

## TOSEFTA

רבי אבהו נחת לטבריא חמוניה תלמידוי דר' יוחנן אפוי נהירין אמרון קומי ר' יוחנן אשכח ר' אבהו סימה. אמר לון למה. אמרין ליה אפוי נהירין. אמר לון דילמא אוריתא חדתא שמעתה סליק לגביה א"ל מאי אוריתא חדתא שמעת א"ל תוספתא עתיקתא וקרא עליו חכמת אדם תאיר פניו.

Rabbi Avahu est descendu à Tveria. Les étudiants de Rav Yochanan l'ont vu et son visage brillait. Ils dirent à Rav Yochanan, « Rabbi Avahu doit avoir trouvé un trésor. » Il leur dit : « Pourquoi ? » Ils lui dirent : « Son visage brille. » Il leur dit : « Peut-être qu'il a appris un nouveau morceau de la Torah ? » Alors ils sont allés à lui (Rabbi Avahu). Ils lui dirent : « Quel nouveau morceau de la Torah as-tu appris ? » Il leur dit : « Une ancienne Tosefta. » Et il est dit de lui : « La sagesse d'un homme illumine son visage. »

Talmud de Jérusalem, *Shabbat* 54b

### t. Berakhot 1:1

מאימתי קורין את שמע בערבית משעה שבני אדם נכנסין לאכול פיתן בערבי שבתות דברי רבי מאיר וחכמים אומרים משעה שהכהנים זכאין לאכול בתרומתן סימן לדבר צאת הכוכבים ואף על פי שאין ראיה לדבר זכר לדבר (נחמיה ד) וחצים מחזיקים ברמחים מעלות השחר עד צאת הכוכבים.

Jusqu'à quand réciter le Shema le soir ?

« Jusqu'au moment où les fils d'Adam reviennent pour manger les pains les soirs de Shabbat » Parole de Rabbi Meir.

Et les sages disent à propos du Schema : « jusqu'au moment où les prêtres sont autorisés à manger l'offrande (terumah). Un signe l'indiquant est l'apparition des étoiles. Et bien qu'il n'y ait pas de preuve de cela, on a une allusion à cela (en Néhémias 4:15) : « la moitié d'entre nous tenant à la main des lances - depuis le lever de l'aurore jusqu'à l'apparition des étoiles. »

### Exercice :

1. Mettez ce texte en synopse avec Mishnah Berakhot 1:1
2. Vous repèrerez les ressemblances et les différences et vous proposerez des hypothèses pour

#### t. Berakhot 1:3-4

מעשה בר' ישמעאל ובר' אלעזר בן עזריה שהיו שרוין במקום אחד והיה ר' ישמעאל מוטה ור' אלעזר זקוף והגיע זמן ק"ש ונזקף ר' ישמעאל והטה רבי אלעזר אמר לו רבי ישמעאל מה זה אלעזר אמר לו ישמעאל אחי אומרים לאחד מפני מה זקנך מגודל אמר להם יהיה כנגד המשחיתים אני שהייתי זקוף הטיתי אתה שהיית מוטה זקפת אמר לו אתה הטייתה [לקיים] כדברי בית שמאי אני נזקפתי לקיים דברי בית הלל ד"א שלא יראו התלמידים ויקבעו כדבריך הלכה לדורות.

Il arriva que Rabbi Yishmael et Rabbi Elazar Ben Azaryah se reposent au même endroit et que Rabbi Yishmael se couchait et que Rabbi Elazar Ben Azaryah se tenait debout. Le temps de réciter le Shema approchait. Rabbi Yishmael se tenait debout et Rabbi Elazar se tenait couché. Il lui dit : « Qu'est-ce que cela, Elazar ? » Il lui répondit : « Yishmael, mon frère ! Ils disent à quelqu'un : « Pourquoi ta barbe est-elle si grande » et il leur dit : « Elle est face aux destructeurs ». Moi (Eleazar), qui étais debout, je me suis couché, toi qui étais couché, tu t'es mis debout ? [Ainsi, Rabbi Yishmael] lui dit : « Tu t'es couché pour accomplir les paroles de l'école de Shamaï (beit Shamaï), je me suis mis debout pour accomplir les paroles de l'école Hillel (beit Hillel). Une autre explication, que les étudiants ne devraient pas voir [que tu as fait comme Bet Shamaï] et de fixer tes paroles en [une] loi permanente.

#### Exercice :

Vous comparerez ce texte avec son passage parallèle dans la Mishnah Berakhot 1:3 (ci-dessous), quelle hypothèse pouvez-vous formuler concernant la relation entre la Mishna et la Tosefta ?

#### m. Berakhot 1:3-4

בית שמאי אומרים, בערב כל אדם יטו ויקראו, ובבקר יעמדו, שנאמר (דברים ו) ובשכבך ובקומך. ובית הלל אומרים, כל אדם קורא כדרךכו, שנאמר (שם) ובלקחתך בדרךך. אם כן, למה נאמר ובשכבך ובקומך, בשעה שבני אדם שוכבים, ובשעה שבני אדם עומדים. אמר רבי טרפון, אני הייתי בא בדרךך, והטתי לקרות, כדברי בית שמאי, וסכנתו בעצמי מפני הלסטים. אמרו לו, כדי היית לחוב בעצמך, שעברת על דברי בית הלל:

L'école de Shammai (beit Shamaï), ils disent : « le soir, tout homme doit se coucher et réciter [le Shema], et le matin il doit se tenir debout, selon qu'il est dit : « Et quand tu te coucheras et quand tu te lèveras » (Deutéronome 6:7). L'école de Hillel (beit Hillel) dit que tout homme doit réciter selon son chemin, selon qu'il est dit, « Et quand tu seras en chemin" (Deutéronome 6:7). S'il en est ainsi, pourquoi donc est-il dit : « Et quand tu te coucheras et quand tu te lèveras ? ». (Cela signifie) au moment où les fils d'Adam se couchent et au moment où les fils d'Adam se lèvent. Rabbi Tarfon a dit : Une fois, j'étais en chemin, et je me suis couché pour réciter (le Shema) selon les paroles de l'école de Shamaï (beit Shamaï), et j'ai été mis en danger par des voleurs. Ils lui dirent : tu méritais d'être puni, parce que tu as agi contre les paroles de Bet Hillel (beit Hillel).

Pour aller plus loin dans cette analyse, et seulement après avoir fait l'exercice, vous pouvez consulter les pages suivantes de l'ouvrage Alberdina Houtman, Mishnah and Tosefta: A Synoptic Comparison of the Tractates Berakhot and Shebiit (Mohr Siebeck, 1996), 95-97

## 2.4.1 Literary Analysis of the Synopsis Tosefta-Mishnah Berakhot

### *A1, Proper time for recitation of the Shema, T1.1–2 M1.1–2*

The first topic addressed in tractate Berakhot is the proper time for the recitation of the Shema. Both corpora start with the same question but the exposition varies. The first difference is that Mishnah does not restrict itself to answering the introductory question. After formulation of the rule relating to the moment from which the Shema is recited, three definitions are given for the latest time until when the Shema may be recited. A more fundamental distinction is that Tosefta seems to be more concerned with the practical implementation of the rule of the recitation of the Shema than Mishnah. Instead of referring to the Temple ritual to define the beginning of the period of time at which the evening Shema can be recited, it refers to the habits of ordinary people. Only in second instance does it refer to the Temple ritual, but not without adding the practical hint of using the appearance of the stars as a criterion. An indirect scriptural reference is added to support this suggestion.

Although Tosefta does not go into the question of the latest time directly, it is certainly aware of the Mishnah discussion, as is shown by the conclusion drawn by Rabbi Simeon. This awareness is also apparent in the additional discussion about the number of night watches.<sup>131</sup>

In the second sentence, both corpora join each other again with the question about the proper time to begin the recitation of the Shema in the morning. Mishnah commences the answer with reference to the power of discernment of the eye. Two criteria are given to establish the right moment from which the Shema may be recited. Then Tosefta joins the discussion with a third opinion, introduced with the words 'אחרים אומרים'.<sup>132</sup>

The next Tosefta statement, 'עם הנץ החמה', seems to be a response to the Mishnah material where it says 'עד הנץ החמה'. The ruling in Tosefta is justified by an anecdote about Rabbi Aqiba and Rabbi Eleazar ben Azaryah, two great authorities, who recited the Shema after the sun had risen. Also the last part of M1.2 allows a later time for the recitation of the Shema, right up to the third hour. This late hour is justified in Mishnah by the late hour at which 'the sons of the royal family' normally rose. This may be an allusion to the Patriarchal Court.

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<sup>131</sup> Note that Tosefta uses the word 'משמרת', instead of the word 'אשמורת' that is used in Mishnah. The Tosefta tradition also occurs in PT 1.1,2d, but there the word 'אשמורת' is used, following on the Mishnah text. In BT Ber 3a-b, on the other hand, the word 'משמרת' is used.

<sup>132</sup> See above, 58.

The tannaim speaking in the mishnaic part of this unit are from the second generation, whereas those in the toseftan part are from the third and fourth generations. So the toseftan material might belong to a later layer than the mishnaic material. However this does not prove that the toseftan material is a kind of supplementary commentary to the Mishnah sentences. If we take the biographical details seriously (i.e. those that attribute the toseftan sayings to rabbis of the 3<sup>rd</sup> and 4<sup>th</sup> generation),<sup>133</sup> all the material of Tosefta would in principle have been available to the presumed editor(s) of the Mishnah.<sup>134</sup> This suggests that the editor(s) of the Mishnah made a selection of the available material, rather than that Tosefta supplied a kind of commentary on a fixed Mishnah text.

The material in the two corpora shares the same characteristics. It is presented primarily in a standard legal form.<sup>135</sup> There is a statement of the legal problem in a rhetorical question followed by the opinions of several authorities. Passages within the text of Tosefta that were regarded as problematic, namely the discussion about the night watches (T1.1) and the statement 'אָחֲרַיִם אָחֲרַיִם' (T1.2), are fully comprehensible when they are construed along with the Mishnah.

#### *A2, Proper posture for recitation of the Shema, T1.3–4 M1.3*

After the proper time is established, the discussion focuses on proper posture. Mishnah refers back to the preceding mishnayot where first the time for the evening Shema was established and then the time for the morning Shema. In the same manner, the posture for the evening Shema is first established and then the posture for the morning Shema, according to the rule of *bêt* Shammai. The rule is supported by a citation from the last clauses of Deut 6.7. The more lenient ruling of *bêt* Hillel is supported by the second clause of the same verse. A story about Rabbi Tarfon is added to support the ruling of *bêt* Hillel. Then Tosefta joins in with the exemption of a bridegroom from the recitation of the Shema and from praying the Tefillah. Although at first glance the issue seems unconnected, the reverse is true. If we look at the scriptural support that is given, the first clause of Deut 6.7, there is a firm connection with the Mishnah by means of the scriptural reference. When Mishnah and Tosefta are taken together, all three parts of Deut 6.7 (i) '[and speak of them] indoors', (ii) 'and out of doors', and (iii) 'when you lie down and when you rise' are given an extra

<sup>133</sup> I am inclined to do so in the sense described by J. Neusner, for instance in *The Rabbinic Traditions of the Pharisees before 70*, Leiden 1971, III.180–238; and 'The History of Earlier Rabbinic Judaism; Some New Approaches', *HR* 16 (1976/77) 217–236. What he maintains there, on the basis of his extensive study of the rabbinic material, is that the attributions are reliable in that what is assigned to a certain authority belongs at least to the period in which that authority lived.

<sup>134</sup> According to the *communis opinio* Rabbi or his circle.

<sup>135</sup> When referring to forms and types of intermediate units of tradition, use is made of the list that is given by J. Neusner in his *The Rabbinic Traditions*, III.5–66.

meaning. In the description of Tosefta Berakhot as an autonomous literary work (§ 2.2), I commented upon the rather problematic place of this tradition within the composition. Now that we read the two texts together, it seems to fall perfectly into place. On the basis of a joint reading of the corpora, it is now plausible that the link between T1.3 and the surrounding halakhot must not be sought with the preceding unit, as was suggested in § 2.2, but rather with M1.3 in the next unit about the proper posture for recitation of the Shema.

Tosefta's link with the traditional material of M1.3 can also be found in the next halakhah (T1.4), in which a story is related about Rabbi Ishmael and Rabbi Eleazar ben Azaryah who had a difference of opinion about the proper posture of prayer. The interesting discourse that is presented by Rabbi Eleazar finally supports the ruling of *bêt* Hillel (M1.3) that everyone may recite in his own manner. In Tosefta Berakhot, this passage was marked as apparently incomplete, because it referred to decisions of *bêt* Shammai and *bêt* Hillel without citing them. Read together with the Mishnah, this problem is solved, because the decisions concerned are cited in full in M1.3. Although both Mishnah and Tosefta ultimately accept the standpoint of *bêt* Hillel, a certain difference in intention can be detected. Mishnah advocates the Hillelite standpoint as a matter of principle by rebuking Rabbi Tarfon for not acting upon it, whereas Tosefta seems in its *אָחַר דְּבַר אֶחָד* statement to warn against a hard and fast rule. It does not accept Hillel's view on the ground that Hillel should be followed as a matter of principle where they differ<sup>136</sup> but because Hillel left everybody free to pray as he liked in this particular case.

All three rabbis who play a role in this discussion about proper posture (Tarfon, Ishmael and Eleazar ben Azaryah) are contemporaries. They are tannaim from the second generation and are all of priestly descent, which may explain their commitment to ritually correct behaviour. There is a certain uniformity in the presentation of the material in the two corpora. Both texts start with a statement followed by a proof text. Subsequently, both corpora relate a story to illustrate the point they want to make.

### A3, Accompanying blessings, T1.5–9 M1.4

After proper time and proper posture, the proper form is discussed. The order evening-morning is abandoned. Mishnah starts with the form of the morning Shema followed by the form of the evening Shema. The whole sentence is anonymous. Tosefta obviously refers to this mishnah in T1.5, since it starts with the otherwise strange question, 'Why did they say one short?'<sup>137</sup> In addi-

<sup>136</sup> According to the tradition (e.g. PT Ber 1.4,3b), the Yabneh council decided that the halakhah of *bêt* Hillel was authoritative (e.g. Sh. Safrai, 'Halakha', in: *idem* (ed.), *The Literature of the Sages*, I.121–210, esp. 194–200).

<sup>137</sup> So the mss Vienna and Erfurt. The *editio princeps* has an even more complete reference in its opening question, asking: *למה אמרו אחת ארוכה ואחת קצרה*.

tion to the four clauses that are mentioned in the Mishnah, four similar clauses are given in the Tosefta. Subsequently, four long halakhot are given, all of which begin with 'These are blessings that ...'.<sup>138</sup> Each of these halakhot refers back to one of the clauses of T1.5. The unit is well structured.

#### *A4, Mentioning the Exodus, T1.10–2.1 M1.5*

M1.5 and T1.10a run completely parallel, except for some minor textual differences, which are not greater than the differences between the different manuscripts of each corpus. The Mishnah text ends with the interpretation of the sages, that 'כל ימי משיח' means the days of the Messiah. As a majority view in tannaitic literature is always preferred over the opinion of an individual,<sup>139</sup> this suggests that in the eyes of the editor(s) of the Mishnah the interpretation as the days of the Messiah is authoritative. Apparently Tosefta does not agree. By word of Ben Zoma, the opinion of the sages is initially refuted by citing Jer 23.7–8 which says that in future times they will not swear any more with the words 'to the living God who led the Israelites out of Egypt'. This shrewd remark is in turn rejected by the sages, who interpret this verse as: 'not *only* Egypt but *also* other empires'. The old is not replaced by the new, but the new is added to the old. Jacob becomes Israel, but the name still remains in use. Israel is the essence and Jacob becomes of secondary import. The same is true of the terror of the various empires: the terror of the next empire overshadows that of the preceding, but does not annul it. This is illustrated with an example. More cases follow to support the thesis: Sarai becomes Sarah, but the name Sarai is not forgotten. The same applies to Abram/Abraham, Hosea/Yehoshua and Salem/Zion. All in all, this is a lengthy argument for a thesis that is attributed in the Mishnah to the sages, without any argument.

T2.1 has a double function. In subject, it concludes the present unit, whereas its literary formulation leads on to the next unit.

#### *A5, Proper concentration for the Shema, T2.2–5 M2.1–3*

Tosefta opens this discourse with a clear general statement: 'He who recites the Shema must direct his heart'. Next, this general statement is specified in more detail in both Mishnah and Tosefta. The first detail is given in T2.2b on the question whether he must remain concentrated during the whole session. M2.1a adds a further detail: 'What if he is reading from the Torah (at Deut 6.4) and it is time to recite the Shema? If he directs his heart properly (to prayer), he is exempt'. A third detail is found in M2.1b and M2.2 where the question is discussed whether recitation may be interrupted.

<sup>138</sup> So ms Erfurt and the *editio princeps*. The text in ms Vienna, which reads in T1.6  $\text{לְבָרְכָה}$  instead of  $\text{לְבָרְכָה}$  seems corrupt.

<sup>139</sup> See e.g. MEdy 1.5 and TBer 4.15, where the rule to follow the majority is derived from Ex 23.2.