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TOSEFTA [\(back to article\)](#)

By : [Wilhelm Bacher](#) [Jacob Zallel Lauterbach](#)

Name of a collection of baraitot which treat in a more complete form than does the Mishnah the subject of traditional law. In tannaitic literature old halakot are often amplified by explanatory notes and additions. Such additions were made by R. Akiba ('Eduy. ii. 1, viii. 1; Kil. i. 3; 'Orlah iii. 7), R. Eliezer ben Zadok (Tosef., Men. x. 23), R. Simeon (Sifra, Wayikra, Ḥobah, vii. [ed. Weiss, p. 21b]), R. Judah (Shab. 75b; 'Ab. Zarah 43a), R. Jose (Tosef., Kelim, B. Ḳ. vii. 4), and other tannaim. The explanatory notes are introduced with the word "Hosif" ("He has added" or "He has extended"). A sentence thus elucidated and completed was called a tosefta, this term being used not for the additional notes only, but for the entire aphorism in its completed form. This meaning is plainly seen in Yer. Shab. viii. 11a (comp. also Pesiq. R. 14; Eccl. R. viii. 1), where it is stated that R. Abbahu was greatly pleased over the discovery of an ancient tosefta, which, as a matter of fact, was an old tannaitic maxim with added explanatory matter.

Contents.

The work known by the name "Tosefta" consists of a collection of such elucidated maxims, giving the traditional sayings in a remarkably complete form, whereas the Mishnah gives them in a condensed form only. The title of this collection, תוספתא, is really a plural word, and ought to be pronounced "Tosefata," as is apparent from the Hebrew form (תוספות, which is used for the Aramaic תוספתא; Eccl. R. v. 8). Erroneously, however, the singular form "Tosefta" has been adopted. A compilation entitled "Tosefta" is often mentioned in Talmudic-midrashic literature; and most authoritative critics regard it as identical with the extant Tosefta, of which this article treats. From R. Johanan's allusions to the Tosefta (Sanh. 86b) nothing can be adduced against the theory of the identity of the extant Tosefta with the work to which he refers; and his words in no way indicate, as Brüll has interpreted them, that R. Nehemiah was the author of the Tosefta (see below). Moreover, the Babylonian Talmud refers to a Tosefta which is certainly identical with the work here treated. Thus Yoma 70a correctly cites a saying by R. Akiba as being contained in the Tosefta (Tosef., Yoma, iii. 19, textus receptus).

Attributed to Ḥiyya bar Abba.

Scholastic tradition regards the tanna Ḥiyya bar Abba as the author of the Tosefta, this belief being based on the circumstance that the schools of the Amoraim regarded as authoritative only those tannaitic traditions which had their origin in the collections of R. Ḥiyya or R. Hoshaiah; and inasmuch as only one Tosefta from the period of the Amoraim had been preserved, there was justification for the belief that only the authentic (and therefore the most commonly used) collection had been saved in the vicissitudes of the ages. On a closer view of the matter, however, this circumstance can not be accepted as proof of Ḥiyya's authorship; for since the collection of Hoshaiah was also considered authoritative, there are equal grounds for supposing either that the latter was the sole author of the Tosefta, or that he and Ḥiyya edited the work in collaboration. Inasmuch, however, as Ḥiyya himself is mentioned in the Tosefta (Neg. viii. 6), the final redaction of the work must be attributed to a later hand.

Relation to Talmudic Baraitot.

To define the purpose of the work presents as many difficulties as does its authorship. Formerly the Tosefta was generally regarded as a sort of commentary on the Mishnah, this belief being fostered by a false interpretation of its title as "supplements." But even disregarding the fact that the correct definition of the word "Tosefta" as given above stamps the work as independent of the Mishnah, a cursory examination of its contents will show that it can not be regarded as a commentary. It does not discuss the passages in the Mishnah in a commentarial manner, and, to judge by its contents, it might be regarded either as a continuation of the Mishnah or as a work of equal rank therewith; for it cites the mishnaic passages in almost the same terms as the Mishnah itself. The latter circumstance, also, precludes the possibility of regarding the Tosefta as a commentary, inasmuch as it contains additions and supplements to the Mishnah; for in a mere supplement there would be no room for almost verbatim repetitions of sentences contained in the Mishnah itself. To this succeeds the question of the relation of the Tosefta to the baraitot cited in Talmudic discussions; for several such baraitot are contained literally in the Tosefta, while others are paraphrased, although the redaction of the parallel passages differs in respect to important points. The question which thus presents itself is whether the Talmudic baraitot are mere citations from the Tosefta, or whether they originally constituted an independent collection. In the first case it would be difficult to explain the reason for the redactional differences in the parallel passages. In the second, on the other hand, it would be necessary to take for granted not only the existence of an earlier Tosefta, but also that this, and not the one now extant, was the authentic one. For, as stated above, the Amoraim made use of authentic sources only; and those baraitot that are cited in the Talmud but are not contained in the extant Tosefta must necessarily have been taken from an earlier work. This would disprove the identity of the existing Tosefta with the work mentioned in Talmudic literature. All these questions show how difficult it is to determine the origin, the nature, and the importance of the Tosefta. The solution of the problem has been attempted by various scholars at various periods; and of these attempts those made by Sherira, Maimonides, Me'iri, and Frankel were the most important because they alone rest on critical investigations of historical sources. But even these investigators failed to solve the problem in a manner wholly satisfactory. Frankel's theory, although deficient in so far as it leaves some points unexplained and others not accurately defined, comes nearer the truth than any other. When these deficiencies are supplied and some points modified, a correct conception of the origin and nature of the Tosefta may be formed.

Critical Problems.

Any investigation to determine the status of the Tosefta must be directed to the following points: the origin and scope of the work; its redaction; its relation to the Mishnah; and its relation to the baraitot cited in the Talmud. Information bearing on the first point is derived from a literary-historical notice by R. Johanan (Sanh. 86a), which, after eliminating material unnecessary for this question, runs as follows: "Those mishnaic sentences that are cited without mention of the author's name (סתם) belong to R. Me'ir; the sentences in the Tosefta cited without the name of the author are R. Nehemiah's; all, however, are given in the spirit and according to the method of R. Akiba." This utterance of R. Johanan's implies, therefore, that as the Mishnah had three successive redactors (Akiba, Me'ir, and Judah ha-Nasi I.), so must also the redactors of the Tosefta be supposed to have been three in number, namely, Akiba, Nehemiah, and a third, unknown redactor. The origin of the Tosefta can therefore be traced back to Akiba, who laid the foundation of this work as well as of the Mishnah, in both of which he used a peculiar redactional system of his own. Thus in the Mishnah he gave only the fundamental principles in condensed form, in order to furnish a handbook of traditions as an aid to the memory. In the Tosefta, however, he gave the traditional sentences in their complete form, supplementing them with explanatory

notes; he gave also various cases, which in the Mishnah were represented by a single statement. These two collections, compiled according to different methods, were intended to supplement each other; and it was Akiba's aim through them to preserve the traditional teachings in their entirety and in a systematic way, as well as to promote a knowledge of them.

Relations to Mishnah of R. Meïr.

Meïr and Nehemiah, both pupils of Akiba, endeavored to accomplish the object had in view by their master; but each restricted himself to one of Akiba's methods. Meïr chose the method of condensation, and compiled a work in which he included much of the material from Akiba's Tosefta, and which combined many of the more important features in both of Akiba's collections. Nehemiah followed the same plan of combining both of Akiba's collections in one work; but in doing so he chose the casuistic method. In this way originated two collective works—Meïr's Mishnah, edited according to the system used by Akiba in his edition of that work, and Nehemiah's Tosefta, edited according to the method followed by Akiba in his Tosefta edition. The relation of Meïr's Mishnah to Nehemiah's Tosefta was not, however, the same as that which existed between Akiba's collections of the same names. The former were not two collections mutually dependent on and supplementing each other; they were rather two independent works, both of which aimed at the preservation and proper arrangement of traditional maxims. The difference between them consisted only in the different methods employed in their compilation. Meïr's Mishnah contained the traditional maxims in condensed form, while Nehemiah's Tosefta cited them in their complete form and provided them with explanatory and supplementary notes. The methods evolved by Akiba and used by Meïr and Nehemiah were adopted also by later compilers in their endeavors to preserve and transmit traditional doctrines. Judah ha-Nasi I., whose Mishnah compilation was based on that of Meïr, followed the latter's method of redaction; while the redactor of the Tosefta now extant followed the method used by Nehemiah, whose Tosefta constituted the basis for his work. The relation between the Mishnah of Judah ha-Nasi and the Tosefta which has been preserved corresponds with that which existed between Meïr's Mishnah and Nehemiah's Tosefta. They are independent works which seek to accomplish by different means a similar purpose. There is, of course, a certain homogeneity between the two works, inasmuch as the Tosefta treats and elucidates the corresponding passages in the Mishnah; but the purpose of the redactor of the Tosefta was to produce an independent collection, and not merely additions to and explanations of another compilation.

Authorship.

Who was the redactor of the extant Tosefta? As has already been proved, the scholastic tradition attributing its authorship to R. Ḥiyya is unreliable, since the circumstance that Ḥiyya himself is mentioned in the Tosefta eliminates the possibility of his being its author; and that Ḥiyya and Hoshaiiah edited the work in collaboration is most unlikely. The Jerusalem Talmud often refers to dissensions between these two amoraim; and if the Tosefta should be considered the product of their combined efforts, it would be natural to ask whose authority was accepted as decisive in cases where the redactors disagreed. How, indeed, could a decision have been possible in a case where the difference of opinion related to a halakic tradition? To regard Hoshaiiah as sole redactor of the Tosefta is not possible either; for in many questions on which, according to the Jerusalem Talmud, he and Ḥiyya disagreed, the opinion of the latter has been given general validity (comp. Frankel, "Mebo," p. 25a). Only one surmise is possible; namely, that Ḥiyya and Hoshaiiah, independently of each other and perhaps with quite different objects in view, were engaged in the compilation of baraitot, as were also their contemporaries Levi, Bar Ḳappara, and Samuel. The collections of Ḥiyya and Hoshaiiah differed from the others in that these two compilers took Nehemiah's Tosefta as a basis for their collections. Each of them thus compiled an

extended Tosefta enriched with new elements; and these two Toseftot differed in various important respects. A later redactor, whose name has not been ascertained, combined these two Toseftot into one work, to which he added some maxims taken from the collections of Levi, Bar Ḳappara, and Samuel; and in this manner originated the Tosefta in the form in which it is now extant. This final redactor considered Ḥiyya's opinions authoritative; and in all points where Hoshaiah's Tosefta differed from Ḥiyya's the latter's opinions alone were given validity. The preference thus given to Ḥiyya's work, however, must not be ascribed to any views held by the schools of the Amoraim, but to the personal convictions of the final redactor. In the schools both Toseftot were considered authoritative, and baraitot cited from either were regarded as authentic. This view also explains the relation of the existing Tosefta to the Talmudic baraitot, which latter could have been taken only from one of these authentic Toseftot. Such baraitot as are given verbatim in the existing Tosefta are either citations from Ḥiyya's work or baraitot which were given alike in both Toseftot; while those baraitot which, either essentially or verbally, differ from the parallel passages in the present Tosefta were taken from the Tosefta of Hoshaiah, the reason for the divergence being that the final redactor of the existing Tosefta preferred the opinion of Ḥiyya.

Division.

Like the Mishnah, the Tosefta is divided into six orders ("sedarim"), the names of which correspond to those of the mishnaic orders; namely, (1) Zera'im, (2) Mo'ed, (3) Nashim, (4) Neziḳin or Yeshu'ot, (5) Ḳodashim, and (6) Ṭohorot. The orders are subdivided into treatises, which, with a few exceptions, bear the same names as those of the Mishnah. Four treatises are missing from the Tosefta, namely, Abot in the order Neziḳin, and Ḳinnim, Middot, and Tamid in the order Ḳodashim. The number of treatises in the Tosefta is thus fifty-nine; but the treatise Kelim in this work is divided into three parts, namely, Baba Ḳamma, Baba Mezi'a, and Baba Batra. If these three "babot" were regarded as three different treatises the total number would be sixty-one. The treatises are divided into chapters ("perakim"), which again are divided into paragraphs; but the division into chapters is not the same in the different manuscripts. According to the Erfurt manuscript, the total number of chapters is 428; according to the Vienna manuscript and the older Tosefta editions, 421. The Tosefta appeared first as an addendum to Isaac Alfasi's "Halakot" (Venice, 1521), and has since been appended to all editions of that work. The best edition of the Tosefta is that published by M. S. Zuckermann (Pasewalk, 1880), who made use of the Erfurt manuscript. Zuckermann published also a supplement (Treves, 1882) containing a summary of the work, an index, and a glossary. A Latin translation of thirty-one Tosefta treatises was published by Ugolino in his "Thesaurus Antiquitatum Sacrarum" (vols. xvii.-xx., Venice, 1755-57).

Texts and Commentaries.

The Tosefta has been the subject of many commentaries. The Wilna edition of the Talmud, for example, which contains the Tosefta in addition to Alfasi's "Halakot," reprints the following two commentaries: (1) "Tana Tosefa'ah," by Samuel Abigdor b. Abraham, a work in two parts, part i., entitled "Minḥat Bikkurim," being the main commentary, while part ii., entitled "Mizpeh Shemu'el," contains an index to the Tosefta passages cited in the Talmud and in the Midrashim. (2) "Ḥasde Dawid," explanatory notes by David Pardo. In addition to these two commentaries, which cover the entire Tosefta, the same Talmud edition contains the following commentaries on single treatises: "Magen Abraham," by Abraham Abali of Kalisz, on the order Neziḳin; a commentary by Elijah Gaon of Wilna on the order Ṭohorot; and Jacob Kahana of Wilna's "Mare de-Matnita," on the treatise 'Erubin. M. Friedmann wrote a commentary on the order Mo'ed, which he published under the title "Tekelet Mordekai," appending it to his edition of the Tosefta (part i., containing the treatises Shabbat and 'Erubin, Paks, 1898; part ii., Pesahim, Sheḳalim, Yoma, and Sukkah, *ib.* 1900). Medieval authors mention two Toseftot to Berakot (see Brüll in "Ha-Maggid," xiii.

127), but it is not clear to which works they applied the name "Toseftot."Bibliography: Letter of Sherira Gaon, in Neubauer, *M. J. C.* i. 13-15; Maimonides, *Einleitung in die Mischnah*; Meiri, in his commentary on *Abot*, ed. Stern, Vienna, 1854; Frankel, *Hodegetica in Mischnam*, pp. 304-307, Leipsic, 1859; J. Oppenheim, *Toledot ha-Mishnah*, in *Bet Talmud*, ii. 237-245, 348-353; J. H. Dünner, *Die Theorien, über Wesen und Ursprung der Tosefta Kritisch Dargestellt*, Amsterdam, 1874; D. Hoffmann, *Mischnah und Tosefta*, in *Berliner's Magazin*, 1882, pp. 153-163; M. S. Zuckermann, *Die Erfurter Handschrift der Tosefta*, Berlin, 1876; idem, *Der Wiener Tosefta Codex*, Magdeburg, 1877; idem, *Tosefta Varianten*, Treves, 1881; N. Brüll, *Begriff und Ursprung der Tosefta*, in *Jubelschrift zum Neunzigsten Geburtstag des Dr. L. Zunz*, pp. 92-110, Berlin, 1884.W. B. J. Z. L.

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of tosafot to 'Abodah Zarah (see "Kerem Hemed," vii. 50).

Samuel b. Solomon of Falaise (see above and Jew. Encyc. xi. 28).

Simḥah b. Samuel of Speyer: Flourished in the thirteenth century; his tosafot are mentioned by Meir of Rothenburg (Responsa, iv., No. 154).

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J.

M. SEL.

TOSEFTA (lit. "extensions"; "additions"): Name of a collection of baraitot which treat in a more complete form than does the Mishnah the subject of traditional law. In tannaitic literature old halakot are often amplified by explanatory notes and additions. Such additions were made by R. Akiba ('Eduy. ii. 1, viii. 1; Kil. i. 8; 'Orlah iii. 7), R. Eliezer ben Zadok (Tosef., Men. x. 23), R. Simeon (Sifra, Wayikra, Hobah, vii. [ed. Weiss, p. 21b]), R. Judah (Shab. 75b; 'Ab. Zarah 48a), R. Jose (Tosef., Kelim, B. K. vii. 4), and other tannaim. The explanatory notes are introduced with the word "Hosif" ("He has added" or "He has extended"). A sentence thus elucidated and completed was called a tosefta, this term being used not for the additional notes only, but for the entire aphorism in its completed form. This meaning is plainly seen in Yer. Shab. viii. 11a (comp. also Pesik. R. 14; Eccl. R. viii. 1), where it is stated that R. Abbahu was greatly pleased over the discovery of an ancient tosefta, which, as a matter of fact, was an old tannaitic maxim with added explanatory matter.

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To define the purpose of the work presents as many difficulties as does its authorship. Formerly the Tosefta was generally regarded as a sort of commentary on the Mishnah, this belief being fostered by a false interpretation of its title as "supplements." But even disregarding the fact that the correct definition of the word "Tosefta" as given above stamps the work as independent of the Mishnah, a cursory examination of its contents will show that it can not be regarded as a commentary. It does not discuss the passages in the Mishnah in a commentarial manner, and, to judge by its contents, it might be regarded either as a continuation of the Mishnah or as a work of equal rank therewith; for it cites the mishnaic passages in almost the same terms as the Mishnah itself. The latter circumstance, also, precludes the possibility of regarding the Tosefta as a commentary, inasmuch as it contains additions and supplements to the Mishnah; for in a mere supplement there would be no room for almost verbatim repetitions of sentences contained in the Mishnah itself. To

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The relation of Meir's Mishnah to Nehemiah's

Tosefta was not, however, the same as that which existed between Akiba's collections of the same names. The former were not two collections mutually dependent on and supplementing each other; they were rather two independent works, both of which aimed at the preservation and proper arrangement of traditional maxims. The difference between them consisted only in the different methods employed in their compilation. Meir's Mishnah contained the traditional maxims in condensed form while Nehemiah's Tosefta cited them in their complete form and provided them with explanatory and supplementary notes. The methods evolved by Akiba and used by Meir and Nehemiah were adopted also by later compilers in their endeavors to preserve and transmit traditional doctrines. Judah ha-Nasi I., whose Mishnah compilation was based on that of Meir, followed the latter's method of redaction; while the redactor of the Tosefta now extant followed the method used by Nehemiah, whose Tosefta constituted the basis for his work. The relation between the Mishnah of Judah ha-Nasi and the Tosefta which has been preserved corresponds with that which existed between Meir's Mishnah and Nehemiah's Tosefta. They are independent works which seek to accomplish by different means a similar purpose. There is, of course, a certain homogeneity between the two works, inasmuch as the Tosefta treats and elucidates the corresponding passages in the Mishnah; but the purpose of the redactor of the Tosefta was to produce an independent collection, and not merely additions to and explanations of another compilation.

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The preference thus given to Hiyya's work, however, must not be ascribed to any views held by the schools of the Amoraim, but to the personal convictions of the final redactor. In the schools both Toseftot were considered authoritative, and baraitot cited from either were regarded as authentic. This view also explains the relation of the existing Tosefta to the Talmudic baraitot, which latter could have been taken only from one of these authentic Toseftot. Such baraitot as are given verbatim in the existing Tosefta are either citations from Hiyya's work or baraitot which were given alike in both Toseftot; while those baraitot which, either essentially or verbally, differ from the parallel passages in the present Tosefta were taken from the Tosefta of Hoshalah, the reason for the divergence being that the final redactor of the existing Tosefta preferred the opinion of Hiyya.

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(2) Mo'ed, (3) Nashim, (4) Neziḳin or

Division. Yeshu'ot, (5) Ḳodashim, and (6) Tohorot. The orders are subdivided into

treatises, which, with a few exceptions, bear the same names as those of the Mishnah. Four treatises are missing from the Tosefta, namely, Abot in the order Neziḳin, and Ḳinnim, Middot, and Tamid in the order Ḳodashim. The number of treatises in the Tosefta is thus fifty-nine; but the treatise Kelim in this work is divided into three parts, namely, Baba Ḳamma, Baba Mezi'a, and Baba Batra. If these three "babot" were regarded as three different treatises the total number would be sixty-one. The treatises are divided into chapters ("perakim"), which again are divided into paragraphs; but the division into chapters is not the same in the different manuscripts. According to the Erfurt manuscript, the total number of chapters is 428; according to the Vienna manuscript and the older Tosefta editions, 421.

The Tosefta appeared first as an addendum to Isaac Alfasi's "Halakot" (Venice, 1521), and has since been appended to all editions of that work. The best edition of the Tosefta is that published by M. S. Zuckerman (Pasewalk, 1880), who made use of the Erfurt manuscript. Zuckerman published also a supplement (Troyes, 1882) containing a summary of the work, an index, and a glossary. A Latin translation of thirty-one Tosefta treatises was published by Ugolino in his "Thesaurus Antiquitatum Sacrarum" (vols. xvii.-xx., Venice, 1755-57).

The Tosefta has been the subject of many commentaries. The Wilna edition of the Talmud, for example, which contains the Tosefta in addition to Alfasi's "Halakot," reprints the following two commentaries: (1) "Tana Tosefa'ah," by Samuel Abigdor b. Abraham, a work in two parts, part i., entitled

"Minhat Bikkurim," being the main commentary, while part ii., entitled "Mizpeh Shemu'el," contains an index to the Tosefta passages

Texts and Com-mentaries. cited in the Talmud and in the Midrashim. (2) "Hasde Dawid," explanatory notes by David Pardo. In addition to these two commentaries, which

cover the entire Tosefta, the same Talmud edition contains the following commentaries on single treatises: "Magen Abraham," by Abraham Aball of Kalisz on the order Neziḳin; a commentary by Elijah Gaon of Wilna on the order Tohorot; and Jacob Kahana of Wilna's "Mare de-Mataita," on the treatise 'Erubin. M. Friedmann wrote a commentary on the order Mo'ed, which he published under the title "Tekelet Mordekai," appending it to his edition of the Tosefta (part i., containing the treatises Shabbat and 'Erubin, Paks, 1896; part ii., Pesahim, Sheḳalim, Yoma, and Sukkah, *ib.* 1900). Medieval authors mention two Toseftot to Berakot (see Brüll in "Ha-Maggid," xiii. 127), but it is not clear to which works they applied the name "Toseftot."

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W. B.

J. Z. L.

TÖTBRIEF: Term applied in Germany to the edicts issued by the kings and emperors, to the papal bulls, and to the edicts of various ecclesiastical authorities, by which the Christians were exempted from paying their debts to Jews. The Tötbrief might deprive the creditor either of the interest due on the money loaned or of both principal and interest. The first Tötbrief known was that of Louis VII. of France, who, at the instigation of Peter Venerabilis, Abbot of Cluny, issued in 1146 a decree exempting all Crusaders from payment of their debts to the Jews, in accordance with the papal enactment of Eugenius III. in the preceding year. Later, in 1180, Philip Augustus relieved all Christians from their liabilities to their Jewish creditors on condition of their paying to him the fifth part of their debts. Louis VIII. annulled, in 1228, all debts due to Jews by Christians that had been outstanding for five years or more, and canceled the interest on debts less than five years old.

In Germany, in the fourteenth century, such cancellations were common. The first case in which Jews were deprived of the interest due to them was in 1296, when King Albert diverted such interest payments to the Monastery of Eberbach. After the time of Henry VII. and Louis the Bavarian cancellations of the whole debt, principal and interest, were very frequent. The former exempted (1312) Conrad of Weinsberg from the payment of such debts; while the latter relieved (1315) the city of Esslingen from its debts to the Jews of Ueberlingen as well as to other Jews who had settled in cities hos-