



Rabbeinu Tam

1. Dr. Haym Soloveitchik, *The Tosafist Movement*, Collected Essays, pp. 6-7

The greatness of Rabbeinu Tam did not lie in his discovery of dialectic - that is systematically employed in most discussions of the Talmud - but rather in the scope and depth of his use of it. Rabbeinu Tam's influence extended over the entire talmudic corpus; he scarcely treated a topic that he did not revolutionize by dialectic. He was able to offer many hundreds, probably thousands, of legal distinctions that subsequent thinkers found, and to this day still find, essential for any understanding of talmudic law. So fecund were his ideas and so productive was his mode of thinking that this type of analysis has continued to the present day. In brief, Rabbeinu Tam rewrote halachic thought by his revival and use of dialectic and made this method an indispensable tool of talmudic study.

2. Rabbi Moshe Sofer (18th-19th century Pressburg), Chatam Sofer, Responsum Choshen Mishpat 116

כבר נהגי בכל גלילות הללו למיזל בתר רובא בכל ענינים כאלו. ואם נמתין עד שיסכימו כלם לא יגמר שום ענין ויהי' השחתת הכלל, ומה"ט נ"ל דגם לר"ת דס"ל דאינם יכולים להסיע על קיצתם אלא כשהסכימו כולם מתחלה מ"מ היינו מדינא אבל מודה הוא ממנהגא דהרוב כופי' היחיד לעשות כמו שהם אומרים...

The practice in all of our exiles is that we follow the majority for all such matters. If we were to wait for unanimity then no affair would be concluded, and the community would be damaged. It appears to me that for the same reason, even Rabbeinu Tam, who rules that the community cannot take punitive action to protect a community standard unless there was unanimous agreement to the standard at the outset, rules that way only as far as the letter of the law. He would agree that as a matter of common practice the majority may force an individual to do as they say...

3. Rabbeinu Tam, Responsa of Baalei haTosafot 11

גם כתבת שאין לשנות המנהג מפני ה'עז. מנהג זה גהנם למפרע. שאם שוטים נהגו חכמים לא נהגו. ואפילו מנהג הגון אינו עוקר הלכה, אא"כ רופפת. ובזה טעית טעות גדולה, ואל תוסיף לדמות דמיונות כאלה. ע"כ.

You also wrote that one should not change the custom, because of concern for slander [regarding earlier practices]. מנהג (minhag) is גהנם (Gehennom) in reverse! For fools may have done thus, but sages did not do thus.

4. Rabbeinu Tam, Sefer haYashar 48:6

Our customs are Torah, and our customs in "Babylon" are in accord with the sages of the Land of Israel, who are the essence regarding ruling in law. Therefore one should rely on our "Gaonim" and the "Rabbanan Savorai".

מנהגינו תורה היא. ומנהגינו בבבל ע"פ חכמי ארץ ישראל שהם עיקר ההוראה ולפיכך יש לסמוך על גאונינו ועל רבנן סבוראי.

5. Rabbi Moshe Isserles (16th century Cracow), Shulchan Aruch Even haEzer 154:21 citing Rabbeinu Tam

ומכל מקום יכולין ליגזור על כל ישראל שלא לעשות לו שום טובה או לישא וליתן עמו (שערי דורא בשם ר"ת ובמהרי"ק), או למול בנו או לקברו, עד שיגרש (בנימין זאב רפ"ט). ובכל חומרא שירצו ב"ד יכולין להחמיר בכהאי גוונא, ומלבד שלא ינדו אותו.

Still, they may decree upon all Israel not to help him in any way, or to interact with him [commercially?] (Rabbeinu Tam), or to circumcise his sons or to bury him, until he divorces (Binyamin Zeev), or with any stringency the rabbinical court wishes they may be strict in such a case, as long as they do not excommunicate him.

Rabbi Yitzchak Alfasi

6. Rabbi Yosef ben Naim, Malchi Rabbanan <https://hebrewbooks.org/29102>

7. Rabbi Yehudah Halevi, per *Korei haDorot* pg. 20 <https://hebrewbooks.org/14403>

הרים ביום סיני לך רעשו, כי מלאכי הקל בך פגשו
ויכתבו תורה בלוחות לבך וצבי כתריה לך חבשו
לא עצרו כח נבונים לעמוד לולי תבונות ממך דרשו

Mountains on the day of Sinai quaked for you, for the angels of G-d encountered you

And they wrote the Torah on the walls (tablets) of your heart, and the most desirable of crowns they set upon you

The wise could not marshal the strength to stand, if not for the wisdoms they learned from you

8. Zeev Yaavetz, ימי רבנו יצחק אלפסי ורבנו שלמה יצחקי <https://benyehuda.org/read/31818/read>

As much as he placed the son of his rival as his own son because he was a lover of righteousness and a man of generosity, so he overpowered his love for his own son, his flesh and blood, because of his love for truth and justice. He had a wise son named Rabbi Yaakov, who was great in Torah, and yet he placed first, before his son Rabbi Yaakov, his student Rabbi Yosef ben Migash, because he saw that his student was very great, greater than his own son. And when his death neared, he placed his hands upon his student Rabbi Yosef and placed him on his seat, and he set him in his own place as the head of the communities of Lucena and all of Hispania.

9. Rabbi Yitzchak Alfast, Halachot, Rosh HaShanah, 8a

Rav Huna said: And [they blow shofar even on Shabbat] with the rabbinical court. What is "with the rabbinical court"? In front of the rabbinical court, as opposed to when it is not in front of the rabbinical court, when they would not [blow shofar]. It was also taught: Rabbi Chiya bar Gamda cited Rabbi Yosi ben Shaul, citing Rebbe: We only blow shofar when the rabbinical court is in session.

10. Rabbeinu Asher, Rosh HaShanah 4:1

They said of Rav Alfas z"l that he blew shofar on Rosh HaShanah which was on Shabbat. And so is indicated in his *Halachot*, where he brought Rav Huna's statement, "and with the rabbinical court", and he only brings that which is practiced today. He explained "wherever there is a rabbinical court" to mean not only the Sanhedrin, but any superlative rabbinical court, the greatest in its generation. And his students did not do this after him.

11. Talmud, Avodah Zarah 19b

What does Mishlei 7:26 mean when it says, "For she has killed many corpses?" This is a student who has not reached the level of issuing halachic rulings, and he issues halachic rulings. "And mighty are all she has killed?" This is a student who has reached the level of issuing halachic rulings, and he does not issue halachic rulings. Until what age? 40 years. But Rava issued halachic rulings [before he turned 40]! That is where he is more worthy than anyone else.

12. Rabbi Yitzchak Alfasi, Halachot, Avodah Zarah, 5b

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13. Rabbi Yitzchak Alfasi, Halachot, Eruvin, 35b

We don't follow this. Since the passage in our Talmud permits, we are not concerned that the Western Talmud prohibits. We rely on our Talmud, which was later; its sages were more expert in the Western Talmud than we are, and if they didn't know that this passage in the Western Talmud was not authoritative, they would not have permitted.

14. Zeev Yaavetz, ימי רבנו יצחק אלפסי ורבנו שלמה יצחקי <https://benyehuda.org/read/31818/read>

When he came to Lucena, the hearts of Ibn Albalya and Ibn Ghayyat turned from him. This was bad in the eyes of Rav Alfasi, to the point where he expressed his harsh spirit verbally and in writing.

And when Rav Yitzchak ben Albalya neared death, and he saw that with his death his son Baruch – a very bright 17-year old youth – would be taken from upon his head... He called his son Baruch and told him softly that his spirit was weak and dying, "I am dying, and now, my son, rise and go to Rabbeinu Yitzchak Alfasi, and tell him that I have forgiven him for all of the harsh things he said of me, verbally and in writing. Stand before him and learn Torah from his mouth, for I know he will be generous to you." And after the youth returned from burying his father, he went to Rav Alfas and told him all that his father had said. And the elderly rabbi wept powerfully, and he spoke to the heart of the youth, good and comforting words, and he told him, "Since your father has died, I will be a father to you." And Rav Alfas took him to his home and loved him greatly and taught him the entire Talmud, and made him a leader in Israel.

15. Rabbi Chaim Yosef David Azulai (17th century Italy, Israel), *Shem haGedolim* י:רפז

And the R"i, author of *Tosafot*, would say that the Rif certainly experienced *ruach hakodesh* when he composed his *Halachot*. And I have seen notes from Rabbeinu Yaakov of Marvege, who would ask questions of Heaven regarding laws of which he was uncertain, and they would answer him. Once he asked about a law, as to whether it followed the Rif or those who disagreed with him, and they replied from Heaven that the law definitely follows the Rif, for he is greater. They said of him the verse, "And Yitzchak planted... And the man became great, and he grew increasingly until he was very great."

16. Rambam (12th c. Spain/Morocco/Egypt), Introduction to his Commentary to the Mishnah, Chapter 9

The Gaonim composed many commentaries, but to the best of our knowledge none completed a commentary to the entire Talmud. Some were prevented by brevity of life, some by the needs of people with their litigation. Some composed legal works, in Arabic or Hebrew, like *Halachot Gedolot*, *Halachot Ketuot*, *Halachot Pesukot*, *Hilchot Rabbi Acha miShabcha*, and others. The *Halachot* composed by our great master Rabbeinu Yitzchak, of blessed memory, sufficed in place of all of those, including all of the benefits of rulings and laws needed for our day, meaning this time of exile, and he already sifted from there all of the errors which had fallen into the rulings of his predecessors. We only have difficulty with a few of his rulings, not even ten by any measure.

17. Rabbi Yosef Karo (16th century Turkey, Israel), Introduction to Beit Yosef

I decided regarding the three pillars of halachic rulings on which the House of Israel depends for halachic rulings - the Rif, Rambam and Rosh – that where two of them agree, I would follow them, other than in certain cases where all of the Sages of Israel, or most, disagree with that view and so a different practice was spread.

18. Rabbi Dr. Moshe Auerbach, *Toldot Am Yisrael* Vol 2 Part 2 pg. 220

שלשה גדולים עמדו לישראל אחרי שחדלו מרכזי התורה בבבל: ר' נתן באיטליה, רש"י בצרפת, ורי"ף במרוקו וספרד, אשר אפשרו את לימוד התלמוד באפן עצמאי לאלה אשר לא למדו את כל התלמוד בישיבה. רש"י הוא המדריך למצא את הדרך הנכונה בסגיות הכי מסבכות. רי"ף הוא המורה לפסוק את ההלכה הפסוקה מתוך וכוחי האמוראים. ור' נתן מבאר לנו את המלים הקשות אשר נכנסו אל התלמוד משפות זרות. באור המלים והמשגים נותן ללומדי התלמוד הרבה פעמים מפתח להבנת הסגיות, אשר התקשו בהן לרגל אי הבנת הבטיים משפות בלתי ידועות להם.

19. Commentaries on *Sefer Halachot* include:

- Rabbi Yehonatan of Lunelle
- Rabbeinu Yonah
- Rabbi Zerachyah halevi (Baal haMaor), responded to by Raavad of Posquieres, who is responded to by Ramban
- Rabbeinu Nisim
- Rabbi Yosef ibn Chaviva (Nimukei Yosef)
- *Shiltei haGibborim*
- Pseudo-Rashi