

## *The Gilyonot of R. Eliezer of Tukh*

By: ARYEH LEIBOWITZ

### Introduction

R. Eliezer of Tukh was a German Tosafist who flourished in the second half of the thirteenth century.<sup>1</sup> His most lasting contribution to Torah study is the *Tosafot Tukh* (תוספות טוך), an edited version of the great French Tosafist tradition of Talmud study. *Tosafot Tukh* is the “printed” *Tosafot* that appears on the outer margin of the Talmud page in many of the major tractates, including tractates *Shabbat*, *Eruvin*, and *Pesahim* in *Seder Mo’ed*, tractates *Yevamot*, *Ketubot*, and *Gittin* in *Seder Nashim*, tractates *Bava Kamma*, *Bava Me’ziah*, *Bava Batra*, and *Shevu’ot* in *Seder Nezikin*, tractate *Hullin* in *Seder Kodashim*, and tractate *Niddah* in *Seder Tohorot*. When people refer to “*Tosafot*” they are, more often than not, unknowingly referring to *Tosafot Tukh*.

R. Eliezer’s redaction of the rich Tosafist tradition also contained marginal notes, known in rabbinic literature as the *Gilyonot*, or the *Gilyonei Tosafot*.<sup>2</sup> R. Eliezer’s *Gilyonot* were held in high regard by later generations.

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<sup>1</sup> For biographical information regarding R. Eliezer, see E. Urbach, *Ba’alei Ha-Tosafot* (Jerusalem, 1986), 581–585, and A. Leibowitz, “R. Eliezer of Tukh: A German Tosafist,” *Yerushateinu* 7 (2013): 5–18.

<sup>2</sup> We know that R. Eliezer authored these marginal notes because various rabbinic scholars who flourished in the generations following R. Eliezer attributed these notes to him, referring to them as the “*Gilyonot* of R. Eliezer.” R. Bezalel Ashkenazi explicitly states (*Shittah Mekubbezet*, *Ketubot* 31b s.v. עוֹד כְּתוּב), “Know that the *Gilyonot* of *Tosafot* are the words of R. Eliezer of Tukh, the redactor of *Tosafot*, therefore one who analyzes them should contemplate them deeply.” And elsewhere (*Shittah Mekubbezet*, *Hullin* 22a), “The *Gilyonot* are from R. Eliezer of Tukh.”

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Talmudic scholars studied R. Eliezer's *Gilyonot* and quoted them as an authentic source for Tosafist teachings. Scholars from the immediate century following R. Eliezer who quote the *Gilyonot* in their works include: R. Mordekhai b. Hillel, R. Yeruham b. Meshulam (Rabbenu Yeruham), R. Isaac b. Sheshet Perfet (Rivash), R. Israel of Krems (*Hagabot Ashrei*), and R. Israel Isserlin (*Terumat Ha-Deshen*).<sup>3</sup> The presence of *Gilyonot* quotations in these important 14<sup>th</sup> and early 15<sup>th</sup> century works indicates that the *Gilyonot* were a subject of study for rabbinic scholars.<sup>4</sup> However, the greatest testimony that the *Gilyonot* were held in high regard in rabbinic circles is the sixteenth century *Shittah Mekubbezet* of R. Bezalel Ashkenazi. *Shittah Mekubbezet* is a compendium of Talmudic commentaries that R. Ashkenazi culled from myriad manuscript sources.<sup>5</sup> R. Ashkenazi included hundreds of quotations from the *Gilyonot* throughout his *Shittah Mekubbezet*,<sup>6</sup> where the teachings of the *Gilyonot* are granted equal standing with the teachings of the other celebrated medieval commentaries.

### The Remnants of R. Eliezer's *Gilyonot*

Fate did not favor R. Eliezer's *Gilyonot*. While the main text of R. Eliezer's *Tosafot* redaction has occupied a central position in rabbinic literature for three quarters of a millennium and continues to be a central focus in the curriculum of modern-day Talmud study, the *Gilyonot* have been lost for generations, generally unknown to today's Talmud students.

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<sup>3</sup> Mordekhai, *Gittin* #353, Mordekhai, *Bava Kamma* #14, Mordekhai, *Hullin* #752, *Toledot Adam ve-Havah* 4:5:38b, *She'elot u-Teshuvot Rivash* #271, *Hagabot Ashrei*, *Bava Kamma* 1:20 and *Terumat Ha-Deshen* vol. 1 #224 and #302, vol. 2 #227. The halakhic biography of R. Shalom b. Isaac of Neustadt, *Halakhot U-Minhagei Rabbenu Shalom Mi-Neustadt* #319, also contains a reference to R. Eliezer's *Gilyonot*.

<sup>4</sup> The Ritva also makes a reference to the "*Gilyonei Ha-Tosafot*" in his Talmud commentary (*Hiddushei HaRitva al Masekhet Avodah Zarah* 18a s.v. טז). Ritva was a younger contemporary of R. Eliezer who died in the first half of the fourteenth century. If this reference is indeed to R. Eliezer's *Gilyonot*, then the presence of the *Gilyonot* in Spain less than half a century after R. Eliezer's death attests to the extent of influence of the *Gilyonot*.

<sup>5</sup> *Shittah Mekubbezet* was not a rabbinic clearing-house with the mere goal of including as many sources as possible. Quite the contrary, R. Ashkenazi was very selective and methodical in his inclusion of sources. See S. Toledano, *Rav Bezalel Ashkenazi: Ha-Ish, Mifalo Ha-Sifrut, Ve-Sifriyato* (Ph.D. Diss. Hebrew University, 2002), 26–27, and Chapter Three, Section Five, "*Matarot*."

<sup>6</sup> R. Eliezer's *Gilyonot* are referred to by R. Ashkenazi as "*Gilyon Tosafot*" and should not be confused with R. Ashkenazi's quotations from "*Gilyon*," which are other marginal notes and not ascribable to R. Eliezer.

This is not surprising. Prior to the development of the printing press, the fate of a manuscript was always uncertain. Each manuscript required copying by hand, a process that was time-consuming and tedious. Marginal notes were generally not a priority, certainly if the copyist was unaware of their significance. During these pre-printing press days, many of R. Eliezer's *Gilyonot* were not copied at all. Hence, many extant manuscripts of the *Tosafot Tukeh* simply do not contain the *Gilyonot*.<sup>7</sup>

With the advent of the printing press, the situation became worse for the *Gilyonot*. Printers rarely bothered to record marginal notes. Additionally, once works were printed, the manuscript editions became obsolete and were often not preserved properly. As a result, many of the extant original manuscripts of the *Tosafot Tukeh* were lost or damaged. The emergence of printing preserved for posterity the main text of the *Tosafot Tukeh*, but it also sealed the fate of the *Gilyonot*.

### The Remnants of the *Gilyonot* in Manuscripts

What emerges is that the primary record of the *Gilyonot* is a very small collection of manuscripts. These manuscripts are the most valuable primary source for the *Gilyonot*. Despite being few in number, they nonetheless reveal many *Gilyonot* lost to the world of Tosafist scholarship.<sup>8</sup>

In these extant manuscripts, the *Gilyonot* were recorded neatly in the margins as notes on the main text. Occasionally, there is even a direct notation in the main text indicating that there is a relevant note in the margin. Responsible and copious scribes would continue to include the *Gilyonot* in the margins when copying manuscripts of the *Tosafot Tukeh*. These marginal notes were often signed with a ג' (short for גליון) at the

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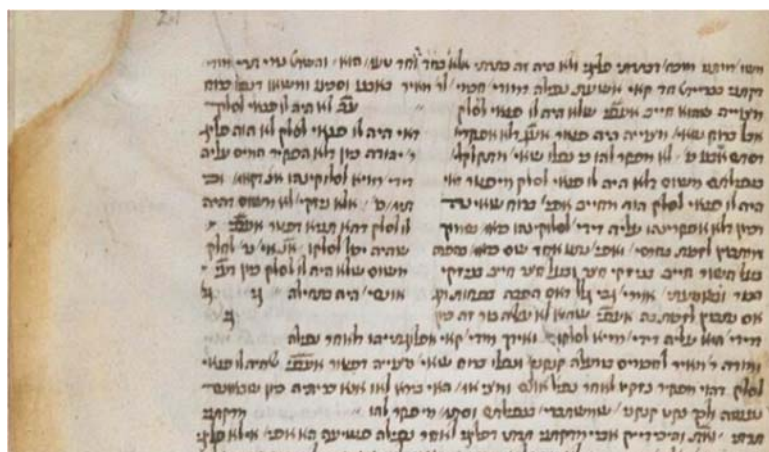
<sup>7</sup> An example of a manuscript of *Tosafot Tukeh* without any *Gilyonot* is Arras: Bibliothèque Municipale 889, which contains the *Tosafot Tukeh* on tractate *Gittin*. Even those manuscripts that contain R. Eliezer's *Gilyonot*, often only contain them on the first few chapters of the tractate, such as the Parma: Biblioteca Palatina Cod. Parm. 325 manuscript, which only contains *Gilyonot* on the first three chapters of tractate *Bava Batra*.

<sup>8</sup> Over the years, attempts have been made to print these lost *Gilyonot*. R. Moshe Blau printed the *Gilyonot* on several tractates including Shabbat (in *Sefer Ha-Batim al Ha-Rambam*), Yevamot (in *Shittat Ha-Kadmonim al Masekhet Yevamot*), Bava Kamma (in *Shittat Ha-Kadmonim al Masekhet Bava Kamma*), and Hullin (in *Shittat Ha-Kadmonim al Masekhet Hullin*). However, this was generally done based on one manuscript, which usually did not include all the extant *Gilyonot*. Additionally, his printings generally also included other marginal notes that were not penned by R. Eliezer.

end of the passage, indicating that this marginal note was from the *Gilyonot*, as this example from a manuscript on *Hullin* demonstrates (British Library Add. 27295).



In fact, many scribes utilized creative techniques to record the *Gilyonot* in a more formal fashion. These techniques aided in the retention of the *Gilyonot* by distinguishing them from other marginal notes added by later readers of the manuscript. One such technique was the introduction of “windows,” open spaces within the text, in which to record *Gilyonot*.<sup>9</sup> This is the case with a fourteenth century manuscript of the *Tosafot Tukeh* on tractate *Bava Kamma* (London: British Library Add. 17053).

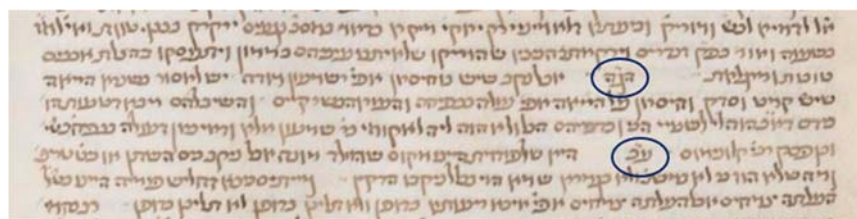


In this manuscript, the *Gilyonot* are not in the margins, but instead appear in the main text, distinctly set off in windows. In the above example, the *Gilyon* appears on the upper left side of the image and is followed with a triple ג signature. The full lines above and below the *Gilyon* are from the main text (corresponding to 29a s.v. פליגי in the printed editions).

<sup>9</sup> This method of utilizing windows to include integral notes in a text was later utilized in printed editions of some works such as the *Hagabot Ashrei* in the *Piskei Ha-Rosh*.

As this example shows, utilizing windows instead of recording the *Gilyonot* in the margins ensured that the *Gilyonot* would not be misconstrued as the mere comments of some later reader but would be seen as an integral part of the text.<sup>10</sup>

Another technique was the inclusion of the *Gilyonot* in the main text of *Tosafot* in the exact same format as the regular passages, but with direct and clear notation to distinguish the *Gilyonot* passages from the main text. This method was utilized in a manuscript of R. Eliezer's redaction on *Hullin* (British Library Add. 27295). The *Gilyonot* passage in this example appears in the main text but is preceded with “הג”ה” and signed with a concluding “ע”כ” (both circled).



The above noted techniques presented the *Gilyonot* as an integral, yet distinct part of the text. When recorded in this way, there was hope that future scribes would continue to record the *Gilyonot* along with the main text of the redaction. But in most manuscripts, as noted earlier, such unique techniques were not utilized. In many cases, the *Gilyonot* only featured the ג' signature at the end of the passage. In other manuscripts, even this basic signature was omitted. Despite all the above-described techniques, many *Gilyonot* were still omitted from future manuscript copies of the *Tosafot Tukeh*.

When the above noted methods were not utilized, the challenge of accurately identifying which marginal notes are from the original *Gilyonot* of R. Eliezer greatly increases. Many scholars in the pre-printing press days, both in rabbinic and gentile circles, engaged in marginal note-taking to record their own insights or other relevant material,<sup>11</sup> and medieval

<sup>10</sup> There are some manuscripts of R. Eliezer's redaction where the windows for the *Gilyonot* are artistically designed. An example is Oxford: Bodleian Library MS Opp. 248.

<sup>11</sup> For more on the use of marginal notes in rabbinic literature, see Y. Spiegel, *Amudim be-Toldot Ha-Sefer Ha-Ivri: Hagabot u-Magibim* (Ramat Gan, 1996) 157–174 and 194–213. For more on the use of marginal notetaking in medieval gentile circles, see Charles Burnett, “Give Him the White Cow: Notes and Note-Taking in the Universities in the Twelfth and Thirteenth Centuries,” *History of*

rabbinic manuscripts often contain many marginal notes from multiple contributors. When there is no clear marking on the marginal notes in a manuscript, various methods can be utilized to attempt to identify the *Gilyonot*.<sup>12</sup>

### The Remnants of the *Gilyonot* in Printed Editions

Another source for the remnants of the *Gilyonot* is the printed editions of *Tosafot Tukh*. Analysis shows that there are instances of *Gilyonot* that survived—as *Gilyonot*—even in the printed editions of *Tosafot*. In these cases, the printers utilized various techniques to indicate when material was drawn from the *Gilyonot*. These techniques include: smaller lettering, brackets, and/or a signature with the word גליון or ג'י. In some of these cases, the *Gilyonot* appear as independent passages, and in other cases they are included in the middle of a main-text passage.<sup>13</sup> There are even a few instances where the *Gilyonot* were printed as actual marginal notes on the

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*Universities*, ed. Charles Schmitt (Oxford: Oxford University Press, 1998), 14:1–30. Note especially the image on page 19 that shows a manuscript containing marginal notes taken on a lecture by Peter Abelard. The manuscript notes look similar to the *Gilyonot* in the manuscripts of *Tosafot Tukh*.

<sup>12</sup> R. Eliezer's *Gilyonot* can be identified, even in the absence of a clear marking, by locating a marginal note in a manuscript that is quoted in another rabbinic source as one of the *Gilyonot*. Careful comparison to other marginal notes in the manuscript can sometimes indicate which notes are from R. Eliezer's *Gilyonot*. This is the case when the handwriting, ink shade, and thickness of the notes are identical. Such cases suggest that the notes were all copied by the same scribe, and it is therefore likely that they are from the same source. Another method of identification is via comparison of multiple manuscripts of a given tractate. The presence of the same marginal note in multiple manuscripts also suggests that the shared marginal note is not a comment of a later reader. For example, there are four main manuscripts of the printed *Tosafot* on tractate *Bava Kamma* that contain marginal notes (Oxford: Bodleian Library MS Opp. 387, Frankfurt am Main: Stadt- und Universitätsbibliothek Qu. 18, London: British Library Add. 17053, New York: Jewish Theological Sem. Rab. 732). Many of the same marginal notes appear in all four manuscripts. The *Shittah Mekubbeẓet* quotes many of the marginal notes that are found in all four manuscripts and ascribes them to the *Gilyonot* of R. Eliezer.

<sup>13</sup> See *Yevamot* 9a s.v. רבנן, *Bava Kamma* 2a s.v. ארבע, 5b s.v. להלכותיהן, *Gittin* 88a s.v. מאי, *Niddah* 9a s.v. קושי, 13a s.v. נשים, 14a s.v. ולמהר, and 17b s.v. מן. There are even instances in the printed text where the *Gilyonot* appears in a window within the main text, see *Eruvin* 34a and *Niddah* 14a. Note also *Ketubot* 29b s.v. מאי, which appears in modern day printings as part of the main text, but in the *Shittah Mekubbeẓet* et 30a it is quoted as a *Gilyon Tosafot*. Interestingly, this passage does not appear in the main text of the early Bomberg printed editions of the Talmud.

side of the printed page. Often these marginal notes are called “*Tosafot Yesbanim*,” something that occurs a number of times in tractates *Ketubot*<sup>14</sup> and *Eruvin*.<sup>15</sup>

However, most of the *Gilyonot* that were introduced into the main text lost their identity as an integral but distinct component of the *Tosafot Tukeh*. In these cases, the *Gilyonot* appear in the main text without any distinction from the main text. Woven seamlessly into the main text discussion, these *Gilyonot* bear no indication of their origin, and they appear to the reader to be part of the main text. Their true identity is only discovered by analysis of original manuscripts and other rabbinic works, or through conjecture.<sup>16</sup>

The erroneous inclusion of *Gilyonot* into the main text of R. Eliezer’s redaction without any notification was not a rare occurrence.<sup>17</sup> Consultation of manuscript editions of the *Tosafot Tukeh* reveals many instances of

<sup>14</sup> Example: *Ketubot* 30a where there are two *Gilyonot* (thus identified by the *Shittah Mekubbeṣet* et) printed in the margin of printed editions and labeled as *Tosafot Yesbanim*. See also 31b s.v. מַגֵּר where one of the *Gilyonot* appears in regular script but in brackets and is labeled *Tosafot Yesbanim*.

<sup>15</sup> An example is on 18b of the printed text where the *Tosafot Yesbanim* printed in the margin quotes from “מֹרֵי הָרֵב דּוּדִי,” R. Eliezer’s standard reference to his uncle, R. Hezekiah of Magdeburg (Maharikh). For the identification of the printed *Tosafot Eruvin* as the *Tosafot Tukeh*, see A. Leibowitz, “*Tosafot She-Nichtiv Al Yedei Rebi Eliezer Mi-Tukeh*,” *Yeshurun* 29 (2013): 874.

<sup>16</sup> The phenomenon is not unique to the *Tosafot Tukeh*. In the era of early printing, and even before the printing press, we find many examples of super-commentaries erroneously introduced into the main text they are commenting on. An earlier example of this in rabbinic literature is the super-commentary of R. Ephraim on the *Halakhot* of R. Isaac Alfasi (Rif). R. Ephraim was a student of R. Alfasi who wrote spirited notes on his teacher’s work, the *Halakhot*, in an attempt to defend the views of R. Hananel from his teacher’s critiques. Later readers of the *Halakhot* recorded the comments of R. Ephraim in the margins of the work, and some of these marginal additions were eventually introduced into the main text of the *Halakhot* by scribes. Eventually, R. Ephraim’s comments were printed “as if they were part of R. Isaac’s work” (I. Ta-Shma, *Ha-Sifrut Ha-Parsbanit La-Talmud*, Jerusalem 1999, 1:155). For more on the nature of R. Ephraim’s comments on the *Halakhot*, see I. Schepansky, *Rabbenu Ephraim: Perushim Pesakim u-Teshuvot* (Jerusalem, 1976). See especially 115–135 for a detailed discussion of the erroneous inclusion of R. Ephraim’s comments into the main text of the *Halakhot*.

<sup>17</sup> R. Ashkenazi reports about such occurrences in his *Shittah Mekubbeṣet* et, *Ketubot* 29a s.v. וְעַל אֵשֶׁת. See Urbach, *Ba’alei Ha-Tosafot*, 607, fn. 45, who brings examples from the printed *Tosafot* in tractate *Eruvin*.

material that appears in today's standard printed editions of *Tosafot* but was originally from the *Gilyonot*.

In some cases, entire passages that appear in the main text of the printed editions of *Tosafot* are found in the manuscript edition on the margins with a signature indicating that they were originally from the *Gilyonot*. An example of this is found in the Parma: Biblioteca Palatina Cod. Parm. 325 manuscript. Here, the passage that appears in the printed *Tosafot Hullin* (11b *s.v.* וְכִי תִמָּא) is found in the margin and followed by a signature of גי'.



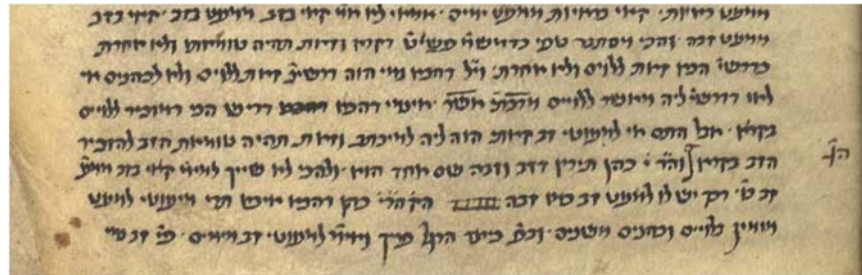
In another example, the printed editions of *Tosafot Hullin* contain two passages (47b *s.v.* אֲפִילוּ, which quotes the prolific German Talmudist R. Isaac of Vienna, and *s.v.* דְּשִׁיעָא) that appear in the Parma manuscript preceded with the word הג"ה and followed with ע"כ, indicating that they are not part of the main text, but instead from the *Gilyonot*.<sup>18</sup>

In other cases, sections of a printed *Tosafot* passage appear in manuscript editions on the margin as one of the *Gilyonot*. An example appears in the printed *Tosafot Hullin* 24a *s.v.* זאת. The printed passage contains a question (תִּמָּה) followed by three answers, with the final answer recorded in the name of ר"י. However, in the London: British Library Add. 27295 manuscript the last answer ascribed to ר"י contains a notation in the main text that directs the reader to the margin where the letters הג' appear, indicating that this last answer is from the *Gilyonot*.<sup>19</sup>

<sup>18</sup> Other examples include: *Hullin* 41a *s.v.* בִּישְׂרָאֵל (as per Vatican: Biblioteca Apostolica ebr. 159), *Hullin* 24b *s.v.* אֵלָא and 31b *s.v.* וְכִי תִמָּא (as per London: British Library Add. 27295), and Tractate *Erwin* 43b *s.v.* הָאֵי, *Bava Batra* 41a *s.v.* שְׁלֵא, and *Hullin* 11b *s.v.* וְכִי וְדִלְמָא (as per Parma: Biblioteca Palatina Cod. Parm. 325).

<sup>19</sup> The manuscript also reveals that this Ri is not the prolific Ri of Dampierre, who preceded R. Eliezer by a few generations, but is rather Ri Ha-Kohen (ר"י הַכֹּהֵן), an older contemporary of R. Eliezer, who is quoted often in the *Gilyonot*. See also Vatican: Biblioteca Apostolica ebr. 159 who records this answer in the name of ר"י הַכֹּהֵן. The British Library manuscript, pictured above, also shows that this answer is part of a longer discussion and includes R. Eliezer's own perspective





This important British Library manuscript also reveals that most of an extended discussion that appears in the printed *Tosafot Hullin* 23a *s.v.* כ' in the name of R. Eliezer's teacher, R. Aaron of Regensburg, was originally from the *Gilyonot*.<sup>20</sup>

### The Remnants of the *Gilyonot* in Rabbinic Writings

A final source for the remnants of R. Eliezer's *Gilyonot* is the writings of major rabbinic scholars who flourished after R. Eliezer. While some of these sources reference the *Gilyonot* or paraphrase their content, others quote verbatim from the *Gilyonot*.

One example is R. Mordekhai b. Hillel's *Sefer Mordekhai*. R. Mordekhai was a younger contemporary of R. Eliezer, and the author of an influential compilation of halakhic rulings. The *Gilyonot* appear a number of times in R. Mordekhai's work, twice referred to as *Gilyonot* and once as a "comment of R. Eliezer (הג"ה של ר' אליעזר)".<sup>21</sup> This same language—referring to the *Gilyonot* as the "הגהות" of R. Eliezer—is also utilized by R. Israel of

on the issue, which is concluded on the next folio and signed with the letters הג"ה.

<sup>20</sup> Another example is found in *Shabbat* 146a *s.v.* שובר, where the passage is signed with מ"ר followed by one line that begins, "I found in the Jerusalem Talmud...". The entire passage appears in *Mordekhai*, #464, where the bulk of the passage is quoted as "*Tosafot*," save for the final line, "I found in the Jerusalem Talmud..." which is ascribed to "the commentary of R. Eliezer." It appears that this final line, containing the personal reference by R. Eliezer, was from the *Gilyonot*, yet erroneously included in the main text of printed editions. Additionally, this example supports Urbach's assertion that R. Eliezer was involved in the redaction of the printed *Tosafot* text on the entire tractate *Shabbat* (*Ba'alei Ha-Tosafot*, 603–604).

<sup>21</sup> *Bava Kamma* #14 and *Hullin* #752 as *Gilyonot*, and in *Gittin* #353 the quote is followed by: עד כאן הג"ה של הרב רבינו אליעזר, which is: עכ"ה של הר"ר אליעזר. See *Hagabot Ha-Bah*, #60, who inserts before the quotation the words: הג"ה מ'ר אליעזר.

Krems, the author of glosses on Rosh's *Piskei Ha-Rosh*.<sup>22</sup> The *Gilyonot* are also quoted by R. Hayyim Eliezer (Maharash Or Zaru'a), the late 13<sup>th</sup> century German scholar and son of R. Isaac b. Moshe (Or Zaru'a), in his responsa, and by R. Israel Isserlin, the early 15<sup>th</sup> century German scholar, in his popular work, *Terumat Ha-Deshen*.<sup>23</sup>

However, the most plentiful rabbinic source for the remnants of the *Gilyonot* is R. Bezalel Ashkenazi's *Shittah Mekubbezet*. R. Ashkenazi's work on tractates *Ketubot*, *Bava Kamma*, *Bava Mez'ia*, *Bava Batra*, and *Hullin* contain over 250 verbatim quotations from R. Eliezer's *Gilyonot*. It provides an unparalleled wealth of primary source material for the *Gilyonot*.<sup>24</sup>

### The Nature and Source Material of the *Gilyonot*

R. Eliezer's *Gilyonot* generally addressed the Tosafist teachings found in the main text of the *Tosafot Tukh*. The first and most elementary goal of these *Gilyonot* was to provide elucidation or clarification of the main text, as R. Yisrael Isserlin writes: "[The *Gilyonot*] often explain the obscure points in the *Tosafot*" (*Terumat Ha-Deshen* 224). In such cases, the *Gilyonot* contributed no specific novelty or original insight, but aided in the proper understanding of the Tosafist teaching recorded in the redaction.<sup>25</sup> In seeking to clarify the main text of the *Tosafot Tukh*, R. Eliezer also used the *Gilyonot* to forfend against possible questions that could be raised with the Tosafist teachings in the main text.<sup>26</sup>

<sup>22</sup> In *Bava Kamma* 1:20, R. Israel of Krems states: "וכן כתב מהר"א בהגה"ה", which is: "וכן כתב מורינו הרב אליעזר בהגהותיו", and manuscript editions of the *Tosafot Tukh* on tractate *Bava Kamma* confirm that this "הגה"ה" is indeed one of the *Gilyonot*. R. Israel's reference to the *Gilyonot* as "הגה"ה" is distinct from how he quotes R. Eliezer's redaction of *Tosafot Ketubot* in *Piskei Ha-Rosh* 2:13, 2:16, and 2:18 as: "פרישת מהר"א". Note also *Pesahim* 10:35.

<sup>23</sup> *She'elot U-Teshuvot Maharash Or Zaru'a* #83 and *Terumat Ha-Deshen*, vol. 1 #302 and vol. 2 #227.

<sup>24</sup> For a detailed discussion of R. Ashkenazi's use of the *Gilyonot*, see S. Toledano, *Rav Bezalel Ashkenazi*, 242–245.

<sup>25</sup> Example: *Ketubot* 29a s.v. "הבא". The main text quotes a passage from *Yevamot* to support its position. In the *Gilyon* (All quotes from the *Gilyonot* in the upcoming footnotes are found in the *Shittah Mekubbezet* et unless otherwise noted), R. Eliezer explains and clarifies the semi-opaque proof from *Yevamot*. Additional example: *Bava Kamma* 5b.

<sup>26</sup> Example: *Bava Mez'ia* 10a. The *Gilyon* forfends against a problem that could be raised regarding R. Tam's answer. Additional examples: *Bava Kamma* 26a, *Bava Mez'ia* 9a, 17b, and 18a.

However, R. Eliezer also used the *Gilyonot* to challenge the teachings of the earlier Tosafists recorded in the main text.<sup>27</sup> In some of these cases R. Eliezer followed up on his challenge with a proposed resolution.<sup>28</sup> This also includes cases where the *Gilyonot* record questions posed by other Tosafists and R. Eliezer's proposed resolution.<sup>29</sup> In addition to raising challenges, R. Eliezer also utilized the *Gilyonot* to suggest alternative answers to a question raised in the main text of the redaction,<sup>30</sup> to provide additional perspectives on an issue,<sup>31</sup> or to support a particular view found in the main text of the redaction.<sup>32</sup> There are also *Gilyonot* in which R. Eliezer related to the practical ruling (פסק) that emerged from the discussion in the main text, in some cases even issuing his own ruling, or recording others' rulings, that are at odds with the ruling recorded in the redaction.<sup>33</sup>

But not all the *Gilyonot* addressed the Tosafist teachings in the main text of the *Tosafot Tukeh*. Some related directly to the Talmud itself. In these instances, R. Eliezer provides an explanation of the Talmud. These comments are similar to those of the classic commentators, explicating the

<sup>27</sup> Example: *Ketubot* 4b s.v. אבל. The *Gilyon* opens with, "It is troubling to me...."

<sup>28</sup> Example: *Bava Batra* 8b s.v. אכפיה. The *Gilyon* questions a teaching of R. Tam and follows up with a proposed resolution. Additional examples: *Ketubot* 9a s.v. ואי בעית, *Hullin* 28b s.v. אתא.

<sup>29</sup> Example: *Bava Batra* 26a. The *Gilyon* quotes a question raised by R. Samson of Sens and follows with R. Eliezer's resolution of the question. Another example: *Bava Mezia* 17a.

<sup>30</sup> Example: *Bava Batra* 9a s.v. שבת. The main text answers a question posed by R. Samson. In the *Gilyon*, R. Eliezer suggests his own resolution. Additional examples: *Shabbat* 15b, *Bava Batra* 2a.

<sup>31</sup> Example: *Bava Batra* 13a s.v. כופין. The main text permits certain behavior. In the *Gilyon*, R. Eliezer notes that there are opinions that forbid this behavior.

<sup>32</sup> Example: *Bava Batra* 45b s.v. המפקיד. The main text records several views to a particular issue and raises a difficulty with one of the views and endorses another one of the views. In the *Gilyon*, R. Eliezer supports the view that was challenged in the main text. Another example: *Bava Batra* 6b s.v. שתי (found in London: British Museum Add. 17053).

<sup>33</sup> Example: *Bava Kamma* 15b s.v. ואי. The main text quotes a ruling that significantly limits the application of a principle. In the *Gilyon*, R. Eliezer argues on this limitation and rules that the straightforward understanding of the Talmud should be followed (found in *Hagahot Asherei* 1:20 as: מהר"א בהגה"ה, and in *Mordekhai*, #14 as a *Gilyon*, and in the manuscripts of *Tosafot Tukeh Bava Kamma*). Another example: *Ketubot* 4b s.v. אבל, records a lenient ruling from R. Eliezer. To the best of my knowledge, this lenient approach is not found anywhere else in Tosafist literature.

basic intention of the Talmud<sup>34</sup> and at times revealing a deeper meaning behind a statement in the Talmudic discussion.<sup>35</sup> Additionally, we find *Gilyonot* where R. Eliezer engaged in his own dialectic analysis of the Talmud. That is, R. Eliezer cross-referenced relevant passages, and engaged in the classic Tosafist dialectics of resolving contradictions and suggesting innovative readings of Talmudic passages.<sup>36</sup> In these cases, R. Eliezer assumed the role of the classic Tosafist masters, utilizing dialectic analysis to broaden the Talmudic discussion.

It should be noted that the *Gilyonot*, in both language and content, generally conform to standard Tosafist dialectical styles and methods. The *Gilyonot* employ the standard *Tosafot* jargon that guides Tosafist discussions. Terms such as “ואם תאמר” and “ויש לומר,” the standard terms for introducing questions and answers in Tosafist literature, and “ועוד,” the standard term for introducing an additional answer to a question, are utilized by R. Eliezer in the *Gilyonot*.

R. Eliezer’s use of the standard Tosafist jargon is reflective of his goal in the *Gilyonot*. The *Gilyonot* were not a new form of study or analysis. R. Eliezer sought with his *Gilyonot* to further the dialectic analysis of the Talmud, which was the hallmark of the Tosafist tradition. In the *Gilyonot*, R. Eliezer was no longer functioning as a redactor, merely preserving the teachings he had received. Rather, he was functioning in the role of an originator of new creative teachings, like the Tosafists that preceded him.

It therefore comes as no surprise that many passages in the *Gilyonot* include personal references that underscore R. Eliezer’s creative role in their production. While some of these personal references refer to things

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<sup>34</sup> Example: *Gittin* 88a. A marginal note included in printed editions of the Talmud, and likely from R. Eliezer’s *Gilyonot*, provides a suggestion for a Biblical derivation mentioned, but not elaborated upon, in the Talmud. Another example: *Niddah* 14a (also included in printed editions of the Talmud).

<sup>35</sup> *Bava Mezia* 12a. A *Gilyon* provides an in-depth analysis of a phrase mentioned in the Talmud. Another example: *Ketubot* 2b. A *Gilyon* argues that a statement in the Talmudic discussion is much more nuanced than it first appears.

<sup>36</sup> *Bava Batra* 31b. The *Gilyon* argues that the local Talmudic passage must be reinterpreted in light of a relevant passage in tractate *Kiddushin* 73b. In this specific example, the position expressed in the *Gilyon* is a subject of major debate among the Rishonim.

that R. Eliezer heard from others, such as a *Gilyon* in *Niddah* 14a, “However, I have heard that...,” many are his own original perspectives on an issue. Such *Gilyonot* contain terms like “נראה לי” or “תימה לי.”<sup>37</sup>

While many *Gilyonot* contain R. Eliezer’s own original contributions, there are also many *Gilyonot* that contain the teachings of R. Eliezer’s teachers and contemporaries. We have demonstrated elsewhere<sup>38</sup> that R. Eliezer’s redaction of *Tosafot* primarily reflected the French Tosafist tradition of Ri’s academy, and it was the commentaries of Ri’s illustrious students that served as the primary source for R. Eliezer’s redaction. However, in the generations following Ri’s students, Tosafist academies in France and Germany continued to produce accomplished Talmudists who made significant contributions to the Tosafist corpus. The *Gilyonot* provided R. Eliezer a venue for recording the contributions of the Tosafists that flourished in the period after the students of Ri. To this end, R. Eliezer included in the *Gilyonot* teachings of his own teachers and contemporaries.

The majority of R. Eliezer’s teachers and contemporaries were German scholars, and it is mostly their teachings that we find in the *Gilyonot*. First and foremost is R. Eliezer’s uncle and teacher, R. Hezekiah. Known by his acronym מְהַר”ח, R. Hezekiah was a leading thirteenth century Tosafist from the German city of Magdeburg. R. Hezekiah’s teachings play a central role in the *Hagabot Asherei* of R. Israel of Krems, and his legal rulings are quoted extensively in Halakhic literature. R. Eliezer quotes his uncle several times in the *Gilyonot*, including *Bava Batra* 35b (ולמהר”ח דודי) and *Erwin* 18b as הרב מורי דודי.<sup>39</sup> R. Hezekiah also appears six times in the main text of the printed *Tosafot*, where he is also referred to as “My teacher, my uncle (מורי דודי).”<sup>40</sup> However, it is likely that these six

<sup>37</sup> See tractates *Bava Kamma* 6b (נראה לי כיון דכתיב...), *Bava Me’zja* 5a (ונראה לי...), *Bava Batra* 45a (וישוב נראה לי כפירוש...), and *Kiddushin* 26b (ולי נראה...), and see tractates *Ketubot* 4b (תימה לי...) and *Bava Batra* 31b (תימה לי...).

<sup>38</sup> A. Leibowitz, “Redacting Tosafot on the Talmud: Part I — Sources,” *Hakirah* 18 (2014): 235–249.

<sup>39</sup> The *Gilyon* in *Bava Batra* can be found in London: British Library Add. 17053 and the *Gilyon* in *Erwin* in the printed text 18b as *Tosafot Yeshanim*. Another possible quote of R. Hezekiah in tractate *Erwin* is in Jerusalem: Schocken 19520 on the top of f. 4. This manuscript contains a listing of marginal notes found in old manuscripts of R. Eliezer’s redaction on tractate *Erwin* and there it quotes a note that includes material from ר' אביגדור.

<sup>40</sup> *Ketubot* 39b s.v. אי הכי, *Bava Me’zja* 116a s.v. והא, *Bava Batra* 44b s.v. דלא, *Bava Batra* 52b s.v. דברים, *Shvuot* 46b s.v. וספרא, and *Hullin* 47b s.v. אבל. Note that in *Bava Batra* 44b, R. Hezekiah is quoted as מְהַר”ח חזקיהו, which is different than the way

instances are really *Gilyonot* that were erroneously included in the main text. This conjecture is supported by the two times that R. Ḥezekiah is quoted in *Bava Batra*: 44b *s.v.* דלא and 52b *s.v.* דבריים. In both cases, the section containing the quote from R. Ḥezekiah is absent from the *Tosafot* passage in the Parma: Biblioteca Palatina Cod. Parm. 325 manuscript. This is indicative that it was not part of the original main text passage.

R. Meir of Rothenberg, a contemporary of R. Eliezer, is another German Talmudist that appears in R. Eliezer's *Gilyonot*. R. Meir often appears as מהר"ם, as we find in multiple cases in the *Gilyonot* on *Bava Kamma* and *Bava Batra*.<sup>41</sup> Occasionally, R. Meir is quoted by name, as in *Bava Kamma* 5a where a *Gilyon* read, אומר מורי ה"ר מאיר. Like R. Ḥezekiah, R. Meir also appears several times in the main text of R. Eliezer's redaction. Here too, it seems that the R. Meir references are *Gilyonot* that were erroneously included in the main text. This is the case with a reference to R. Meir in the printed *Tosafot* on tractate *Bava Batra* 41a *s.v.* שלא. The entire passage is not in the main text of the Parma manuscript, but instead appears in the margin of the manuscript with a signature indicating it is from the *Gilyonot*.

R. Isaac b. Moshe, author of the *Sefer Or Zaru'a*, is another German teacher of R. Eliezer who is quoted in the *Gilyonot*. He was a German Talmudist who is typically associated with the city of Vienna, but also lived in the cities of Regensburg, Magdeburg, and Wurzburg. In *Hullin* 47b, the main text quotes that which "my teacher, R. Isaac, wrote in his book."<sup>42</sup> But in the Parma manuscript, this passage is preceded with the word הג"ה and followed with ע"כ, indicating that it is from the *Gilyonot*.

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he is quoted in the other five locations — as מורי הרב דודי. The introductory title of מהר"ר is a peculiar acronym that rarely appears in *Tosafot* texts. The more commonly used title is מה"ר, which stands for מורי הרב רבינו, and is similar to the title ה"ר, which is הרב רבינו, and appears hundreds of times in the printed *Tosafot*. It is therefore likely that the second *reish* is a scribal error and should be a *dalet*. Accordingly, the proper reading should be מהר"ד which could then stand for מורי הרב רבינו דודי. Indeed, the printed Bomberg editions of the text reads: מהר"ד.

<sup>41</sup> See *Bava Kamma* 3b, 10a, 12a, 13a, 16a, 17b, 24b, 25b, and *Bava Batra* 26a, and in the London: British Library Add. 17053 manuscript of *Tosafot Tuckh Bava Batra* on folios 107, 110, 111, and 128. In tractate *Kiddushin* 17a, the *Gilyonot* quote מוהר"ם, which may be a reference to R. Meir. He also seems to appear occasionally as הר"ם (see the *Gilyon* in *Bava Kamma* 5a that refers to R. Meir as both מהר"ם and הר"ם).

<sup>42</sup> The printed text reads: ה"ר יצחק, but in the London: British Library Add. 27295 and the Parma: Biblioteca Palatina Cod. Parm. 325 manuscripts it reads: מורי ה"ר יצחק.

Another German teacher of R. Eliezer that appears in the *Gilyonot* is R. Aaron of Regensburg. R. Aaron appears in the *Gilyonot* in *Hullin* 23a and *Bava Meẓia* 43b.<sup>43</sup> R. Aaron of Regensburg is probably also the “R. Aaron” who appears in a *Gilyon* in tractate *Erubin* responding to a question posed by one “R. Abraham.”<sup>44</sup>

Sources indicate that R. Aaron of Regensburg maintained a correspondence with a Talmudist named R. Yaakov Ha-Kohen.<sup>45</sup> Like R. Aaron, R. Yaakov Ha-Kohen is also quoted in the *Gilyonot* on tractate *Hullin*.<sup>46</sup> R. Yaakov Ha-Kohen is likely R. Yaakov Ha-Kohen Svara of Krakow. He is the first known scholar from Poland in the period of the Tosafists.<sup>47</sup> He is also a likely candidate for the following acronyms that appear in the *Gilyonot*: ר"י כהן, ר"י כהן, and מהר"י כהן.<sup>48</sup> Another candidate for these acronyms is R. Yehudah Ha-Kohen of Friedberg. R. Yehudah is

<sup>43</sup> Although the quote from R. Aaron in *Hullin* appears in the printed text, we noted earlier that the British Library Add. 27295 manuscript demonstrates that this is erroneously inserted *Gilyon*. In regard to *Bava Meẓia* 43b, the *Shittah Mekubbeẓet* quotes a *Gilyon* in which R. Eliezer records that which he heard בשם מורי ה"ר אהרן מרענגשבורג.

<sup>44</sup> This quote appears in the Jerusalem: Schocken 19520 manuscript mentioned earlier. See also Urbach, *Ba'alei Ha-Tosafot*, 607, fn. 45.

<sup>45</sup> See *Sefer Or Zarua*, vol. 1, #775, and I. Ta-Shma, *Keneset Mehkarim*, 1:234.

<sup>46</sup> This *Gilyon* appears in a manuscript fragment of R. Eliezer's redaction on tractate *Hullin*. The fragment is described by Kupfer in “Al 'Ehad mi-Gedolei Ha-Dor be-Mahazit Ha-Rishonah shel Ha-Meah Ha13 be-Polin ube-Ashkenaz,” *Kiryat Sefer* 59 (1984): 959. I. Ta-Shma, *ibid.*, 1:235, notes that this *Gilyon* is similar to the text found in the margin of another manuscript of *Tosafot Hullin*, Vatican: Biblioteca Apostolica ebr. 159.

<sup>47</sup> R. Yaakov is described in a Vatican: Biblioteca Apostolica ebr. 176 manuscript as a “חכם גדול ובקי בכל התלמוד” (quoted in I. Ta-Shma, *Keneset Mehkarim*, 1:231, fn. 21). He appears occasionally in rabbinic literature, see *Or Zarua* 2:740 and *Arugat Ha-Bosem* 4:120–121. For more on R. Yaakov, see I. Ta-Shma, *ibid.*, 1:230 – 238.

<sup>48</sup> The acronym ר"י appears a few times in the *Gilyonot*, such as *Bava Kamma* 14b and *Hullin* 21b (in the London: British Library Add. 27295 manuscript). The acronym ר"י also appears in the printed *Tosafot* text on tractate *Hullin* 31b *s.v.* וכי תימא, but it is an erroneous inclusion of a *Gilyon* into the main text. The acronym ר"י הכהן appears in the *Gilyonot* in tractates *Bava Meẓia* 10a and *Hullin* 31b. We also noted earlier that according to the London: British Library Add. 27295 the quote from Ri in *Hullin* 24a *s.v.* זאת is really Ri Ha-Kohen (ר"י הכהן). The acronym מהר"י הכהן appears in the *Gilyonot* in tractate *Bava Meẓia* 16a, and just מהר"י without הכהן in tractate *Bava Kamma* 53b.

another German contemporary of R. Eliezer who appears in the *Gilyonot* in *Bava Kamma* 14b and *Erubin*.<sup>49</sup>

Another Talmud scholar quoted in the *Gilyonot* is one R. Moshe. He was an older contemporary of R. Eliezer who flourished in the middle of the thirteenth century.<sup>50</sup> R. Moshe appears, sometimes as ר' משה פולק, in the *Gilyonot* on tractates *Ketubot*, *Kiddushin*, and *Bava Mez'ia*.<sup>51</sup> Sources suggest that he might have also been a German scholar.<sup>52</sup>

Other German Talmudists quoted by R. Eliezer in the *Gilyonot* include R. Yedidiah of Nürnberg<sup>53</sup> and R. Paltiel.<sup>54</sup> Additionally, a comment of one R. David of Luxembourg is appended to a manuscript edition of R. Eliezer's redaction on tractate *Pesahim* and might be from the *Gilyonot*.<sup>55</sup>

<sup>49</sup> Urbach, *Ba'alei Ha-Tosafot*, 607. Note that both I. Ta-Shma and M. Blau believe that R. Yehudah of Friedberg is the proper identification for the acronym רי"ך.

<sup>50</sup> R. Moshe seemingly appears twice in a manuscript of *Paneah Razah* and in a couple of other manuscripts, see I. Ta-Shma, *ibid.*, 1:238-240.

<sup>51</sup> Tractate *Ketubot* 5a as מהר"ר משה פולק, *Kiddushin* 43b as ר' משה, *Bava Mez'ia* 50a as ר' משה פאלאק.

<sup>52</sup> In *Shita Mekubetzet Bava Mez'ia* 35b there is an exchange in the *Gilyonot* between מורי ר' משה and ר' משה פולק. This same exchange is also found in a Cambridge manuscript (I. Ta-Shma, *ibid.*, 1:239), however, there ר' משה פולק is called ר' משה פולר. This difference is significant, as it allows us to consider the possibility that R. Moshe of the *Gilyonot* is the author of a work titled, “הלכות בדיקה של ר'” (”הלכות בדיקה של ר'”), which appears in multiple manuscripts (New York - Jewish Theological Sem. Rab. 589, Jerusalem: Schocken 2070, and in Paris: Alliance Israelite Universelle H 166 A titled “בדיקות” in place of “הלכות בדיקה”). R. Moshe's views on ritual inspection were apparently well respected, as we find his opinions quoted in various other manuscripts, such as a collection of commentaries on Maimonides' *Hilkhhot Shebitah* also in Jerusalem: Schocken 2070, and a collection of commentaries included in an actual manuscript of Maimonides' *Hilkhhot Shebitah*, Ramat Gan: Bar Ilan 235. If this identification is correct, we can assume that R. Moshe was a German scholar, based on an Oxford - Bodleian Library MS Mich. 307 manuscript that contains a compendium of ritual slaughter customs from the environs of the German city of Regensburg, called הלכות בדיקת הריאה, that records a tradition (on f. 40) in the name of ר' משה פולר.

<sup>53</sup> See *Shittah Mekubetzet et Ketubot* 47a s.v. השתא. See also Urbach, *Ba'alei Ha-Tosafot*, 607, for an appearance in tractate *Erubin*.

<sup>54</sup> In tractate *Kiddushin* 3b, a *Gilyon* appears quoting הר"ר פל which likely refers to R. Paltiel, a self-proclaimed student of R. Eliezer.

<sup>55</sup> Frankfurt a M – Stadt - und Universitätsbibliothek Oct. 136. The passage appears after s.v. ושוין (100b in printed editions) and quotes from ר' דוד מלוצנברג and ends with a signature “העתקתי.”



R. Eliezer did not quote exclusively in his *Gilyonot* from German sources.<sup>56</sup> In *Kiddushin* 37b *s.v.* ממחרת, the *Gilyonot* quote the prolific Tosafist, R. Yehiel of Paris as “my teacher, R. Yehiel.” R. Yehiel, a student of R. Samson of Sens and R. Yehudah of Paris, was a primary heir to the French Tosafist tradition. He assumed the leadership of the Paris academy after the death of R. Yehudah in 1225, and remained there until late in his life, when he left Paris for the Holy Land.<sup>57</sup>

In tractate *Bava Kamma* 25b, the *Gilyonot* quotes R. Eliezer’s French contemporary, R. Tuvyah of Vienne.<sup>58</sup> R. Tuvyah was a student of R. Yehudah of Paris, who is best known from a work penned by one of his students that combined an abridged edition of *Sefer Mitzvot Gadol* with the teachings of R. Tuvyah.<sup>59</sup>

R. Eliezer’s *Gilyonot* also contain a few teachings from the early Tosafist masters, including R. Tam (*Bava Batra* 75a), R. Yaakov of Corbeil, a contemporary of the Ri (*Bava Kamma* 25a), R. Elhanan (*Hullin* 28b), R.

<sup>56</sup> There are also various other scholars quoted in the *Gilyonot* whose nationality is unknown. This list includes a number of scholars quoted in the *Gilyonot* on tractate *Bava Kamma*: ה"ר וורדמוס on 5b, ה"ר שלמה on 26a, ר' אליאב הכהן on 25b (see Urbach, *Ba'alei Ha-Tosafot*, 662, fn. 7 for a possible identification), ה"ר חיים on 40b, and מהר"ר שמואל on 41a.

<sup>57</sup> R. Yehiel is quoted six times in the main text of *Tosafot* in the tenth chapter of *Pesachim*. Additionally, מורי הר"י, which appears in 113a *s.v.* דמשייר is also a reference to R. Yehiel, as confirmed by a fifteenth century manuscript of *Mordekhai* (Vercelli: Seminario Vescovile C 235) that contains marginal notes that include full text quotations from *Tosafot Tukeb* and quotes this passage on f. 227b with ה"ר יחיאל in place of מורי הר"י. Lastly, it is also likely that מהר"י, which appears twice (109a *s.v.* רביעית and 109b *s.v.* אבל), is an acronym for מורי הרב רבינו יחיאל, inserted by R. Eliezer as a reference to his teacher (Naphtali Ha-Kohen, *Sefer Ozar HaGedolim*, 1:157). “It is very possible that these quotations of R. Yehiel might have originally been *Gilyonot* that were erroneously inserted at a later point into the main text of the redaction (perhaps specifically because they quote R. Yehiel).”

<sup>58</sup> R. Tuvyah is quoted in the printed *Tosafot* text on tractate *Bava Kamma* 69b *s.v.* אלא, but this passage was likely a *Gilyon* that was erroneously inserted into the main text.

<sup>59</sup> For more on this work, see Urbach, *Ba'alei Ha-Tosafot*, 488–491, and Abraham b. Ephraim, *Kitzur Semag*, ed. Y. Horowitz (Jerusalem, 2005), editor’s introduction. For more on R. Tuvyah, see E. Kanarfogel, “R. Tobia de Vienne et R. Yehiel de Paris, la créativité des Tossafistes dans une période d’incertitude,” *Les cahiers du judaïsme* 31 (2011), 4–17.

Yitzhak b. Shimshon (Rizba),<sup>60</sup> R. Solomon of Dreux, a student of the Ri (*Bava Kamma* 2b), and the non-descript “students of Ri (תלמידי הר”י)” (*Bava Kamma* 4b).<sup>61</sup>

In a few instances, the *Gilyonot* included material from the Sefardic halakhic cultures. Maimonides is quoted in the *Gilyonot* in *Bava Batra* 5b: “...ממון...” and *Gittin*: “כרבינו משה אבן מיימון” and “דמכשיר...”<sup>62</sup> and the North African Talmudist, R. Hananel, is quoted twice in the *Gilyonot* on *Kiddushin* (6b and 13a).

### The Purpose of the *Gilyonot*

We suggested in an earlier article<sup>63</sup> that R. Eliezer’s goal in his redaction was to produce an authentic record of the French Tosafist tradition as it was transmitted by the Ri’s academy. If this assessment is correct, it is well understood that R. Eliezer did not record any of his own teachings, nor those of his teachers and contemporaries, in the main text of the redaction. These teachings were instead reserved for his *Gilyonot*, which served as an important supplement to the text of the redaction.<sup>64</sup>

<sup>60</sup> Tractate *Bava Batra* 5a, 5b, 21b (2x), 22b (2x), 31b. Note that the *Gilyon* from 5b appears in the London: British Library Add. 17053 manuscript as ריב"א, but in *Hagabot Maimoniot, Hilkehot Malveh ve-Loveh* 12:1, the material is recorded in the name of ריצב"א.

<sup>61</sup> Why would this early French material be in the *Gilyonot* and not included in the main text of the *Tosafot Tukh*? The reason seemingly lies in the primary characteristic of R. Eliezer’s redaction, namely that it solely reflected the French Tosafist tradition as it was inherited by R. Eliezer through the writings of Ri’s students. For this reason, even the teachings of early French Tosafist masters that R. Eliezer received from his own teachers and contemporaries but were not contained in the written commentaries of Ri’s students, were not included by R. Eliezer in the main text of his redaction. In the above examples, R. Eliezer perhaps recorded the teachings of R. Tam and the תלמידי הר"י in the *Gilyonot* because he did not receive the teachings through his regular sources for his redaction of the French Tosafist tradition.

<sup>62</sup> The first is in the London: British Library Add. 17053 manuscript, and the second is in *Mordekhai, Gittin*, #353. It should be noted that the teachings of Maimonides were only first quoted in Tosafist circles by R. Yehudah of Paris, and they did not become a major force in Ashkenazic culture until the writings of R. Meir of Rothenberg.

<sup>63</sup> A. Leibowitz, “Tosafot Tukh on the Talmud: R. Eliezer of Tukh’s Redaction of the French Tosafist Tradition,” *Hakirah* 29 (2021): 169–195.

<sup>64</sup> This does not contradict R. Bezalel Ashkenazi’s suggestion in *Shittah Mekubbeẓ* et, tractate *Hullin* 22b s.v. ודע, that R. Eliezer did not include the teachings of the *Gilyonot* in the main text of the redaction on account of his extreme

The above point notwithstanding, it is important to note who is *not* quoted in R. Eliezer's *Gilyonot*. We noted in the above-referenced article that R. Eliezer's redaction does not feature the many prolific German Tosafists that flourished at the time of Ri and his students. This is also true regarding the *Gilyonot*. We generally do not find in the *Gilyonot* mention of R. Samuel b. Natronai (Rashbet), R. Joel b. Isaac Ha-Levi, R. Abraham b. Joel (Ravyah), R. Simchah of Speyer, or the many other great German Tosafists who flourished in the late twelfth and early thirteenth centuries.<sup>65</sup> Although R. Eliezer's teacher, R. Isaac b. Moshe, quoted freely from these German Tosafists in his *Sefer Or Zaru'a*, they play no role in R. Eliezer's *Gilyonot*.

R. Eliezer lived in Germany. He was involved with the affairs of the German community. His halakhic rulings were issued in the land of Germany, and his interactions were with fellow German scholars.<sup>66</sup> But as a Tosafist scholar, R. Eliezer was acutely focused on the French tradition. His own study was of the French tradition. His academy studied the commentaries of Ri's students, and even his *Gilyonot*, although quoting heavily from his German contemporaries of the late 13<sup>th</sup> century, ignored for the most part the rich German tradition of the late 12<sup>th</sup> and early 13<sup>th</sup> centuries. Instead, we see that he was dedicated in the *Gilyonot* to developing and furthering the French discussions of Ri's academy.<sup>67</sup>

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humility. R. Ashkenazi writes, *Shittah Mekubbeẓ* et al *Masekhet Hullin*, ed. E. Hurvitz (Jerusalem, 2002), 307: מצאתי בגליון תוספות ישן... שהגליונות הם מר' אליעזר מטרך ז"ל שקצר לשון תוספות שאנץ וייפה לשונם וכשהיה כותב שום דבר מסברתו לא היה מטרך ז"ל שקצר לשון תוספות שאנץ וייפה לשונם וכשהיה כותב שום דבר מסברתו לא היה כותבו בפנים אלא בגליון מרוב ענותנותו וחסידידותו. Indeed, the reason provided by R. Ashkenazi only explains why R. Eliezer did not include his own teachings in the main text of the redaction, but it does not explain why he did not include the teachings of his teachers and contemporaries.

<sup>65</sup> While these omissions can partially be attributed to the focus on codification and *pesak* found in the earlier German works, it cannot account for R. Eliezer's complete disregard for their teachings.

<sup>66</sup> A. Leibowitz, "R. Eliezer of Tukeh: A German Tosafist," *Yerushateinu* 7 (2013): 5–18.

<sup>67</sup> In light of H. Soloveitchik's description of the penetration of French Tosafist intellectualism into German culture in the thirteenth century, it is not surprising that a German scholar like R. Eliezer would be so fixated on France. In describing the work of R. Eliezer's Austro-German teacher, R. Isaac b. Moshe, Soloveitchik states that R. Isaac "belongs as much to France as to Germany," and although there is "a great deal of Germanic material" in his *Sefer Or Zaru'a*, "it is not a work of Germanic tradition" (Haym Soloveitchik, "Can Halakhic Texts Talk History?," 195). Similarly, when Soloveitchik describes ("Three Themes in the *Sefer Hasidim*," *AJS Review* 1 (1976): 349) the work of three other German


The glaring omission of the great German Tosafists who flourished in the late twelfth and early thirteenth centuries suggest that R. Eliezer was not attempting in the *Gilyonot* to harmonize the French and German tradition, nor did he seek in his *Gilyonot* to decentralize the French tradition that he championed in the main text of his redaction. Quite the contrary, the *Gilyonot* were, in a sense, the continuation of the French tradition, starting where the French tradition left off. As a whole, the *Gilyonot* were not an independent work, but were dedicated to further developing the dialectic discussions of France.

It emerges from our study that the *Tosafot Tukh* is a singular work that consists of two complementary components: (1) R. Eliezer's unique redaction of the classic French tradition as it was transmitted in Germany, plus (2) the accompanying *Gilyonot* that reflect R. Eliezer's own immediate intellectual culture. The redaction was a *replacement* of the earlier Tosafist redactions. In place of singular accounts of Ri's teachings, such as *Tosafot Shanʕ* or *Tosafot R. Yehudah*, R. Eliezer's redaction included many different accounts of Ri's teachings, bringing them together in a single integrated work. The complementary *Gilyonot* served to update the earlier redactions with the continued dialectics, opinions, and insights of R. Eliezer and his immediate culture.<sup>68</sup> The main text of the redaction was as a record of the

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Tosafists, Maharam of Rothenberg, R. Mordekhai Ashkenazi, and Rosh—all contemporaries of R. Eliezer—Soloveitchik also notes their interest in French material. Most significantly for understanding R. Eliezer's *Tosafot Tukh*, Soloveitchik remarks in regard to Rosh's own redaction, the *Tosafot HaRosh*, "when [Rosh] turned to commentary, it was the *Tosafot* of Dampierre that he edited and preserved and not those of Riba and Ribam." It appears that like the Rosh, R. Eliezer also chose to stress the French tradition over that of his homeland. But unlike his teacher R. Isaac b. Moshe, R. Eliezer did not really include much classic German teachings in his *Tosafot Tukh*—not in the redaction or even in the *Gilyonot*—only that which emerged from his own teachers and contemporaries. Material from the classic German Tosafists that appears often in the *Sefer Or Zaru'a*, such as R. Ephraim, Rabiah, or R. Simchah, is virtually non-existent in the *Gilyonot*. Soloveitchik comments that the *Sefer Or Zaru'a* represents the *penetration* of French culture into Germany. Perhaps we can say that R. Eliezer's redaction represents the *domination* of French culture in Germany.

<sup>68</sup> S. Emanuel, *Shivrei Lubot*, describes two different types of medieval rabbinic works: (1) The first are replacement works. They are full-length works that completely replace earlier works in light of the progress of subsequent generations. For example, *Tosafot Shanʕ* was a replacement of earlier *Tosafot* commentaries. (2) The second are works that serve to update. These works updated earlier texts by appending notes in specific locations, without completely replacing the earlier work. An example of this type of work is the *Hagabot Asherei* of R. Israel of Krems, which updated Rosh's *Piskei Ha-Rosh*. We are suggesting that *Tosafot*

prolific teachings of the past, while the *Gilyonot* recorded the continued development undertaken by R. Eliezer and his contemporaries. These two components, together, form the complete *Tosafot Tukh*.<sup>69</sup> 

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*Tukh* contained both elements. R. Eliezer's redaction was a replacement work that was heavily based on, but also replaced, the earlier commentaries of Ri's students. The *Gilyonot* was a work that served to update, as they appended to the main text redaction updated material based on R. Eliezer's own teachings and those of his teachers and contemporaries.

<sup>69</sup> Contrast this presentation with I. Ta-Shma, *Keneset Mehkarim*, 1:235, fn. 31, and 1:239, fn. 45.