

BABYLONIAN BARAITOT  
IN THE TOSEFTA  
AND THE “DIALECTOLOGY”  
OF MIDDLE HEBREW

*by*

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In memoriam Prof. Moshe Held ז"ל

לשון חכמים חיטיב דעת (Prov. 15:2)

It has long been a truism that the Tosefta serves as a major source of tannaitic material for both Talmuds. One corollary of this view is that the toseftan versions of baraitot (hereafter, “toseftan baraitot”)<sup>1</sup> are, barring the

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1. I use the term “toseftan baraita” to designate a baraita for which a counterpart exists in Tosefta. Use of this term is not intended to prejudge the issue of whether these baraitot were actually drawn from Tosefta, in whatever form it may have had at that time; it is intended only to avoid the otiose repetition of a cumbersome phrase.

usual vagaries of transmissional difficulties, closer to the original tannaitic texts than those found in the Yerushalmi, and certainly the Bavli. Linguistically speaking, this understanding of the place of the Tosefta in early rabbinic literature underlies the assignment (without much analysis!) of the Tosefta, along with the Mishnah, to the earlier stratum of Middle Hebrew (= Mishnaic Hebrew), mhe<sup>1</sup> (= Middle Hebrew A).<sup>2</sup>

The theory that sees the Tosefta as the direct origin of toseftan baraitot in the Talmuds cannot be maintained without modification; the version of this theory championed by Y. N. Epstein (see below) was in all likelihood rejected by the doyen of students of the Tosefta in our time, Saul Lieberman, at least judging from scattered hints in his writings. It would seem that he understood even the relationship of the Yerushalmi to the Tosefta as ambivalent; in many instances its authority was recognized, in others its contribution was either unknown or disregarded.<sup>3</sup> Moreover, it is clear, as we shall see, that substantial additions could be made to the Tosefta even in the mid-fourth century; indeed, the Tosefta did not take full shape until the geonic period. Thus, *the appearance of a baraita in the Tosefta does not assure its early date.*

Unfortunately, Lieberman did not live to write an introduction to his magisterial work on the Tosefta, and so we lack a clear expression of his views. The scholar who most systematically examined and challenged the consensus on the dating of "our" Tosefta, i.e., the Tosefta in the form we now have it, was Chanoch Albeck. In particular, he singled out the following phenomena as evidence against the consensus: the Tosefta's data are ignored by both Talmuds in crucial cases, many toseftan baraitot in the

2. For a discussion of the assumptions and consequences of such a dating, see part II below. My colleague Prof. Richard Steiner has questioned whether mhe<sup>2</sup> may be called a "dialect" at all, given the restricted nature of its use and the fact that intrusions from earlier strata of Hebrew could easily be accommodated into it (personal communication).

The differences between the two "strata" or "dialects" are primarily stylistic and not linguistic in nature. The use of the word "dialect" in this study should not be construed as suggesting that mhe<sup>2</sup> was a living language in the usual sense, but we merely follow the conventional designation of the differences between the various forms of Middle Hebrew as represented by tannaitic and, to some extent, amoraic texts.

Hayah Natan has most recently examined the relationship of the language of Tosefta to that of Mishnah—at least phonologically and morphologically—in her *Mesorato ha-Leshonit shel Ketav Yad Erfurt shel ha-Tosefta*, Jerusalem, 1986/7; see n. 55 below.

3. See E. S. Rosenthal, "Ha-Moreh," *Proceedings of the American Academy for Jewish Research* 31 (1963): 56 (Hebrew sec.), and see my "Authority and Tradition: Toseftan Baraitot in Talmudic Babylonia" (Ph.D. diss., New York University, 1986), pp. 48–54.

Babylonian Talmud (Bavli) differ in vocabulary, syntax, and formulation from their toseftan parallels, and toseftan baraitot are occasionally given different, or even amoraic, attributions.

These difficulties convinced him that the talmudic versions of toseftan baraitot originated not in the Tosefta or in one of its earlier versions, but in collections which in structure may have borne little resemblance to the composition of which they later became part.<sup>4</sup> He asserted that the Tosefta in its present form cannot be dated before the late amoraic or even post-amoraic period.

Y. N. Epstein, on the other hand, argued for an early date for the Tosefta and accounted for the variants by assuming that the Bavli did not draw on "our" Tosefta, but rather on a hypothetical "proto-Tosefta."<sup>5</sup> According to this reconstruction, the Yerushalmi's redactors did, however, cite "our" Tosefta.<sup>6</sup> Since the baraitot included in this proto-Tosefta would not necessarily have had the same form or wording which they eventually assumed in the Tosefta's later version, this would account for the differences between the texts of toseftan baraitot and their Babylonian parallels.

This solution is not without its own difficulties. Neither Epstein nor anyone else has ever isolated this proto-Tosefta or suggested how to do so. It seems to exist solely as a theoretical construct for the purpose of providing an explanation for the Bavli's use of toseftan material. Moreover, it does not solve the problem posed by sugyot in *both* Talmuds which bear witness to the unavailability of relevant toseftan material to the redactors of those sugyot, as Albeck pointed out.<sup>7</sup> We might reasonably expect some of this material to have appeared in the "proto-Tosefta." Nor did Epstein address the question of how versions of the baraitot that exist in both sources relate to each other. Finally, to assume that the Tosefta was unknown in Babylon while it was used extensively in Palestine is incongruous, especially so in light of the fact that, for example, tPisha is cited twice as often in the Bavli

4. Chanoch Albeck, *Mehqarim bi-Varaita ve-Tosefta* (Jerusalem, 1969), esp. pp. 86–138 (hereafter cited as *Mehqarim*); some of this material is repeated in his *Mavo la-Talmudim* (Tel Aviv, 1969), pp. 51–78 (hereafter cited as *Mavo*).

5. J. N. Epstein, *Mevo'ot le-Sifrut ha-Tannaim*, edited by E. Z. Melamed (Jerusalem, 1957), pp. 241–262 (hereafter cited as *Mevo'ot*).

6. See his suggested stemma in *Mevo'ot*, p. 246.

7. As, for example, tHal 1:1 in yPes 2:4 (29b) and bPes 35a rather than the more appropriate tPisha 2:17. See the examples scattered through Albeck, *Mehqarim*, pp. 94–138.

than in the Yerushalmi.<sup>8</sup> On occasion, the Bavli will cite a toseftan baraita which does not appear in the Yerushalmi or any other Palestinian source.<sup>9</sup> Again, Yerushalmi (and Bavli, for that matter) will occasionally pair a toseftan baraita with a contradictory non-toseftan one, with no superior authority assigned the toseftan parallel.<sup>10</sup> Finally, citations of toseftan baraitot are introduced in the same manner as non-toseftan baraitot.

This paper will deal with a twenty-five-line passage (in Lieberman's edition) which is striking in that all of its baraitot (but for three mishnaic lemmata) appear in the Bavli while nearly none of them are in the Yerushalmi. Moreover, it is nearly identical in style, form, and syntax to its Babylonian counterparts.<sup>11</sup> This lopsided distribution of its counterpart talmudic baraitot affords us a rare opportunity to study, and perhaps to date, the work of the Tosefta's redactor(s), at least in this one instance. Moreover, the overall syntactic similarity of the toseftan and Babylonian versions may enable us to set the variants in proper linguistic perspective.

The passage in question is tSuk 2:8–3:1. Several lines of evidence, to be taken up in detail below, point clearly to its Babylonian provenance. The presence of Babylonian baraitot in Yerushalmi has long been recognized. *Penei Moshe* notes in a number of places that the phrase *tenaye taman* refers

8. See "Authority and Tradition," pp. 444–445. The example of Sifrei Zuta, which contains halakhot unknown from other sources and which Lieberman assigns to the circle of tannaim in Lydda, is not relevant to our case (see S. Lieberman, *Siphrei Zutta, The Midrash of Lydda* [New York, 1968], pp. 92–124). Tension between the "Southerners" and the Galilean scholars was high (cf. J. Schwartz, *Ha-Yishuv ha-Yehudi bi-Yhudah mile-aḥar Milḥemet Bar Kokhba' ve-'ad la-Kibbush ha-Aravi: 135–640 li-Sefirah* [Jerusalem, 1982], pp. 233–239, idem, "Metihot she-bein Hakhmei Derom Yehudah le-Hakhmei ha-Galil bi-Tequfat ha-Mishnah veba-Talmud (aḥar Milḥemet Bar Kokhba)," *Sinai* 93 [1983]: 102–109), but there is no reason to assume that our Tosefta would not have been accepted in Babylonia as Rabbi's Mishnah was, with at most a generation's lag. While the unavailability of the Yerushalmi in Babylonia as a redacted Talmud is a case in point, that dates to a later era.

9. Despite the general assumption, this is a common phenomenon, as an inspection of Lieberman's "Masoret ha-Shas" will demonstrate.

10. For example, see the sugyot containing such pairs in yPes 2:7 (29c) re tPisha 3:6, yPes 5:4 (32b) re tPisha 4:3, and those on bPes 8b, 42a, 45a–b.

11. In the case of tPisha, for example, there are only six passages of as much as ten lines for which parallels may be found in bPes. Moreover, their length may be accounted for by their relatively verbose formulation, the presence of mishnaic lemmata, or the vagaries of syntax and technical terminology. In no case are there anything like the number of separate pericopes as in the passage we shall examine.

to the citation of a Babylonian baraita,<sup>12</sup> and both Lieberman and Albeck noted that some of these appear in the Tosefta as well.<sup>13</sup> However, Lieberman was apparently the first to point out tSuk 2:8–3:1 as an example of this phenomenon.

In his work on the Tosefta, Lieberman posited the existence of at least three types of Babylonian material in our edition of the Tosefta. These include short additions, which he termed *hosafot*,<sup>14</sup> complete baraitot, and collections of Babylonian baraitot,<sup>15</sup> of which the subject of this study, tSuk 2:8–3:1, is a parade example.

These baraitot and *hosafot* may be distinguished in two ways: the *hosafah* is short (ten words in the case of tPisha 3:13) and breaks the smooth flow of exposition of the baraita of which it is part. Lieberman assumes that it was (perhaps inadvertently) interpolated into the text of a preexisting toseftan text by the Babylonian reciters of baraitot (tannaim), probably in geonic times. By contrast, he attributes the inclusion of the collection of Babylonian baraitot in tSuk 2:8–3:1 to the redactor(s). The reason seems to be that this passage is closely integrated within its context, and is much longer, taking up twenty-five lines of text in Lieberman's edition—326 words in all.<sup>16</sup> Moreover, since its contents are central to the tractate's concerns, it would seem to reflect a relatively early stage in the redaction of tSuk. Examination of this passage may thus reveal much about the redactional process and about the relationship of toseftan baraitot to their Babylonian counterparts.

12. See ySuk 3:11 (54a), and *Penei Moshe*, s.v. *da-'amar R. 'Ila*, and ySanh 9:6 (27b), s.v. *taman taninan*. See Albeck, *Mehqarim*, pp. 86–87, for a list of others. It is worth noting in passing that there are few cases of *tenaye taman* baraitot which appear in Tosefta. Of the twenty-four cases that Albeck lists, only four, or at the most six, are found in Tosefta.

13. See preceding note for Albeck. For Lieberman, see *Tosefet Rishonim* 1 (Jerusalem, 1936), p. 199; *Tosefta Ki-Fshutah* 4 (New York, 1962), p. 861, the latter to be discussed in detail below; and *Tosefta Ki-Fshutah* 6 (New York, 1967), p. 46, regarding tYeb 6:7.

14. Lieberman discerns a fourth type of Babylonian influence on Tosefta: medieval emendation of toseftan readings to conform to those of the Bavli. This "Babylonization" is much more common than the other types, and is especially characteristic of MS Erfurt; see *Tosefta Ki-Fshutah* 3 (New York, 1962), p. 14 (Heb. numbering) and *Tosefet Rishonim* 4 (Jerusalem, 1939), pp. 12–13 (Heb. numbering).

15. See Epstein's comments in *Mavo le-Nusah ha-Mishnah*, 2nd ed. (Jerusalem, 1963/64), pp. 171–174.

16. The total is perhaps as high as 337, if we count a line omitted from Tosefta and the printed edition of the Bavli, but which Lieberman restores to tSuk 3:1 from MS Munich of the Bavli.

## I

Lieberman dealt with the redaction of tSuk 2:8–3:1 twice. In his earlier remarks, he noted that:

From all this [see below], we see that all the baraitot from the beginning of the page [i.e., p. 195 in Zuckerman's edition, which begins with tSuk 2:8] until the end of the chapter are baraitot which were not known to the Yerushalmi, or which were cited there as explicitly Babylonian baraitot.<sup>17</sup>

In *Tosefta Ki-Fshutah* he was somewhat more expansive.

We have already commented in *Tosefet Rishonim*, Volume 1, p. 199, that from here [i.e., ll. 51–2, t 2:8] until the end of the chapter the editor [*mesadder*] of the Tosefta drew on a collection of Babylonian baraitot, and there is no hint of our baraita in the Yerushalmi, but it [that is, 2:8] is close [in wording] to the above mentioned Babylonian baraita [that of 'Ulla b. Hinena on b 33a]. . . . Now I realize that the collection of Babylonian baraitot [here in the Tosefta] includes all of t 3:1 as well.<sup>18</sup>

Lieberman's reasoning is as follows: These baraitot nearly all appear in bSuk, but only three *imrot* out of twenty show up in Yerushalmi. Moreover, one of these (lines 62–66) is cited in y 3:14 (54a) in the name of R. 'Ila and also as having been "taught there"—in Babylonia. Lines 51–52 are cited in bSuk 33a in the name of the Babylonian amora 'Ulla b. Hinena.<sup>19</sup> Though we find undoubtedly Palestinian baraitot cited in the name of Babylonian amoraim in the Bavli,<sup>20</sup> this fact acquires added significance in the light of the evidence of a Babylonian origin for these baraitot.

Lieberman refers to a *mesadder ha-Tosefta*—the redactor of the Tosefta—in his later comments in *Tosefta Ki-Fshuta*. It is to him that Lieberman assigns the task of integrating these baraitot into the Tosefta, while no redactor is mentioned in Lieberman's comments to these baraitot in *Tosefet Rishonim*. Thus, Lieberman seems to have rejected the possibility

17. Lieberman, *Tosefet Rishonim* 1, p. 199.

18. Lieberman, *Tosefta Ki-Fshutah* 4, p. 861.

19. True, MS Munich reads "'Ulla," but this reading is unique; see *Diqduqei Soferim*, pp. 100–101, n. *gimel*. It therefore may not refer to the famous Palestinian traveler at all; R. Yehudah b. Bathyra is referred to as R. Yehudah; compare bPes 39a with tPisha 2:21.

20. A parade example is the replacement of the *tanna qama* and Rabbi in tPisha 4:2 by Rabbah and R. Hisda in bPes 61b.

that these baraitot were added by another hand after the redaction of the main body of the Tosefta. The passage presented below was, according to Lieberman, added by the redactor(s).

- A .8 א' הדס וערבה שנקטמו חימרות העולות מתוכה כשרות,  
 B שיעור הדס וערבה שלשה טפחים, ולולב ארבעה.  
 C ר' טרפון א' באמה בת חמשה טפחים.  
 D ארבעת מינין הללו כשם שאין פוחתין מהן, כך אין מוסיפין עליהן.  
 E אם אין לו אתרוג, לא יטול עמו לא רמון, פריש, ולא דבר אחר.  
 F היו כמושין כשרין, יבשין פסולין, ר' יהודה אומ' אם היו יבשין כשרין. אמ' ר' יהודה מעשה באנשי כרכין שהיו מורישין לולביהן לבניהן בשעת הדחק, אמרו לו אין שעת הדחק ראייה.  
 G .10 לולב בין אגוד בין שאינו אגוד כשר, ר' יהודה א' אגוד כשר, ושאינו אגוד פסול.  
 H לא יאגדנו ביום טוב, אבל נוטל הימנו שרביט ואוגדו.  
 I אין אוגדין את הלולב אלא במינו דברי ר' יהודה,  
 J ר' מאיר אומ' אפי' במשיחה. אמ' ר' מאיר מעשה באנשי ירושלם שהיו אוגדין את לולביהן בגימוניות של זהב,  
 K אמ' לו משם ראייה אף הן היו אוגדין אותו במינו מלמטה.  
 L אמ' ר' לעזר בי ר' צדוק כך היו אנשי ירושלם נוהגין, נכנס לבית הכנסת לולבו בידו, עמד לתרגם ולעבור לפני התיבה לולבו בידו, עמד לקרות בתורה ולישא את כפיו מניחו בארץ. יצא מבית הכנסת לולבו בידו, נכנס לבק' את החולי' ולנחם אבלים לולבו בידו, נכנס לבית המדרש נותנו לבנו, או לשלוחו ומחזירו לתוך ביתו.  
 M .11 יום טוב הראשון של חג אין אדם יוצא ידי חובתו כלולבו של חבירו, אלא אם כן נותנו לו במתנה גמורה.  
 N מעשה ברבן גמליאל חקנים שהיו באין בספינה ולא היה עמהן לולב, לקח רבן גמליאל לולב בדינו זהב, כיון שיצא בו ידי חובתו נתנו לחבירו, וחבירו נתנו לחבירו, עד שיצאו כולן, ואחר כך החזירוהו לו.  
 O ר' יוסה א' יום טוב הראשון של חג שחל להיות בשבת, כיון שיצא בו ידי חובתו אסור לטלטלו.  
 P .1 לולב דוחה את השבת בתחלתו, וערבה בסופו.  
 Q מעשה וכבשו עליה ביתסין אבנים גדולות מערב שבת, הכירו בהן עמי הארץ ובאו וגררום, והוציאום מתחת אבנים בשבת, לפי שאין ביתסין מחדין שחבוט ערבה דוחה את השבת.  
 R ערבה הלכה למשה מסיני,  
 S אבא שאול א' מן התורה שני' וערבי נחל, ערבה [ללולב. וערבה] למזבח.  
 T ר' ליעזר בן יעקב אומ' כך היו א' ליה ולך המזבח ליה ולך המזבח.

A. [2:8] A myrtle branch and a willow branch, the [tops of which] were cut off, [but which have] berries growing up from them,<sup>21</sup> are valid [for use in performing the mitzvah of taking the four species] [= bSuk 33a].<sup>22</sup>

21. So MS Erfurt. Ed. princ. and MS London have a somewhat different version, and there are disagreements among the commentators as to the exact meaning of their text, see *Tosefta Ki-Fshutah* 4, pp. 859–861.

22. The version of A found in MSS Erfurt and London resembles that quoted by 'Ulla b.

- B. The [minimum] length of a myrtle branch and willow branch is three handbreadths, and for the palm branch, three handbreadths<sup>23</sup> [= bSuk 32b].
- C. R. Tarfon says: [These measurements refer] to a cubit of five handbreadths<sup>24</sup> [= bSuk 31a].
- D. [As to] these<sup>25</sup> four species—just as we are not allowed to reduce their number, so too are we forbidden to add to it [= bSuk 31a].
- E. [2:9] If he has no citron, he may not [perform the mitzvah of] taking [the four species with] a pomegranate, or a quince, or anything else in his hand<sup>26</sup> [= bSuk 31a].<sup>27</sup>
- F. If they are wrinkled, they are valid; if they are dry, they are invalid.
- R. Yehuda says: If they are dry, they are valid.<sup>28</sup>
- Said R. Yehudah:<sup>29</sup> [There is] a story regarding [certain] city folk<sup>30</sup> who would

Hinena in bSuk 33a to a greater extent than that of MS Vienna, which Lieberman chose as the basis for his edition; see *Tosefta Ki-Fshutah* 4, p. 859, where he discusses the exegetical problems this version presents. The Erfurt-London version reads: “A myrtle branch and a willow branch, the [tops of which] were cut off, and berries grew from them [‘them’ presumably refers to the obligatory minimum of two branches], are valid.” Ulla b. Hinena’s version reads: “If its head was cut off, and berries grew in its place, it is valid.” This variant casts doubt on whether these two versions are indeed genetically related. Since MS Erfurt shows a persistent tendency to bring Tosefta’s text into conformity with the parallel Bavli, the reading of MS Vienna is preferable. Lieberman included this baraita as part of the collection of Babylonian baraitot because he apparently considered the absence of a Palestinian equivalent decisive. But even if it is not, it means only that this long “Babylonian” passage begins a line later.

23. B is nearly identical to its parallel, with only the omission in Bavli of the word “handbreadths,” though MS Munich does contain the reading; see *Diqduqei Soferim*, pp. 93–94, n. *alef*.

24. That is, the handbreadths spoken of are measured five to a cubit, and not six to a cubit.

25. Bavli reads “in the palm branch [שבולת]” for “these [הלל].”

26. Again the translation follows MS Erfurt; MSS Vienna, London, and ed. princ. have “with him.”

27. There are two differences in E, both relatively minor. One is the substitution of the phrase “[if] he did not find” for “if he has no,” and the transposition of “pomegranates” and “quinces,” a transposition not supported by the manuscript tradition and which may be late; see *Diqduqei Soferim*, p. 94, n. *vav*. The other variant is the addition of “no” (לא) before “quinces” in Bavli.

28. Current editions of the Bavli have: “Wrinkled ones are valid, dry ones are invalid. R. Yehudah says: even dry ones [are valid].” However, MSS Munich I and 6 read: “And all of them [when] wrinkled are valid.” This reading is supported by numerous medieval attestations; see *Diqduqei Soferim*, pp. 93–94, n. *alef*. These MSS also contain the explicitly elliptical “are valid” (כשרים) of curr. eds. However, Bavli’s laconic wording can also be translated thus: “[If they are] wrinkled, [they are valid], [if] dry, [invalid]. R. Yehudah, etc.” No significance should be attached to all these common, minor variants.

29. Current editions have “they said to them” rather than “to him,” but the latter is the correct reading, as preserved in the manuscripts and medieval citations; see *Diqduqei Soferim*, p. 94, n. *gimel*.



bequeath their palm branches to their children [to be used] in times of need [when palm branches were scarce] [= bSuk 31a, *but also* ySuk 3:1 (53a)].

[The Rabbis] said to him: One cannot bring proof from [practices allowed] in time of need<sup>31</sup> [= bSuk 31a, *and* ySuk 3:1 (53a)].

G. [2:10] A palm branch is valid whether bound or unbound [with the other species]. R. Yehudah says: Bound it is valid, unbound it is invalid [= bSuk 11b = bSuk 33a = bMen 27a; see also Sifra Emor 16:1 (102c) and Mekilta de-Rashbi, ed. Melamed-Epstein, p. 25].

H. One should not bind [the species together] on the festival, but he may take a shoot from [the palm branch] and bind it [with that]. [No direct parallel, but see bSuk 33b.]

I. One may bind the palm branch [together with the other species] only with that which comes from its own species, according to [lit., the words of] R. Yehudah. [This and the next two statements are quoted from mSuk 3:8.]

J. R. Meir says: Even with a string. Said R. Meir: The story [is told] of the citizens of Jerusalem who used to bind their palm branches [together with the other leafy species] with gold threads.

K. [The Rabbis] said to him: Can proof be brought from that? Even they used to bind them with their own species beneath [the threads] [= bSuk 37a].

L. Said R. Leazar b. Zadoq: Thus were the citizens of Jerusalem<sup>32</sup> accustomed to do: each would enter the synagogue with his palm branch [and the other species] in his hand; he would rise to translate [the Torah reading], or take his place before the lectern [to lead the services] with his palm branch [and the other species] in his hand. He would rise to read the Torah portion or to recite the priestly blessing and place [the species] on the ground. He would leave the synagogue with the palm branch in his hand. He would go in to visit the sick or comfort mourners with the palm branch in his hand. He would enter the study hall and give it over to his son or his messenger to return it to his house [= bSuk 41b, *but also* ySuk 3:14 (54a)].

M. [2:11] On the first day of the festival one may not fulfill his obligation with someone else's palm branch [and species], [based closely on mSuk 3:13] unless the latter presents it to him as an unconditional gift [= bSuk 41b; see Sifra Emor, 16:6 (102c)].

30. In place of "men [אנשי] of the cities" Bavli has "city folk [בנין]." It also substitutes "grandchildren" for "children." There is also a clearly secondary branch of the manuscript tradition which reads כרובים in place of כרביץ. This is the reading of MS Munich 6, and is reflected in *Or Zarua*, *Orhot Hayyim*, Ran and Ritva, and some of the Maimonidean commentators. See *Diqduqei Soferim*, loc. cit.

31. Bavli contains a rhetorical flourish of sorts: "Is there then a proof from there?"

32. "Men [אנשי] of [Jerusalem]" in Tosefta appears as "honored men of [קירי] [Jerusalem]" in the Babylonian version; see below. Another minor change is the omission of "even" in Bavli.

N. The story [is told] of Rabban Gamliel and the Elders who were traveling by ship and did not have a palm branch [and species] with them. Rabban Gamliel bought a palm branch [and species] for a golden dinar; once he had fulfilled his obligation with it, he gave it to his colleague, and he to his colleague, until all of them had fulfilled [their obligation], and after that they returned it to him [= bSuk 41b].

O. R. Yose says: [Regarding] the first festival day which falls on a Sabbath [= mSuk 3:13], once one has fulfilled his obligation [with the species] it is forbidden to handle [them].

P. [3:1] The [obligation of taking] the palm branch [and species] overrides the [prohibitions of the] Sabbath at its beginning [i.e., the festival's beginning], and [the obligation of circumambulating the altar with a willow branch overrides the prohibitions of the Sabbath at the festival's] end [i.e., the last day of Sukkot] [= bSuk 43b].

Q. The story [is told] of [the time] the Boethusians paved over [the Templegoers' species] with large stones on the eve of the Sabbath—for the Boethusians do not admit that the ceremony of beating the willow [after the circumambulation of the altar] overrides the [prohibitions of] the Sabbath. The common people realized what they had done, and came and dragged [the stones] away, pulled out [the willows], and took them out from beneath the stones before the Sabbath [= bSuk 43b].

R. The willow [ceremony] is a tradition dating back to Sinai [= parallel in the name of the Palestinian amora R. Yohanan on bSuk 34a, and *ySuk 3:3 (53c)*].

S. Abba Saul says: [It is] from Scripture, as it states: "The willows of the stream"—[two willows,] a willow for the palm branch, and a willow for the altar [= bSuk 34a, and *ySuk 3:3 (53c)*].<sup>33</sup>

T. R. Liezer b. Yaakov says: So would they say [Lieberman restores from the parallel Bavli baraita in MS Munich: on leaving the altar what did they say?] "Altar, you are fair, altar, you are fair!" R. Eliezer b. Yaakov says [they would say]: "For God and for you, O altar, for God and for you!" [added to mSuk 3:5 in current editions].

The similarity of this passage to its Babylonian counterpart baraitot is astonishing (see below), though minor differences between the two versions

33. The fact that R and S occur together in both Talmuds, but with the addition of other material, all in R. Yohanan's name, would seem to indicate that at some point his more general listing was incorporated into this baraita rather than that the baraita postdates R. Yohanan. After all, the subject is essentially the willow ceremony and not a listing of *halakhot le-Moshe mi-Sinai*.

do exist, and, indeed, several of these will be examined below in order to determine what they may teach us regarding the linguistic environment of some of the important texts of Middle Hebrew.

H is not quoted in Bavli. This is in keeping with the situation in bPes, for example, where toseftan lemmata seldom appear. Fewer than 10 percent of the lemmata in tPisha are to be found in the Babylonian counterparts of these toseftan baraitot. Another example of this occurs in O, which contains a lemma from m 3:13 with an additional comment appended.<sup>34</sup> I and J, lemmata from m 3:8, are also not cited in the Babylonian versions.

The anecdotal material of L, N, and Q contains a significant number of Babylonian/toseftan lexical interchanges. While Yonah Fraenkel's work has taught us not to overlook the structural functions which these differences serve,<sup>35</sup> the situation is rather different here, for some of these variants seem due to stylistic preferences. In any case, the fact that variants occur more frequently in anecdotal material is to be expected; indeed, the very success of Fraenkel's methods depends on the tradents' or redactors' more relaxed attitude to such material, for it allows for a more varied, "earthy," and less stylized presentation than in the legal material.<sup>36</sup> It is also significant that most of the baraitot Menahem Moreshet included in his studies of lexical change in Middle Hebrew are anecdotal to some degree.<sup>37</sup>

Finally, the following fact is significant as evidence of the passage's Babylonian origin and its existence as a collection: these twenty-five lines

34. There is one exception to this general neglect of lemmata. The rabbis' objection to R. Meir's understanding of the custom of the אנשי ירושלה in m 3:8 appears in both t 2:10 (K) and b 37a. But the latter part is actually an addition to m 3:8, according to a suggestion made by Rabinovicz long ago (*Diqduqei Soferim*, p. 114 n. *zayin*) and accepted by Lieberman. This addition does not appear in Mishnah manuscripts which reflect a Palestinian provenance, and others besides. R. Meir's comment is repeated in the Babylonian baraita in order to "set the stage" for the rabbis' objection. I and J are lemmata from m 3:8.

35. For example, see Y. Fraenkel, "She'elot Hermanutiyot be-Heqer Sippur ha-Aggadah," *Tarbiz* 47 (5738): 139–172; idem, "Ha-Zeman ve-'Izzuvo be-Sippurei ha-Aggadah," in *Studies in Aggadah, Targum and Jewish Liturgy in Memory of Joseph Heinemann*, ed. J. J. Petuchowski and E. Fleischer (Jerusalem, 1981), pp. 133–162 (Hebrew sec.), or his popular introduction *Iyyunim be-'Olamo ha-Ruhani shel Sippur ha-Aggadah* (Tel Aviv, 1981).

36. See J. Neusner, *The Peripatetic Saying: The Problem of the Thrice-Told Tale in Talmudic Literature* (Chico, Calif.: Scholars Press, 1985), pp. 12–29. A comparison of any parallel version of nearly any anecdote will demonstrate this phenomenon; see, for example, tPisha 2:15–16 and bErub 64b, or tPisha 4:15 and bPes 64b.

37. See sec. II below.

constitute a far larger contiguous block of toseftan analogues of Babylonian baraitot than may be found in all of the material in tPisḥa (as compared to its analogues in bPes). And, it should be noted, tPisḥa is a far longer tractate; it contains 693 lines as compared to tSuk's 272 lines.

Lieberman's reluctance to classify as Babylonian the many other baraitot which appear in the Tosefta and the Bavli but not in the Yerushalmi is thus understandable. The absence of a Palestinian parallel for one or two baraitot may be explained as due to the normal vicissitudes of transmission, but that is hardly likely in a passage of this length and importance. Since the Yerushalmi itself testifies to the Babylonian origin of one of its constituent baraitot, it is thus likely that the entire passage is of Babylonian origin.

YSuk knows of only A, F, and L and does not cite non-toseftan baraitot for D, E, G, K, M–Q. Unless we wish to argue that the issues dealt with in these *imrot* were of no concern to the Yerushalmi's redactors, or that we are missing significant parts of ySuk 3:1–5, it would seem that a *terminus post quem* of the middle of the fourth century for the redaction of tSuk 2 is likely, that is, not earlier than the close of the Yerushalmi. It is unlikely that they would have rejected material of fundamental importance, most of which was apparently unavailable from other sources.<sup>38</sup> The question of whether the rest of tSuk was available in the form we have it must for the present remain open.

Lieberman's statement that the Tosefta's redactor drew these baraitot from a collection (*sha'av mi-qovez shel baraitot bavliyot*) leaves open the question of whether the redactor took them as a unit from this collection or selected the material he wanted and shaped the unit we now have. While this question can hardly be answered in any definitive way, an examination of the arrangement of these baraitot may yield a few clues.

The order of topics in this toseftan passage does not follow that of mSuk. Moreover, it cuts across the different types of material (exegetical, complementary, and supplementary), which is usually arranged by mishnah and in order of relevance to the mishnaic text on which it serves to comment.<sup>39</sup> The

38. The relatively common phenomenon of *sugyot muḥlafot*, especially between yNez and the rest of Yerushalmi, is of an entirely different order, since in that case the differences involve the *arrangement of material*, not an awareness of its very existence! For the case of Sifrei Zuta, see n. 8 above.

39. See most conveniently Jacob Neusner, *The Tosefta: Its Structure and Its Sources* (Atlanta, 1986), esp. pp. 1–7.

two lemmata from the Mishnah included in our passage are taken from m 3:8 and m 3:13, but the passage as a whole relates only vaguely to mSuk chap. 3, which begins with the palm branch (3:1) and proceeds to deal with the myrtle (3:2), willow (3:3–4), and citron (3:5–7), and finally returns to the use of the palm branch (3:8–9).

The Tosefta's order is quite different. A deals with the myrtle and willow, B–C reverts back to the minimum measurements of the myrtle, willow, and palm branch. D also presents a general statement, this one regarding the prohibitions of adding to or subtracting from the number of the species; E continues this with the prohibition of substituting another fruit for the citron, which is clearly connected with D. With F begins the main subject of the rest of the chapter: the palm branch. The very size of this segment of the passage, which constitutes eighteen lines out of twenty-five, imposes a certain unity on it. P (3:1) follows thereafter and provides a skillful transition from the laws governing the palm branch to those of the Day of the Willow, the connection being the fact that the ceremony involving each may be carried out in the Temple on a Sabbath.

B–E thus serves as an introduction to the laws of the four species, F–P deals with the palm branch, P–T with the Day of the Willow. A does not fit this scheme, and Lieberman's main reasons for including it with our passage are its attribution to a Babylonian amora in bSuk and its absence from the Yerushalmi. While it fits loosely with both the foregoing and following halakhot, it is not intimately linked with either. Our passage thus combines material relevant to the two mishnaic sections dealing with the palm branch.<sup>40</sup>

In short, this passage constitutes a composition unto itself, not originally formulated to serve in any direct manner as a commentary to mSuk. While hardly conclusive, this would point to its independent redaction.

It is evident in other cases that the redactor(s) of tSuk did work with preexisting blocks of material. Lieberman noted that tSuk 2:3 begins a collection of baraitot (*qevutzah aheret shel baraitot*)<sup>41</sup> different from the preced-

40. T 2:7, which begins the toseftan section dealing with the four species, contains a short miscellany: palm branch (relating to m 3:1), followed by four *imrot* dealing with the willow, at which point our passage begins. All but the first and the last are on b 34a, though somewhat differently worded and in a different order; ySuk 3:3 (53c) in part overlaps and in part presents new material contradictory to Tosefta (as does Bavli).

41. *Tosefta Ki-Fshutah* 4, p. 851 ad lines 10–12.

ing group, since t 2:2 relates to m 2:4–5, while t 2:3 doubles back to m 2:1. Moreover, 2:5–6, some nineteen lines in length, constitutes an astrological section of its own,<sup>42</sup> and 3:3–13 provides a commentary on Ezek 47.<sup>43</sup> Neither of these is more than tangentially relevant to Sukka but all cohere as compositions in their own right. It would have been quite in line with the methods he employed elsewhere in tSuk for the redactor to have incorporated t 2:8–3:1 *en bloc*.

In the Bavli these baraitot appear as units of one, two, or three *imrot* on separate topics. The one exception is the case of the five *imrot* included in D, E, and F, which appear together on bSuk 31a. D and E refer to the prohibition of *bal tosif*, while F, consisting of three *imrot*, deals with the permissible use of dry or desiccated citrons. It is the latter subject which is of interest in the sugya in which this block appears. It is clear, then, that D–F circulated in Babylonia as a unit at the time of the Bavli's redaction.<sup>44</sup> The first part of 2:8 (A) serves as the basis for R. Jeremiah's query in 33a, and Samuel probably refers to the latter half of it (B and C), as Rava certainly does.<sup>45</sup> These sugyot tend to be "free-floating"; they are oriented around questions of halakhic principle rather than connected with any mishna in particular, i.e., whether *yesh dihui etzel mitzvot* or not. G is quoted in a sugya which appears in three places, and fits well in each.<sup>46</sup>

Most revealing are the cases of B–C and P–Q. Both are implicitly rejected by several Babylonian amoraim in formulating their views. Included in this group are Samuel and R. Elezar (b. Pedath). Moreover, it is striking that Rava transmits the latter's opinion with evident approval: he terms his opinion a *milta ma'alyeta*, though it contradicts Q.<sup>47</sup> On the other hand, Rava's sharp comment on R. Meir's view in C shows clearly that he was well

42. Cited in Bavli and Mekhiltas, but not in Yerushalmi.

43. Only a small portion of which is cited in Bavli.

44. J. N. Epstein, *Mevo'ot le-Sifrut ha-Amoraim* (Jerusalem, 1962), pp. 49–50, detects evidence of amoraic and saboraic redactions in bSuk. On the other hand, D. W. Halivni, *Meqorot u-Mesorot, Mo'ed 3* (Jerusalem, 1974/75), p. 179, does not consider the saboraic material extensive enough to constitute a stratum of its own.

45. But see below.

46. bSuk 11b, 33a, bMen 27a.

47. In clear contrast to his knowledge of C, as evident from his comment on it in 32b; see below.

aware of that *imra* (pericope) in the form it takes in the Bavli.<sup>48</sup> It is clear from all this that Rava did not know the collection in its present form.

The anonymous attempt in 32b to correlate Samuel's view regarding the minimum length of the leafy species with those expressed in B–C is not altogether successful. According to R. Yehudah (b. Ezekiel), Samuel holds a lenient opinion on the matter, but according to R. Huna, Samuel follows R. Meir in C. The sugya's redactor(s) attempt(s) to resolve the contradiction by suggesting that Samuel did not formulate his lenient opinion precisely; the final conclusion is that he rounded off R. Tarfon's two and one-half handbreadths to three. This figure results from a forced interpretation of R. Tarfon's comment, based on a tradition cited in the name of Rabin.<sup>49</sup>

Now, these baraitot are central to any discussion of the laws to which they refer, and it is hard to resist the conclusion that these early amoraim would hardly have ignored them if they had been available. Nevertheless, what is extant indicates that Rava and possibly Samuel did not have our passage before them. This confirms our findings in regard to Rava's knowledge of tPisha.<sup>50</sup> Thus, evidence from both Talmuds points to a date not earlier than the fourth century<sup>51</sup> for the inclusion of this passage in the Tosefta.<sup>52</sup>

48. See Halivni, *Meqorot u-Mesorot* ad loc., who argues that the baraita as it appears in Yerushalmi was the focus of Rabin and R. Dimi's attention.

49. See *ibid.*, pp. 214–215. Halivni's analysis presupposes that these baraitot are no different in the history of their transmission than any others. He therefore concludes that Rabin and R. Dimi had a version close to that of Yerushalmi (3:1 [53c]), which sees R. Tarfon as differing with the Rabbis on the correct understanding of the anonymous tanna's position (B). Whatever vicissitudes of transmission led to this state of affairs, Tosefta's version is exactly that of the Bavli, which Rava knew. This acquires additional significance in the light of Rava's disregard of P–Q.

50. See Elman, "Authority and Tradition," pp. 303–323.

51. The parallel to R in the name of R. Yohanan in b 34a and ySuk 3:3 (53c) does not affect the course of this argument; it is part and parcel of the more general problem of the association of amoraim with material known as tannaitic from other sources; see "Authority and Tradition," pp. 288–295.

52. It might also account for the severely limited range of variation in the two texts. This may represent an instance in which these two compilations attest to the state of a baraita within a relatively short period of time, before they could diverge. The major factor, however, is the proximate Babylonian provenance of these baraitot.

This is not altogether true of the passage in its entirety, however. The anecdotal material seems to have diverged to a greater extent. This may be because Tosefta's redactor felt the need

These baraitot were not known as a collection by Babylonian amoraim as late as the fourth generation, and most of them find their place in anonymous sugyot. Thus, most of the data seem to point to a late date for their entrance into the Babylonian stream of tradition. This conforms with their absence from the Yerushalmi. Moreover, as noted above, the rules laid down in this passage are central to the concerns of tSuk; we might have expected it to have been included in the earliest versions of tSuk. The absence of nearly all of this material from the Yerushalmi is puzzling. In any case, even if the proposed dating is not accepted, our passage may serve as a touchstone for determining how the redactors of the Bavli and the Tosefta treated such baraitot and, in particular, for tracing the boundaries between Middle Hebrew A and B. It is to that task we now turn.

## II

E. Y. Kutscher discerned two strata within Middle Hebrew (= Mishnaic Hebrew), one reflecting the spoken language of tannaitic times, and one the scholastic language of the amoraic schools.<sup>53</sup> Menahem Moreshet, in three important articles, clarified and developed this insight, and attempted to show that the language of baraitot in the Bavli, and, to a lesser extent, of those in Yerushalmi, may be classified as mhe<sup>2</sup> (= Middle Hebrew B), the academic Hebrew of the amoraim, as opposed to the earlier mhe<sup>1</sup> (= Middle Hebrew A).<sup>54</sup> Thus, the Tosefta too represents mhe<sup>1</sup>, as does the Mishnah; however, in his later work Moreshet distinguished the language of the Tosefta from that of the Mishnah in at least one respect.<sup>55</sup> If the Tosefta is lin-

to "westernize" the language of the latter. The purely halakic material was of course much closer to Palestinian norms; see below.

53. See his "Mittelhebräisch und jüdisch-Aramäisch im neuen Köhler-Baumgartner, Hebräische Wortforschung," in *Festschrift W. Baumgartner* (Leiden, 1967), pp. 158–175, esp. pp. 158–160.

54. "Pe'alim Ḥadashim u-Meḥudashim ba-Baraitot sheba-Bavli," in *'Erkei ha-Milon he-Ḥadash le-Sifrut Ḥazal*, vol. 1, ed. Y. Kutscher (1971/72), pp. 117–162; "Ha-Baraitot ha-'Ivriyot ba-Bavli Einan Leshon Ḥakhamim I," *Sefer Zikaron le-Ḥanokh Yalon* (1973/74), pp. 275–314; and "Nosafot li-Leshonam shel ha-Baraitot ha-'Ivriyot ba-Bavli uvi-Yrushalmi," in *'Erkei ha-Milon he-Ḥadash le-Sifrut Ḥazal*, vol. 2, ed. M. Z. Kadari (1973/74), pp. 31–73.

55. In one of his last papers, "Ha-Nasu' ha-Qodem li-Shnei Nose'im bi-Leshon Ḥazal," in *Mehqerei Lashon Mugashim li-Ze'ev Ben-Ḥayyim*, ed. M. Bar-Asher, A. Dotan, D. Tene,



guistically earlier than the baraitot in Bavli, this in itself does not prove that they were taken from it, but it certainly tends to support the conventional chronology.

Nevertheless, even if we accept the criteria Moreshet employed to distinguish these two forms of Middle Hebrew, and the language of the toseftan baraitot in the Tosefta and in the Bavli, these variants may reflect synchronic variation between Babylonia and Palestine rather than a diachronic development. Indeed, he implicitly admits this in the conclusion to his first paper on the subject.

The examples of variation [that result from] a comparison of baraitot [in the Tosefta and the Bavli] can prove that many of [these] variants in the Bavli are not accidental. . . . They are intentional and conscious, and among them are [some] which reccur with consistency. There is no doubt that the "reciters" of baraitot are responsible for this. They made the lexical changes through their use of mhe<sup>2</sup> of the amoraim. One of the general impressions that such comparisons yield in a rough way is that few baraitot are identical [in formulation] in all tannaitic sources; variants are always to be registered, some clearly noticeable, some small (certainly grammatical and syntactic as well), and [these] leave much room for further research. *The difference in time and place left its marks on all these, corresponding to [behet'em 1 . . . ] the variants between mhe<sup>1</sup> and mhe<sup>2</sup> of the Babylonian amoraim, in particular because of their oral transmission [emphasis added]. [My] general impression is that tannaitic sources exhibit an occasional identity when we find their parallel in the Yerushalmi, a Palestinian source,<sup>56</sup> the place of the origin of these baraitot. . . . This fact intensifies the impression that these variants are only Babylonian, and may be assigned only to a special stratum of mhe<sup>1</sup>.<sup>57</sup>*

He later modified this judgment, allowing for some change in the language of the baraitot in the Yerushalmi as well.<sup>58</sup> Indeed, in one respect this admission increases the plausibility of his dating of mhe<sup>2</sup> as later than mhe<sup>1</sup>.

and G. B.-A. Sarfatti (1983/83), pp. 337–378, esp. pp. 363–366. More recently, see Natan Braverman, "Bein Leshon ha-Mishnah li-Leshon ha-Tosefta," *Proceedings of the Ninth World Congress of Jewish Studies*, Division D, vol. 1 (Jerusalem, 1986), pp. 31–38. However, compare the remarks of H. Natan, *Mesorato ha-Leshonit* (n. 2 above), pp. 324–346.

56. A study of yPes currently being carried out indicates that there is no substantial difference between Bavli and Yerushalmi in this, and that Moreshet's impression was misleading.

57. Moreshet, "Pe'alim Ḥadashim," pp. 158–159.

58. "Nosafot," p. 68.

Moreshet initially assumed that linguistic change took place *only* in Babylonia, while the language of tannaitic baraitot remained essentially frozen in Palestine, an unlikely situation.<sup>59</sup> By allowing for some linguistic development in Palestine, the occurrence of the same phenomenon in Babylonia is rendered more plausible.

Moreshet's work suggests that the variants between the versions of these baraitot may be attributed to their oral transmission by the Babylonian (and only these?) "reciters." A close examination of tPisha and bPes supports this contention of oral transmission.<sup>60</sup> How then was "our" Tosefta transmitted in such a way as to maintain its authentically mhe<sup>1</sup> character? It must be presumed that the Tosefta was transmitted in writing *from an early period!* It was this reduction to a written form which allowed the preservation of features of mhe<sup>1</sup> which were lost in oral transmission in amoraic times.<sup>61</sup>

59. Indeed, some dialectologists argue that the reverse is usually the case: language develops more rapidly in the homeland than in a colony, which is, linguistically speaking, more conservative; see J. P. Hertzler, *A Sociology of Language* (1965), pp. 168–169, and K. M. Petyt, *The Study of Dialect: An Introduction to Dialectology* (1980), p. 61. This tendency ought to have been still stronger among the Babylonian amoraim because of the religious implications of preserving what was considered the *ipsissima verba* of the tannaim, the value of the texts preserved, and the limitation of preservation to a small, highly motivated class (see Hertzler, *Sociology of Language*, esp. pp. 170–172, 175). More recently, however, some dialectologists have greatly restricted the range of this phenomenon to at most isolated isoglosses. The whole question of the applicability of these studies to our case, where we deal with the language of memorized texts rather than living language, needs to be reexamined; see n. 2 above and n. 61 below and the text associated therewith.

Despite the limited evidence of lexical change, Moreshet argues that the language of the Babylonian baraitot is further removed from mhe<sup>1</sup> than is that of the Palestinian versions.

60. Elman, "Authority and Tradition," pp. 114–127.

61. An emerging consensus sees the reduction of rabbinic literature to written form as dating not earlier than the middle of the eighth century; see D. Rosenthal, *Mishnah'Avodah Zarah: Mahadurah Biqortit u-Mavo* (Jerusalem, 1980), pp. 96–106, and the recent remarks of Y. Brody, "Sifrut ha-Geonim ve-ha-Teqst ha-Talmudi," in *Mehqerei Talmud I*, ed. Sussman and D. Rosenthal (Jerusalem, 1990), pp. 237–303, esp. 240–244. To my knowledge, no one has yet considered this problem regarding the transmission of authentic mhe<sup>1</sup> in relation to the general question of the reduction of rabbinic literature to writing.

Again, we cannot ignore the relevance of the Genizah fragment of ARN A published by M. Bregman ("Qeta' Qadum shel Avot de-Rabbi Natan mitokh Megillah," *Tarbiz* 52 [1982/83]: 201–222). Bregman cautiously dates this fragment *before* the Christian palimpsests of the seventh century; it may be earlier still (see his comments on pp. 211–212, and compare Sussman's discussion of the Beth Shean inscription he published in "Ketovet Hilkhatit me-'Emeq Bet She'an—Seqirah Muqdemet," *Tarbiz* 43 [1973/74]: 88–158, esp. 152–155). In light of the dearth of examples of early rabbinic paleographical samples, the formation of any consensus on this matter may be premature.

Alongside this written, perhaps “archival” copy,<sup>62</sup> there existed various oral versions.<sup>63</sup>

The Tosefta as we have it has come down to us through the Babylonian geonic schools;<sup>64</sup> the question is when it reached Babylonia. Whether or not it existed in its present form in Babylonia during the talmudic period, it is clear that any written text which corresponded to the text of the Tosefta as it now exists was *not* consulted by, or apparently available to, the amoraim or, for that matter, the redactors of the Bavli.<sup>65</sup> On the other hand, the Kutscher-Moreshet hypothesis requires a two-pronged transmission of tannaitic literature. As noted above, if all tannaitic sources came down through the amoraic period in oral transmission in Babylonia (and Palestine), it is difficult to see why the “reciters” in Babylonia were freer with their sources than those of Palestine or why the Tosefta’s reciters were more conservative than those who stood behind the baraitot now in the Yerushalmi.<sup>66</sup> And if this is not the case, we must consider these variants as “merely” fortuitous, reflecting two or more ways of saying the same thing in mhe<sup>1</sup>, and not as reflecting two different strata of the language.

Whether the Babylonian variants of these baraitot belong linguistically to mhe<sup>1</sup> or mhe<sup>2</sup> cannot, to the extent that the variants in this large but ultimately limited sample allow, be answered in any simple fashion.<sup>67</sup> Our study

62. See S. Lieberman, “The Publication of the Mishnah,” in *Hellenism in Jewish Palestine: Studies in the Literary Transmission, Beliefs and Manners of Palestine in the 1 Century B.C.E.—IV Century C.E.* (New York, 1962), pp. 83–99.

63. See Albeck, *Mehqarim*, pp. 87–89.

64. See *Tosefta Ki-Fshutah* I (New York, 1955), p. 14 (Heb. numbering).

65. Aside from the evidence cited here, see Elman, “Authority and Tradition,” esp. pp. 409–419.

66. It is widely known that Yerushalmi’s versions of baraitot are radically condensed. As for those variants which might be explained on linguistic grounds, Moreshet would argue that the differing (Aramaic-Hebrew) linguistic environments of the two talmudic centers exercised their influence; this is certainly the case, but while they influenced the *direction* of linguistic variation, the *extent* of such variation should not have differed markedly, given the similarities in rabbinic attitudes to transmitting texts accurately. The oft-quoted statement regarding the conservative linguistic tendencies of Judeans versus Galileans (bErub 53a) refers to an earlier period and to a popular context: its polemical edge must also be taken into account. It is also preserved in a Babylonian source! Most important, studies of the sociology of language indicate that linguistic change is not always greater in the colonies (see above, n. 59); note Rava’s comment in bGit 65b re the care with which Babylonians used Hebrew.

67. That Babylonian baraitot may nonetheless retain authentic mhe<sup>1</sup> usages is to be expected; see D. Boyarin, “La-Leqsikon ha-Talmudi,” in *Mehqarim bi-Leshon ha-Ivrit uve-Sifrut*

of this passage's linguistic texture has yielded mixed results. That is, the baraitot of the Bavli do not appear linguistically distinct from those of the Tosefta, though the few variants *in their Babylonian analogues* do seem to tend toward the use of lexa more common in the Bavli than in Tosefta. As a whole, however, the linguistic texture of this Toseftan passage does *not* prove its Babylonian origin, though the "Babylonian cast" discerned may point to the incipient development of a Babylonian version of Middle Hebrew. Since these baraitot traveled westward, the reverse of the usual situation, they ought by rights to have been composed in mhe<sup>2</sup>, and the Tosefta's version *should reflect this*. But, as far as can be determined, the Babylonian versions are also in mhe<sup>1</sup>. Of course, this may be attributed to the still crude nature of the tools available to us.

Apparently, the transmitters and/or redactors of anecdotal and other non-halakhic material allowed themselves greater latitude in introducing and perpetuating stylistic changes. One important consequence of this is that such material constitutes a fertile field for linguistic differentiation and synchronic study of parallel versions of baraitot. In contrast, the general uniformity of halakhic terminology under mishnaic influence limits such research and thus our understanding of the development of Middle Hebrew. Nevertheless, the Mishnah itself is composed of incompletely homogenized material taken from various sources, a phenomenon which has been amply demonstrated by J. N. Epstein<sup>68</sup> and others.<sup>69</sup> Thus when synonymous terms do appear in the Mishnah,<sup>70</sup> their appearance in the Tosefta and one or the other Talmud can tell us nothing of their linguistic provenance. Again, the Tosefta itself is clearly a collection drawing on heterogeneous sources.

*Ḥazal Muqdashim le-Zikhro shel Dr. Menaḥem Moreshet* (Ramat Gan, 1990), pp. 35–37, M. Bar-Asher, "Ha-Tippusim ha-Shonim shel Leshon ha-Mishnah," *Tarbiz* 53 (1982), pp. 187–220 esp. 210–218, and H. Natan, *Mesorato ha-Leshonit*, pp. 328–347, esp. p. 345 n. 46 and text.

68. See *Mevo'ot*, pp. 188–199.

69. For example, Chanoch Albeck in his *Untersuchungen über die Redaktion der Mischna* (Berlin, 1923), pp. 39–61.

70. See E. Y. Kutscher, *A History of the Hebrew Language* (Jerusalem: Magnes Press, 1982), pp. 141–142. Kutscher acknowledges the existence of this linguistic variety but concludes that "it would be difficult to detect distinct [linguistic] layers in the Mishna as can be done in B[iblical] H[ebrew]." The reason would seem to be the scattered nature of such material. "The only exception," Kutscher adds, "seems to be the tractate Sayings of the Fathers whose language is colored to a certain extent by B[iblical] H[ebrew]."

Equivalent terminology may be assumed to go back to its sources; for example, variants such as *חיב/זקוק/צריך* (all of these appear in Moreshet's lexicon of mhe<sup>1</sup>) are all to be found in the Tosefta. Likewise, relatively uncommon synonyms such as *חוצצת* (tPes 1:3/yPes 1:1 [27b])/חולקת<sup>71</sup> or *סחורה* (tB.M. 11:30 and elsewhere)/מלאי (tPes 2:5–6) will be found indiscriminately scattered through the Tosefta. Most important, they are to be found in roughly the same ratios of preference in both sources. They cannot be used to distinguish baraitot which have passed through a period of Babylonian or amoraic (mhe<sup>2</sup>) redaction from those which represent a “purer” strain of mhe<sup>1</sup>.<sup>72</sup>

Given the relatively restricted nature of the material available for analysis, both in extent and in nature, it is perhaps not surprising that our results may seem meager: a mere four possibilities, all concentrated in the anecdotes at N and Q. However, these results are not as skimpy as they may seem, when compared to the fifty-three cases Moreshet adduced from an incomparably larger sample.<sup>73</sup>

The following is the “interdialectal distribution” of the occurrence of the nine variants in N and Q. As noted, four of them appear to be linguistically significant.

1. *יקירי ירושלם* (Tosefta: J)/*יקירי ירושלם*<sup>74</sup> (Bavli).<sup>75</sup> The phrase *יקירי ירושלם*

71. The latter is found in bPes 8a, but is so common in Tosefta that it would be rash to assert that this somewhat figurative use of the verb in the sense of a “bed” dividing a room in two was unknown to Tosefta. Neither term appears in Moreshet's lexicon, and both must be presumed characteristic of mhe<sup>2</sup>.

72. Another example of such variants are those to be found in the various manuscripts of Tosefta itself. For example, tSuk 2:10 has *אנשי כרכים* in MS Vienna and *בני כרכים* (undoubtedly influenced by mMeg 1:1) in MS Erfurt.

73. Moreshet, “Ha-Baraitot ha-'Ivriyot ba-Bavli” (1974), pp. 275–314, and “Pe'alim Hadashim u-Mehudashim,” pp. 117–162.

74. MS “B” reads *ביחירי* (bSuk 37a), corrected to *ביקירי*; Lieberman (*Tosefta Ki-Fshutah* 4, p. 865, n. 35) suggests the correct reading is *יחירי*, as in *Ozar Ha-Geonim*, Yoma, p. 51, and Sukka, p. 116.

75. See *Diqduqei Soferim*, p. 113, n. *heh*, and see 115, n. *tzadi* as well: MS Munich reads *יקירי* in mSuk 3:8 (bSuk 36b), but Rabinovicz notes that Rashi probably had the same reading as do current editions, *אנשי ירושלם*. On the other hand, MS Munich reads *אנשי* in place of *יקירי* in the baraita. Rabinovicz suggests that not all the inhabitants of Jerusalem would have followed this practice and so prefers the reading of the current editions of Bavli. The Western tradition at m 3:8 is *אנשי ירושלם* (so Lowe and ed. Venice of Yerushalmi).

is attested in the Mishnah, Tosefta, and both Talmuds.<sup>76</sup> In L both the Tosefta and bSuk 41b have the reading אנשי ירושלם.<sup>77</sup>

The Tosefta seems to prefer the construct אנשי ירושלם; it appears five times: tKet 4:6 (dependent on mKet 4:15), tSot 7:15, which appears in neither Talmud, tSuk 2:3, mentioned above, and tSuk 3:1 (twice). There are four attestations in Yerushalmi, one a doublet, while the Bavli contains eight instances, one a doublet.<sup>78</sup>

In short, both phrases occur in the Mishnah, Tosefta, and Talmuds, especially when we take into consideration the common usage אנשי x to designate the inhabitants of many other cities and localities, in all sources.

2. כך היו נוהגין (Tosefta: L)/כך היה מנהגן (bSuk 41b). The first is common in both the Tosefta and the Bavli.<sup>79</sup> But כך היה מנהגן, which occurs three times in the Bavli, where it twice replaces the toseftan כך היו נוהגין, does not appear in the Mishnah or Tosefta at all; the closest approximation is לא היו נוהגין כן in mTan 2:5. Aside from our passage, there is bBez 14b, in contrast to tBez

76. It is found only twice in Tosefta. One attestation is tKip 3 (4):13 (all MSS), under the influence of mYom 6:4, and the other tArak 2:2, where it is part of a clearly conflated sequence of constructs, צוערי לוי בני יקירי ירושלם; the Babylonian parallel (bAr 13b) contains only the first phrase.

The Bavli, however, uses the phrase in two non-toseftan baraitot, making three in all: bYoma 19b (and MSS; see *Diqduqei Soferim* ad loc., p. 44, n. *samekh*) and 69a in the MSS (current editions have ומיקירי ישראל, but the reading ומיקירי ירושלם is supported by *Aggadot Ha-Talmud* and *Ein Yaakov*; see *Diqduqei Soferim*, p. 198, n. *zayin*) and the toseftan tArak 2:12. The sole appearance of יקירי ירושלם in mYoma 6:4 is sufficient to indicate a mhe<sup>1</sup> provenance for the phrase.

77. The phrase is lacking in ySuk 4:13 (54a), which has only בירושלם. Altogether there are only three attestations of אנשי ירושלם in Yerushalmi: ySuk 2:4 (52d), which is parallel to tSuk 2:4; yMeg 4:1 (71d), and ySotah 4:3 (19c) = ySanh 15:6 (26b). The last two are definitely amoraic: in the first R. Simon (b. Pazzi), who is known to have visited Babylon, and R. Shmuel b. Nahman, who apparently did so as well, refer to the scribal practices of the אנשי ירושלם, and in the second we have: "R. Yoshaya said: Ze'ira told me in the name of the men of Jerusalem"; R. Yoshaya here is evidently the third-generation Palestinian amora of that name, *here quoting an amora of Babylonian origin—Ze'ira!*

Thus, of the three explicit traditions in Yerushalmi which refer to the אנשי ירושלם—the fact that there are only three is also surprising—one is seemingly of Babylonian origin, one parallel to a toseftan baraita, and one may be Babylonian.

78. bShab 62b, bPes 113a, bPes 113a, and bSuk 41b (N above)—all non-toseftan and not in Yerushalmi.

Finally, bGit 57b is non-toseftan and does not appear in the Yerushalmi, but does in several Palestinian midrashei aggadah, for example, the Proem to Eichah Rabbah 23.

79. C. J. Kasowski, *Ozar Leshon ha-Talmud* 25 (1971), p. 1101, and *Ozar Leshon ha-Tosefta* 5 (1958), pp. 27–28.

1:22<sup>80</sup> and bSanh 30a, which have no toseftan parallel.<sup>81</sup> To be sure, the data are limited, but they do indicate that *כך היו נוהגין* replaces *כך היה מנהגן* in the Babylonian versions of these baraitot and may tentatively be classified as Babylonian.

3. The expression *עמד לחרגם* appears only here in the Tosefta and does not appear at all in Bavli or Yerushalmi, as far as I can determine. In whatever manner and in whatever form these baraitot reached Palestine, it is clear that the Palestinian linguistic and general cultural environment exercised its influence on the Toseftan text. It is in the Babylonian versions of these baraitot that Babylonian linguistic features are to be found.

4. Tosefta employs the phrase *עבר/עובר לפני התיבה* for the act of leading the prayer service, but *מוריד לפני התיבה* for appointing a leader, exactly as does the Mishnah itself.<sup>82</sup>

A Babylonian back-formation from *מורידין* appears to have developed: *יורד/ירד לפני התיבה* is attested,<sup>83</sup> while every attestation of *עובר/עבר* in Bavli appears in a citation from a mishnah<sup>84</sup> or toseftan baraita,<sup>85</sup> or is influenced by one.<sup>86</sup> On the other hand, *מוריד/מורידין* does appear in bTan 16a and bMeg 24b.

Against this background, the absence from the Bavli of the Tosefta's *ולעבר לפני התיבה* acquires significance and suggests a Palestinian complexion to this *imra*.

5. *מניחו על גבי קרקע* (מניחו) בארץ in the Tosefta is equivalent to Bavli's *על גבי קרקע*. Of all the literally hundreds of attestations of the phrase *על גבי* in the Tosefta, the combination *על גבי קרקע* never appears in the Tosefta or in the Mishnah.

80. *Diqduqei Soferim* ad loc., 29 n. *samekh*, records a singular, but Rabbinovicz preferred the plural because of the context.

81. Tosefta does contain variants of this phrase, *זה מנהג גדול היה בירושלם*, and *ועוד מנהג גדול היה* in tBer 4:9–10, which appear in *bB.B. 93b* and not in *Yerushalmi*, though they do appear in *Eichah Rabbah* 4:2 (ed. Buber 71a).

82. For *עובר לפני התיבה* see mBer 5:3–4 (twice), mErub 3:9, mR.H. 4:7, mTan 1:2, mMeg 4:5 (and see mMeg 4:4 *אין עוברין*, and mMeg 4:6 [twice], *ואינו עובר*, compare mMeg 4:8, *האומר איני* (עובר), while mTan 2:2 has *מורידין לפני התיבה*).

As for Tosefta: aside from our passage, we have tKip 5:14, tMeg 4:29 and tHag 1:3 for *מורידין*, and tBer 2:9 and tR.H. 4:2 for *עבר/עובר/לעבר*.

83. See bBer 16a, bShab 24b, bR.H. 34b, bTan 25b, bHul 24b.

84. See bErub 40a (twice), bTan 4b.

85. See bTan 2b, 3a (twice).

86. See bBer 34a.

In the Mishnah and Tosefta **קרקע** occurs in the phrase **מחובר ל/בקרע**,<sup>87</sup> **חיברן לקרקע**,<sup>88</sup> **משוקעת בקרקע** or **בארץ**.<sup>89</sup> The expression **בארץ**—in the sense it has here, that of “on the ground” rather than “in the ground”—however, occurs in tSuk 4:12 (twice) and tB.M. 2:8 (twice).<sup>90</sup> In bShab 21a there is another case of the substitution of **קרקע** for **על גבי הארץ** tShab 2:2. Aside from these cases of substitution, the phrase is frequent in Bavli, appearing some twenty-three times.<sup>91</sup> It is clear that, once again, both the Babylonian and toseftan variants fit their respective linguistic contexts.<sup>92</sup>

6. **מחזיר** (Tosefta) **שיגור** (Bavli): **שיגור** appears twice in the Tosefta<sup>93</sup> and once in the Mishnah,<sup>94</sup> aside from the form **שגורה**, which appears once.<sup>95</sup> In the Bavli, however, it occurs frequently in a somewhat specialized usage, when a certain heightened poetic or ceremonial sense is required, e.g., to describe the sending of important presents, or when important people are involved, kings, etc., or official acts, or the sending of ritual objects. There are no less than twenty-six such instances in Bavli.<sup>96</sup> Among them are at least four cases in which a toseftan baraita contains a synonym for which Bavli has **שיגור**: tYeb 13:1 has **אפילו נכנסה ליטול מהחנוני**, while the parallel at bYeb 108a has **שיגרה בעלה אצל חנוני**; tSot 8:6 has **ושלחו** while bSot 35b has the expected **שיגרו**; tTer 10:18 has **נותנין** the parallel at bYeb 99b has **משגריין**; tSot 13a has **שהשיבו**, the parallel at bYom 52b has **שיגרו**. Thus, the use of **שיגור** does seem to reflect a Babylonian provenance.

7. If this passage is indeed originally Babylonian, the story at N about

87. tB.M. 8:7, tB.B. 3:1, tHul 1:5.

88. tKel B.Q. 5:2 (twice), 7:14, tKel B.M. 1:13.

89. tMiq 1:6.

90. Note that in bB.M. 25a it appears as **על גבי קרקע**.

91. bShab 81b (twice), bShab 38b, bPes 19b–20a, bM.Q. 16b, 21a, bNed 40a, bGit 70a (twice), bB.M. 25a, 59b, 84b, 105b, bMen 32b, 44a (twice), bHul 51b, 67a, 105a, bAr 30b, bNid 5b (twice), 64b!

92. Given the relatively few attestations of **בארץ** in Tosefta, one may wonder how Tosefta expresses the idea of “on the ground.” It gives a slight preference to **על גבי הארץ**, tSheb 3:2, tShab 2:2 (which becomes **על גבי קרקע** in bShab 21a; see above), tShab 10:14 (no parallel in Bavli), tKel B.B. 3:9 (twice), tMiq 4:17 (none has a parallel in Bavli). It also prefers the concrete, for example: **על גבי סלע** in tTer 1:14, tKil 1:14 (twice), tKel B.Q. 3:6, tOhol 17:7, or **על גבי האבן**, tHag 2:1, tKel B.Q. 4:10, tOhol 7:2.

93. tShab 14:9 and tHor 2:6.

94. mPes 4:9.

95. tBer 3:3.

96. Ber 10b, 34b, 63a, Erub 63a, Pes 119a, Yoma 20b, 52b, Tan 19b, Hag 5a, Yeb 60b, 99b–100a, 108a, Sotah 35b, Git 47b, 58a, B.M. 87a, B.B. 14a, 81b, 146a, Sanh 59b, 91a, A.Z. 39b, Men 44a, Hul 94a, Nid 70b.



Rabban Gamliel and the “Elders” was shortened on or before its inclusion into the Tosefta. This is an unusual phenomenon, since as noted above, Babylonian versions of such anecdotes tend to be more highly elaborated than their toseftan counterparts.<sup>97</sup> In this case, since the material is assumed to be Babylonian, we may well wonder why the reverse is not the case. This may indicate a late reworking of such material in those cases where this elaboration is present.

In this instance, the Babylonian parallel at bSuk 41b contains a long list of prominent rabbis who accompanied Rabban Gamliel on his trip, presumably to Rome. These included R. Yehoshua (b. Qorha), R. Eleazar b. Azariah, and R. Aqiva. The Babylonian version also contains more colorful details: the species cost Rabban Gamliel a thousand gold coins while the Tosefta’s version describes the price as a “mere” (by comparison) gold dinār. Bavli’s version also goes to the trouble of detailing the exact order in which the species were passed around; since no names, aside from that of Rabban Gamliel, are specified in the Tosefta, the process is summarized as: “once he [Rabban Gamliel] had performed his obligation [with his set], he gave it to his colleague, and his colleague to his colleague, until all had performed their obligations.”

The Bavli contrives to include more “local color” in its retelling of the anecdote in Q as well. The Tosefta hardly refers to the willows the crowds brought along with them by name, while the Bavli has *מרביות של ערבה*. The Tosefta summarizes the situation quite laconically:

The Boethusians paved it [כבשום עליה]<sup>98</sup> with large stones on the eve of the Sabbath; the people realized what had happened [הכירו בהן], and they came and dragged them [away] [גררום], and took them out from beneath the stones on the Sabbath.

Bavli fills in the details:

The seventh day [of Sukkot, the Day] of the Willow fell on the Sabbath, and they brought willow shoots on the eve of the Sabbath, and placed them in the

97. For example, see n. 31.

98. Literally, “they crushed it.” In the context, the “it,” which is feminine, can only refer to the willows, but the use of the singular is a puzzle, and, while it is easy enough to account for by the loss of the final *nun* in עליהן, the fact that this reading is evidenced by all manuscripts *and* the ed. princ. must give us pause.

[Temple] court; the Boethusians divined their intentions [הכירו בהן] and took them and crushed them [כבשום] under stones. The next day the people realized what had happened [הכירו בהן], slipped them [שמטום] from beneath the stones, and the priests brought them [to the Temple] and stood them up along the sides of the altar.

The Bavli's version is much more dramatic, with the tug of war between the people and the Boethusians expressed by the recurrent הכירו בהן, which the Tosefta employs only once.

This elaboration of the Bavli's version of the story compared to that of the Tosefta is common, but for that very reason it is unexpected in this case. The general assumption is that the Bavli contains later, more developed versions of anecdotes, while the toseftan versions are closer to the original. In this case, however, the Babylonian version should be the earlier—and, one might expect, the less elaborate of the two. One possibility is that the toseftan version underwent a period of oral transmission during which it was shortened.<sup>99</sup> Nevertheless, the possibility that the toseftan version is the earlier one and the Babylonian version an elaboration of its cognate version cannot be discounted; it may be that both versions go back to a common source, one which was closer to the toseftan version, while the Bavli's more elaborate version reflects its redactional tendencies. The specification of which sages accompanied Rabban Gamliel could easily have been supplied from mM.S. 5:9 or mErub 4:1.<sup>100</sup> Together with the general elaboration in the Bavli of the anecdotes in N and Q, this may indicate that the toseftan version is actually to be dated *earlier*, from a literary standpoint, than the versions of these baraitot which now appear in the Bavli. Again, if both versions are considered to be representative of mhe<sup>1</sup>, though differing in their provenance, this would indicate that our passage reached Palestine very shortly after the redaction of the Yerushalmi, leaving ample time for the Babylonian elaboration and expansion to have taken place. The result of our analysis is thus highly significant. It would seem that the Baby-

99. This tallies with our impression of the anecdotal material in tPisha as compared to its counterparts in tPes; for a more general picture, see Neusner, *Peripatetic Saying*, pp. 12–29.

100. It also appears in Sifra Emor, ed. Weiss 16:1 (102c), in a third version of this story, one which otherwise contains less detail than even the toseftan version.

lonian expansion and elaboration of early materials took place during the latter half of the amoraic period or later.<sup>101</sup>

8. **פעם אחת / מעשה ב . . .**: While N opens with **פעם אחת** in both its toseftan and Babylonian versions, the Babylonian analogue of Q (in bSuk 34a) has **פעם אחת**. However, most stories in both the Bavli and Tosefta begin with **מעשה ב / ש / ו**: there are 384 such introductions in the Bavli, and 198 in the Tosefta. It is common in the Mishnah too, with some 108 attestations.

The phrase **פעם אחת**, on the other hand, is much less frequent in the Mishnah and Tosefta: seven occurrences in the Mishnah and twenty-four in the Tosefta. It is much more common in the Bavli than the Tosefta; there are a total of 160 attestations in the Bavli! Thus the use of **פעם אחת** in the Babylonian analogue of Q is quite normal.

9. **גרום** (ToseftaL Q) / **שמטום** (bSuk 33b).<sup>102</sup> The two are not strictly synonymous; it seems that the Bavli envisaged smaller and rougher stones than does the toseftan version, and so more care in handling is required: **גרר** implies rougher handling than **שמט**. The Tosefta, with its “large stones,” seems to refer to the large paving stones around the Temple; removal of the willows required less care under these circumstances. Nevertheless, both **גרר** and **שמט** are attested in the Mishnah, Tosefta, and both Talmuds.

Thus, nothing in the *linguistic texture* of these baraitot as they appear in the Tosefta indicates that they are of Babylonian origin. Whenever the borrowing occurred and in whatever direction, the baraitot have by now taken on the linguistic complexion of their (Palestinian) surroundings.<sup>103</sup> If we assume, with Lieberman, that these baraitot traveled westward, it is only on the basis of “circumstantial” evidence—the fact that they do not appear in Yerushalmi.

Again, in the absence of strong isoglosses linking the language of our

101. Daniel Sperber posits an even later—perhaps geonic—elaboration of an originally amoraic story; see “On the Unfortunate Adventures of Rav Kahana,” in *Irano-Judaic: Studies Relating to Jewish Contacts with Persian Culture Throughout the Ages* (Jerusalem, 1982), pp. 83–101, esp. his comments on pp. 97 f. The basic story must be considered amoraic in light of the parallel in yBer 2:8.

102. MS Vienna’s **גרום** is clearly a scribal error.

103. This is typical of the Yerushalmi, see S. Lieberman, *Talmudah shel Kaisarin* (supplement to *Tarbiz* 2) (Jerusalem, 1931), pp. 22–23; Baruch Bokser, “A Minor for *Zimmun* (yBer 7:2, 11c [correct to 11b]) and Recensions of the Yerushalmi,” *AJS Review* 4 (1979): 9–10, n. 28.

toseftan passage to mhe<sup>2</sup>, this passage should be assigned to mhe<sup>1</sup>, despite its date and pending a study of the language of other Babylonian baraitot in the Tosefta and Yerushalmi. And, as noted, this would indicate that the elaboration characteristic of the Bavli's handling of anecdotal material must be dated after the fourth century.<sup>104</sup>

If this passage entered the Tosefta from Babylonia in the late fourth century, the emergence of mhe<sup>2</sup>—and the continued existence of mhe<sup>1</sup>—must be dated to that time and thus much later than Kutscher and Moreshet estimated. It cannot be argued that linguistic conservatism in Palestine accounts for the existence of mhe<sup>1</sup> at that date (as witnessed by the “conversion” of Babylonian mhe<sup>2</sup> baraitot into toseftan halakhot in mhe<sup>1</sup>), nor that Babylonian Jewry represents an exception to the usual tendency for colonies toward greater linguistic conservatism than the homeland. The fact that Babylonian material incorporated into the Tosefta does not differ linguistically from the rest of the Tosefta remains an important datum requiring explanation.

It may be that we must opt for a geographic rather than diachronic distribution for Middle Hebrew. The slow emergence of mhe<sup>2</sup> in Palestine as observed by Moreshet<sup>105</sup> need not contradict this. Needless to say, more study is required before such a sweeping conclusion can be drawn. In particular, the extent to which the language of the Yerushalmi's baraitot reflects the development of Middle Hebrew must be determined.

### III

To sum up, this passage would seem to have entered the Tosefta from Babylonia not earlier than the late fourth century, but its language and “condensed” form (as compared to its parallel Babylonian baraitot) belie that origin. It would seem that the passage as a whole was redacted in Palestine, since even Rava, whose interest in Palestinian traditions is well

104. This elaboration presumably occurred over a long period of time; whether it resulted in as monochromatic a document as Neusner insists is not clear; see for example *Peripatetic Saying*, pp. 179–190. The evidence gathered here does point to the decisive impact on style, form, and linguistic texture of the compilation in which a source is found and would in a general way support the contention of Halivni and Neusner of decisive redactional influence.

105. Moreshet, “Nosafot,” p. 68.

documented,<sup>106</sup> was not aware of all of it, or implicitly rejected Q but *explicitly* defended C. Since its arrangement is independent of that of mSuk, it would seem to have entered the Tosefta as a unit.

At any rate, after their inclusion into the Tosefta, these baraitot returned to Babylonia, perhaps in the late fifth or sixth century, and later became an integral part of the curriculum of the geonic yeshivot, where, in the course of time, additional Babylonian material entered the Tosefta, as Lieberman pointed out in regard to tPisḥa 2:21. Subsequent changes were nearly always influenced by the text of the Bavli.<sup>107</sup>

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106. See Z. M. Dor, *Torat Eretz Yisrael be-Bavel* (Tel Aviv, 1971), pp. 11–29.

107. See n. 14 above regarding the “Babylonization” of MS Erfurt of Tosefta.