The Printed Page of the Talmud

The Commentaries and Their Authors

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OPEN ANY COPY of the Talmud printed within the past half millennium and you will find on the inner side of the page the commentary of Rashi (1040–1105), and on the outer side of the page *Tosafot*, the glosses of the French talmudists of the twelfth and thirteenth century. Why did Rashi and *Tosafot* become so central to talmudic study and why is their study the core of the traditional Jewish canon?

If one reads an accurate translation of the Talmud, such as the translation published by the Soncino press, one will understand all the words of the text and the general line of argument, but the individual steps lack clarity and the argument as a whole hangs loosely together. The reason is that the Talmud is, as it were, a "telegramatic" text, the main points are stated, but the flow, the linkage of the various points, is left up to the reader to reconstruct. It is this flow and linkage that Rashi supplies, and with remarkably few words. Rashi was gifted with an inordinate ability to detect both minor gaps in a presentation and the slightest ambiguity of language and correct them succinctly. Realizing the cumulative effect of trivial errors, he deftly guides the student through the text with a mere word or two, preventing a host of possible misunderstandings. So definitively did Rashi solve these problems that no one ever attempted again to write another commentary to the Talmud and all other commentaries were swiftly consigned to oblivion. Provence discarded its classic commentary, that of R. Abraham ben David of Posquières (1125–1198), and even Yemenite Jewry, who revered Maimonides (1135–1204) as few other Jewish cultures have venerated a scholar, allowed Maimonides' commentary to the Talmud to disappear.

Rashi's commentary did not arise out of nowhere. Genius alone could never discern the meaning of the innumerable Persian, Greek, and Latin words that abound in the Talmud. Behind Rashi stood the traditions of talmudic interpretation of the academies of the Rhineland, the famed *yeshivot* of Mainz and Worms that Rashi attended as a youth. Those traditions are now known as the *Commentaries of Rabbenu Gershom Maor ha-Golah* (*Light of the Exile*). Like the ban of polygamy that is attributed to Rabbenu Gershom but is actually a longstanding communal ban, the *Commentaries* are not his but rather the collective work of the academy of Mainz in the eleventh century.[1] The commentary on several tractates has been preserved and a comparison with that of Rashi is illuminating. Much of the exegetical material of Rashi is already found there, but the commentary lacks those crucial words and comments that give bite and tightness to the talmudic arguments. Much as a great lawyer takes a brief of a competent one and, with an insertion of a phrase or two, transforms the reasonable argument into a convincing one, so Rashi transformed his heritage. The bricks and mortar of his œuvre are to be found in the works of his predecessors. What those commentaries lack is the magic touch of Rashi's masonry.

1. Abraham Epstein, "Der Rabbenu Gershom Meor ha-Golah zugeschriebene Talmud Commentar," *Festschrift zum achtzigsten Geburtstage Moritz Steinschneiders* (Leipzig, 1896), pp. 115–143.

The commentaries of Rashi democratized talmudic scholarship. Prior to his work, the only way to master a tractate was to travel to a talmudic academy and study at the feet of a master. No written work could systematically convey with any degree of sustained accuracy the precise line of a talmudic argument. That could be conveyed only by oral instruction, by the vibrant voice of gifted teachers. With the appearance of Rashi's work, anyone, regardless of means, could by dint of talent and effort master any talmudic topic. It further expanded the range of knowledge of most scholars. Previously, one knew accurately only what one had been fortunate to study at an academy. Once one departed, one could scarcely expand his range of knowledge, at least not with equal precision. The lifelong study of Talmud, the constant conquest of new tractates, and the unlimited personal acquisition of knowledge was in many ways the consequence of Rashi's inimitable work of exposition.

This is not to say that Rashi's explanations were definitive. Far from it. For some three hundred years scholars scrutinized his commentary, criticized innumerable passages, and demanded their reinterpretation. Yet, all realized that the problem that had confronted scholars for close to half a millennium— how to turn the abrupt and sometimes gnomic formulations of the Talmud into a coherent and smoothly flowing text— had been solved definitively by Rashi. The subsequent task of scholars, therefore, was to emend and add to his interpretations. Thus came into existence the subsequent genre of talmudic commentary, the *Tosafot*, or "additions" to Rashi that are printed along side his commentary.

What are the *Tosafot*? The glosses of scholastic dialectics, the product of collation, contradiction, and distinction. The Talmud is a vast, loosely organized corpus with many overlapping discussions. The tosafists undertook on each and every given topic to collate all the discussions of a given issue in the entire Talmud, to note any contradictions between the different passages, and to resolve them by distinguishing between the cases under discussion. Not that the tosafists were the first to note contradictions in the Talmud. Contradictions have been noted from the moment that the Talmud became normative. The approach that had previously prevailed was to follow, in cases of contradiction, the *sugya de-shematsa* (dominant discussion). There is generally one major treatment of an issue in the Talmud, though that issue may reappear in the course of many other discussions. When confronted with a contradiction, one should follow the conclusions of the dominant discussion, even if other talmudic discussions of the problem would seem to imply a different outcome. The premise of dialectic is, however, that there are no "major" and "minor" passages in the corpus. All passages are of equal valence. The Talmud in its totality is a harmonious whole. Talmudic discussions are indeed "telegrammatic," and thus, though certain conditions of the case at bar are not always expressly spelled out, they are inferable from the discussion. The task of the scholar is to ferret out the distinctiveness of each of the seemingly similar cases under discussion and, thereby, restore harmony to an apparently dissonant corpus. Not that the tosafists were the first people to distinguish between seemingly similar cases. Just as contradictions were noted from the very outset of talmudic study, so too were distinctions made and contradictions resolved from the beginning. Maimonides often quietly resolved contradictions with an added word or two, and few scholars quietly anticipated and resolved more questions that way than did Rashi. Anyone familiar with the super-commentarial works on Rashi knows how frequently the authors note, "and Rashi forfended

the problem by. . . ." What was new in the dialectical approach is the systematic quest for, and resolution of, contradictions. It demanded a new mode of study, in a sense, even a new curriculum. The Talmud could no longer be studied "vertically," or consecutively, line after line, page after page, as had been done previously. It demanded "horizontal" study, where each line of the Talmud was systematically collated with all parallel passages found in the vast talmudic corpus, and contradictions were uncovered and resolved. The fruit of their labor of some two centuries is *Tosafot*, the glosses printed alongside Rashi.

Anonymity reigns in the *Tosafot*. Only too often questions are raised without the name of the interlocutor. We find simply, "*ve-temah*" (objection) or "*im tomar*" (should you say). Nevertheless, the acronyms of two speakers do stand out: ר"ת and ר"י. The former designates Rabbenu Tam, the universally accepted moniker for R. Jacob ben Meir of Ramerupt (1100–1171); the latter indicates his nephew, R. Isaac of Dampierre (d. 1189).[2] Most of the famed thought of the tosafists is actually the product of these two men. Who were they and why their prominence?

The dialectical method, omnipresent in the Talmud, was revived by Rabbenu Tam. Dialectic was the dominant mode of scholastic thinking in the Middle Ages— it obtained in Roman and canon law and in theology. Was Rabbenu Tam influenced by developments in his surroundings? The revival of Roman law had not come to Champagne by the second or third decade of the twelfth century when Rabbenu Tam began his revolution, and the dialectics of canon law did not appear until later. In theology, dialectics was indeed emerging in northern France at this time, but its concepts and vocabulary were so technical, alien, and, in one sense, repugnant to Jews, that, even if we overlook the fact that these discussions were conducted in Latin, "the language of the priests" as Jews called it, it seems rash to attribute influence to them without concrete evidence. One can of course invoke the *zeitgeist* (spirit of the age), but that simply is another way of saying we know of parallel developments without having any evidence of contact.

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

Though extraordinarily creative, Rabbenu Tam wrote very little. The one small work he authored himself, *Sefer ha-Yashar*, was first printed in 1811 and remains unused to this day.[3] Words came easily enough to Rabbenu Tam when engaged in polemic or in the niceties of polite correspondence, but when called upon to express ideas, the sentences swiftly break down. The flow of words is unable to keep pace with the speed of his thought and with the leaps of his creative association. It is

2. On Rabbenu Tam, see E. E. Urbach, *Baalei ha-Tosafot* (revised ed. Jerusalem, 1980), pp. 60–113.

3. *Sefer ha-Yashar* (Vienna, 1811). The work is divided into Novellae and Responsa. Each was subsequently edited: *Sefer ha-Yashar: Teshuvot*, ed. S. F. Rosenthal (Berlin, 1898); *Sefer ha-Yashar: Ḥiddushim*, ed. S. S. Schlesinger (Jerusalem, 1955). On the work, see Urbach (n. 2 above), pp. 93–106; Avraham (Rami) Reiner, "Rabbenu Tam and his Contemporaries: Relationships, Influences and Methods of Interpretation of the Talmud" (Ph.D. dissertation, Hebrew University, 2002), pp. 23–68.

ironic that the one significant tosafist who wielded the metrics of Spanish poetry with any degree of skill was unable to pen a clear sentence, even by the abrupt and inelegant standards of dialectical writing.

Rabbenu Tam's thoughts have come down to us via the agency of his nephew, R. Isaac of Dampierre (Ri). Indeed, were it not for Ri, not only Rabbenu Tam's work, but the very dialectical revolution itself, might well have had no lasting impact. The nephew was the equal of the uncle in genius, but wholly opposite in character. Not for him the communal involvements, the sound and fury of scholarly controversies, the threats of excommunication that characterized the career of his stormy and imperious uncle. Quiet and unassuming, and without any desire to bend others to his will, Ri passed his entire life teaching and writing in a two- or three-street hamlet in Champagne.[4] We know little more of his self-effacing life other than that he studied with his uncle, Rabbenu Tam. This meek exterior, however, hid an iron will and a relentless dedication to his craft that few equaled in Jewish history. Just as his great-grandfather, Rashi, humbly but steadfastly sought to explicate the entire Talmud, Ri undertook the protean task of elucidating the entire Talmud in light of dialectic and equally succeeded in his goal. In his school and under his tutelage every line of the Talmud was subjected to the probing light of the newly revived method. The slightest whisper of contradiction was noted and solutions were proffered; solutions and distinctions that have proven so suggestive and fruitful that their study is the staple of the talmudic curriculum to this day. Rightly, Naḥmanides deemed Ri, *baal ha-Tosafot* (the author of the *Tosafot*).

Though an easy writer, Ri himself wrote little. He adopted the widely used method of composition, the *reportatio*.[5] The *magister* (master) would select a student to prepare a report of his teaching that he then would correct and certify, or the master would dictate the text himself. While Latin circles attributed these reports to the teacher, the tosafists credited them to the pupil. Nevertheless, all recognized that the work was an accurate report of the master's teachings.

Over the course of his life, Ri used four students to write *reportatio*s. The first, his son, R. Elḥanan, was in the midst of composing a commentary on the tractate *Avodah Zarah* when he was murdered in a pogrom in 1184. That truncated work is the only one of his many *Tosafot* that has come down to us.[6] R. Samson of Sens picked up where his fallen colleague had left off and wrote *Tosafot* on much of the Talmud. These *Tosafot* form the basis for most of the printed *Tosafot* on the Talmud. Only three of his original *Tosafot* have survived, those on *Pesaḥim*, *Ketubbot*, and parts of *Avodah Zarah*.[7] R. Judah of Paris penned a third set of *reportatio*s, and those on *Berakhot* and *Avodah Zarah* have come down to us.[8] One student, R. Barukh, felt the need to bring the new discussions and conclusions of the dialectic to a wider audience and to draw practical conclusions from them. That is to say, translate the new ideas of Dampierre into religious practice. He chose several select topics, such as the laws of the Sabbath and *kashrut*, and composed, under Ri's direction or at

4. See Urbach (n. 2 above), pp. 226–260.

5. B. Smalley, *The Study of the Bible in the Middle Ages* (reprint, Notre Dame, 1964), p. 200 ff.

6. *Tosafot R. Elḥanan al Avodah Zarah* (Husiatyn, 1901).

7. *Tosafot Rashba al Massekhet Pesaḥim* (Jerusalem, 1956); *Tosafot Rashba mi-Shantz al Massekhet Ketubbot*, ed. Avraham Liss (Jerusalem, 1973); *Tosafot R. Shimshom ben Avraham mi-Shanitz al Massekhet Avodah Zarah* in *Shitat Kadmonim al Massekhat Avodah Zarah*, ed. M. Y. H. Blau, vol. I (New York, 1969).

8. First published as *Tosafot R. Judah Ḥasid* in *Berakhah Meshuleshet* (Warsaw, 1860), subsequently from a fuller manuscript in the Bodleian Library, Oxford, as *Tosafot R. Yehudah Sir Leon al Massekhet Berakhot*, ed. Nissim Sachs, 2 vols. (Jerusalem, 1969–1972); *Tosafot R. Yehudah Sir Leon al Massekhet Avodah Zarah* in *Shitat Kadmonim al Massekhat Avodah Zarah* (n. 7 above).

least inspiration, a *reportatio* elucidating Ri's teachings regarding these matters. Entitled, *Sefer ha-Terumah*, the work is in every sense a *Tosafot* from the school of Ri.[9]

Two areas of Jewish law are not found in either Rashi or *Tosafot*: agricultural law and the laws of purity. The former, discussed in *Zeraim*, primarily obtain in the Land of Israel, while the latter, addressed in *Tohorot*, are operative only when the Temple in Jerusalem is standing. These tractates consist only of *Mishnayot*. Both Rashi and *Tosafot* restricted their work to talmudic tractates and therefore left these areas untreated. Ri's pupil, the aforementioned R. Samson of Sens, penned a vast commentary to these *Mishnayot,* a work that has not been superseded to this day.[10] His departure for Israel in 1211 effectively ended the creative period of tosafist thought.

Most intellectual revolutions take a century or so to be absorbed, not only by the public but also by the discipline itself. Such was the case with the joint labors of Rabbenu Tam and Ri. Put differently, intellectual revolutions occur wholesale, their impact is achieved only by retailing it. The thirteenth century witnessed the packaging and delivery, if you wish, of the thoughts of the great men of the twelfth century. This took two forms: the writing of codes and the editing of the *Tosafot* that had been issued from Ri's academy in Dampierre.

The first task, foreseen by R. Barukh, was undertaken on a grand scale by R. Moses of Coucy, tosafist, preacher, and disputant at the trial of the Talmud in Paris in 1240. Organizing his work according to Maimonides' count of the biblical commandments, he reproduced under the rubric of each commandment, the extensive discussions of the *Tosafot* of his teacher, R. Judah of Paris. The end product was a massive two-volume work entitled *Sefer Mitzvot Gadol*, which was accessible only to scholars.[11] The need for a briefer, practical guide to the tosafists teachings was immediately felt and swiftly met. R. Isaac of Corbeil penned an abridgement of this work called *Sefer Mitzvot Katan*, which was widely diffused and very influential.[12]

The editing and abridging of the Dampierre *Tosafot* occupied such mid- and late-thirteenth-century talmudists as R. Perez of Corbeil and R. Eliezer of Touques. Their works are known, not surprisingly, as *Tosafot R. Perez* and *Tosafot Touques*. Oddly enough, these thirteenth-century abridgments became the basis for our printed *Tosafot*, not the original *Tosafot* that were issued by Ri's academy in Dampierre. In Italy in the late-fifteenth century, the *Tosafot* of R. Samson of Sens, were generally available, but by a strange twist of fate this classic set of *Tosafot* did not make it into the canon. Gershom Soncino, the printer of the first published Talmud, had somehow heard that the *Tosafot* of Touques and other late *Tosafot* were the most reliable. So he disregarded the *Tosafot* of R. Samson that lay readily at hand and at personal risk traveled to France to find these reputedly superior *Tosafot*. As he wrote thirty years later in a somewhat garbled note:

> I toiled and found books that were previously closed and sealed, and brought them forth to the light of the sun, to shine in the firmament, as the Tosafot from Touques of R. Isaac and Rabbenu Tam (?!). I traveled to France, Chambéry and Geneva, the places where [the books] were conceived, so that the public might benefit from them, for in Spain, Italy

9. There is no critical edition of this work, which was first published in Venice in 1523. The Warsaw 1897 edition has appeared frequently as a photo offset.

10. On R. Samson of Sens, see Urbach (n. 2 above), pp. 261–313.

11. The most recent complete edition is that of Elyakim Schlesinger, 3 vols (Jerusalem, 1995-1999).

12. Though it is officially called *Amudei ha-Golah*, I have never seen it referred to by anything other than *Sefer Mitzvot Katan*, or by its acronym, סמ"ק. There is no critical edition of this much-used work, which was first published in Constantinople in 1509. The Kapost, 1820 edition has been frequently photo offset.

> and all the lands, we have only heard of the [*Tosafot*] of Sens, of R. Perez and R. Shimshon and their colleagues.[13]

What he brought back from his foray in France was an assorted mixture of *Tosafot* from a variety of schools,[14] and this late medley of *Tosafot*, wholly derivative of those of Dampierre, are what he (and subsequently all other printers of the Talmud) published. And it is they that have become the canonical *Tosafot* of the printed page. The caliber of Rabbenu Tam and Ri was such, however, that their thinking, even in a somewhat abrupt and abbreviated form, was powerful enough to shape the course of talmudic thought for close to a millennium.

13. See Marvin J. Heller, *Printing of the Talmud: A History of the Earliest Printed Editions of the Talmud* (New York, 1992), pp. 102–103.

14. See Urbach (n. 2 above), pp. 600–675.