

The Emergence and Development of Tosafot on the Talmud

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Introduction

It is generally known that the *Tosafot* commentary on the Talmud is a compendium of Talmudic scholarship produced in France and Germany over a period of a century and a half. Less known are the stages of its development and the different elements of its production. By charting the development of the Tosafist academies in Northern France through their final editing stages in France and Germany, this article suggests three distinct elements in the production of the *Tosafot* commentary and provides the reader with a general perspective of the printed editions of *Tosafot* that adorn modern-day editions of the Talmud.

The Tosafist Enterprise

Dialectic study, the *sine qua non* of rabbinic Judaism in the period of the Amoraim, seemingly fell into disuse in the centuries following the final redaction of the Talmud. The talmudic commentaries that emerged from the Geonic era primarily focused on straightforward explanations of difficult talmudic lexicons or on the elucidation of specific complicated passages. Additionally, Geonic attention was turned toward the issuance of legal rulings for the many communities that looked toward the Babylonian academies for legal decisions. If dialectic study of the Talmud was engaged in by the Geonim, very little was recorded and available for the emerging

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Tosafist schools in Germany and France.¹

The re-emergence of dialectic study was seemingly initiated by the Tosafist scholars of Northern France and Germany in the twelfth and thirteenth centuries.² The focus of the Amoraim had

¹ Avraham Grossman addresses the lack of Talmud commentaries in the Geonic period in his “Social Structure and Intellectual Creativity in Medieval Jewish Communities (Eighth to the Twelfth Centuries),” *Studies in Medieval Jewish History and Literature*, ed. I. Twersky and J. M. Harris (Cambridge, 2000), 3:1–19. In addition, see his *Hakhmei Zarefat ha-Rishonim* (Jerusalem, 1995), 429–436. For examples of Geonic commentaries on the Talmud, see *Seridim mi-Toratan Shel Geonim ve-Rishonim mi-Genizat Kabir*, ed. E. Hurvitz (New York, 1986).

² Various approaches have been suggested to explain the re-emergence of the dialectical movement as an internal Tosafist movement. Haym Soloveitchik writes that the “multiple panzer thrusts of R. Tam’s intellect” led to a “rediscovery” of the methods utilized by the Amoraim to analyze the mishnaic corpus and that R. Tam applied those methods to the talmudic corpus. See Haym Soloveitchik, “Three Themes in the Sefer Ḥasidim,” *AJS Review* 1 (1976): 339, idem., “Can Halakhic Texts Talk History?,” *AJS Review* (1978): 179, and idem., “Rabad of Posquières: A Programmatic Essay,” *Studies in the History of Jewish Society in the Middle Ages and in the Modern Period*, ed. E. Etkes and Y. Salomon (Jerusalem, 1980), 19. However, Avraham Grossman has argued that the dialectic method popularized by the Tosafists emerged before R. Tam in the eleventh-century talmudic academy in Worms, Germany; see his *Hakhmei Ashkenaz ha-Rishonim* (Jerusalem, 1981), 343 and 419, idem., *Hakhmei Zarefat ha-Rishonim*, Chapter Seven and specifically 447–449, and idem., “Social Structure and Intellectual Creativity,” 1–19. The relationship between the Tosafists and the early German academies was first suggested by Jacob Naḥum Epstein, “Perushei ha-Rivan u-Perushei Vermaiza,” *Tarbiz* 4 (1933): 167–192, especially 177–178. [We also find remnants of such study in R. Nissim b. Jacob’s 11th century work, *Sefer ha-Mafteah le-Man'ulei ha-Talmud*. See for example tractate *Shabbat* 80a.] Ḥayyim Hillel Ben-Sasson, “Hanhagatah shel Torah,” *Behinot be-Bikkoret ha-Sifrut* 9 (1956): 39–53, suggested that the Tosafists’ writings merely represent an intensification of classic talmudic methodologies encouraged by the success of Rashi’s Talmud commentary.

Other scholars have looked to explain this re-emergence by noting similarities between the Tosafist dialectics and the methods of other intellectual movements of the time, suggesting a possible cross-cultural influence. See José Faur, “The Legal Thinking of the Tosafot: A Historical Ap-

been dialectic analysis of the *Mishnah* in light of the entire Tannaitic corpus. Every *Mishnah* had to be understood in the context of all other relevant Tannaitic sources. This required cross-referencing from the *Baraita* and *Tosefta* collections, as well as collation of the many explanations and traditions of the various Tannaitic sages.

The Tosafists approached the talmudic text with a similar perspective: talmudic passages could be understood only in light of the greater Amoraic corpus.³ The Tosafist schools set out to analyze the entire Talmud using all relevant talmudic passages as a context and backdrop for the text under scrutiny. For two centuries the Tosafist academies searched the Talmud noting contradictions and relevant passages. Their dialectic analysis and hairsplitting distinctions procured for the Tosafists a sacred position within the intellectual history of talmudic study, described by one historian as the “immortal accomplishments” of the Tosafists.⁴ The product of the meticulous work undertaken during these two centuries is well represented by the *Tosafot* commentary that graces the page of the printed Talmud.

proach,” *Dine Yisrael* 6 (1975): 43–72, Ephraim Urbach, *Ba’alei ha-Tosafot*, 17–31, 87, fn. 9, and 744–757. Note that these remarks of Urbach appear in the 1980 edition and are a revision from what he originally wrote in the 1955 edition, 27–28. Ephraim Kanarfogel, *Jewish Education and Society in the High Middle Ages* (Detroit, 1992), 168 fn. 27, writes that these revisions were made in response to Isadore Twersky’s critical comments in his 1957 review article of Urbach’s work that appeared in *Tarbiz* 26 (1957): 218–220. See also A. Grossman’s remarks in *Hakhmei Ashkenaz*, 423, especially fn. 58. For other cross-cultural similarities, see Ephraim Kanarfogel, *Jewish Education*, 70–73, and Israel Ta-Shma, “Halakhah and Reality—The Tosafist Experience,” *Rashi et la Culture Juive en France du Nord au Moyen Âge*, ed. G. Dahan, et al. (Paris, 1997), 313–329. In general, see also Salo Baron, *Social and Religious History of the Jews* (New York, 1958), 6:27–56 and 6:340–341.

³ Urbach, *Ba’alei ha-Tosafot*, 679 – 680 and 744.

⁴ Haym Soloveitchik, “Three Themes,” 339. In another essay, “Catastrophe and Halakhic Creativity: Ashkenaz – 1096, 1242, 1306, and 1298,” *Jewish History* 12:1 (1998): 72, Soloveitchik remarks, “If, as Whitehead once aphoristically said, all philosophy is a series of footnotes to Plato, we can say, with far less exaggeration, that all subsequent halakhic thought has been a series of footnotes to the Tosafists.”

Elements of the Tosafist Enterprise

It is possible to identify at least three distinct elements in the development of the Tosafist Talmud commentaries. These elements are also manifest as distinct stages in the Tosafist period—for different generations showed propensities toward one element or another.⁵ Similarly, when speaking of a particular generation, we can identify three different roles that individual Tosafists assumed in their own work. We will address these elements as stages and speak in terms of generations, but it should be stressed that most Tosafists engaged, to varying degrees, in each of these roles.

Element One: Independent Dialectics

Rashi's line-by-line explanations of the entire talmudic corpus opened the book of the Talmud in a way that was previously unparalleled.⁶ However his commentary was a local commentary, and he did not seek to analyze each line of the Talmud in context of the entire talmudic corpus. Rashi's Talmud commentary focused on the local discussion, and he chose explanations that presented the local passage with the most clarity, even if this required ignoring a relevant discussion in another tractate.

This was not the case with the Tosafists. Working with an assumption that the entire talmudic corpus was one unified text—an assumption that Rashi likely agreed with but did not focus on when

⁵ Compare to Israel Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud* (Jerusalem, 1999), 1: 94.

⁶ Unlike the commentaries of R. Hananel, R. Gershom, or the other various commentaries that preceded his commentary, Rashi's method highlighted key phrases in the talmudic discussion (*dibur ha-mathil*) instead of the paraphrasing commentary style of the aforementioned scholars. His commentary quickly spread throughout France and Germany, replacing the previously utilized commentaries. Now that the Talmud had found its authoritative commentary, a path was laid for the Tosafist enterprise. For more on this relationship between the commentary of Rashi and the Tosafist enterprise, see Urbach, *Ba'alei ha-Tosafot*, 21-22, and Grossman, "Social Structure and Intellectual Creativity," 11, and idem, *Hakhmei Zarefat ha-Rishonim*, 439-440.

composing his commentary—the early Tosafists focused their work on more global, corpus-wide analysis.⁷

Yet their broader focus did not preclude their attention to local issues. Before engaging in any dialectic analysis, the Tosafists engaged in a close reading of the local passage, providing further elucidation of the talmudic discussion.⁸ Indeed, the early Tosafists were likely seeking to complement, and not replace, the commentary of their ancestor Rashi, and it could be that for this intention they received the name *Tosafot*, meaning additions.⁹

With a more corpus-wide perspective, the early Tosafists pored over the Talmud, seeking to identify difficulties in talmudic passages or Rashi's explanations based on parallel, or at least relevant, discussion in other locations in the talmudic corpus. These difficulties were often seeming contradictions that demanded resolution. Sometimes the contradictions between passages related to issues of a technical nature,¹⁰ but more often the contradictions related to fundamental talmudic principles and placed key passages at loggerheads with one another. While earlier schools of talmudic analysis had surely noticed contradictions, their approach was often to discern which passage was the primary talmudic approach and which was to be presumed the non-authoritative passage.¹¹ But the Tosafists

⁷ Israel Ta-Shma, *Ha-Sifrut ha-Parshanut la-Talmud*, 1:71–75.

⁸ Urbach, *Ba'alei ha-Tosafot*, 689–699 and 715. E. Kanarfogel, “Religious Leadership During the Tosafist Period: Between the Academy and the Religious Court,” *Jewish Religious Leadership: Image and Reality*, ed. J. Wertheimer (New York, 2004), 265, describes the Tosafists as “rabbinic scholars” who “revolutionized and forever changed the study of the Talmud and the formulation of *halakha* through the methods of close reading and dialectic.”

⁹ Urbach, *Ba'alei ha-Tosafot*, 21–22, Haym Soloveitchik, “The Printed Page of the Talmud: The Commentaries and their Authors,” *Printing the Talmud: From Bomberg to Schottenstein*, ed. S. L. Mintz and G. M. Goldstein (New York, 2005), 38, and Israel Ta-Shma, *Ha-Sifrut ha-Parshanut la-Talmud*, 1:65–66.

¹⁰ Such as contradictions relating to biographical or historical facts; see for example *Tosafot Gittin* 84b s.v. רבי, *Tosafot Erubin* 63a s.v. רב, and *Tosafot Kiddushin* 8a s.v. רב כהנא.

¹¹ This approach of identifying the “*sugyah de-shematsa*” and disregarding the other was the approach of the Geonim and, to a degree, Maimonides. See

operated with a different principle, and they sought out contradictions not in order to identify which passages were primary and which non-authoritative, but to resolve and unify the entire corpus. The resolution of contradictions often yielded a broadening of initial perceptions and led to a deeper understanding of the issues. Similarly, other relevant passages, not only contradictory ones, were noted by the Tosafists to broaden the talmudic discussion.

Tosafist dialectics consisted of cross-referencing, resolving contradictions, and suggesting innovative readings of talmudic passages.¹² They represent the most creative element of Tosafist scholarship and were the primary focus of the early Tosafists. The growth of this approach to Talmud study in the early Tosafist period was encouraged by a strong intellectual independence of the early Tosafists.¹³

The systematic study of the Talmud from a dialectic perspective comprised the first stage, chronologically, of the Tosafist enterprise. In addition, it laid the structural foundation for future Tosafist works.

Identifying contradictions and relevant passages was not always an easy task. The first challenge was the need to memorize, or utilize some other technique to keep at the fore of one's consciousness the entire talmudic corpus. Only by having all relevant discussions in mind could a Tosafist properly analyze every line of the Talmud and determine if a particular passage needed to be reinvestigated in light of a discussion elsewhere. For this daunting task the Tosafists were likely aided by their academies. One early description of a Tosafist academy relates that the lectures were attended by dozens

Haym Soloveitchik, "The Printed Page of the Talmud," 38, *Israel Ta-Shma, Ha-Sifrut ha-Parshanit la-Talmud*, 1:71–75 and for specific examples, Shlomo Toledano, "Darko shel Rambam le-Tapel be-Sugyot Sotrot le-Umat Darkam shel Ba'alei ha-Tosafot." *Mayim mi-Dolyo* 17 (2006): 165–178.

¹² Haym Soloveitchik's terms to describe the focus of Tosafist dialectics are: collation, contradiction, and distinction. See Haym Soloveitchik, "Three Themes," 339.

¹³ It is in this context that Ephraim Kanarfogel, "Progress and Tradition in Medieval Ashkenaz," *Jewish History* 14 (2000), 287–315, applies Marie-Dominique Chenu's "Partisans of Progress" to the early Tosafists.

of other scholars, each an expert in a specific tractate. As talmudic passages were analyzed, each scholar contributed to the discussion based on his knowledge of the tractate he had mastered.¹⁴

An additional challenge was that of proper analysis of the talmudic discussion. Sometime contradictions are blatant, but often a contradiction is apparent only when correct implications are inferred from the text. Hence, beyond the mere mental necessity of remembering the vast corpus, prudence and clear thinking were needed to determine the applicability of the outside source to the passage under discussion.

After identifying contradictions and relevant discussions, the early Tosafists turned to resolution of the contradictions and application to the relevant discussions. Not every contradiction was resolved, and occasionally the Tosafists themselves resorted to choosing one text over another.¹⁵ But this was a rarity, and in nearly all instances the Tosafists were able, occasionally by greatly sacrificing the plain meaning of the text, to provide resolutions. In this pursuit the genius and creativity of the Tosafist masters is the most detectable, and it was in this realm that the dialectic battles were waged.

¹⁴ R. Menaḥem b. Zerah, *Zedah la-Derekh* (Lemberg, 1859), Introduction. R. Menaḥem goes on to suggest that this accounts for the wide range of sources found in the *Tosafot* commentary of Ri. This suggestion is questioned by J. Katz, "E. E. Urbakh, Ba'alei ha-Tosafot," *Kiryat Sefer* 31 (1956): 15. Additionally, E. Kanarfogel, *Jewish Education and Society in the High Medieval Ages* (Detroit, 1992), 66, argues that these numbers may be exaggerated, as data indicate that certainly some of the Tosafist academies were quite small. See also M. Breuer, "Le-Heker ha-Tipologia Shel Yeshivot ha-Ma'arav" *Perakim be-Toldot ha-Hevrah ha-Yehudit Bimei ha-Beynayim u-be'ait ha-Hadash* (Jerusalem, 1980), 49–52, who also argues that the size of the Tosafist academies was small, the discussions often conducted in the house of the teacher.

¹⁵ See for example *Tosafot Gittin* 77a s.v. וּכְדַרְב, where *Tosafot* finally conclude "הש"ס דהכא לא סברי הכי." See also *Tosafot Bava Batra* 39b s.v. וּצְרִיךְ for another example. In *Tosafot Menahot* 58b s.v. וְאֵיכָא an apparent list of thirteen contradictory talmudic discussions appears. However, S. Toledano, "Darko shel ha-Rambam," 168, notes that the list in *Menahot* does not contain contradictions between anonymous passages, but rather is a list of either individual scholars who changed their mind or cases where there are different traditions about what an individual scholar taught.

Hairsplitting distinctions and ingenious use of *okimta*—the reduction of a principle, or limiting of a ruling, to specific parameters—were the methods that the Tosafist masters relied upon in their disputes over resolving and explaining contradictory Talmud passages. The more inventive or original a Tosafist's approach was, the more he was challenged by his colleagues to defend his position and bring proofs for his proposition.

In addition to noting contradictions and relevant discussions and then suggesting resolutions or applications, the early Tosafist commentaries also functioned in more traditional senses. They offered alternative translations of talmudic terms, questioned or explained a passage's initial position (*bava amina*), or ruled in favor of a particular view. These functions, while not unique to the Tosafist enterprise, also reflected the creativity and originality that were the hallmarks of the early Tosafists. The early Tosafists also confronted the rulings of Geonic masters, such as R. Simon Kayyara and R. Yehudai Gaon, and commented on the commentaries of pre-Tosafist Talmudists, such as R. Hananel.

The efforts of the early Tosafists yielded independent commentaries that contained the teachings of individual Tosafist masters. An early Tosafist's commentary primarily contained *his* questions, *his* resolutions, and *his* insights. Notwithstanding that the early Tosafists occasionally confronted the views of earlier scholars, their commentaries were nonetheless unique in that they generally read as independent works. The dominant tone of these commentaries was that they reflected one man's confrontation with the talmudic text, and certainly did not bear the imprint of an entire culture, as is the case with later Tosafist works.

It appears that over time the value of the early commentaries, which represented only single authors' teachings, decreased considerably. In an age when manuscripts were copied by hand and priority was likely granted based on utility, few of the early texts survived. Indeed, there are few extant fragments of these commentaries, many preserved only in later commentaries.

One early Tosafist who exemplified the initial stage of independent dialectics was R. Isaac b. Asher (Riba, d. 1133). Riba di-

rected the talmudic academy in Speyer, Germany, conversed in study with Rashi, and authored a commentary on many tractates.¹⁶ His commentary was the first German composition to be referred to as *Tosafot*,¹⁷ and his central role in the emerging movement was noted by many later Tosafists.¹⁸ Riba's creativity as an independent dialectician is strongly sensed in most tractates, as many passages in the printed *Tosafot* texts contain his dialectic contributions, such as questions he posed or contradictions he noted.

Riba's own original commentary has generally been lost, although a few remnants remain. For example, a lengthy passage from *Tosafot ha-Riba* is quoted in a later Tosafist commentary on Tractate *Bava Kamma*, and clearly demonstrates the nature of Riba's commentary as an early independent dialectic work.¹⁹ The passages contain the teachings of Riba, and Riba alone. The reader immediately senses that he is reading the opinion of only one scholar.²⁰

¹⁶ See *Tosafot Niddah* 39b s.v. נמלן for a record of Riba's interaction with Rashi. For more on Riba and his intellectual activity in a number of other German cities, see M. Ben-Ghedalia, "Ḥakhmei Shpira Bimei Gezeirot Tatnu ule-Aḥareihem: Koroteihem, Darkam be-Hanhagat ha-Zibur, ve-Yezeiratam ha-Ruḥanit," (Ph.D. Diss., Bar Ilan University, 2007), 85-107.

¹⁷ In France, R. Tam refers to his father's works as *Tosafot*, see *Sefer ha-Yashar*, #252.

¹⁸ There is debate regarding the stature of Riba. Urbach, *Ba'alei ha-Tosafot*, 165, positions Riba in the center of the emerging Tosafist movement and refers to him as "the head and first of the Tosafists in Germany." However, H. Soloveitchik, *Yaynam: Sahar be-Yaynam Shel Goyim – Al Gilgulah Shel Halakha be-Olam ha-Ma'aseh* (Tel Aviv, 2003), 24, questions the position of Riba's centrality and argues that he was of lesser stature than the major Tosafist figures of France. Soloveitchik's denigration of Riba's stature was criticized by I. Ta-Shma in his review of *Yaynam*, *Zion* 69 (2004) 501-509, 507-508, which in turn was responded to by Soloveitchik, "Yaynam – Divrei Teguvot," *Zion* 70 (2005), 529-535. For more on this debate see M. Ben-Ghedalia, "Ḥakhmei Shpira," 87-89.

¹⁹ Oxford – Bodleian Opp. 388, printed by M. Blau, *Shitat ha-Kadmonim al Massekhet Bava Kamma* (New York, 1977); see Urbach, *Ba'alei ha-Tosafot*, 643-645. The passage under discussion is quoted on *Bava Kamma* 24b.

²⁰ The same is true regarding another fragment of *Tosafot ha-Riba* on Tractate *Shabbat*. The fragment exists in manuscript form, Olomouc – Statni Vedecka Knihovna 138, and covers *Shabbat* 48a-51a, and was printed by

Although Riba's commentary is the earliest extant representative of the initial stage of the Tosafist enterprise, the true image of independent Tosafist dialectics was embodied in R. Jacob b. Meir (R. Tam, d. 1171). R. Tam, scholar and communal leader, was the towering figure of the emerging Tosafist dialectic movement. Few written remnants remain from R. Tam's own compositions, yet his influence is strongly felt on every page of the Talmud. His teachings became primary foci of later generations, and his opinions were always necessarily considered in all later Tosafist commentaries.²¹

Relying on his only known work, the *Sefer ha-Yashar*, we can surmise the nature of R. Tam's compositions.²² *Sefer ha-Yashar* contains a commentary that boasts complete and utter independence. His strong personality and bold creativity are sensed in his detachment from earlier sources.²³ R. Tam forged his own path through the vast Talmud, and his personality stands at the fore of independent Tosafist dialectics.

As stated earlier, original dialectics are not exclusively found in the earliest stages of the Tosafist movement. Many later compositions contain original dialectic contributions of single independent Tosafists; however, the degree of independence in these later works was less than those of the earliest Tosafists.

Y. Shoshana, "Tosafot Riba al Massekhet Shabbat," *Yeshurun* 13 (2003): 21–36. The actual material in this fragment was not written by Riba himself but it quotes and paraphrases consistently from *Tosafot ha-Riba*. In this text as well, the *Tosafot Riba* reflect the independence of the early Tosafists.

²¹ For a brief description of R. Tam's influence on the Tosafist movement see H. Soloveitchik, "Catastrophe and Halakhic Creativity," 72, and "The Printed Page of the Talmud," 39. For a more expanded treatment see Urbach, *Ba'alei ha-Tosafot*, 60–113, and A. Reiner, "Rabbenu Tam u-Benai Doro: Kesharim, Hashpa'ot, ve-Darkei Limudo be-Talmud" (Ph.D. Diss., Hebrew University, 2002).

²² R. Tam's own *Tosafot* are not extant, yet they are referenced occasionally. See for example, "Tosafot Talmid Rabbenu Tam ve-Rabbenu Eliezer," ed. M. Blau, *Shitat ha-Kadmonim al Massekhet Bava Kamma* (New York, 1977), 272.

²³ For more on R. Tam and his *Sefer ha-Yashar* see Urbach, *Ba'alei ha-Tosafot*, 92–106, and Reiner, *ibid.*, 23–68.

Element Two: Integration

The independence of early Tosafist works notwithstanding, it is important to realize that talmudic scholars never operated in a complete intellectual vacuum.²⁴ Indeed, most Tosafists approached the talmudic text with the analysis of the earlier generations as a backdrop for their own analysis. In addition to engaging in the independent dialectics that typified the earliest Tosafist period, subsequent Tosafists also had the challenge of relating to the Tosafists that preceded them.

For the independent early Tosafists the Talmud text itself was the focal point of study, as they focused on identifying contradictions, suggesting resolutions, analyzing relevant passages, and other forms of commentary. However, in the following generations attention was also directed toward the works of the early Tosafists. Contradictions had been identified by the early Tosafist masters, and oftentimes multiple resolutions had been suggested by the different early masters. A later Tosafist had to collect the relevant discussions and weigh the strengths of the suggested solutions. In turn this would lead the later Tosafist to ultimately choose which questions, comments, comparisons, and resolutions he wished to teach to his students and integrate into his own commentary.

Collation of earlier material followed by selective integration constituted the second element of the Tosafist enterprise. The best questions, most cogent answers, and sharpest insights were spliced together to produce rich commentaries that reflected the choicest creativity of the early Tosafists. Integration was utilized by the generations following the earliest Tosafists, and was the hallmark of a second stage in the Tosafist enterprise.

²⁴ In fact, we find instances, such as in *Tosafot Gittin* 82a s.v. נס, where R. Tam is not only attentive to a dialectic assertion suggested by another Tosafist, in this case R. Meshulam of Melun, but he even openly embraces the opinion and augments it with a proof text. This example is additionally significant considering the stormy relationship between R. Tam and R. Meshulam. For more on this relationship, see Urbach, *Ba'alei ha-Tosafot*, 71–82, and for a new perspective see A. Reiner, “Parshanut ve-Halakhah – Iyun me-Hudash be-Pulmus Rabbenu Tam ve-Rabbenu Meshulam,” *Shenaton ha-Mishpat ha-Ivri* 21 (2000): 207–239.

The transition from independent dialectic study to this second stage was gradual. The initial practitioners of integration also included in their works a large amount of their own independent dialectics. Their commentaries were independent texts, reflecting the initial stage of independent dialectics, yet also bore signs of integration, quoting and discussing the opinions of their colleagues.²⁵

The first two elements of the Tosafist enterprise—i.e., (1) independent analysis and (2) integration of earlier teachings—were the focus of Talmud study for both French and German Tosafists in the late twelfth and early thirteenth centuries.²⁶ However, it was specifically the French works that ultimately formed the backbone of extant Tosafist commentaries, especially those that are printed today in the margins of the Talmud.

²⁵ R. Tam's colleagues and students are representative of this cross between the independence of the early Tosafists and the dependence of later Tosafists who were part of an established tradition. His colleagues and students, including Tosafist scholars such as R. Jacob and R. Joseph of Orleans, R. Joseph Porat, and R. Hayyim ha-Kohen, contributed original dialectics to the Tosafist corpus in the form of questions, contradictions, and insights, while also addressing the many questions and contradictions raised by R. Tam and their other predecessors.

²⁶ While it is the French Tosafists who are traditionally known as the authors of *Tosafot*, it is clear that German Tosafists also produced *Tosafot*-style commentaries on the Talmud. See E. Kanarfogel, "Tekstim ve-Yozeraihem: Hithakut Aḥarei Hiddushei hem shel Ba'alei Tosafot," *Hinnukh ve-Da'at: Samkhit ve-Autonomiyah*, ed. I. Etkes, et al. (Jerusalem, 2011), 97. On some of the differences between the French *Tosafot* and the German *Tosafot*, such as the milder dialectics found in the German works, see E. Kanarfogel, "Rabbinic Leadership," 303. It is important to note that most extant *Tosafot* commentaries are associated with the French tradition, whereas many of the German *Tosafot* have been lost; see S. Emanuel, *Shivrei Luḥot: Sefarim Avudim shel Ba'alei ha-Tosafot* (Jerusalem, 2007), Introduction, 11, and Emanuel's specific discussions of the *Tosafot* of various German Tosafists, such as R. Samuel b. Natronai, 60-61, R. Joel ha-Levi, 81-86, R. Barukh of Magence, 122-123, R. Eliezer of Metz, 293-297, R. Simḥah of Speyer, 157, and R. Moshe Taku, 315 fn. 34. For a more general discussion on the difference between the literary activity of the French Tosafists and German Tosafists, see Ya'akov Sussman, "Mifalo ha-Madda'ei Shel Profesor Efrayim Elimelekh Urbakh," *Musaf Madda'ei ha-Yahadut* 1 (1993): 48-54.

The dominance of the French works is largely due to the emergence of R. Isaac of Dampierre (Ri, d. 1189) and the establishment of his Tosafist academy in Dampierre. Ri was a nephew of R. Tam and his greatest rival for prominence in Tosafist history. Ri's prolific lectures educated scores of Tosafists, and his students spread the Tosafist approach to all corners of Europe, including France, Germany, Italy, Provence, and the Slavic lands. Ri was a towering innovator and blessed with a creativity that allowed him to formulate many original contributions as an independent Tosafist. However, Ri was also the driving force and epitome of the second element in the Tosafist enterprise: integration.²⁷

Ri is known to have lectured on the entire talmudic corpus and his academy reportedly boasted scores of students.²⁸ The lectures, culled from the erudite teachings of his uncle, R. Tam, and R. Tam's many colleagues, integrated the earlier sources with his own sharp insights. These sources included both French Tosafist teachings—such as those of R. Tam, R. Samuel b. Meir (Rashbam), R. Isaac b. Meir, R. Elijah of Paris, R. Hayyim ha-Kohen of Paris, R. Joseph of Orleans (Bekhor Shor), and R. Meshulam of Melun—and German Tosafists—such as Riva, R. Eliezer b. Nathan (Raban), R. Isaac ben Mordekhai (Rivam) and R. Ephraim of Regensburg. Ri also added countless new dialectic discussions that identified previously unnoticed contradictions and raised new questions. Hence, Ri's greatness was not only his ability to present his uncle's teach-

²⁷ Ri's own writings contain both original material and integration. Hence some passages authored by Ri—such as those preserved in a commentary on tractate *Avodah Zarah*—are completely independent, lacking any references to Ri's predecessors and featuring only his own original insights. These passages appear in "Tosafot R. Yehudah of Paris," ed. M. Blau, *Shitat ha-Kadmonim al Massekhet Avodah Zarah to Avodah Zarah*, 41a – 41b, and on 51a. However, in other passages—such as those preserved in a commentary on tractate *Bava Kamma*—we find strong elements of integration, as Ri makes many references to Riba, Rashbam, and R. Tam. These passages appear in Blau's *Shitat ha-Kadmonim al Massekhet Bava Kamma* in what Blau titles "Tosafot Talmid Rabbenu Tam ve-Rabbenu Eliezer." The passages referred to here are on *Bava Kamma* 11b and 23b.

²⁸ As alluded earlier, there is a significant debate regarding the size of the Tosafist academies. See Kanarfogel, *Jewish Education*, 66-67.

ings clearly and integrate them with the work of others, but Ri himself was also a creative innovator and independent dialectician par-excellence. His energies drew from both elements of the Tosafist enterprise discussed thus far, and his lectures were filled with both faithful transmission and originality. For this reason, Ri's academy became the center of the Tosafist tradition and bore the burden of transmitting the nascent enterprise.

Ri had many eminent students who dedicated themselves to recording his brilliance. Foremost of his students was his own son, R. Elhanan (d. 1184), whose intellectual activity and life ended prematurely by marauding Christian crusaders, the brothers R. Isaac b. Abraham of Dampierre (Rizba, d. 1210) and R. Samson b. Abraham of Sens (d. 1214), R. Barukh b. Isaac (d. 1211), and R. Judah Sirleon of Paris (d. 1224). Other students of Ri also penned commentaries, of which some are extant, most notably R. Moses and R. Shneur of Evreux, as well as other lesser-known students, such as R. Isaac of Brienne and R. Ezra of Moncontour. In fact, nearly all extant *Tosafot* commentaries can ultimately be traced to Ri's academy.

Ri's students utilized the *reportatio* method of note-taking.²⁹ This method entailed Ri's dictation of his lecture to specific students who would capture his verbal formulations. After Ri confirmed the accuracy of the *reportationes* the authors would sign the

²⁹ The *reportatio* method of note-taking was widely utilized in the Middle Ages. An extant example from the non-rabbinic world is the *Sententie Abaelardi*, a *reportatio* of Peter Abelard's lectures; see John Marenbon, *The Philosophy of Peter Abelard* (Cambridge, 1999), 63. For more on *reportatio* in rabbinic works see, B. Smalley, *The Study of the Bible in the Middle Ages* (Notre Dame, 1964), 230, 200–204 (also quoted in H. Soloveitchik, "The Printed Page of the Talmud," 40, fn. 5), and M. Blau, Introduction, *Shitat Kadmonim al Massekhet Avodah Zarah*, 18. For a discussion about a very similar phenomenon in the broader medieval world of scholarship see M. B. Parkes, "The Influence of the Concepts of *Ordinatio* and *Compilatio* on the Development of the Book," *Medieval Learning and Literature: Essays Presented to R. W. Hunt*, ed. J. J. G. Alexander and M. T. Gibson (Oxford, 1976), 115–141, A. J. Minnis, "Late Medieval Discussions of *Compilatio* and the Role of the Compiler," *Beitrage zur Geschichte der Deutschen Sprache und Literatur* 101 (1979): 385–421, and N. Hathaway, "Compilation: From Plagiarism to Compiling," *Viator* 20 (1989): 19–44.

passage with a מ"ר, indicating that this formulation was "from the mouth" of Ri (מפי רבי).³⁰ The appearance of such signatures at the end of passages is found in manuscripts of many of Ri's students, most notably in the *Tosafot* of R. Elhanan, R. Samson of Sens, and R. Judah Sirleon. The dominant characteristic in these commentaries is the high level of integration they contain, although the presence of independent dialectics is not lost completely. These records of Ri's lectures are the clearest extant examples of integrated commentaries, and demonstrate that much of this integration was undertaken by Ri himself. Ri's lectures and the intellectual activity of his academy were, in large measure, responsible for the integration of material from the early Tosafists that appears in the commentaries of subsequent generations.

The commentaries of Ri's students paint for us a general sketch of the nature of Ri's lecture. When studying a tractate in the academy, Ri would seemingly introduce the questions, contradictions, and insights of the earlier masters. He would then comment on the material, weigh the strengths of the questions and insights, and provide his own resolutions and comments. In addition, Ri would add his own independent dialectics that both raised new issues and augmented older discussions. This yielded, in the form of his students' *Tosafot*, sophisticated integrated texts that bore the teachings of Ri's predecessors through the unique prism of Ri's own teaching.

Ultimately, the success of Ri's teachings was a result of both his dependence on the earlier generations and his own confidence to operate, in the greater context of his academy, as an independent dialectician. This duality accounts for the unparalleled breadth of material found in the commentaries that emerged from Ri's academy. Scholars have noted the plethora of sources confronted in the commentaries that emerged from Ri's academy, and have tried to explain why these commentaries specifically boast a richness of sources not found in other rabbinic works.

In this context, the above-referenced tradition was recorded by R. Menahem b. Zerah regarding Ri: "My French teachers testified

³⁰ They also used various other signatures when quoting Ri, such as לשון רבי when copying verbatim from Ri's own writings. See M. Blau, *Shitat Kadmonim al Massekhet Avodah Zarah*, 18.

to me in the name of their teachers that it is well known that sixty Rabbis would study in his presence.”³¹ R. Menaḥem continues with a description of how each of the sixty Rabbis was an expert in a specific tractate. As Ri analyzed a talmudic passage, each Rabbi was on hand ready to note if any discussions in the tractate he had mastered were at odds with the current passage or could be utilized for a deeper understanding.³²

It appears that Ri wrote very little in terms of *Tosafot*.³³ But even if he himself wrote little, Ri’s students wrote in abundance. Whereas many of Ri’s students composed faithful transcripts of Ri’s lectures, others followed Ri’s example and added their own questions, resolutions, and insights, producing new Tosafist works that represented the earlier teachings as transmitted by Ri plus their own original insights.³⁴

³¹ *Zedah la-Derekh*, Introduction. As we noted earlier, many scholars doubt the accuracy of this tradition; see E. Kanarfogel, *Jewish Education*, 66.

³² The late Prof. Jacob Katz questions the historicity of this account and is unhappy relying on this tradition to explain the wide range of sources found in the commentaries of Ri’s academy. Instead, he ascribes this phenomenon to the rich tradition that preceded Ri, i.e., the teachings of the early Tosafists, R. Tam and his colleagues. For Katz, it was Ri’s exposure to the teachings of the earlier generations and his willing reliance on his predecessors that accounts for the breadth of sources confronted in Ri’s academy. See Jacob Katz, “E. E. Urbach, Ba’alei ha-Tosafot,” *Kiryat Sefer* 31 (1956): 15, reprinted as “Al ‘Ba’alei ha-Tosafot’ le-Efraim E. Urbach,” *Halakhah ve-Kabbalah* (Jerusalem, 1994), 348. In light of our presentation of the dual nature of Ri’s lectures, that is, his mastery of independent dialectics as well as his heavy utilization of the Tosafist tradition that preceded him, R. Menaḥem’s tradition and Katz’s analysis are not mutually exclusive. The strength of Ri’s lectures was exactly the fact that he not only conscientiously worked off of a rich tradition, but also infused the material, with the aid of his academy, with his own original dialectics. Both of these elements contributed to his success, as Ri’s independent dialectics were augmented by his masterful integration.

³³ See Blau, *Shitat Kadmonim al Masekhet Avodah Zarah*, 18, where he argues that Ri did not write much. This conclusion is seemingly shared by Haym Soloveitchik in “Catastrophe and Halakhic Creativity,” 73 and “The Printed Page of the Talmud,” 40.

³⁴ It appears that not all of Ri’s students followed his lead. The *Tosafot Evreux*, a product of the French Evreux academy led by R. Moses and R.

The most notable example of this is R. Samson b. Abraham of Sens. Ri's most prolific student, R. Samson authored his own *Tosafot* commentary, which gained wide popularity. While his commentary contained many passages that directly reported teachings that he heard from Ri, R. Samson also included significant amounts of original material. What Ri did to the integrated commentaries before him, R. Samson did to Ri's lectures. To wit, R. Samson produced an even further integrated commentary that contained much of the Ri's integrated material, but oftentimes through the prism of R. Samson's own teachings.

Element Three: Editing

The third element of the Tosafist enterprise, and the final stage chronologically, was the process of editing. In this stage, Tosafist attention turned from elucidation of the Talmud, original dialectics, and integration of early sources, and instead focused on the specific needs of presentation and clarification. Previously identified contradictions in the Talmud needed to be presented in a clear format, resolutions demanded skillful formulations, and creative insights of earlier masters required proper expression.

Historically, periods of literary creativity are often followed by periods of collation and organization.³⁵ It was the realization of these later goals that was sought out by the Tosafists who flourished in the generations following Ri's students. Indeed, two general

Shnuer of Evreux, is a Tosafist work whose nature and structure are considerably different from the other works that emerged from Ri's students. Most significantly, *Tosafot Evreux* do not contain the breadth of sources nor the highly sophisticated dialectic arguments that are typical of Ri's students' works. These characteristics are but some of the evidence presented by I. Ta-Shma and E. Kanarfogel that the Evreux academy was influenced by German Pietistic teachings, and that this influence affected the academy's curriculum and compositions. See I. Ta-Shma, "Hasidut Ashkenaz bi-Sefarad: Rabbenu Yonah Gerondi - Ha-Ish u-Fo'alo," *Galut Aḥar Golah*, ed. A. Mirsky, et al. (Jerusalem, 1988), 165-73, 181-88, and E. Kanarfogel, "Peering through the Lattices," *Mystical, Magical, and Pietistic Dimensions in the Tosafist Period* (Detroit, 2000), 26-27, 62-68.

³⁵ I. Twersky, Introduction to the Code of Maimonides (Mishneh Torah) (New Haven, 1980), 72.

periods of Tosafist activity can be delineated, one categorized as an era of creativity, the second of collation and organization. The first extended until the death of Ri's primary students, at which point "the creative period of the Tosafists comes to an end." The second consisted of the remainder of the thirteenth century, when the Tosafists edited, "arranged and packaged the intellectual revolution of the twelfth [century]."³⁶

A great challenge facing those who sought to edit the integrated commentaries was the need to responsibly condense and abridge the sometimes verbose dialectical arguments. Many of the Tosafists wrote voluminously, strengthening their arguments with multiple points, and supporting conclusions with many proofs. Shortening these passages was of supreme importance and required literary vision and editorial prudence. Only the most crucial proofs and arguments needed to be retained; the less crucial positions and arguments could be omitted.

At times, the editors of Tosafot also engaged in their own forms of integration. As part of the abridgment process, the Tosafist editors occasionally spliced together material from the already integrated commentaries that emerged from the second stage of the Tosafist enterprise. Further integration of the already integrated works produced new passages that contained spliced-together sections from earlier works. However, when operating as an editor a Tosafist seldom introduced new material into the text. His concern was not with including his own original contributions, nor integrating material from earlier commentaries. His primary focus was responsible presentation of the inherited material before him.

The aforementioned responsibilities of editing and transmitting the rich Tosafist heritage were the primary foci of the later

³⁶ H. Soloveitchik, "Catastrophe and Halakhic Creativity," 74-75. Similarly, the description of the Tosafists as "partisans of progress" in E. Kanarfogel, "Progress and Tradition in Medieval Ashkenaz," *Jewish History* 14 (2000): 287-315, is most befitting of the early generations of R. Tam and his colleagues, and is less applicable to the later generations of the Tosafists who were more occupied with presentation and transmission.

Tosafists.³⁷ Although earlier Tosafists also edited material they received from their predecessors, this sphere of activity was dominated by later Tosafist figures such as R. Perez (d. 1298) of Corbeil who operated in France, R. Meir (d. 1293) of Rothenberg in Western Germany, and R. Eliezer (d. late 13th century) of Tuxh in Eastern Germany.

The undertaking of these editors signaled the closing of the creativity-dominated period, and ushered in the beginning of a new era, one where the focus turned to reformulating the received commentaries and transmitting them to future generations.³⁸ Expressing concisely and precisely the positions of the earlier masters, such as R. Tam and Ri, was the unstated goal of many Tosafists who flourished in this editing role.³⁹

³⁷ This article focuses on the *Tosafot* commentary on the Talmud and is not an exhaustive survey of all Tosafist activity; therefore, it has omitted some of the accomplishments of the Tosafists who flourished in the period between the students of Ri and those who engaged in this third and final stage of editing the *Tosafot*. For instance, no mention of the codificatory work of R. Moses of Coucy or R. Isaac of Corbeil is made, even though their works made significant contributions to halakhic literature.

³⁸ Multiple factors likely contributed to this transition in roles. We have seen above the common pattern in intellectual history that periods of intense creativity are often followed by a period of collation and internalization. Additionally, in the case of medieval France and Germany there were political issues that also undoubtedly contributed to a decline in creativity. The Talmud disputations of the mid thirteenth century and Paris burnings of the Talmud changed the landscape of the intellectual centers in France, and ushered in the demise of the Paris center; see E. Urbach, *Ba'alei ha-Tosafot*, 460 and 521. In Germany, a new spate of anti-Semitic violence and the specter of further crusades contributed to a stunting of intellectual growth.

³⁹ A statement by R. Asher b. Jehiel (Rosh) in his responsa, 20:27, illustrates this attitude. In response to a query based on a supposed Tosafist text representing the view of Ri, Rosh retorts that the commentary under discussion is not precise, as is typical of many of the commentaries in that region. He argues that such commentaries, including those elucidated in the presence of R. Perez, should not be relied upon. Rosh continues that he has the *Tosafot* commentaries of R. Samson and they are much more authoritative and precise in capturing the correct intent of Ri. One sees

The Printed Tosafot

The Tosafist redactions that emerged in the late thirteenth century were edited commentaries that contained the integrated teachings of the Tosafist masters of the past century and a half. Certainly, the redactions were not identical. Each editor produced his redaction by drawing from his own unique sources. Although most of these sources were rooted in the Dampierre academy of Ri and his students, there were nonetheless discrepancies in language, nuance in presentation, and even differences in content. Even within a single tractate, an editor may have drawn from multiple sources and hence varied opinions can appear even within a single tractate. This is certainly true between tractates, where an editor may have drawn from completely different sources.

The earliest printers made concerted attempts to procure one single redaction of *Tosafot* on the entire Talmud.⁴⁰ This would at least provide a modicum of consistency on the final level of editing and redaction. Yet their efforts were unsuccessful, and the printed *Tosafot* in modern-day editions of the Talmud are from varied editors and are attributable to numerous sources. Some tractates contain relatively early Tosafist works, such as *Tosafot Evreux*, or even *Tosafot Shanz*. Others contain later redactions, such as *Tosafot R. Perez* or *Tosafot Maharam*. Nonetheless, most of the major tractates contain the *Tosafot Tukh* of R. Eliezer of Tukh.⁴¹

This is not the venue for outlining in detail the many differences between the redactions. But it should be noted that the editors operated in different vicinities, and therefore had access to different primary sources. Also, each editor operated with his own

from this responsum that at least part of Rosh's judgment of texts was based on their accuracy in capturing Ri's teachings.

⁴⁰ Gerson Soncino writes in the introduction to his edition of R. David Kimḥi's (Radak) *Sefer Mikhlol* that part of his preparation for issuing the first printed edition of the Talmud was an arduous search for the "*Tosafot Tukh* of R. Isaac and R. Tam" for inclusion on the page of the Talmud. For the text of Soncino's statement, see Raphael Nathan Nata Rabinovicz, *Dikdukei Sofrim* (Munich: Huber, 1884), 48, fn. 16.

⁴¹ For more on the *Tosafot Tukh*, see A. Leibowitz, "Maḥutan Shel Tosafot Tukh," *Yeshurun* 27 (2012): 896–906.

unique methods of editing. Some editors contributed original content, while others did not. Some relied upon their students to partake in the editing process, while others operated independently. For certain, the many different redactions of *Tosafot* that emerged in the middle and end of the thirteenth century reflected unique records of the Tosafist tradition.

However, almost all of the redactions that have survived today share a common source: the prolific work of Ri's academy in Dampierre, France. Even those *Tosafot* collections edited in Germany, such as R. Eliezer's *Tosafot Tukh*, feature the *Tosafot* teachings of France at their core. For this reason, the use of parallel *Tosafot* works can greatly aid modern-day students of *Tosafot* in their study. Editing methods notwithstanding, the overall commonality between the works warrants their consultation during Talmud study.

