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## The Tosafist Oeuvre and *Torah u-Madda*

This paper seeks to answer two questions: (1) Were the Tosafists affected by or responsive to issues of a *Torah u-Madda* nature, and (2) How do *Torah u-Madda* approaches or methodologies inform and enlighten the study of *Tosafot*?

At first blush, there is precious little to discuss with regard to the first issue. The *Ba'alei ha-Tosafot* flourished in northern France and Germany (Ashkenaz) during the twelfth and thirteenth centuries. While the Jewish communities of Spain and Provence during those centuries were routinely exposed to external philosophical, scientific, and literary studies, the opportunities for exposure to the surrounding culture in Ashkenaz were severely limited. One explanation for this development stressed the fact that medieval Christian society was culturally less vital and markedly more closed to Jews than was the Moslem world. A more recent view, noting the substantive nature of medieval scholasticism, emphasized instead the role that language played in limiting cultural contact or absorption in Ashkenaz. The language of culture in Christian Europe was Latin. Ashkenazic Jewry spoke the vernacular and wrote its rabbinic corpus in Hebrew, but could not, for the most part, read or understand Latin. This contrasts markedly with the situation of Jews in Moslem countries. Spanish Jews spoke and wrote Arabic (due, perhaps, to the higher cultural level and more open nature of Moslem society as a whole) and could thus participate more easily and fully in Moslem culture.<sup>1</sup>

To be sure, Jews in northern France and Germany could understand Christian sermons that were preached publicly in the vernacular. They participated in the discussions or small-scale disputations that Christians

often engaged in with them.<sup>2</sup> Indeed, the *Ba'alei ha-Tosafot* even acquired some familiarity with Christian doctrine.<sup>3</sup> It is probable that a number of polemicists and biblical commentators, including Rashbam, could read Latin.<sup>4</sup> Moreover, Jewish exegetes met and “talked shop” with contemporary Christian colleagues.<sup>5</sup> *Sefer Hasidim* chastized those who emulated “*di'alektika shel goyim*” and placed emphasis on “*limmud shel nizzahon*” in their Talmudic studies, an accurate characterization of the form of study and debate in the medieval cathedral schools.<sup>6</sup> Apparently there were some Jewish scholars who were aware of, and even affected by, the method of study that was prevalent in those Christian institutions.<sup>7</sup> But despite the evidence for contact in a number of areas, there is no indication that Jews were familiar with the bulk of Christian theological, legal, or philosophical literature.

The overall orientation of the *Ba'alei ha-Tosafot* can best be described as Talmudocentric.<sup>8</sup> They occupied themselves almost exclusively with the study and interpretation of the Talmud and other sacred texts and were not familiar, at least not formally, with philosophy, science or “the humanities.”<sup>9</sup> The *Ba'alei ha-Tosafot* do not strike us in any sense as paragons of *Torah u-Madda*, a point which is made even more sharply if we compare them with their contemporary, Rambam.

And yet, despite their distance from a tradition of secular studies, the Tosafists exhibited a number of traits that are usually identified with enlightened or “*Torah u-Madda*” scholarship. For example, an unusually high degree of academic freedom was prevalent in the Tosafist *yeshivot*. Younger students argued freely with their venerable teachers. Even the positions of Rashi and Rabbenu Tam were routinely subjected to intense scrutiny and questioning by their students. Spanish scholars noted that, unlike in their own institutions, students in Ashkenaz related to their teachers (in academic contexts) as if they were peers. The difference was attributed to the high level of learning in Ashkenaz which narrowed the gap between teacher and student. A capable student in Ashkenaz who devoted all his time to the study of Talmud could confidently engage his teachers in intellectual combat and sometimes emerge victorious.<sup>10</sup>

Also, Tosafist methodology consisted of dialectics as well as critical reading of texts,<sup>11</sup> both of which reflected a marked degree of intellectual boldness. Regarding the dialectical resolution of apparently contradictory *sugyot*, R. Shlomoh Luria (Maharshal, d. 1572) wrote that the Tosafists of France rendered the Talmud:

כבודר אחד . . . והפכוהו וגלגלוהו ממקום למקום שנראה לנו כחלום מבלי פותר . . .  
סוגיא זו אומרת בכה וסוגיא זו אומרת בכה ולא קרב זה אל זה ונמצא מיושר התלמוד  
ומקושר וכל הסתומות יתפשרו ותוכן פסקיו יאושרו.<sup>12</sup>

Even though Rabbenu Tam censured those who engaged in untoward *pilpul* because it would “pervert the words of the Rabbis,”<sup>13</sup> he also

wrote, in the context of an innovative halakhic ruling, “that if the Talmud says *hayyav* in one place and *patur* in another, we can harmonize and explain both.”<sup>14</sup> This type of approach can generate tremendous *hiddushim* in halakhah at the same time that it can produce intricate discussions which result only in theoretical *hiddud*.<sup>15</sup> Rabbenu Tam pointed out that within the Talmud itself contradictions are raised even from positions that are considered “*shelo ke-hilkheta*.”<sup>16</sup> Indeed, *Tosafot* frequently poses questions without arriving at an answer. Furthermore, in a related context, Rashbam exhibited considerable intellectual bravado in his commentary to the Torah. Once he had qualified *peshuto shel mikra* as subservient or secondary to rabbinic/Talmudic interpretation of the Torah, he saw no problem in formulating ahalakhic or non-halakhic biblical interpretations.<sup>17</sup>

As far as the critical reading of texts is concerned, *Tosafot* tests each Talmudic statement not just in regard to other potentially conflicting positions but also in order to verify that the statement itself is logically well-based. In extreme cases, *Tosafot* even suggests that an Amora (or *sugya*) was mistaken (*to'eh*) in his (its) understanding or formulation of a particular position or concept.<sup>18</sup> All of this, incidentally, has led some modern scholars to point out, correctly, that the name *Tosafot* means much more than simply addenda or responses to Rashi's commentary. It indicates a sense of being able to expand or complement the Talmud itself.<sup>19</sup>

Furthermore, in regard to their post-Talmudic predecessors, Tosafists felt no compunctions about rejecting an earlier halakhic position simply because, in their view, it was not based on the best interpretation of the *Gemara*. This is reflected most sharply in the strident claim of R. Isaiah di-Trani, made explicitly in several places but implicit throughout his halakhic corpus, that “any [interpretation] which does not appear to me [to be reasonable] from the book [= the Talmud], even if Yehoshua bin Nun said it, I will not follow. Indeed, I will not desist from writing what appears to me to be correct.” R. Isaiah notes that even within Talmudic literature certain Amoraim could disagree with Tannaim and later Amoraim often emerged victorious in their arguments with earlier Amoraim.<sup>20</sup> Using similar argumentation, R. Samson of Sens and R. Asher b. Yehiel (Rosh) gave students and later decisors a free hand in arguing with earlier authorities, provided that their positions were well-based within Talmudic literature.<sup>21</sup>

I shall now turn to the second major question under consideration. How do methodologies that may be associated with *Torah u-Madda*, such as an appreciation of the historical and literary development of a rabbinic text or corpus, inform our study of *Tosafot*? Scholars who have system-

atically studied the *Tosafot* were especially interested in understanding how and where these texts were compiled. Unfortunately, as Moritz Güdemann noted already at the end of the nineteenth century, while the Tosafists obviously studied and wrote a great deal, they said very little about how they studied or composed their works.<sup>22</sup> As the “*im tomar/ yesh lomar*” or “*teimah/nir’eh lomar*” forms indicate, *Tosafot* were the products of give and take in the *bet midrash*. Students wrote *Tosafot* in the presence of (and sometimes with the assistance of) their teachers.<sup>23</sup> *Tosafot* were thus a form of notes or a record of study. The “live” character of the *Tosafot* is further demonstrated by the inclusion of cases or situations that actually occurred during the period of composition.<sup>24</sup> The major creative *battei midrash* in twelfth-century northern France were those of R. Tam, Ri, and Rash *mi-Shanz*. In Germany, the predominant trend, in contrast, was to compose self-standing works of Talmudic commentary or halakhah rather than accompanying *Tosafot*, as shown by the compositions of Raban and Rabiah.

In early *Tosafot* texts, each position was attributed to a specific Tosafist. The attribution, however, would often be some form of “*mi-pi rebbi/rabbenu*,” which raises questions concerning just who “*rebbi*” or “*rabbenu*” was. Moreover, thirteenth-century Tosafists who compiled and edited earlier texts often added later *Tosafot* texts to that earlier material. Questions and answers from previous generations were transferred to different locales by later Tosafists and individual strands became blurred. There are also several collections of *Tosafot* on a particular Tractate emanating from different *battei midrash*, or reflecting different stages of editing. It is also still not clear how the *Tosafot* printed in the standard editions of the Shas (known as *Tosafot Shelanu*) were selected. This process may well have been a function of even such mundane matters as the availability or price of manuscripts. The numerous collections of *Tosafot Rash mi-Shanz* or *Tosafot ha-Rosh* that have been published as separate entities are often longer and more detailed, both in terms of names and other means of identification as well as in terms of content, than the standard *Tosafot*.<sup>25</sup>

R. Shmu’el Edels (Maharsha, d. 1631) noted that it is not unusual to find a *Tosafot* in one place disagreeing with or contradicting a *Tosafot* in another place.<sup>26</sup> R. Hayyim Yosef Dov Azulai (Hida, d. 1806), the great bibliographer among the *aḥaronim*, noted that this occurs because different *Tosafot* emanated from different *battei midrash*. Thus, one cannot consider as inherently problematic a contradiction between a *Tosafot* in one tractate and another *Tosafot* in a different tractate because we do not know who was the author of each position.<sup>27</sup> Hida’s methodological caveat was employed by subsequent *poskim* such as R. Ya’akov Ettlinger (d. 1871).<sup>28</sup>

In his seminal work, *Ba'alei ha-Tosafot, Toldotehem, Hibburehem, Shittatam*, Dr. Ephraim Urbach traced the contributions, intellectual styles, and lives of the Tosafists from the early twelfth century through the end of the thirteenth. In addition, Urbach attempted to identify the Tosafist authors and editors of *Tosafot Shelanu* on each Talmudic tractate.<sup>29</sup> The results of his study allow additional problems with regard to textual composition to be raised. For example, even within Tosafist collections that were ostensibly the products of the same *bet midrash*, different positions on the same issue, attributed to different Tosafists, are presented as halakhically normative. Professor Urbach has demonstrated conclusively that the printed *Tosafot Shelanu* to both Tractates *Menahot* and *Shabbat* are from the academy of Rash *mi-Shanz*.<sup>30</sup> A passage in a *Tosafot* in *Menahot* (which ends with the letters מ"ר = מפי רבינו = Rash *mi-Shanz*) notes the quandry of R. Ya'akov of Orleans (a student of R. Tam) in regard to whether the *tefillin shel yad* needs to be removed before entering the bathroom. The *shel rosh*, in addition to its *parshiyyot*, has a *shin* actually written on the outside of the *bayit* and must certainly be removed. The *shel yad*, however, has only internal *parshiyyot* that are covered by the leather *battim*. Perhaps, it therefore need not be removed.<sup>31</sup> A *Tosafot* in *Shabbat*, on the other hand, cites only the *Kadosh* of Corbeil (= R. Ya'akov of Corbeil, another student of R. Tam) who definitely held, without any reservation, that the *shel yad* need not be removed.<sup>32</sup>

Modern scholarship has confirmed that different *Tosafot* have to be treated, in effect, as if they were written by different *Rishonim*. Conflicting Tosafist texts have to be treated as a *mahloket* (disagreement) rather than as a *setirah* (contradiction). On the other hand, it is important to be able to identify the particular Tosafist involved, wherever possible, in order to use it to one's advantage in learning. This information can possibly lead to the explanation of a Tosafist's position *le-shittato* or it can aid in understanding the background of a perceived *mahloket*.

Another problem inherent in Tosafist methodology to which modern scholarship has drawn attention occurs most often in matters of *hashkafah* but can occur in matters of *halakhah* as well. Because *Tosafot* attempts, by design, to resolve contradictions within Talmudic literature, is it possible to know what position a particular Tosafist or group of *Ba'alei ha-Tosafot* held for themselves? To what extent is the answer given in response to a potential Talmudic contradiction simply a good answer, and to what extent does the answer contain what some like to call "*heged histori*," an actual personal or historical position of the Tosafists? The Tosafist material on the issue of *Torah lishmah* and *shelo*

*lishmah* provides an excellent illustration of the dimensions of this problem.

As expected, *Tosafot* deals at every available opportunity with the apparent contradiction between *sugyot* concerning the relative value of *Torah shelo lishmah*, and offers a resolution.<sup>33</sup> In most cases, *Tosafot* appears to favor the “functional” definition of *Torah lishmah*, i.e., לומד תורה על מנת לעשות. Maimonides, on the other hand, clearly favors the “devotional” definition or לימוד מאהבה.<sup>34</sup> Do we in fact have what can be identified as a Tosafist position on the important ideological issue of *Torah lishmah*?

The problem is that *Tosafot* states its view of *lishmah* in the context of its resolution of the contradiction concerning *shelo lishmah*. A crucial *sugya* in *Berakhot* equates *shelo lishmah* with נזח לו שלא נברא, while Rav Yehudah (in the name of Rav) in *Pesahim* and elsewhere notes that מתוך שלא לשמה בא לשמה.<sup>35</sup> *Tosafot* generally defines the unacceptable *shelo lishmah* as (אינו) לומד כדי (לקיים אלא) לקנטר. This definition results from the fact that the *sugya* in *Berakhot*, in which the unacceptable *Torah shelo lishmah* appears, links it with malfeasance in the performance of *mizvot*. By extension, then, *Torah lishmah* is equated by that *sugya* with one who is לומד על מנת לקיים (i.e., the functional definition).

It is thus clear that *Tosafot*'s definition of *Torah lishmah* has been determined by the resolution of the *shelo lishmah* contradiction, rather than by independent conceptualization. It is interesting to note that the Rambam refers to the contradiction concerning *shelo lishmah* in a responsum but purposely downplays it in providing his ideological definition of *Torah lishmah* in his *Mishneh Torah*.<sup>36</sup> Certainly, his formulation there is most concerned with expressing his conceptual position on *Torah lishmah*, not in resolving tangential contradictions.

Even the most unusual *Tosafot* text on this issue,<sup>37</sup> which appears to espouse the devotional definition of *Torah lishmah*, should be treated and understood in similar fashion. Once again, the immediate context of the *sugya* in *Sotah* conditions the definition of *Torah lishmah* as לימוד מאהבה. Moreover, *Tosafot* on Tractate *Sotah* is essentially of German provenance<sup>38</sup> while all of the standard *Tosafot* texts that deal with *Torah lishmah* issues as they relate to the other *sugyot* were from the study halls of Ri and his French students. Thus, the approach of *Tosafot* in *Sotah* cannot be construed as a purposeful deviation (thereby representing a personal position) on the part of those Tosafists who formulated the more prevalent distinctions. Rather, it was merely another valid way, utilized by a different group of Tosafists, of resolving a similar contradiction between Talmudic *sugyot*. Indeed, two French collections of *Tosafot* to *Sotah*, *Tosafot Sens* and *Tosafot Evreux*, record simply: פירוש כדפרישית בפרק מקום שנהגו (= *Pesahim* 50b).<sup>39</sup> The standard *Tosafot* to *Pesahim* refers to Ri by name and offers the interpretation presented

above, i.e., לומר על מנת לקיים.<sup>40</sup> *Tosafot ha-Rosh*, which also contains mostly French material, has no discussion of the issue in its comments to *Sotah*.<sup>41</sup>

In sum, awareness of the nature of Tosafist methodologies, as well as of the different *battei midrash* and strands involved in the formation of *Tosafot* can prevent errors in our *talmud Torah*. Moreover, it can lead to an enhanced, deeper understanding of *rabboteinu ha-rishonim*.

## NOTES

1. See, for example, M. Guedemann, *Ha-Torah ve-ha-Hayyim bi-Yemei ha-Benayim I* (Warsaw, 1897), 5–8; L. Rabinowitz, *The Social Life of the Jews in Northern France* (repr. New York, 1972), 220–24; H. J. Zimmels, *Ashkenazim and Sephardim* (London, 1958), 135–38; H. H. Ben-Sasson, *Perakim be-Toledot ha-Yehudim bi-Yemei ha-Benayim* (Tel Aviv, 1969), 209; S. Kogut, “The Language of Sefer Ḥasidim, Its Linguistic Background and Methods of Research,” *Studies in Medieval Jewish History and Literature II*, ed. by I. Twersky (Cambridge, 1984), 98–101; W. C. Jordan, *The French Monarchy and the Jews* (Philadelphia, 1989), 14–15.
2. See M. Guedemann, *ibid.*, 11–12; Jordan, *ibid.*, 11–14; D. Berger, “Mission to the Jews and Jewish-Christian Contacts in the Polemical Literature of the High Middle Ages,” *American Historical Review* XCI (1986), 585–91; and *Sefer Yosef ha-Mekanne*, ed. by J. Rosenthal (Jerusalem, 1970), editor’s introduction, 23–28.
3. See, for example, E. Urbach, *Ba’alei ha-Tosafot* (Jerusalem, 1980) I, 55, n. 85 and J. Katz, *Exclusiveness and Tolerance* (New York, 1962), 34–35.
4. See A. Grabois, “The Hebraica Veritas and Jewish-Christian Intellectual Relations in the Twelfth Century,” *Speculum* L (1975), 632; S. Kamin, “Perush Rashi u-Ferush Origen le-Shir ha-Shirim,” *Shenaton la-Mikra u-le-Heker ha-Mizrah ha-Kadum VII-VIII* (1984), 246, n. 21; Berger, *op. cit.* (n. 2), 590, n. 86; N. Golb, *Toledot ha-Yehudim be-‘Ir Rouen bi-Yemei ha-Benayim* (Tel Aviv, 1976), 136, n. 382; *Sefer Ḥasidim*, ed. by J. Wistinetzki (Frankfurt, 1924), #259; J. Rosenthal, *op. cit.* (n. 2), 27; E. Urbach, *op. cit.*, I, 210–11.
5. See B. Smalley, *The Study of the Bible in the Middle Ages* (Oxford, 1969); E. Urbach, *ibid.*, II, 744–45; E. Touitou, “Shittato ha-Parshanit shel Rashbam ‘al Reka ha-Mizi’ut ha-Historit shel Zemanno,” *Iyyunim be-Sifrut Ḥazal ba-Mikra u-ve-Toledot Yisra’el*, ed. by Y. Gilat, et al. (Ramat Gan, 1982), 48–74; S. Kamin, *ibid.*, 229–48.
6. See *Sefer Ḥasidim* #752 and I. Ta-Shema, “Mizvat Talmud Torah ki-Ve’ayah Hevratit-Datit be-Sefer Ḥasidim,” *Sefer Bar Ilan XIV-XV* (1977), 106–08.
7. See the literature cited in E. Urbach, *op. cit.* I, 87, n. 9, and II, 746–52.  
On the possible impact that the shift in Christian scholarship from the monasteries to the cathedral schools had on the Tosafist enterprise, see my forthcoming *Jewish Education and Society in the High Middle Ages* (Wayne State University Press), Chapter V.
8. Cf. I. Twersky, “Religion and Law,” *Religion in a Religious Age*, ed. by S. D. Goitein (Cambridge, 1974), 69–74.
9. See B. Septimus, *Hispano-Jewish Society in Transition* (Cambridge, 1982), 50–51, 64–65; A. Grossman, *Ḥakhmei Ashkenaz ha-Rishonim* (Jerusalem, 1981), 424; L. Rabinowitz and H. H. Ben-Sasson *op. cit.* (n. 1). Cf. M. Idel, “Perush Mizmor Yod-Tet le-R. Yosef Bekhor Shor,” *Alei Sefer IX* (1981), 63–69 and I. Ta-Shema, “Sefer Ha-Maskil, Hibbur Yehudi/Zarefati Bilti Yadua’ mi-Sof ha-Me’ah ha-Yod Gimmel, *Mehkarei Yerushalayim be-Mahshevet Yisra’el*,” II:3 (1982–83), 416–38.