latter, which is today still spoken by millions, underwent a further cleavage into a Northern and a Southern dialect, so that by 1730 Lithuanian Yiddish and Polish-Ukrainian Yiddish could be clearly distinguished on the basis of their vowel-differentiation.

H. Beem in his article *Yiddish in Holland* explains the development of Western Yiddish on Dutch soil until its extinction in our century, leaving only words, phrases, and proverbs in the present speech of Dutch Jews and even non-Jews.

Florence Guggenheim-Grünberg studies the survival of Western Yiddish in Switzerland in an article entitled *The Horse Dealers' Language of the Swiss Jews in Endingen and Lengnau*.

The volume contains valuable articles on Yiddish linguistics by Uriel Weinreich of Columbia University, by Yudel Mark, editor of *Yidishe Shprakh*, by Solomon A. Birnbaum of the University of London, by Dov Sadan of the University of Jerusalem, by Herbert H. Paper of the University of Michigan, and by Chaim Gininger of Yivo.

There are only three articles on Yiddish folklore and only three on Yiddish literature. Of the latter Benjamin Hrushovski’s study *On Free Rhythms in Yiddish Poetry* is a most valuable contribution, the product of a young scholar who is also a sensitive poet in Hebrew and in Yiddish.

This volume demonstrates the present vitality of Yiddish scholarship on three continents and is a worthy prelude to an entire series of studies which may emerge from the International Conference of Yiddish scholars in 1958.

Sol Liptzin

City College, New York

THE TOSEFTA

The Tosefta is mentioned frequently in the Talmud. It is stated there wherever an anonymous opinion is expressed in the Tosefta, that is of R. Nehemiah, ר' נחמיה בנו ר' חנניה. According to tradition, the author of the Tosefta was R. Hiyya, a pupil of R. Judah, the codifier of the Mishne. The first to ascribe the authorship to him was Sherira Gaon. The Jews of Kairowan had asked him about the authorship of

1 Sanh. 86.
the Tosefta and if R. Hiyya was the author, why had it been necessary for him to make additions to the Mishne? In his reply Sherira Gaon said according to the Epistle which bears his name that there could be no doubt that the Tosefta had been compiled by R. Hiyya, but that it was not certain whether the Tosefta had been compiled during the lifetime of R. Judah or after his death. He stated unequivocally that the Tosefta had been compiled after the compilation of the Mishne. In the same Epistle, Sherira sought to explain why R. Judah himself did not compile the Tosefta.

The view that the Tosefta is a supplement to the Mishne and that it was compiled by R. Hiyya was accepted by the rabbis of the Middle Ages. Maimonides also was of the same opinion. Modern scholars, however, do not share this view. The first attempt to explain the composition of the Tosefta was made by Zechariah Frankel who held that the Tosefta was a compilation of two independent Baraitot collections, one by R. Hiyya and the other by R. Hoshaya. He believed that additional material was freely interpolated into these collections from both Talmuds. Other scholars who followed Frankel advanced various views on the authorship and compilation of the Tosefta. H. Dünner advanced the theory that the Tosefta was compiled after the conclusion of both Talmuds. I. H. Weiss stated that the compiler of the Tosefta was a Palestinian by birth who lived in Babylonia in the latter part of the fifth century, and that he drew his material from different sources, making use of the discussions in both Talmuds.

Dr. D. Hoffmann, 2

2 הותמהותא שפשוע הבסי ר' יהודה חבקתא לארח המוניא תכבדה וא בוכת איוח על
והי ראו ר' יהודה אלתבה אמר הרמב"ם שוקEmeritus ואעזא אמר לאיצא למספר את_tx (ארוח שריריא תוא), יביסו נפשנה (שלוש)
ולענין הותמהותא ראו יד'히יעי ראות ומלל.
3 וERNEL הותמהותא ברירא דרבנים פנינית אדם ותלונות תנייא ואל פמש לא ביבת
דרבי נג נשיא ר' יהודה וא ברהית
5 הא אמרותה דר ר' יהודה אלתבה אמר לא כתב 'הענין על בקש ר' הלבר
כל המ שוה שמי ארכוטו מיל או איתוקן אלא כי רוכי ודוביה חניק... אלא ש
והיו פמש ברהית... ואילו יכין ראית ר' יהודה בברית אתפעל על רבי יאן
ושמענו
6 ראו אתא מתמלין והוא ר' יהודה שכרו ונלבת ברוח ברו הלבר המ
שמענה ברוכב רבי אתא הותמכותא וגוו לבר הלבר (הקדוע פרפריס המשפתיים).
(קדש ברוכב בברית המשפתיות) הותמכותא איה שואי המשנה (ברוז
( fromDate=2023-03-14)
7 DR. DOFFMANN, pp. 304–08.
8 MGWJ, 1870.
9 MGWJ, 1882.
A. Schwarz,¹¹ and M. Brüll¹² also dealt with the problem of the compilation of the Tosefta.

M. Zuckermandel set forth a novel theory on the origin and compilation of the Tosefta. He held that the Tosefta really was the original Mishne compiled by R. Judah, and that our text of the Mishne was not the original compilation of R. Judah, but a version that was altered and modified by the Babylonian Amoraim. Hence the Babylonian Talmud could not have been based on the original Palestinian Mishne of R. Judah. The Tosefta, Zuckermandel maintained, was the original form of the code which R. Judah compiled.¹³ This view of the origin of the Tosefta has no validity. My purpose in quoting here the traditional point of view and the views of the modern scholars is to show that the authorship of the Tosefta and the time of its compilation is still a moot question.

Many of the halakot in the Tosefta are in contradiction to those recorded in the Mishne; others are merely elaborations. Many halakot recorded in the Tosefta are not found in the Mishne but in the Baraitot in both Talmuds. Some of them are in agreement with the Baraitot while others are not. Again, we find halakot in the Tosefta which date from a very early period of the Second Jewish Commonwealth, and yet they are not recorded in the Mishne. Why were they omitted by R. Judah? On the other hand we have some halakot in the Tosefta which were enacted in the time of R. Judah, and others even in a later period. It is evident that the origin of the Tosefta and its relationship to the Mishne and the Baraitot are still unsolved.

The Tosefta, though studied by the sages during the Middle Ages, was never held to be on a par with the Mishne in authority. Incidentally, this is one of the reasons why the text of the Tosefta is replete with mistakes and lacunae.

The Erfurt Ms. was edited by Zuckermandel with variants.¹⁴ The traditional Tosefta was printed in Vilno by the Romm family.¹⁵ In addition to the most ingenious emendations by the Gaon of Vilno, and different readings recorded in some mss., it contained an excellent

¹¹ MGWJ, 1875.
¹² See Zunz Jubelschrift, p. 94.
¹³ Tosefta Mishna and Baraitha, 1908; comp. also Henry Malter, JQR, 1911.
¹⁴ Tosefta, nach den Erfurter und Wiener Handschriften mit Parallelstellen und Varianten, 1880.
¹⁵ מדריך והזאתא ראמ; נחלו עליה, התה שוריא, מנהה מכורה, סופעה שופלן, ואור התה, ונסוחות כלבי יד.
commentary by David Fardo. There are two other valuable commentaries on the Tosefta, one by Yihiy Rashi, and the other by Ḥaṭam Ḥayyim ben David b. Yehiel. Prof. Saul Lieberman has recently published a work on the first Seder (Zeraim) of the Tosefta, in three volumes. The first volume is entitled: The Tosefta, According to Codex Vienna, with Variants from Codex Erfurt, Genizah Mss. and Editio Princeps (Venice 1521) Together with References to Parallel Passages in Talmudic Literature. He calls the other two volumes Tosefta Ki-Fshuṭah, A Comprehensive Commentary on the Tosefta. This work was published by the Louis Rabinowitz Research Institute in Rabbinics at the Jewish Theological Seminary of America, New York, 5715 — 1955.

Prof. Lieberman's edition of the first Seder of the Tosefta is a storehouse of all the various readings found in the vast rabbinic literature of the Middle Ages. He has collected all the variants in the different manuscripts in our possession; all of which required not only diligent labor but great learning. In his edition of the Tosefta Prof. Lieberman has shown his mastery of the entire medieval rabbinic literature. His edition of the Tosefta is superior to the edition which was published by Romm where among the commentaries were included the Ḥaṭam Ḥayyim ben David and the readings by the Gaon of Vilno. It is also superior to Zuckermandel's edition. Prof. Lieberman's work is on a par with the great work of Rabinovitz, the זכרון טוב of the Talmud. Rabbinic students will be very grateful to Prof. Lieberman for his edition of the Tosefta.

The first volume has a brief introduction of seven pages dealing with the different manuscripts of the Tosefta. The second volume contains a short introduction of nine pages about the commentaries written on the Tosefta.

One would have welcomed from Professor Lieberman an introduction to the Tosefta itself which would deal with basic questions such as, who was the actual compiler of the Tosefta and when it was compiled. What is its relation to the Mishne and the Baraitot? As long as these fundamental problems are not cleared up, no adequate commentary can be written. If the Tosefta was compiled by R. Hiyya, as tradition tells us, then it is one of the most important documents of the tannaitic period, and the Amoraim made use of it. If it was compiled in Babylonia at the end of the amoraic period, or even later, it loses its importance as a source for the tannaitic literature. An editor or a commentator on the Tosefta must first decide the problem of its origin. Without this clarification, a satisfactory commentary is impossible.
To edit critically the Tosefta, or any other tannaitic or amoraic text, one must of course make use of all available manuscripts. However, the majority rule must not be applied in regard to authenticity.\(^\text{16}\) Even though ten manuscripts have similar readings, and one manuscript only has a different reading it does not follow that the ten have the correct rendition for it is possible that they may all revert to one source. An editor must apply the following principles: 1. He must examine all available manuscripts; 2. He must furthermore take into account the readings to be found in later rabbinic literature as many passages of the Tosefta are recorded in the vast rabbinic literature of the Middle Ages. However, he must be on guard too. For the rabbis of the Middle Ages may have purposely emended the text to make it accord with other passages in the rabbinic literature or with the accepted halaka. Hence the readings in the rabbinic literature of the Middle Ages may be emendations or corrections and not the original reading. 3. Finally establish original readings, i.e. where there are multiple variants one must apply internal evidence and also be guided by the historical background of the halakot. This third method (internal evidence) was very well employed by Rashi.\(^\text{17}\)

In his edition of the Tosefta Professor Lieberman applied the first two principles but not the third. This is a serious shortcoming. Without the application of internal evidence, it is impossible to provide a critical-scholarly edition of a problematical tannaitic text. However Herculean the task to establish the original reading of a tannaitic text, the editor must endeavor to do so.

I shall illustrate the defects which result from the failure to apply these critical tests by a few examples. Thus Tosefta Peah 3.3, reads as follows: התווספת בשוחק בו תלולוכי ולייוה על עג נב DRIVE ושקח את שיעתו [היתحان] התווספת והשלולים אעט השכון (היתحان) ר,' שמעון ואומר'шинא ויא שלח: This Tosefta is recorded in the Palestinian Talmud with slight changes. In the former the reading is: בשוחק נתולוכי ולייוה שמעון תלולוכי ולייוה. This difference is not of great importance. However, this Tosefta is also recorded in the Babylonian Talmud\(^\text{18}\) where we find a different version of great importance. In the Tosefta the reading is ר,' שמעון

\(^\text{16}\) The principle of “majority rule” was applied by Dr. Lieberman.

\(^\text{17}\) Or Genesis 115 ברייתא ומשיבתא. The text has מפריס ומשיבתא which is followed by Dr. Lieberman.

\(^\text{18}\) Sota 45, 50. The principle of “majority rule” was applied by Dr. Lieberman.
Aomer Shimon ash Shannah theshhonapped forgotten sheaves and the field forgotten sheaves.

Rabbi Simon said both [the two sheafs] do not come under the law concerning the forgotten sheaf. The lower because it is covered, and the upper, because the owner acquired it. The text in the Babylonian Talmud has said: ‘Aomer Shimon theshhon printed forgotten sheaves forgotten sheaves forgotten, the lower is not in the category of sheah while the upper sheaf cannot be considered sheah because he is floating, i.e., it is not on the ground of the field. Now, in the Tosefta we have said sheah while the Babylonian Talmud has forgotten sheah. These two terms had different meanings. R. Simon could have given only one reason for his opinion and we are confronted with the question, what is the original reason of R. Simon. Prof. Lieberman records only the readings and does not solve the problem, as to what was R. Simon’s reason for stating that the upper sheaf is not in the category of sheah.

From internal evidence we may say with certainty that the reading of the text, as recorded in the Babylonian Talmud, is the original reading. First, we note that the Amoraim already had the reading which printed sheah and forgotten sheah. The reading in our Tosefta as well as in the Palestinian Talmud was emended on the basis of the interpretation given in the Babylonian Talmud on R. Simon’s dictum. Since forgotten sheaf is used in all other places, we may infer that the reading in the Tosefta as recorded in the Babylonian Talmud was influenced by the Babylonian Talmud.

Second, we may also conclude from internal evidence that the original reading was ‘Aomer Shimon and not Sheah. R. Simon was a Hillelite who maintained that a sheaf which is forgotten in the field is not in the category of sheaf. It seems that Prof. Lieberman did not fully realize the underlying reason for the controversy between the Shammaites and the Hillelites.

The sages divided property into the following categories, private property, דכטפי הייח , property which belonged to many, communal property, דכטפי רבינ , property which belonged to the State, and was called דכטפי נב , Divine property, תומם דמוי , property which belonged to The Temple, and was classified תומם רסול , property which had no owner. Anyone had a right to relinquish his rights to private property, קוספי נב , property which belonged to the State, and was called קוספי נב , property which belonged to The Temple, and was classified קוספי נב .
property and declare one's property *res nullius*, and anyone could appropriate such property and become the sole owner of it. On this principle was based the law of אשת Zapu that if a person loses something which has no identification marks, the finder becomes the owner on the assumption that the previous owner was reconciled to its loss and inferentially relinquished his rights to it. A forgotten sheaf in the field according to the Torah belongs to the poor. The owner is considered to have forfeited his rights and cannot return later and appropriate it. The Torah invalidated his ownership of the sheaf. A forgotten sheaf belongs only to the poor; a rich person cannot take possession of it. It belonged to only a segment of the Jewish people.

The question then arose: Is this forgotten sheaf in the category of *res nullius*, or is it a property which belongs to (a restricted group) many? The sages were divided on this point. The Shammaites were of the opinion that since the Torah made the forgotten sheaf the property of all the poor people, therefore it is in the category of *hefker*. The Hillelites held that any property which belongs to [only] a segment of the people could not be in the category of *hefker*.20

R. Simon, being a Hillelite, could not have used the words תפיש, since a forgotten sheaf is not in the category of *hefker*. Hence, we may say with certainty that the authentic statement of R. Simon was תפיש in accord with this Tosefta reading in the Babylonian Talmud.

The lack of critical analysis of the text is apparent throughout this edition of the Tosefta.

The Tosefta [Peah 3.2] records the following: אמ', ר' אליעזר שאלת, המוכן놓מצשולברקל, "והoreתיהא, ומל.Migrations, לינור א, ר'. לינור א, מ, מ scanf, 'מלילהש', לעמדתלעמדת, "במלילה, לינור, א, מ, מ scanf, ביבהלך, מ, מ scanf, א, מ, מ scanf, הא, מ, מ scanf, עלברמלילה, "במלילה, לינור, א, מ, מ scanf, א, מ, מ scanf, הא, מ, מ scanf, עלברמלילה, "במלילה, לינור, א, מ, מ scanf, א, מ, מ scanf, הא, מ, מ scanf, עלברמלילה, "במלילה, L. Ilai asked R. Joshua what sort of forgotten sheaf was the subject of the controversy between the Shammaites and the Hillelites. The reply was that the controversy was over a sheaf which had been left near a fence or near a heap of other sheaves. The Shammaites were of the opinion that this sheaf was not in the category of a "forgotten sheaf" hence the poor people could not have it; the

20 בת השכוא二手车יה השואר ליעני הפקר ובית הלל אוטומטי ואינו הפקר על שפיקרי
אף עלשלישים.
Hillelites were of the opinion that this sheaf was in the category of a “forgotten sheaf” and hence the poor could have it. R. Ilai then asked R. Eliezer about the controversy and he answered that both schools were in agreement, that such a sheaf could not be considered in the category of “having been forgotten.” The controversy turned on whether or not a farmer took a sheaf to carry it to the city and left it near a fence, etc. The Shammaites maintained that such a sheaf was not, strictly speaking, “forgotten,” whereas the Hillelites considered that such a sheaf was in the category of “forgotten” and therefore the poor could take it.

The Tosefta further states that R. Ilai related the words of R. Eliezer to R. Eleazar ben Azariah and the latter said, “That is the truth as it was given on Sinai.” The Palestinian Talmud has a similar account to that in the Tosefta; however, there are some variations. A minor variant is the fact that the Tosefta reads מtığı whereas in the Palestinian Talmud we have אל חטקפ. More important and significant is the following difference. The Tosefta states that R. Eliezer said that both schools were in agreement that the sheaf which was left near the fence could not be in the “forgotten” category, והוא שבכה, while in the Palestinian Talmud we have a statement to the contrary, והוא שבכה, they can be considered “forgotten.” Now, which has the correct version? R. Eliezer could not make both statements, והוא שבכה and והוא שבכה. Professor Lieberman in dealing with this text quoted all the readings and also showed that Maimonides also had the reading in the Palestinian Talmud, והוא שבכה. However, according to Lieberman, Maimonides later retracted and had the words והוא שבכה. However, the Gaon of Vilna emended the text of the Tosefta. To establish the original reading of R. Eliezer’s statement, we must clarify again the controversy between these two schools in relation to the forgotten sheaf. The Shammaites considered a “forgotten sheaf” in the category of hefker, that is to say, they held that the law of hefker was applicable; therefore, if the sheaf was left near a fence it could not be considered hefker and was not a “forgotten sheaf.” Similarly, if someone found a

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21 כשמאיה איצל ר’ אלעזר אפרלר ולא נחלק בה שמי ובח חלקל על חוטמר... שהוא שבכה
22 ר‘ לע ברועי שמה ובסבירשלפמי כמי השם לפגוע בהҹפהתהו ופרסו שבך השם ובחמר והוה פלגתיהלعدلアクセ חפתו ופרסו שבך השם
23 באב דטעי להרמי מרדיאו ברהו רבעי וברנייתות (ሕנו’ רזרע טמ’ 27) ובכר אחר יבריאו סמא לא נחלק כך היה השם והוה השם שבך
24 שהוא שבכה.
lost article near a fence he did not have the right to touch it. It was not 'hefker. The Hillelites were of the opinion, as we said before, that a forgotten sheaf was not in the category of 'hefker since only poor people could take it. Hence, regardless of where the owner left the sheaf and had forgotten about it, the poor people may take it.

R. Joshua, a Hillelite, recorded the controversy about the "forgotten sheaf" near a fence. R. Eliezer, who was a Shammaite stated that in this case the Hillelites said that a sheaf which had been left over near a fence was to be considered a "forgotten sheaf" which the poor people might take. Hence the reading in the Palestinian Talmud is the correct one and retains the original words of R. Eliezer. Although R. Eliezer said that the Hillelites agreed with the Shammites and in this statement he was supported by R. Eleazer ben Azariah, yet R. Judah, when he compiled the Mishne disregarded it and accepted the statement of R. Joshua the Hillelites that the controversy between the Shammites and the Hillelites was over a sheaf which was left near a fence.

With all due respect to the sages of the Middle Ages, we must say their readings were not always authentic. In many cases they emended the text to harmonize with the halakot which they accepted. A scholar must courageously reject such emendations, if internal evidence negates them.

The Tosefta Peah 4 has the following statements: מעשר ראשון והוקה אלפים. If it is known that a particular person received the first tithe, he is considered a Levite. The reading in the Erfurt edition is, מעשר ראשון והוקה לכהנה, that the receiving of the first tithe places one in the status of a priest. The same reading is given in both the Babylonian and Palestinian Talmud, Ket. According to Lieberman, the authentic reading is that given in the Vienna Ms. It seems to me that this reading is questionable. R. Eleazar ben Azariah maintained that

25 tasarım Ahat hameo Ahat horo... lam anu baAkh.
26 ר', לייער ולא שמתי חוה (ר'ושלמי הרומח, ת"ם).
27 העד לאו סופר למח... שוכת בתי רשיא אופרסי ונין נחלת בתי הלל אופרסי שבחו.
28 B. Talmud 26, מעשר ראשון והוקה לכהנה, P. Talmud 2.7. מעשר ראשון והוקה לכהנה.
29 והנהא שעריים שלמנינו נגענו... וזכור אמשךفيرטע מעשר ראשון והוקה לכהנה. The Vienna ms. is inferior to the Erfurt ms.
the first tithe should be given to the priest39 (he himself was a priest).40

The reading in the Erfurt Ms., as well as in Talmud is in accord with
R. Eleazar ben Azariah's opinion.

Another example is (ibid.) the Tosefta has no point of saying that Prof. Lieberman believes that this may refer to an historical date, to the Bet Din before the time of Trajan.41 It is strange that Prof. Lieberman who always diligently quoted variant readings did not refer to the Palestinian Talmud, Ket. 2, where the reading is why the courts were in session.” The text of the Palestinian Talmud does not refer to any historical date. The reference to the Palestinian Talmud Suk. and Er. seems to me to be irrelevant.

Again, Tosefta Shebiit 8 states: ר 받שוע וב טנמלא ואש כל חלחול, שבחר פרותל עד כי אין משם, Rabban Simon ben Gamaliel said, any loan transacted after the Prosbul was written is not affected by the Sabbatical year; the debtor had to repay his loan. This reading, as was well pointed out by Prof. Lieberman, is attested by all the great sages of the Middle Ages;42 however, there is another reading to which Prof. Lieberman referred viz. such a loan is annulled if it is not repaid before the Sabbatical year. Prof. Lieberman accepted the reading of the sages without any hesitation; however, in my opinion there is not only merit in the other reading which says משם, but by internal evidence we may say it was the original statement by R. Simon ben Gamaliel, Rav.

According to Prof. Lieberman, if a Prosbul were written in April and the money which was borrowed in May was not repaid before the time of the Sabbatical year, the debtor had to repay the loan because it was not annulled by the Sabbatical year. The question which confronts us is, why should the Sabbatical year not annul such a loan. It

39 Yer. Ma'as. Sh. 5, 3a. — Comp. B. Ket. 26, 1a, 3b. The statement is a legal fiction to divert the first tithe from the Levites to the priests. There is a grave doubt that any tithe was given, to the Levites or to priests during the First Temple.

40 Ber. 27, 2a. בוחרי עשו ולעואר לא.

41 פסקויות קאמר הוא דה טנמלא Очין וישמעו מצוה אף לח' א"ל,יעל בסופר יuden פ"ק, א"ל.

42 ורכו ומקימימ על בר חכם, ד"א, ד"א, ד"א, ד"א, ד"א, ד"א.

43 שלמה, ר' בר reproduced, הר"ו, ר' בר, ר' בר, ר' בר, ו"ט, וה'חרי, ו"ט, וה'חרי, וה'חרי.
was not protected by the Prosbul. The context of the Prosbul refers to a debt previously transacted י nucleus and not to a future loan.\[34\] Suppose, for instance, A made a loan to B in March, and to make certain that the Sabbatical year would not annul his loan, he wrote a Prosbul in April in which he stated that he would collect all the debts due him. Then, let us assume that in May he made a loan to B or to C; how could the Prosbul which was written in April protect the loan which he made in May? We must accept the single reading which has been recorded in the vast rabbinic literature.

The rabbis of the Middle Ages emended the text of the Tosefta to read\\[א נ ר כ מ ס\\] instead of מקים which was the original reading of R. Simon ben Gamaliel. They emended the text of the Tosefta because of an erroneous interpretation of the clause PRIVILIGIUM which they interpreted to mean that a Prosbul written before the loan was made is valid, and of the clause PRIVILIGIUM, a Prosbul written after the loan was transacted is invalid.\[35\] I have pointed out elsewhere\[36\] that Rabenu Tam had interpreted that the words PRIVILIGIUM do not refer at all to the loan but to the time, i.e., if a Prosbul was written before the approach of the Sabbatical year, it was valid, PRIVILIGIUM; if it was written at the end of the Sabbatical year, i.e., on eve of the new year of the post-Sabbatical year, it was not valid, PRIVILIGIUM, because all debts were cancelled by the Sabbatical year.

There was, however, another opinion that even such a Prosbul was..."
valid, and that is what the Tosefta said. The time of the writing of the Prosbul was the eve of the New Year of the Sabbatical year. However, if the Prosbul was written on the eve of the New Year of the post-Sabbatical year, the creditor could collect the debt. R. Simon ben Gamaliel said that any debt contracted after the Prosbul was written, regardless of time, was annulled by the Sabbatical year. He agrees with the previous opinion recorded in the Tosefta. The opinion that a Prosbul written after the approach of the Sabbatical year is valid is also recorded in the Palestinian Talmud.

According to the Tosefta and also the Mishne, if a loan was made on a pledge of security although the debt exceeded the amount of the pledge, the laws of the Sabbatical year do not apply to this loan. Prof. Lieberman says that the pledge, or security, must be of real estate, but this is not borne out by the statement of Samuel who said that any loan made on a pledge which is worth only a needle, the law of the Sabbatical year is not applicable to such a loan.

The Tosefta in Ma'as. Sh. 1 has the following text: the day before the first day of the month of Abib, if the lent a sum of money to a person, and does not redeem it during the whole of the year, the person who lent the money, ‘defiles the hands,’ it was said that no animal should be bought with the redemption money for the second tithes secular meat. Prof. Lieberman in his commentary said: ‘i.e., the second tithes, because the day of the tithes is not eaten in Jerusalem even if it were hulin.

It is strange that Prof. Lieberman did not attempt to explain what was the conception of redeeming one's pledge in this respect; neither did he seek to explain why the person who lent should defile the hands. The principle of defiling the hands is applicable only in the following four cases. The Holy Scriptures defile the hands, and this is also applicable to the casing

37 והנה פורבל בן מ用地 ביכר...
38 כל מתלה שליאאריו ופורבל ויהי...
39 חסב ערב ראש השנה של מגיא שברית...
40 See note 37.
41 (p. 201)...
42 Comp. Yer. Sheb. 10, 11.
43 And if it were hulin.
44 הביא עבש ממשון אחר הדידה.
as well as to the thongs of the books, the paschal lamb after midnight defiles the hands, and so, i. e., a sacrifice which became unfit due to improper intention of the mind and the part of the sacrifice left over beyond the prescribed time. The law of the defiling of the hands is not applicable to any other subject. Why then should the hands be included among those which defile the hands?

Dr. Lieberman did not clarify the principle of the "defiling of the hands," and why only the above mentioned subject defiles the hands and not others. He fails to interpret this passage properly. He says, the hands are not used in connection with only the hands. The correct meaning of this passage is as follows: a vat, the liquid of which was pressed on the hands defiles kadosh but not terumah. The reason thereof is that in the second category of uncleanliness, the hands are not defiled kadosh but not terumah.

In the Vienna Ms. the reading is לְקרָשָׁה טֶמַאָה חָפְרוּ מְדוֹרִים. Prof. Lieberman is inclined to accept this reading in preference to the other reading wherein it is stated שְׁמַעְתָּהוּ חָפְרוּ מְדוֹרִים. He says, this is only the hands and that the hands are not used in connection with only the hands. The interpretation is erroneous, because he evidently did not take into account the historical background of the decree of the "defilement of the hands." It is interesting to note that the law that defiles the hands is not found in the Mishne, whereas the other instances of hands are recorded. Dr. Lieberman did not connect the law of the hands, as recorded in the Tosefta, with those mentioned in the Mishne. Apparently he did not see that there was a connection between them.

(I dealt with the origin of the "defiling of the hands" in my essay, *A Historical Study of the Canonization of the Hebrew Scriptures.*)

Again, Tosefta Ma'as. Sh. 5, reads as follows: 

44 שְׁמַעְתָּהוּ וְרָצוּנוּ ... סְסָמָא אֶל הִירֵם חָפְרֵי מְדוֹרָאָה (Pes. 10.9).
45 Ibid.
46 Comp. Tosefta Niddah 9.18, 8.8.
47 Comp. Tosefta Niddah 9.18, 8.8.
Crabbed carcfs, Neatly buttoned, tires, alas, rather vigorous and the text of toefh. R. Eliezar had an orchard near K'far Tabi in the east of Lydda and he did not want to redeem the crops of fourth year's. When his pupils told him that it had been decreed that the fourth year's crop should be redeemed outside of Jerusalem, he complied with this decree and cut the grapes and redeemed them. A similar incident is given in the Babylonian Talmud, where it is stated that when Eliezar wanted to make the fourth year's crop hefker, i.e., res nullius, his pupils told him that his colleagues had permitted the crops to be redeemed.48 Prof. Lieberman mentioned the different versions, without elaborating on the subject, apparently not realizing that the version was of great importance. The text of the Tosefta reads, אלא רצה לפרוהו he did not want to redeem the crops of the fourth year, while the text of the Babylonian Talmud has ביתכש תלפוכיו ליעיס, he wanted to declare the crops res nullius, which is a very important difference indeed. There is an even more vital difference between these two texts in relation to the orchard of R. Eliezar. We read in the text of the Tosefta that his pupils told R. Eliezar "it was decreed". The term decree has the connotation that that which was permitted previously now is prohibited. The term g'zerah has the connotation of stringency. We are told in the text of the Talmud that the pupils of R. Eliezar told him that his colleagues had said, permitted which means that that which previously had been prohibited is now allowed. This is diametrically opposite to that which is stated in the Tosefta.

It is not the purpose of the present reviewer to be an interpreter of the Tosefta, nevertheless I shall try to clarify the seeming contradiction between the text in the Tosefta and the text in the Babylonian Talmud. It seems that they did not refer to the same orchard of R. Eliezar. The Tosefta refers to the orchard which R. Eliezar had near K'far Tabi, northeast of Lydda, while the Babylonian Talmud refers to an orchard which R. Eliezar had near K'far Tabi southeast of Lydda.

According to the old Halaka, the harvest of the fourth year of any orchard, which is located within one day's journey of Jerusalem, had to be brought to Jerusalem. The fourth year's harvest of an orchard which is beyond this limit had to be redeemed. The Mishne says that

48 Bezah 5, אֵלֶּא רָצָה לִפְרֹהוֹ אֶלֶּא רָצָה לִפְרֹהוֹ אֶלֶּא רָצָה לִפְרֹהוֹ A. Comp. also R. H. 31.
to the west of Jerusalem Lydda was the terminal of one day’s journey. Thus, the crops of the fourth year of any orchard above, i. e. to the north of Lydda, had to be redeemed, whereas the crops of the orchards located below, i. e. to the south of Lydda, could not be redeemed but had to be brought to Jerusalem.49

After the destruction of the Temple the first Bet Din,50 i. e., Rabban Jochanan ben Zakkaï did not deal with the problem of the crops of the fourth year. The later Bet Din, i. e., the court of Rabban Gamaliel, decreed that all the crops of the fourth year of the orchards located beyond one day’s journey should be redeemed. R. Eliezar who had an orchard located near K’far Tabi, northeast of Lydda refused to redeem the fourth year’s crops because the Temple had been destroyed. When his pupils told him it had been decreed that the crops of the fourth year had to be redeemed, he complied. The story recorded in the Babylonian Talmud refers to the orchard which R. Eliezar had near K’far Tabi to the southeast of Lydda, i. e., in the area of one day’s journey. According to the old Halaka such a crop could not be redeemed but had to be brought to Jerusalem. R. Eliezar who could not take the crop to Jerusalem wanted to make it hefker.51 However, his pupils told him that his colleagues permitted the crops to be redeemed. The reason R. Eliezar did not know of these changes in the halakot was due to the fact that he did not attend the sessions at the Academy having been excommunicated by his colleagues.52

The text of the Tosefta reads, הבשה 바ב, “the ninth of Ab.”53 Again, the printed text of the Tosefta reads, הבשה במב, “on the ninth of Ab.”54 The Erfurt Ms. has also הבשה and ellipses which means that the scribe omitted a word. Dr. Lieberman assumes that the reading should be הבשה במב, on the ninth of Ab. He supports himself on Lichtenstein’s edition of the Scholia on the Megillat Ta’anit where the reading is הבשה במב. 55

49 כרב רביע היה תועלת ליר골ים מתקל עמה היה לברך עדו זפר זפר דר חמה חמה."ר זא חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד ז пр זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חhma א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר דר חmah א"מ רד זпр זפר דר חמה חמה א"מ רד זפר זפר דר חמה חמה א"מ רד זפר זפר זפר דר חמה חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר زפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זפר זפר דר חmah א"מ רד זושו זושו במב. 55 according to the Shammites, was a Shammitite. 56 comp. b. m. 59, comp. also r. h. 31, who make the chet into a vav. see also lieberman, הבשה ובמא, "the ninth of Ab." therefore, the reading is הבשה ובמא. 57 comp. however, the same edition has הבשה ובמא, "the ninth of Ab." however, the edition has הבשה ובמא, "the ninth of Ab." therefore, the reading is הבשה ובמא. 58 comp. b. m. 59, comp. also r. h. 31, who make the chet into a vav. see also lieberman, הבשה ובמא, "the ninth of Ab." therefore, the reading is הבשה ובמא. 59 comp. however, the same edition has הבשה ובמא, "the ninth of Ab." however, the edition has הבשה ובמא, "the ninth of Ab." therefore, the reading is הבשה ובמא.
However, the text in the Talmud upon which the Scholia are based does not have on the ninth of Ab. Furthermore, the Mishne says that there were nine times in the year when wood was supposed to be brought to the Temple by a particular branch of the priesthood and the people, and these days are enumerated, but the ninth day of Ab is not included among them. The Scholia on the Megillat Ta'anit were composed during the geonic period and have no historical value for the history of the Jews during the Second Commonwealth.

Prof. Lieberman in explaining the text of the Tosefta Ber. 6, 'R. Judah says when one pronounces a blessing over the sun he is following an unorthodox point of view,' says that R. Judah's statement refers to one who blesses the sun anytime he sees it after some cloudy days. The word cloudy is not mentioned in the Tosefta. According to the Talmud when one sees the sun in its tekufah, and the moon in its strength, i.e., when the moon is full, and the stars in their constellations, he should pronounce a benediction. R. Judah's opinion was that anyone who pronounces a benediction only on the sun and not on the moon or stars was unorthodox.

The text in the Tosefta (ibid.) has יי הנומ מלכד והות באלף ת��י הר וירמ קדשה, הנסיך בה תייזמרה וירמא יד היר מקדשה, תייזمرا והות 베토ולא אל דבלא והיר זירמא קדשה, יד היר זירמא קדשה, תייזمرا והות באלף ת��י הר וירמ קדשה. The Palestinian Talmud has the following reading. Prof. Lieberman is of the opinion that the text of the Tosefta is unquestionably right, although it varies from the reading in the Palestinian Talmud, and he asserts that

28. However, the text in the Talmud upon which the Scholia are based does not have on the ninth of Ab. Furthermore, the Mishne says that there were nine times in the year when wood was supposed to be brought to the Temple by a particular branch of the priesthood and the people, and these days are enumerated, but the ninth day of Ab is not included among them. The Scholia on the Megillat Ta'anit were composed during the geonic period and have no historical value for the history of the Jews during the Second Commonwealth.

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We cannot correct, he says, the reading of one text by another when both have valid support. Prof. Lieberman failed to explain how there came to be various readings in the Tosefta and in the Palestinian Talmud. Were they due to different points of view held by the Tannaim. If so, which was the earlier and which was the later? Is the reading in the Tosefta the earlier opinion and that in the Palestinian Talmud the later, or vice versa? What were the underlying reasons for the different readings? Answers to these questions are very important in establishing a text. The reading in the Palestinian Talmud is superior to that in the Tosefta.

Prof. Lieberman in his work תוספות ראשונים, in referring to the Tosefta said, 'לפי רשון על תוספת柄 ר' ראשה אל הוויהי אל השם כל תונא אולאشنרב שיעורי החוכמיים על השם אפלו בפואל בלשון סלון. באכר ארוכי יבנינו זה החכמים והʳואים אלא נברר לי בודאתי ולא כותמי לחול. In his article in the PAAJR, 1951, he wrote, "With those people in mind who were careful not to mention the substitute for the Tetragrammaton even in prescribed benedictions, the Mishna ordained that a man greet his fellow with (the use of) the Name of Lord. However, I do not know for certain of whom the Rabbis were thinking." Prof. Lieberman in the present edition of the Tosefta still adheres to his original view, that the Mishne and the Tosefta refer to those extremists whom he calls חפירות שמא who were careful not to mention even alef dalet in the blessing and instead used alef lamed. It is surprising that Prof. Lieberman did not recognize the absurdity of such a statement. The sages certainly would not use the words "It is time to work for the Lord and they rendered the law void." The sages would not have rendered the law void for fear of extreme Hasidim, חפירים שמא. The reference in the Mishne and Tosefta is to the Judean Christians.61

According to Prof. Lieberman the clause ariel אל יウィ, "Blessed be Thou O my God," which is found in the so-called Manual of Discipline bears a relation to this Tosefta. He says, "בмирילה ומאד יウィ יהוה הוא. In the scrolls which were discovered in Jericho lately we find a blessing which begins, 'Blessed be Thou O my God.'"62 He is apparently unaware of the fact

60 I, p. 122.
62 I, p. 122.
that such a blessing is not found anywhere in ancient Jewish literature, neither in rabbinic or apocryphal, or in the New Testament. The blessing always began בְּרֹעַ הַשָּׁם, Blessed be Thou, O Lord, and not “my God.” Prof. Lieberman apparently did not recognize the fact that the author of the so-called Manual of Discipline who wrote the words, “my God,” in the blessing was a semi-literate who took the yod at the end of the word אדונai to be the possessive “mine,” and since he was apprehensive of writing אדונai he wrote אלי.

These passages are only a few of the many which show that the neglect to apply the principle of internal evidence in examining the text, and the failure to recognize the historical background of the halakot leads to errors and false hypotheses.

We hope that Prof. Lieberman will continue to edit the subsequent sections of the Tosefta. We hope, also, that Prof. Lieberman will supply an introduction to the opus: the origin of the Tosefta, its purpose, its compiler, and the date of its composition. We should find answers to the basic questions: What is the relation of the Tosefta to the Mishne, and to the Baraitot? Was R. Hiyya the compiler, as Sherira Gaon held? Or was it compiled in the fifth century, as maintained by some scholars? The age and purpose of the compilation of the Tosefta are sine qua non for a proper understanding of this classic rabbinic work. It is to be hoped that Prof. Lieberman will fill these lacunae in the forthcoming volume.

S. Zeitlin

Dropsie College

DISCOVERY IN THE JUDEAN DESERT*

The admonition in Eccl. 12.12: “…of making many books there is no end; and much study is a weariness of the flesh” is aptly applied to the superabundance of popular literature on the Dead Sea Scrolls flooding the readers’ market. Among these, The Discovery in the Judean Desert, first published in France in 1953, and recognized in Europe as “the standard volume on the Dead Sea Scrolls” (according to the blurb), is now revised and brought up to date, as of April 1956, in English translation. A careful examination of the book reveals that