions*, which reflects to a high degree not only the content of Muʿtazili thought but also the convoluted and verbose writing style of the contemporary *mutakallimūn*. An understanding of the Muʿtazili world of discourse is therefore important to the interpretation of our texts.

While I have not completely neglected the vertical, diachronic dimension of analysis, its full exposition has been deferred to a future study. This dimension is crucial to a full appreciation of Samuel ben Ḥofni's thought as well as to his role in forming Jewish thought. In this regard, the two vertical dimensions, past and future, are important. Samuel ben Ḥofni's relationship to talmudic sources, both halakhah and aggadah, is pivotal in examining the process through which rabbinic culture was molded into gaonic-Andalusian culture, a process in which elements of Arabic culture were integrated into talmudic tradition. The continuation of the ideas, themes and new interpretations which we find in Samuel ben Ḥofni's works is also a fruitful avenue of investigation. In particular, the Maimonidean corpus needs to be examined for echoes and reactions. An important historical question to be answered in this regard is which aspects and elements of the gaonic literary output in Arabic were known and used in Spain.

This book is divided into several parts. Chapters One through Five provide a historical introduction to the translations of Samuel ben Ḥofni's works presented in Chapters Six and Seven. An edition of the Judeo-Arabic texts of these works is found at the back of the book.

The first two chapters provide a relatively brief overview of Samuel ben Ḥofni's life, literary output and intellectual life. As his literary creativity was formed to a significant degree by contemporary cultural currents, I felt it important to trace these currents. Chapter Three contains an assessment of developments within the gaonic yeshivot, and Chapter Four surveys what is known of Jewish cultural life in and around Baghdad outside the walls of the yeshivot. Since

the world of discourse of tenth-century Muʿtazili Kalām is not a familiar one, some of the basic terms and ideas of this school which appear in Samuel ben Ḥofni's works are presented in Chapter Five, which also includes an examination of some aspects of the overarching issues of reason and universalism that characterized Samuel ben Ḥofni's intellectual world.

The translation of each of the texts in Chapters Six and Seven is preceded by an introduction in which issues of identification, purpose and genre are clarified, as well as by a list of manuscripts used in reconstructing that text.

Arabic names and terms have been transliterated scientifically, except in those instances where the name in question has entered common English usage, for example, Baghdad. Hebrew names and terms have been transliterated with diacritical marks for consonants but not for vowels, due to the difficulty of reproducing the vowel structure of Hebrew accurately. Biblical names are given as they are found in common English usage. Biblical quotations follow the translation in *Tanakh: A New Translation of the Holy Scriptures According to the Traditional Hebrew Text*, Jewish Publication Society, Philadelphia, 1985, except where I have altered them in accordance with the demands of context.

My work on this book benefited from the help and advice of many individuals who were gracious in sharing their knowledge and experience. Prof. Haggai Ben-Shammai generously agreed to serve as an informal thesis advisor. His erudition and perceptiveness greatly improved the editions of the texts and the accuracy of their translation. I thank him kindly for his continuing encouragement and manifold support. I also thank Professors Isidore Twersky and Bernard Septimus for their helpful comments on earlier versions of this work and their gentle proddings to complete the doctoral thesis on which it is based. Prof. Septimus' insight and sensitivity to texts saved me from a number of grievous errors.

Dr. Sarah Stroumsa was kind enough to read the entire work and share her observations. Her suggestions for emendations are acknowledged in the Judeo-Arabic texts. Prof. Paul Fenton, editor of the series in which this book appears, made a number of recommendations for improving the style of the book.

I also wish to thank my friends Dr. David Malkiel, Dr. Daniel Frank,

Dr. Robert Brody, as well as the many others whose advice and encouragement has added so importantly to the quality of this project.

During a number of trips to examine manuscripts, I was received graciously and given courteous help by the librarians at Cambridge University, Oxford University, the Jewish Theological Seminary and the Saltykov-Shchedrin Public Library of Leningrad (now the Russian National Library in St. Petersburg). In particular, I would like to acknowledge the help of the staff of the Institute for Microfilms of Hebrew Manuscripts of the Jewish National and University Library in Jerusalem, who always answered my endless requests for microfilms and assistance with a ready smile. Permission to publish the manuscripts which they hold was granted by the Trustees of the British Library, the Library of the Jewish Theological Seminary of America, the Syndics of the Cambridge University Library, the curator of manuscripts of the Special Collections of the Van Pelt Library of the University of Pennsylvania, the Bodleian Library of Oxford University and the Jewish National and University Library.

Financial support for my doctoral thesis research and the preparation of this book for publication has been provided by generous grants from the Memorial Foundation for Jewish Culture, the National Foundation for Jewish Culture, the Lady Davis Fellowship Trust, Harvard University and Yad Avi Ha-Yishuv.

My appreciation also goes to Norma Schneider, whose sensitivity to and care for language improved this book greatly, and to Ronit Nikolsky of Daatz, Jerusalem, who prepared the camera-ready copy for this book, working graciously and efficiently to prepare a complicated text under the pressure of a strict deadline.

When I come to thanking my family, I find language sorely inadequate. My parents have unfailingly aided and supported me in manifold ways, in particular during some very difficult years during the thesis research. My wife Hava entered my life at a crucial stage in the writing of the thesis. She shared the pressures of the final stretch with love and understanding and provided the support which helped bring this book to completion. Our children, Ariel, Yishay and Efrat, furnished an important and refreshing perspective on life's priorities when my preoccupation with the book threatened to become all-encompassing. I dedicate this work to all of them as a small expression of my gratitude and love.