**From Reviewers’ Opinions on Neri Ariel’s Ph.D. Dissertation
Document for Correction/Response**

**Reviewer 1:**

Neri Ariel wrote, with myself as his advisor, a dissertation titled “Fragments of Geonic Literature in Judaeo-Arabic: Outlines on the Image and Study of the Genre of Instruction Manuals for Dayyanim.” As the title implies, the purpose of the dissertation is to investigate a specific slice of the literature that the Babylonian Geonim wrote in Judaeo-Arabic—and, in fact, as I explain below, its results have surpassed the goal. Although the literature of the Geonim is a highly important link in the history of rabbinical literature, its study has been relatively neglected and those parts of this literature written in Judaeo-Arabic are the most neglected of all. I refer primarily to monographic treatises that deal with selected halakhic fields that were authored by some of the last Geonim in this language. Due to the declining fortunes of the Babylonian center toward the end of the Geonic era and afterwards, and as the epicenter of the Jewish world shifted to areas in Europe where Arabic was not used, these works have almost vanished from sight—with the exception of a few that were privileged with being translated into Hebrew—and have come down to us in fragmentary form, largely thanks to the Cairo Geniza. To research them, one needs not only command of the contents of the Talmudic and Geonic literatures and the Judaeo-Arabic language but also solid orientation in the Geniza collections and ways of dealing with the surviving fragments that they hold, many of which are damaged if not severely so. Few researchers meet these requirements, but Neri is one of them.

In his dissertation, Neri systematically examines dozens of fragments in Judaeo-Arabic from the Cairo Geniza that relate to the rules associated with the obligations of dayyanim and the *modi operandi* of their courts of law. Most of the fragments examined are identified as belonging to one of two monographic works by two of the last Babylonian Geonim: R. Samuel b. Hofni, Gaon of Sura, and his son-in-law, R. Hai b. Sherira, Gaon of Pumbedita. The existence of these works is known; a few surviving segments of them have even been published. Neri’s study, however, has redrawn the contours of this field, particularly where the R. Hai’s treatise is concerned, as I elaborate below. Mr. Ariel even identifies several other fragments as vestiges of copies of a later work, *Tibb al-Nufūs* (Healing of the soul), by Joseph b. Judah ibn Aknīn, whose career spans the second half of the eleventh century to the early twelfth century CE. Neri’s research is based on meticulous copying of the Geniza fragments (and, in respect of the second- and third-mentioned works, also of manuscripts of a non-Geniza provenance) and translation into Hebrew, along with lavish and detailed annotation including meticulous recording of lexical variants where two or more manuscripts overlap.

The body of the dissertation is divided into three chapters, each devoted to one of the three aforementioned works and arranged in their presumed chronological order. Chapter 1 concerns itself with the remnants of R. Samuel b. Hofni’s book, *Lawāzim al-Aḥkām* (Duties of the dayyan). In this case, the new material on top of what has long been known in research is small in quantity but interesting in nature: a fragment several pages long that evidently belongs to the preface to the book, of which no remnants have been identified until now.

Chapter 2, which accounts for most of the dissertation in quantity and quality, is devoted to R. Hai Gaon’s treatise, *Adab al-Ḳaḍā* (translated with less-than-total accuracy as “ethics of the dayyanim”). In regard to this work, one may say that new facets come to light here: If thus far we were familiar with only scanty fragments of the work—mainly second-hand citations of contents in Hebrew translation—now, thanks to Mr. Ariel’s industrious and cautious exertions, we have nearly forty surviving fragments of eleven different manuscripts. (The surviving fragments of ten manuscripts were found in the Geniza; pages form one manuscript come from an outside source.) They make it possible to reconstruct a very large portion of the original work. The book is composed of twenty-three chapters. Published in the past were two fragments that were translated into Hebrew in the Middle Ages and attributed to this work by way of reasonable hypothesis. Now, however, due to Mr. Ariel’s work, we have almost the entire text of at least two chapters (5 and 23), much of ten additional chapters that are identifiable (1, 2, 4, 6, 10–14, 22) and, evidently, important remnants of several chapters between nos. 14 and 22.

Chapter 3 of the dissertation contains a discussion of a chapter on the obligations of dayyanim, harvested from R. Joseph b. Judah ibn Aknīn’s later work *Tibb al-Nufūs*. This composition has not yet been published and has attracted scanty research attention. Mr. Ariel discovered that several Geniza fragments, which at first glance could be attributed to one of the two aforementioned Geonic works, actually belong to this book, which was written more than a century after the end of the Geonic era. An almost complete manuscript of *Tibb al-Nufūs*, of a provenance outside the Geniza, is kept at the Bodleian Library at Oxford, and three chapters of that work have been published. Neri found that three Geniza fragments that, seemingly, could have been identified as remnants of one of the Geonic works that deal with the obligations of dayyanim, are vestiges of two copies of Chapter 26 of this work. In the third chapter of his dissertation, he redacts the chapter on the basis of the Oxford MSS, compares it with the Geniza fragments, presents it in Hebrew translation, and adds annotation.

Neri Ariel’s dissertation makes a real contribution to our acquaintance with medieval halakhic literature in Judaeo-Arabic and is worthy of awarding him the degree of Doctor of philosophy from the Hebrew University.

**Reviewer 2:**

Mr. Neri Ariel’s Ph.D. dissertation, “Fragments of Geonic Literature in Judaeo-Arabic: Outlines on the Image and Study of the Genre of Instruction Manuals for Dayyanim.” comprises three chapters in addition to an introduction and a conclusion. The first chapter reports on remnants of R. Samuel b. Hofni’s *Kitab Lawāzim al-Aḥkām*. The second is a reconstruction of R. Hai Gaon’s work *Kitāb al-Ḳaḍā* (including appendices: fragments that fit into this work in places not yet determined and excerpts from other obscure writings). The third is Chapter 2, “Practices of the Rabbinical Judges,” by Joseph b. Judah ibn Aknīn of Barcelona. The dissertation is the continuation of the master’s thesis that Mr. Ariel wrote for the Department of Talmud and Halakha.

In his dissertation, Mr. Neri Ariel undertook an important task: “to locate and identify new fragments that belong to known and little-known practitioners of the genre of instruction manuals for dayyanim.” His efforts paid off impressively. He managed to track down some sixty textual fragments from the Cairo Geniza that belong to this genre, connected most of them link by link, and compiled them into larger textual units. One of these fragments is a vestige of the introduction to R. Samuel b. Hofni’s *Lawāzim al-Aḥkām* and several additional pages from that work, reconstructed in greater part from R. Hai Gaon’s *Adab al-Ḳaḍā—*the core of his research and the main contribution of the dissertation—and also five fragments from R. Joseph b. Judah ibn Aknīn of Barcelona’s *Tibb al-Nufūs.*

The main purpose of the dissertation is to bring a critical approach to the writings of the late Geonim who wrote in this genre and to call attention to halakhic and legal, literary, structural, and philosophical-theological matters that emerge from the fragments and rest on a philological-historical platform. The author has brought splendid texts to light. He displays broad familiarity with the source literature, reaches all corners of the research literature, marches confidently down the paths of scholarship, and carries out his self-defined task handsomely. His research focuses mainly on three axes. First, he produces worthy and accurate translations from Judaeo-Arabic into Hebrew, displaying a broad command of the Judaeo-Arabic that makes systematic use of a broad spectrum of Arabic and Judaeo-Arabic glossaries every step of the way—foremost the dictionaries of J. Blau and M.A. Friedman. Second, he sometimes manages to fill in gaps that are unclear or missing in the texts that he studies. He exhibits, among other things, impressive proficiency in painstaking philological and linguistic analysis, including the elucidation of legal terms that originate in the Arabic-language halakhic literature and leaves no concept unexplained. Third, he subjects the Talmudic sources of the works and the versions of the Talmud in the writings of the Geonim to deep and thorough discussion. The Talmudic debate and its interpretation are handled skillfully and with judicious caution.

Mr. Ariel’s opus is a highly impressive work in all respects, a high-quality study that definitely entitles him to the degree of Doctor of Philosophy.

The author says that he intends to continue studying this genre in the future. Here are several comments that may help him in so doing:

1. Most of the author’s scholarly remarks are specific to their topic; it would be desired to unfurl a full-width tableau of his conclusions, including *inter alia* discussion of the connection between the works that he discusses and the later halakhic literature, e.g., Maimonides’ *Mishne Torah* (see, for example, p. 142, note 8; p. 163, note 240; p. 198, note 631; p. 199, note 643; p. 210, note 715) and between the current work and the other writings of the same Gaon (p. 213, note 733), and also to address himself to Geonic responsa that deal with the same topics (e.g., the rule that a litigant should not be heard until his counterparty arrives—p. 82 and p. 150, note 84). See responsum of R. Sherira and R. Hai in S. Assaf, 1927, Section C.
2. The author would also do well to summarize his findings thus far about the structure of the halakhic monographs of the Geonim (see, for example, p .197, note 626; p. 199, note 634; p. 207, note 700), their sources, their methodology, and the way the various works relate to each other, and to summarize their possible halakhic innovations and ways of interpreting Talmudic debates (see p. 107, note 443, or p. 144, note 26; p. 149, note 67; p. 172, notes 190–191; p. 179, note 413; p. 180, note 427; p. 181, note 431; p. 186, notes 479, 501; p. 194, note 594; p. 196, note 616; p. 210, note 718), and their deviation from the wording of the Talmudic text (see, for example, p. 105, note 420 and notes 483, 475, 486; p.114, note \_\_\_; p. 151, note 94; p. 1 67, note 277; p. 182, note 450; p. 153, note 462; p. 189, note 527; p. 198, note 629, et al. It is also desirable to express his doubts about the authors’ identity in one central location; see, for example, p. 113, note 502, and p. 117, note 522.
3. A comparison with writings in Muslim law of the same genre that were common at the time is needed. Study of this literature would be helpful in interpreting the writings of the Geonim, particularly in elucidating legal concepts, the judges’ characteristics, methods of trial management, and, at times, even filling in lacunae in the text. (On p. 67, line 2, for example, the complement that suggests itself, *al-amr bil ma 'raf wal nahy ‘an al-mankar,* is a frequently encountered motif in the Muslim legal literature; also, perhaps, on p. 113, line 17–18, the Gaon evidently uses the conventional metaphor of root and branch.) The author is aware of the need for this comparison. (See p. 174, note 353, and his remark on pp. 208–209, notes 709–710.)
4. In my opinion, halakhic legal texts can be interpreted in view of modern legal theories such as the adversary method contrasted with the inquisitorial method. It is not anachronistic to do this, as the author says; instead, it is helpful for analyzing and understanding rabbinical trends of thought. The author refers briefly to several interesting questions, such as: Is there a transition from the casuistic method to the normative one? (See, for example, p. 186, note 501) and the use of literary logic (p. 197, note 623). Perhaps some mention should be made, among other things, of the intermingling of procedural and substantive discussion that typifies the writing of the Geonim.
5. A glossary of common legal concepts in these writings should be compiled, including terms such as *ajma’a, ijtihad, taqlid, saha, mufti* (and the difference between mufti and *hakham*), *fatawi, natr, tahkim, wakhil, masalha or a-hakham al-saliha, asl or asol, hajja, hila, amlakh*, and many others, along with a brief explanation of their meaning and the way they appear in the texts in question.
6. The author comments nicely about the Hebrew fundamentals of Judaeo-Arabic (see p. 107, note 443). Perhaps it is also worth remarking about those places where, amid the Judaeo-Arabic flow, the author invokes—not without reason—Talmudic concepts.
7. Studies that discuss halakhic principles that are mentioned in the works should be mentioned. Such principles include “The judge has nothing but what his eyes behold”; arbitrary or even “toss a coin” procedure in the event of an irresolvable litigation, [שודי דדייני] error in judgment; “He who rivets himself to the word of the halakha,” and flogging (the studies of Hanina Ben-Menahem, Yossi David, Haim Cohen, Avigdor Aptowitzer, and others).
8. Minor points concerning bibliographic references: Greenberger, mentioned several times, does not appear in the bibliography. Neither does Domb, *Shir ha-Dinin.* In several places, typos occur: on p. 91, note 235, the word *she-ze* should appear. On page 111, Line 11, *al-bra’a* should appear and not *al-bada’a*. Redundancy: see p. 111, notes 493 and 494, and cf. p. 19 7, notes 618–620. On p. 173, end of note 347, an extra *dalet* is present. On p. 174, note 354, I fail to understand the difference between *qenunia* ending with an *alef* and *qenunia* ending with a *heh.*
9. On p. 159, note 198, there should have been a reference to debates over a woman’s oath and the litigants’ seating (see my English-language book and my article about the undifferentiated *herem*). It would also have been within reason to reference my article on the preemptive right and guarantee in the writings of the Geonim, in which I discuss the connection between the halakhic monographs of the Geonim and the halakha set down by Maimonides in *Mishne Torah.*
10. It seems to me that translations from Arabic are absent in various locations (see p. 89, lines 11–12, and translation on p .169; p. 97, lines 93–95; p. 103 at note 397; p. 113, line 15; p. 118, line 8). On p. 158, line 18, the translation *Zehu sheqer* appears. How was it rendered in the original?

Of course, these suggestions/remarks are not meant to impugn Mr. Neri Ariel’s thoroughgoing, profound, and impressive research work. He has definitely earned the degree of Doctor of Philosophy.

**Reviewer 3:**

Neri Ariel has accomplished a great deal in this work. With much painstaking effort he gathered, reconstructed, interpreted, and—more generally—comprehensibly and reasonably presented the reader with three works on the obligations of dayyanim or guidelines for them, based on scattered fragments in the Cairo Geniza. In several cases, he establishes the correct identity of the fragments as against what had been thought in previous studies, but in many cases it is he who has found and identified relevant material and added it to the existing corpus. His identifications and explanations in these matters are usually highly convincing. His understandings, based on the Talmudic and rabbinical literature, also appear reasonable even though, of course, an additional or alternative source may be proposed at times. The quality of the work in this respect, too, is very high.

What does seem to be slightly lacking here, in my opinion (precisely because the textual work in this study is so outstanding), is an attempt to describe the genre of the books on which this dissertation focuses in a more general and meaningful way. The (brief) introduction and conclusion invest a few words on this topic but, in my opinion, at least a few pages about it should be added separately. Plainly, anyone who takes an interest in this dissertation must already know something about the Geonic literature on the matter at hand. However, throwing even an experienced reader into the sea of these texts from the Geniza (such an awesome, interesting, and intriguing sea it is), with all the reconstructions and discussions of the different wordings, may derogate from the importance of the work at hand if it is done without a little background and some historical and literary context.

Furthermore, the relations between the works of R. Samuel b. Hofni and R. Hai Gaon that appear in the dissertation should be discussed separately. If the works were linked by straight lines, it would have been well and good. However, even in the absence of numerous clear connections, the differences and similarities of the works should be described. Although this topic has already been discussed in the research literature, the new material and novel findings in the dissertation at hand would seem to entail some reconsideration of this matter, too.

The same may be said, but even more urgently, in regard to the work of R. Joseph b. Judah ibn Aknīn of Barcelona, a much more obscure halakhic personality than the aforementioned Geonim. In my opinion, the commonalities (and differences) between this work and those of the Geonim should be presented and analyzed according to the edition or wording cited in the dissertation— Why should these three opuses be brought together in one study at all?—and a few words should be said about the dissimilarity (or the similarity) of developments in the east and those the west in this field. Otherwise, even though experts on the Geniza and the Geonic literature may gain much utility from this dissertation without any book in its current form, researchers who address themselves to these periods and places in intellectual and literary history would not orient themselves as easily—and that would be a pity. This is not to say that an entire chapter or innumerable pages on all these matters need to be written (although, in my opinion, this would become a necessity if the candidate wishes to publish the material as a book). However, the matter should be given broader and more detailed treatment than the dissertation has pledged to it.