

## *Redacting Tosafot on the Talmud: Part I—Sources*

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### Introduction

R. Eliezer of Tikh 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 *Tosafot Tikh* (תוספות טיך), an edited redaction of the great French Tosafist tradition of Talmud study. *Tosafot Tikh* 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 Mezi‘a*, *Bava Batra*, and *Shevu‘ot* in *Seder Nezikin*, tractate *Hullin* in *Seder Kodashim*, and tractate *Niddah* in *Seder Taharot*. Indeed, when people make reference to “*Tosafot*” they are, more often than not, unknowingly referring to *Tosafot Tikh*.

This article is the first in a series of articles on R. Eliezer’s *Tosafot Tikh*.<sup>2</sup> In this article we will address the sources R. Eliezer utilized in his redaction of *Tosafot*. Based upon the findings of this article, the next article in this series will outline the various editing methods R. Eliezer employed in redacting *Tosafot*. Future articles will address the unique characteristics of *Tosafot Tikh*, its regions of popularity, and how it became the “printed” *Tosafot*. It is our hope that this series will provide the reader a greater understanding of the nature of *Tosafot* on the Talmud.

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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 Tikh: A German Tosafist,” *Yerushaveinu* 7 (2013): 5–18.

<sup>2</sup> For the development of the Tosafist enterprise as a whole, from its origin through the editing stage undertaken by R. Eliezer, see A. Leibowitz, “The Emergence and Development of Tosafot on the Talmud,” *Hakirah* 15 (2013): 143–163.

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### Sources of Tosafot Tukh

In redacting his *Tosafot*, Rabbi Eliezer drew extensively from the *Tosafot* commentaries that emerged from the French study hall of R. Yitzhak “the elder” of Dampierre, France (Ri Ha-Zaken, ר"י הזקן). Ri is known to have lectured on the entire talmudic corpus and his academy reportedly boasted scores of students.<sup>3</sup> His lectures culled from the erudite teachings of his uncle, R. Yaakov of Ramrupt (R. Tam, רבינו תם) and the teachings of R. Tam’s many colleagues, but also featured a significant amount of Ri’s own original teachings.

Ri’s students copiously committed his lectures to writing, usually utilizing the *reportatio* method of note-taking, which captured his verbal formulations. Ri’s students’ commentaries feature the best teachings of the earliest Tosafist generations integrated with Ri’s own insights and teachings. These commentaries that were the primary source material from which *Tosafot Tukh* were produced.<sup>4</sup>

#### I.

It is traditionally assumed that the principal Tosafist commentary utilized by R. Eliezer was *Tosafot Shanz*, authored by R. Shimshon of Shanz, France (Rash Mi-Shanz, ר"ש משאנץ). R. Shimshon came from a rich Tosafist lineage. His grandfather and namesake, R. Shimshon “the Elder” of Falaise, was the brother-in-law of R. Tam, and R. Shimshon’s older brother, R. Yitzhak (ריצב"א, Rizba), was a leading halakhic decisor and Tosafist. R. Shimshon studied under R. Tam, R. Hayyim Kohen, and other early Tosafists, but his primary teacher was Ri.

R. Shimshon was one of the most prolific of all the Tosafists. In addition to his *Tosafot* commentary, he also authored a celebrated *Mishnah* commentary on the orders of *Zeraim* and *Tabarot*, printed as *Perush Ha-Rash* (פירוש הר"ש) in standard editions of the Mishna, alongside the commentary of Rambam.<sup>5</sup> R. Shimshon also authored a commentary on the *Sifra* and wrote responsa, some of which are extant. R. Asher b. Yehiel (Rosh, ר"א"ש) grouped R. Shimshon with R. Tam and Ri, labeling them

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<sup>3</sup> R. Menahem b. Zerah, *Zedab la-Derekh* (Lemberg, 1859), Introduction.

<sup>4</sup> For more on Ri’s lectures, the works of his students, and the *reportatio* method of note-taking, see A. Leibowitz, “The Emergence and Development of Tosafot on the Talmud,” *Hakirah* 15 (2013): 155–158.

<sup>5</sup> R. Shimshon wrote at least portions of his *Tosafot Shanz* before he wrote his Mishna commentary; see *Tosafot Shanz Pesahim*, ed. E. Rabinowitz-Teumim (Jerusalem, 1957), 13-14.

“the three pillars” of the Tosafist tradition,<sup>6</sup> and R. Yitzhak b. Moshe (Or Zarua, אור זרוע) wrote that R. Shimshon was “the great one of his generation in Torah scholarship and wisdom.”<sup>7</sup>

R. Shimshon’s *Tosafot* commentary—*Tosafot Shanꝝ* (תוספות שאנץ)—covered all of the tractates of the Talmud,<sup>8</sup> and appeared in France no later than the first decade of the thirteenth century, a few decades prior to *Tosafot Tukeb*. *Tosafot Shanꝝ* was a popular *Tosafot* text, and played a crucial role in the dissemination of the teachings of R. Tam and Ri.<sup>9</sup>

As R. Samson’s teacher, Ri is the most often quoted Tosafist in *Tosafot Shanꝝ*, and throughout the work R. Shimshon refers to him as רבי, abbreviated in most manuscripts with a simple ר. Additionally, numerous passages in *Tosafot Shanꝝ* are followed with a “מ” signature, indicating that the preceding formulation was heard directly from Ri. In addition to Ri, many other early Tosafists appear in *Tosafot Shanꝝ*. This includes Riva (ריב"א), R. Yitzhak b. Mordekhai (Rivam, ריב"ם), R. Ḥayyim Kohen, and R. Meshullam of Melun, among others.<sup>10</sup>

<sup>6</sup> *She’elot u-Teshuvot ha-Rosh*, 84:3

<sup>7</sup> *Sefer Or Zarua, Bava Kamma*, #436.

<sup>8</sup> See *Tosafot Shanꝝ Pesahim*, 17–20, and *Tosafot Shanꝝ al Bekhorot* (Bnai Brak, 1973), 5–7. See Urbach, *Ba’alei ha-Tosafot*, 600–675, that the printed *Tosafot* on a few tractates are arguably ascribable to R. Shimshon, such as on tractates *Sukkah* and *Rosh Hashanah*.

<sup>9</sup> *Tosafot Shanꝝ* contains much material from R. Tam not only because Ri’s lectures were heavily based on the teachings of R. Tam, but also because R. Shimshon himself studied in his youth under R. Tam. Due to his personal interaction with R. Tam, *Tosafot Shanꝝ* occasionally serve as a primary source for the teachings of R. Tam and features original material that R. Shimshon heard directly from R. Tam. See R. Shelomo Luria’s *Yam Shel Shelomo*, Introduction to tractate *Ḥullin* and Introduction to *Bava Kamma*. In one instance quoted in *Or Zarua* 1:366, R. Shimshon quotes a ruling and writes, “I don’t know if [I heard this] from R. Tam himself or from my holy teacher [=Ri].” Note also *Tosafot Shanꝝ Bava Batra* 6b *s.v.* הוי where R. Shimshon relates, “And R. Tam said to me that...,” and *Tosafot Shanꝝ Avodah Zarah* 10a *s.v.* ממאי where R. Shimshon testifies, “I saw R. Tam write a document...” These occasional instances notwithstanding, R. Shimshon’s primary teacher was certainly Ri, and not R. Tam. *Tosafot Shanꝝ* reflects this fact as the most dominant perspective on most issues is that of Ri.

<sup>10</sup> Much of the integration of these sources was already introduced by Ri himself, and was not the result of R. Shimshon’s efforts. However, R. Shimshon, perhaps more than any of his colleagues, diligently and faithfully committed to writing the integration undertaken by Ri and recorded the teachings of the Dampierre academy for posterity. Unlike other Tosafists, who likely utilized their students for the authorship of their commentaries, it appears that R. Shimshon himself

R. Shimshon also added to his *Tosafot Shanẓ* material from his French contemporaries,<sup>11</sup> as well as many of his own original insights. In fact, in comparison with the other *Tosafot* commentaries produced by Ri's students, *Tosafot Shanẓ* contains a relatively significant amount of original material.<sup>12</sup>

In many tractates, R. Eliezer utilized *Tosafot Shanẓ* as the primary source for his *Tosafot*. This is the implication of two traditions recorded in the fifteenth century. R. Yisrael Isserlin (Terumat Ha-Deshen, תרומת הדשן) remarked regarding *Tosafot Tukeb*: "We drink from the waters of *Tosafot Shanẓ*, which was shortened by R. Eliezer of Tukeb." A similar statement was made by R. Yosef Colon (Maharik, מהרי"ק): "*Tosafot Tukeb* in many places is merely a condensed version of *Tosafot Shanẓ*."<sup>13</sup>

These traditions are substantiated by a simple comparison between *Tosafot Shanẓ* and *Tosafot Tukeb*, which demonstrates that a high percentage of the content in *Tosafot Tukeb* was drawn directly from *Tosafot Shanẓ*.<sup>14</sup> The

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penned his commentary and was the sole author of *Tosafot Shanẓ*. Additionally, R. Shimshon elaborated upon the positions of his teacher, and did not merely transcribe Ri's lectures. For more on R. Shimshon's methods in authoring his *Tosafot Shanẓ*, see Yisrael Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud* (Jerusalem, 1999), 2:104.

<sup>11</sup> Unlike the teachings of the early Tosafists that appear in *Tosafot Shanẓ*—which included material from both French Tosafists and German Tosafists—the teachings R. Shimshon included from his contemporaries were overwhelmingly of French origin, such as the occasional references to Rizba, whom he refers to as "my brother," or R. Elhanan, "the son of my teacher." The solitary reference in *Tosafot Shanẓ* to one "R. Simḥah" (see *Birkhei Yosef*, *Orah Hayyim* 14:1) may be R. Simḥah of Speyer, a German contemporary of R. Shimshon, but may also be R. Simḥah of Vitri, a French student of Rashi. The reason that R. Shimshon did not draw from the *Tosafot* of his German contemporaries is likely due to the lack of communication between the respective Tosafist cultures of France and Germany during the time period of R. Shimshon, noted by Ya'akov Sussman, "Mifalo ha-Madda'ei Shel Profesor Efrayim Elimelekh Urbakh," *Musaf Madda'ei ha-Yabadut* 1 (1993): 39, n. 63. Another contributing factor might be the tendency of twelfth-century Germany Talmudists to author commentaries that focused more on codification than on talmudic analysis and dialectics.

<sup>12</sup> We already mentioned earlier that Rosh grouped R. Shimshon with R. Tam and Ri, labeling them the three pillars of the Tosafist tradition. R. Shimshon earned this esteemed reputation not merely by being a faithful copyist, but rather due, at least in part, to his own additions and original contributions.

<sup>13</sup> *Terumat ha-Deshen*, #19, and *She'elot u-Teshuvot Maharik*, #160.

<sup>14</sup> There are only a few extant records of *Tosafot Shanẓ* that can be utilized for this comparison, as most manuscripts of *Tosafot Shanẓ* have been lost. Nonetheless,

influence of *Tosafot Shanz* on *Tosafot Tukeb* is also sensed from the frequent mention of R. Shimshon's name—recorded in acronym form as רשב"א. For example, R. Shimshon's name appears more than sixty times in *Tosafot Tukeb* on tractate *Ketubot*, more than seventy times in tractate *Pesahim*, more than ninety times in tractate *Shabbat*, and more than one hundred times in tractate *Bava Batra*. The significant presence of R. Shimshon's name in *Tosafot Tukeb* on these tractates underscores the central role *Tosafot Shanz* played in their production.

The *Tosafot* collection of R. Asher b. Yeḥiel (Rosh) is another important text that substantiates R. Eliezer's heavy use of *Tosafot Shanz* in producing *Tosafot Tukeb*. Rosh was a prominent German Talmudist who studied under R. Meir of Rothenburg, a contemporary of R. Eliezer. In the wake of persecution Rosh fled Germany to Spain in the early years of the fourteenth century. To Spain, Rosh brought a *Tosafot* redaction that was heavily based on *Tosafot Shanz*.<sup>15</sup> This redaction eventually became known as *Tosafot ha-Rosh*.<sup>16</sup> Many passages in *Tosafot ha-Rosh* also appear in

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the few remnants demonstrate clearly that R. Eliezer relied heavily on *Tosafot Shanz* for the content of his *Tosafot*. The best examples are tractates *Pesahim* and *Ketubot*. A comparison of these texts with *Tosafot Tukeb* demonstrates the influence of the former on the latter. Large portions of the material in *Tosafot Tukeb*, even entire passages, were drawn directly from *Tosafot Shanz*. R. Eliezer's reliance on *Tosafot Shanz* is also substantiated occasionally by comparing *Tosafot Tukeb* with R. Shimshon's other compositions, such as R. Shimshon's commentary on the *Mishnah*.

<sup>15</sup> This we know from R. Menahem b. Zerah, author of *Zedah la-Derekh* and student of Rosh's son, R. Yehudah. R. Menahem reports that “[Rosh] redacted a commentary, drawing from the *Tosafot* of R. Shimshon of Shanz, the principal student of R. Yitzhak [=Ri].” In addition to R. Menahem's report, this conclusion is also implied by Rosh himself. In *She'elot u-Teshuvot ha-Rosh* 20:27, Rosh expresses his approval of *Tosafot Shanz*, championing them over the other available collections in Spain. In this context Rosh condemns “the [*Tosafot*] redactions in this land” because they emanated “from students who did not exert proper diligence.” Rosh goes as far as to claim that these other redactions “are not trustworthy.” Rosh then concludes confidently, “I have in my possession the *Tosafot* of R. Shimshon.” In this context, Rosh refers to *Tosafot Rosh*, and his statement certainly indicates that he drew from *Tosafot Shanz*. See Urbach, *Ba'alei ha-Tosafot*, 594-595, who argues that *Tosafot ha-Rosh* on at least some tractates was based not on *Tosafot Shanz* but on earlier *Tosafot* from Ri's academy.

<sup>16</sup> It is important to note that in *Tosafot ha-Rosh*, R. Asher was not attempting to write his own *Tosafot* commentary. In fact, quite the contrary, R. Asher wished to merely record for his students the Tosafist teachings of the earlier generations. Additionally, the *Tosafot ha-Rosh* may have been R. Asher's preparatory

*Tosafot Tukeb*, at times verbatim, and other times with slight word changes but identical in content. The undeniable similarity between these two redactions in certain tractates indicates that in these instances R. Eliezer and Rosh drew from a similar source: *Tosafot Shanz*.

## II.

Tractates in which *Tosafot Tukeb* was based primarily on *Tosafot Shanz* include *Shabbat*, *Pesahim*, *Ketubot*, and *Bava Batra*.<sup>17</sup> Yet, even in these tractates, there are indications that R. Eliezer did not base his *Tosafot* exclusively on *Tosafot Shanz*, but also drew material from the writings of Ri's other students.

Firstly, there are times when R. Eliezer attributes an opinion to a specific Tosafist, whereas *Tosafot Shanz* provide no attribution.<sup>18</sup> Apparently, R. Eliezer used other sources that provided him with the proper attribution.<sup>19</sup> There are also passages in *Tosafot Tukeb* containing important Tosafist teachings that are not found in *Tosafot Shanz*. Oftentimes, this material is quoted in the names of earlier Tosafists, or contemporaries of R.

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work for composition of his *Piskei ha-Rosh*. See Urbach, *Ba'alei ha-Tosafot*, 586-587 and 589.

<sup>17</sup> Comparison with *Tosafot Shanz* reveals that for these tractates *Tosafot Shanz* was undoubtedly R. Eliezer's main source for his *Tosafot*. In all four tractates, R. Shimshon's name, recorded in acronym form—רשב"א—appears throughout the text. In regards to tractates *Pesahim*, *Ketubot*, and *Bava Batra* manuscripts also show that many passages in *Tosafot Tukeb* were drawn directly *Tosafot Shanz*. However, in regards to *Pesahim*, there are a number of indications that from 96a and on *Tosafot Tukeb* was not based on *Tosafot Shanz*. Most significantly, R. Shimshon's name that appeared throughout the tractates ceases to appear from this point forward.

<sup>18</sup> Examples: tractate *Ketubot* 2a s.v. **אש**, tractate *Bava Batra*, 6a s.v. **ומודה**. A note about examples: Many of the phenomena discussed in this article are readily verifiable thorough comparison of *Tosafot Tukeb* to the few extant manuscripts of *Tosafot Shanz* and other similar works. In general we will only bring two or three examples for these phenomena. In addition, it should be noted that there are only a few tractates that can be used for such comparison, as it must be a tractate that has *Tosafot Tukeb* as its printed *Tosafot* and an extant edition of *Tosafot Shanz* or a similar such text for comparison.

<sup>19</sup> We also find attributions in *Tosafot Tukeb* that are at odds with the attribution found in *Tosafot Shanz*, see tractate *Ketubot* 56a-b s.v. **הרי זו**, or for another example of an inconsistency between the material in *Tosafot Tukeb* and *Tosafot Shanz*, see tractate *Ketubot* 9b s.v. **אי**.

Shimshon, yet is absent from *Tosafot Shanz*, indicating that R. Eliezer drew the material from other sources.<sup>20</sup>

In fact, R. Eliezer even states explicitly at times that he drew material from the commentaries of Ri's other students.<sup>21</sup> Similar to *Tosafot Shanz*, the *Tosafot* of Ri's other students were integrated commentaries that contained the teachings of R. Tam and Ri as the backbone of the work. They too were rich in material from the early Tosafist masters as it was transmitted through the prism of Ri's lectures. Some of the major sources utilized by R. Eliezer in tandem with *Tosafot Shanz* were the following *Tosafot* from Ri's academy:

*Tosafot R. Barukh*

R. Barukh b. Yitzchak, an older contemporary of R. Shimshon, was one of the leading students of Ri.<sup>22</sup> His magnum opus was *Sefer ha-Terumah*, a work that combined codified law with Tosafist dialectics. *Sefer ha-Terumah* was extremely popular and spread quickly throughout Ashkenazic lands,

<sup>20</sup> Examples: *Ketubot* 2a s.v. שבתי, 32b s.v. שלא, 56b s.v. הרי זו. However, not all material that appears in *Tosafot Tukh* but is seemingly absent from *Tosafot Shanz* must be ascribed to other sources. R. Shimshon authored at least two versions of *Tosafot Shanz*. These two versions are referenced by Ramban in his *Derashah le-Rosh ha-Shanah*, where he makes a direct reference to the "later version of R. Shimshon's *Tosafot* commentary." See "Derashah le-Rosh ha-Shana," *Kitvei Rabbeinu Moshe ben Nahman*, ed. H. Chavel (Jerusalem, 1963), 1:244. See also "Likutei Tosafot Shanz," *Sanbedrei Gedolah la-Massekhet Sanbedrin* (Jerusalem, 1974), 15, fn. 134 for other proofs that R. Shimshon wrote multiple versions of *Tosafot Shanz*. Extant manuscript fragments of *Tosafot Shanz* on tractates *Pesahim* and *Ketubot* also provide strong evidence that multiple versions of *Tosafot Shanz* were available to R. Eliezer when he prepared his *Tosafot*. However, research also demonstrates that we cannot attribute all of the discrepancies between *Tosafot Tukh* and extant versions of *Tosafot Shanz* to R. Eliezer's use of multiple versions of *Tosafot Shanz*. In certain tractates, such as *Shabbat*, *Tosafot Tukh* is so glaringly different from *Tosafot Shanz* we must conclude that R. Eliezer utilized other commentaries while preparing *Tosafot Tukh*.

<sup>21</sup> Tractate *Ketubot* 63b s.v. ואינהו and *Hullin* 46b s.v. היינו and 105a s.v. מים.

<sup>22</sup> It has traditionally been assumed that R. Barukh was a German Tosafist from the city of Worms who travelled to France to study under Ri. However, S. Emanuel, "'Ve-Ish al Mekomo Mevuar Shemo'—le-Toldotav Shel R. Barukh bar Yishak," *Tarbiz* 69 (2000): 423–440 has argued that R. Barukh was a French Tosafist and it was later scholarship that erroneously associated him with the German city of Worms. In truth, Urbach was already aware of this possibility; see *Ba'alei ha-Tosafot*, 348 and 361. Irrespective of R. Barukh's actual geographic origin, culturally he was a French Tosafist.

even reaching Spain in R. Barukh's lifetime.<sup>23</sup> In addition to *Sefer ha-Terumah*, R. Barukh produced *Tosafot* utilizing the *reportatio* method popular among Ri's students.<sup>24</sup> R. Barukh's writings were utilized by R. Eliezer and contributed material to *Tosafot Tukh*.<sup>25</sup>

#### *Tosafot R. Yehudah*

R. Yehudah (Sir Leon) of Paris was a younger contemporary of R. Shimshon. In the early thirteenth century, after R. Shimshon's immigration to the land of Israel and Rizba's death, the Tosafist intellectual center shifted from Dampierre to Paris, where R. Yehudah was the leading Tosafist.<sup>26</sup> R. Yehudah studied under Ri and R. Elhanan in Dampierre, and produced a *Tosafot* commentary on many tractates of the Talmud. In his *Tosafot*, R. Yehudah also quotes material that he heard in the name of R. Tam, and he is considered a reputable source for the latter's teachings and practices.

R. Yehudah's *Tosafot* served as an important source for *Tosafot Tukh*.<sup>27</sup> R. Eliezer directly references the teachings of R. Yehudah in his *Tosafot*

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<sup>23</sup> People often confuse R. Barukh's *Sefer ha-Terumah* with *Sefer Terumot*, a halakhic work on *Hoshen Mishpat* topics by R. Shmuel b. Yitzhak ha-Sardi, a Spanish contemporary of Ramban.

<sup>24</sup> Rishonim make references to the Tosafist commentary of R. Barukh, for example *Mordekhai Bava Kamma*, #126. A possible example of R. Barukh's work might be the printed *Tosafot* text on tractate *Zevahim*.

<sup>25</sup> This fact notwithstanding, actual attributions to R. Barukh appear very infrequently in *Tosafot Tukh*. In tractate *Shabbat*, 48a *s.v.* דויתים, R. Eliezer quotes R. Barukh directly from *Sefer ha-Terumah* (#231). Again in *Shabbat*, 64b *s.v.* רבי, R. Barukh's name appears, as it does once in *Tosafot Tukh* on tractate *Pesahim*, 101a *s.v.* שינוי. In addition to these explicit references to R. Barukh, there are instances where R. Barukh is not mentioned by name, even though the material presented in *Tosafot Tukh* is drawn from the writings of R. Barukh.

<sup>26</sup> There was a Torah center in Paris until 1182 at which time Philip Augustus expelled the Jews from the entire region of Ill-de-France. However in 1198, the expulsion was revoked and Talmud study returned to Paris. Paris was an intellectual center in those days even for gentile scholars, and was known as *Civitas Literarum*, קרית ספר, or City of the Book. See Urbach, *Ba'alei ha-Tosafot*, 322.

<sup>27</sup> The only extant records of *Tosafot R. Yehudah* are on tractate *Berakhot*, printed as *Tosafot Rabbenu Yehudah Sirleon al Massekhet Berakhot*, ed. N. Zaks (Jerusalem: 1972), and on tractate *Avodah Zarah*, printed in *Shitat ha-Kadmonim al Massekhet Avodah Zarah*, ed. M. Blau (New York: 1969), 217–371. Unfortunately, there are no known versions of *Tosafot Tukh* on either of these tractates, and it is therefore impossible to know the extent of R. Eliezer's usage of *Tosafot R. Yehudah*.



on tractates *Shabbat*, *Eruvin*, *Pesahim*, *Ketubot*, *Gittin*, and *Hullin*.<sup>28</sup> In addition to these instances where R. Eliezer quotes R. Yehudah specifically, we also find anonymous material in *Tosafot Tukeh* that was drawn from the *Tosafot R. Yehudah*.

#### *Tosafot R. Elhanan*

R. Elhanan of Dampierre was the son and student of Ri, and his greatness in Talmud study is compared with that of his father.<sup>29</sup> R. Elhanan was a prolific Tosafist whose untimely death as a martyr left much of his work unfinished.<sup>30</sup> In a number of locations in *Tosafot Tukeh* it is indicated that R. Eliezer had access to the commentary of R. Elhanan and utilized it in redacting *Tosafot Tukeh*.<sup>31</sup>

#### *Tosafot of R. Yehiel*

R. Yehiel of Paris was not a direct student of Ri, but studied under some of Ri's most illustrious students, specifically R. Shimshon of Shanz and R.

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<sup>28</sup> *Shabbat* 116b *s.v.* וכ"ש, *Eruvin* 29a *s.v.* והושיבו, *Pesahim* 99b *s.v.* עד, *Ketubot* 63b *s.v.* ואינהו, *Gittin* 59b *s.v.* כי, 80b *s.v.* נישאו, and 84b *s.v.* אבל, *Hullin* 46b *s.v.* אבל, 47a *s.v.* היינו, 100b *s.v.* בשקדם. In *Hullin* 105a *s.v.* מים, R. Eliezer references an opinion of R. Yehudah recorded by the latter in his *Tosafot* on *Shabbat*.

<sup>29</sup> See *She'elot u-Teshuvot Maharik*, #52.

<sup>30</sup> See *She'elot u-Teshuvot Maharik*, #29. See also the introduction to *Tosafot R. Elhanan Avodah Zarah*, ed. A. Kroizer (Bnai Brak, 2003), that R. Elhanan's *Tosafot* covered the entire Talmud.

<sup>31</sup> See for instance, tractate *Shevu'ot* 28a *s.v.* אמר רבא. In one location, *Bava Mezi'a* 11b *s.v.* ורבי, R. Eliezer records that which he "believes to have seen" in the *Tosafot R. Elhanan*. Clearly, R. Eliezer was accustomed to studying the *Tosafot R. Elhanan*, and just does not remember exactly if the material under discussion was from *Tosafot R. Elhanan* or not. In tractate *Bava Kamma* 100b *s.v.* אם R. Eliezer records a perspective that he heard in the name of R. Elhanan, but was unable to locate in the written versions of *Tosafot R. Elhanan*. Again, a clear indication that he had access to at least some texts of R. Elhanan's *Tosafot*, just was simply unable to find the material under discussion. However, not all material from R. Elhanan that appears in *Tosafot Tukeh* was drawn by R. Eliezer from the *Tosafot R. Elhanan*. R. Yehudah of Paris was one of the principal students of R. Elhanan and R. Yehudah's *Tosafot* already featured the teachings of R. Elhanan integrated into the general Tosafist discussion. In the instances that *Tosafot Tukeh* quote R. Elhanan we must consider the possibility that the material was already integrated into *Tosafot R. Yehudah*, and that it was via *Tosafot R. Yehudah* that R. Eliezer received the material.

Yehudah of Paris. Hence he was a primary heir to the French Tosafist tradition as it was transmitted by Ri's academy. R. Yehiel assumed the leadership of the Paris academy after the death of his teacher R. Yehudah in 1225, and remained there until late in his life, when he left Paris for the Holy Land.

R. Eliezer seemingly studied in France under R. Yehiel<sup>32</sup> and explicitly

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<sup>32</sup> That R. Eliezer studied under R. Yehiel we know from many instances where R. Eliezer refers to R. Yehiel as "my teacher." We further assume that R. Eliezer travelled to France, for he writes in a marginal note (*Bava Kamma* 25b) of an answer he "received while in France." It is likely that it was on such a trip that that R. Eliezer studied under R. Yehiel.

It is not surprising that a German Tosafist in the thirteenth century would leave Germany to study in France. Haym Soloveitchik, in "Three Themes in the Sefer Hasidim," *AJS Review* 1 (1976): 348–350, has demonstrated that as early as the days of R. Tam, French teachings were penetrating Germany and making major inroads in German intellectual circles. The response to this penetration was an increase in German students travelling to France to study in Tosafist academies. According to Soloveitchik, this phenomenon reached an apex at the time of R. Eliezer's teacher, R. Yitzhak Or Zarua, and continued with R. Eliezer's colleague, R. Meir of Rothenburg. Similarly, Ephraim Kanarfogel, in "Preservation, Creativity, and Courage: The Life and Works of R. Meir of Rothenburg," *Jewish Book Annual* 50 (1992-1993), ed. J. Kabakoff (New York, 1993), 249, states that there was "an established pattern" of German scholars spending "a number of years in northern France," studying with the great French masters.

In regards to R. Eliezer specifically, a tradition exists from the brother of the prolific French Tosafist R. Perez of Corbeil that both R. Eliezer and R. Meir of Rothenburg studied in France with the great French Tosafists (see E. Urbach, *Ba'alei ha-Tosafot*, 584, and Havazelet, "Zemannam u-Mekomam shel Tosafot Tukh," *Yerushaseinu* 2 (2008): 322). Eleazar Gartenhaus, in *Eshel ha-Gedolim* (New York, 1958), 99-100, suggests that R. Eliezer left Germany and immigrated to France in response to the cruel decrees of Rudolph of Habsburg. According to his conjecture, R. Eliezer fled for France when he saw that Rudolph was attempting to jail the religious leaders, a fate that eventually befell R. Meir of Rothenburg. Even according to this suggestion R. Eliezer was in Germany for most of his life and left only at the very end, as Rudolph's cruel taxation and other decrees only really began in the last quarter of the thirteenth century.

quotes from his teachings in *Tosafot Tukeb* on tractates *Pesahim*,<sup>33</sup> *Ketubot*,<sup>34</sup> and *Zevahim*.<sup>35</sup>

<sup>33</sup> In the tenth chapter of tractate *Pesahim* we find six quotations of R. Yeḥiel as “my teacher, R. Yeḥiel:” 99b *s.v.* עד (ואומר מהר' יחיאל), 100a *s.v.* מכלל (מורי רבינו) ועוד הקשה מורי (ומורי רבינו יחיאל אומר) מפסיקין (יחיאל אמר), 102b *s.v.* מניחו (ומורי רבינו יחיאל שמע), 105b *s.v.* (ה"ר יחיאל ומורי הר"ר) בים, and 109b *s.v.* (יחיאל פירש). The explicit references to R. Yeḥiel in the tenth chapter of *Pesahim* allow us to identify the acronym מהר"י that appears twice in the chapter—109a *s.v.* רביעית (note *Hagabot ha-Bab*) and 109b *s.v.* אבל—as רב רבינו יחיאל, inserted by R. Eliezer as a reference to his teacher (see Naphtali Ha-Kohen, *Sefer Ozar ha-Gedolim* (Haifa, 1966), 1:157). This conjecture is bolstered by 113a *s.v.* דמשייר, where the printed *Tosafot* text quotes an explanation from מורי הר"י. This reference is seemingly not to Ri of Dampierre, as nowhere else in the tractate is he referred to in this way. It is more likely that it is an expanded version of the acronym מהר"י, and is a reference to R. Yeḥiel. Confirming this is a fifteenth-century manuscript of *Mordekhai* (Vercelli - Seminario Vescovile C 235), which quotes this passage (f. 227b), but in place of מורי הר"י reads יחיאל.

If the acronym מהר"י is a reference to R. Yeḥiel, it may be that R. Eliezer also studied *Erwin* with R. Yeḥiel. Fourteen times in R. Eliezer's redaction of *Erwin* מהר"י is quoted: 25b *s.v.* קרפף, 32b *s.v.* הא (see *Tosafot R. Perez* and *Hiddushei ha-Rizba*), 32b *s.v.* הכא, 34b *s.v.* נוטל (2x), 37b *s.v.* אלא, 48b *s.v.* רשות, 49a *s.v.* לא, 56b *s.v.* משכחת, 60b *s.v.* אין, 83a *s.v.* יתירה, 83a *s.v.* על, 83b *s.v.* שבעת, 99b *s.v.* לו. Context shows that this acronym is not a reference to Ri of Dampierre (see 32b *s.v.* נוטל and compare it with *Hiddushei ha-Rizba s.v.* הכא, and note also that there are passages that contain both מהר"י and ר"י, such as 60b *s.v.* אין). Urbach, *Ba'alei ha-Tosafot*, 606, identifies מהר"י in tractate *Erwin* as a reference to R. Isaac b. Abraham (Rizba). Although Urbach provides no actual proof for this identification, it does appear at first glance to be sensible, as Rizba appears as ריצב"א, at least thirteen times in R. Eliezer's redaction on *Erwin*. Yet, it should be noted that not once when Rizba is quoted as ריצב"א do we find any indications of a teacher-student relationship. Rizba is always quoted merely as ריצב"א = רבינו יצחק בן אברהם. However the first letter of the acronym מהר"י contains an explicit student-teacher relationship. Based on our findings in tractate *Pesahim*, it is possible that מהר"י in tractate *Erwin* is R. Yeḥiel.

<sup>34</sup> *Ketubot* 86a *s.v.* לראשה: “And my teacher, R. Yeḥiel responded to my teacher, the Rabbi, in the name of Ri. . . (ומורי הר"ר יחיאל השיב למורי הרב בשם ר"י. . .)”

<sup>35</sup> See *Shitah Mekubetzet* on tractate *Zevahim* 3b, #1, and 9b, #14. In both instances R. Yeḥiel appears without any indication that he is R. Eliezer's teacher. This is unlike all of the appearances we have discussed thus far. However, there are times when R. Ashkenazi seems to paraphrase, or at least not quote completely verbatim, see for example the end of 12b, #7.

### III.

R. Eliezer did not only utilize the *Tosafot* of Ri's other students to *supplement* the material he drew from *Tosafot Shanz*. In some cases, R. Eliezer used these words as his *primary* source.<sup>36</sup> This is the case, for example, regarding a significant section of *Tosafot Tukeb* on tractate *Yevamot*. The fourteenth-century German scholar R. Jacob Moellin (Maharil, מהר"ל, d. 1427) records a tradition that chapters eleven through sixteen of *Tosafot Tukeb* on this tractate were primarily based on *Tosafot R. Yebudah*.<sup>37</sup>

What is true regarding a portion of *Tosafot Tukeb* on tractate *Yevamot* is correct in other tractates regarding the entire redaction. For instance, Maharil also writes that *Tosafot Tukeb* on the entire tractate *Niddah* was authored by R. Eliezer based on the *Tosafot R. Barukeb*.<sup>38</sup>

Even in the absence of actual traditions, there are textual indications that can suggest that *Tosafot Tukeb* on a particular tractate was not primarily based on *Tosafot Shanz*. The most basic indication is the lack of R. Shimshon's name appearing in *Tosafot Tukeb* in a particular tractate. For example, we find that in *Tosafot Tukeb* on tractate *Pesachim*, R. Shimshon's name appears frequently, but only in the first nine chapters of the tractate. In the tenth and final chapter, R. Shimshon's name ceases to appear completely, indicating that for this chapter *Tosafot Tukeb* was not based on *Tosafot Shanz*. Similarly, we find a number of other tractates where *Tosafot Tukeb* contain sparse references to R. Shimshon. For instance, in tractates *Eruvin* and *Bava Kamma*, R. Shimshon's name appears only twice in each

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<sup>36</sup> It is important to bear in mind that even when *Tosafot Tukeb* did not draw from *Tosafot Shanz*, his sources were still commentaries that emanated from Ri's academy. For this reason, it would not be surprising to find similarities between *Tosafot Tukeb* and *Tosafot Shanz*, even in tractates where R. Eliezer did not base his *Tosafot* on *Tosafot Shanz*.

<sup>37</sup> *She'elot u-Teshuvot Maharil ba-Hadashot*, ed. Y. Satz (Jerusalem: 1977), #211. Maharil records that this is in contrast with the first ten chapters of *Tosafot Tukeb* on tractate *Yevamot*, which were based on *Tosafot Shanz*. Unfortunately, there are no extant manuscripts of *Tosafot R. Yebudah* on tractate *Yevamot* to allow a detailed comparison of the texts. Yet, analysis of *Tosafot Tukeb* and other works do corroborate this tradition. For example, R. Eliezer quotes *Tosafot R. Yebudah* three times in his *Tosafot* on tractate *Yevamot* and all three are found after the tenth chapter. A number of other indications are quoted in the footnotes of the Satz edition of *She'elot u-Teshuvot Maharil ba-Hadashot*, #211.

<sup>38</sup> In *She'elot u-Teshuvot Maharil ba-Hadashot*, #211, he writes, "And in *Niddah* [R. Eliezer] based [his *Tosafot*] on the *Tosafot* of R. *Barukeb Sir Fontain*, author of the [*Sefer*] *Terumah*." Indeed, R. Shimshon's name does not appear even once in *Tosafot Tukeb* on tractate *Niddah*.

tractate,<sup>39</sup> in tractate *Hullin* only once, and in *Bava Mezi'a* and *Niddah* R. Shimshon's name does not appear even once.<sup>40</sup> The lack of references to R. Shimshon connotes that *Tosafot Tukeb* on these tractates were primarily based not on *Tosafot Shanẓ*, but rather on the *Tosafot* of Ri's other students.<sup>41</sup>

In addition to attribution issues, there are also other forms of textual analysis that indicate that in certain tractates *Tosafot Tukeb* was based on the *Tosafot* of Ri's other students. Take for example tractate *Gittin*. There are discrepancies between the teachings in *Tosafot Tukeb* on tractate *Gittin*

<sup>39</sup> Regarding tractate *Bava Kamma*, *Tosafot Shanẓ* may have had slightly more of a role than these two appearances imply. See 48a *s.v.* וּטְיִנְפוּ and compare it with the quotation of R. Shimshon in *Sefer Or Zarua*, *Bava Kamma*, #229.

<sup>40</sup> This conjecture can be directly corroborated regarding *Tosafot Tukeb* on tractate *Erwin*. There is an extant manuscript fragment of *Tosafot Shanẓ* on *Erwin* housed in the National Library at Karlsruhe, Germany (National Library Frag. H. U. 33), printed as S. Landauer, "Ein Bruchstück aus einer Tosafoth-Hs.," *Zeitschrift für hebraeische Bibliographie* 22 (1919): 27–31. Although the manuscript covers only a very small part of the tractate, the vast disparity between it and *Tosafot Tukeb* is glaring. The few passages that exist in this manuscript demonstrate clearly that *Tosafot Tukeb* on tractate *Erwin* was not primarily based on *Tosafot Shanẓ*. Additionally significant is the fact that *Tosafot ha-Rosh* on *Erwin* also differ greatly from *Tosafot Tukeb*.

<sup>41</sup> It appears that in general R. Eliezer quoted the name of a Tosafist only when that Tosafist offered an original contribution. Hence, when dealing with *Tosafot Shanẓ*, R. Eliezer did not mention R. Shimshon's name when R. Shimshon merely quoted material from earlier Tosafist masters. For this reason, many passages in *Tosafot Tukeb* are recorded anonymously, even though R. Eliezer drew them from *Tosafot Shanẓ*. When R. Eliezer does quote R. Shimshon's name it is because R. Shimshon himself contributed original material. We have already stated earlier that R. Shimshon augmented the text with his own original contributions with much greater frequency than did the other students of Ri. For this reason, I believe, R. Shimshon's name appears more frequently in *Tosafot Tukeb* on tractates like *Ketubot* or *Bava Batra*, which were based on *Tosafot Shanẓ*, than R. Yehudah's name appears in the sections of tractate *Yevamot*, that were based on *Tosafot R. Yehudah*. Hence, we are suggesting that when R. Shimshon's name barely appears, or is nonexistent, it is a strong indication that *Tosafot Shanẓ* was not R. Eliezer's main source, even though in the cases where *Tosafot Tukeb* was based on other students of Ri, their names appear only a few times in the text. Note, however, that in tractate *Yevamot*, R. Shimshon is quoted only once, 11b *s.v.* הָרִיָּא. This is problematic in light of the above-quoted tradition from Maharil that the first ten chapters were based on *Tosafot Shanẓ*. However, see *Terumat ha-Deshen*, vol. 2, #222 where he is possibly suggesting that R. Eliezer drew relatively less material from *Tosafot Shanẓ* in redacting tractate *Yevamot* than he did in redacting tractate *Ketubot*.

and *Tosafot Tukeh* in tractates that were known to be based on *Tosafot Shanẓ*.<sup>42</sup> Moreover, one finds a consistent dissimilarity throughout the tractate between *Tosafot Tukeh* and *Tosafot ha-Rosh*, which was likely based on *Tosafot Shanẓ*. These findings strongly suggest that *Tosafot Tukeh* on tractate *Gittin* was based on the *Tosafot* of Ri's other students, and not on *Tosafot Shanẓ*.<sup>43</sup>

### Conclusion

This article has shown that in many tractates *Tosafot Shanẓ* was the primary source for *Tosafot Tukeh*. In these tractates—such as *Shabbat*, *Pesahim* (first nine chapters), *Yevamot* (first ten chapters), *Ketubot*, and *Bava Batra*—R. Eliezer drew material consistently from *Tosafot Shanẓ*. However, R. Eliezer's use of *Tosafot Shanẓ* was not to the exclusion of his use of other *Tosafot* commentaries. In many cases, R. Eliezer utilized *Tosafot* from the other students of Ri in tandem with his use of *Tosafot Shanẓ*.

In still other tractates, *Tosafot Shanẓ* was not R. Eliezer's primary source at all. Examples discussed in this article were tractates *Eruvin*, *Gittin*, *Bava Kamma*, *Bava Meẓi'a*, *Hullin*, and *Niddah*. In these cases, R. Eliezer utilized as his primary source the commentaries of Ri's other students, such as *Tosafot R. Yehudah* or *Tosafot R. Barukh*.<sup>44</sup>

<sup>42</sup> See 2a *s.v.* ואם and compare with *Ketubot* 92b *s.v.* דינא, or compare the presentation in 77a *s.v.* וכדרב with *Ketubot* 83a *s.v.* וכדרב (and *Tosafot Shanẓ* there) and *Bava Batra* 49a *s.v.* וכדרב.

<sup>43</sup> Note also that R. Shimshon's name does not appear even once in *Tosafot Tukeh* on tractate *Gittin*, unlike the names of R. Elhanan and R. Yehudah that appear twenty and three times respectively.

<sup>44</sup> Which specific work was used as the primary source for each of these tractates is hard to ascertain. This is because there are very few extant manuscripts of Ri's students' *Tosafot*, besides *Tosafot Shanẓ*. Therefore, when *Tosafot Shanẓ* was not R. Eliezer's primary source, and in the absence of traditions—such as Maharil's tradition quoted above regarding tractates *Yevamot* and *Niddah*—it is very difficult to accurately identify which works served as the primary sources for *Tosafot Tukeh*.

In some cases, analysis of the text of *Tosafot Tukeh* does provide indications, but they are not conclusive. For example, *Tosafot Tukeh* on tractate *Hullin* contain multiple references to R. Yehudah, see 46b *s.v.* אבל, 47a *s.v.* היינו, 47a *s.v.* ואי, 100b *s.v.* בשקדם, and 105a *s.v.* מים. These scattered references certainly indicate that the *Tosafot R. Yehudah* were utilized by R. Eliezer, but they do not prove conclusively that *Tosafot R. Yehudah* served as R. Eliezer's primary source. Similarly, material in *Tosafot Tukeh* on tractate *Gittin* appears in the *Sefer Mizvot Gadol* in the name of R. Yehudah and other material appears in R. Barukh's *Sefer ha-Terumah*,

Now that R. Eliezer's sources have been identified, we are able to explore the editing methods utilized by R. Eliezer when redacting his *Tosafot*. How significant were the changes that he introduced into the text? Did he add his own original contributions to the text, or was he primarily editing material he received? What were R. Eliezer's primary objectives in editing his sources? The answers to these questions will be addressed in the next article in this series on *Tosafot Tukeh*. ❧

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suggesting that that R. Eliezer based his *Tosafot* on *Tosafot R. Barukh* or *Tosafot R. Yehudah*. But there is also material from *Tosafot Tukeh* in *Sefer Mizvot Gadol* in the name of R. Shimshon.