***Tosefta ki-fshutah*, *Bikkurim,* 2, nt. 6**

**6. There are ways in which a hermaphrodite etc.** Different variants of these *baraitot* (2:3-7) have been preserved. Some of them were printed in the Mishna published by Re’em at the end of Bikkurim. These divide into two groups: A. The version which is appended to several editions and manuscripts of the Mishna. B. The version which appears here in the Tosefta. We have these *baraitot* appended to the *mishnayot* as the fourth chapter of tractate Bikkurim in the Mishna ed. Napoli as well as in other editions of the Mishna, in MSS. Parma and Kaufmann, Genizah fragments and in the BT Munich MS. However, they do not appear in the Mishna in the Palestinian Talmud, in the ??? edition and in the Mishna, ed. Venice, 1522. The same is true for the commentary of R. Samson of Sens. R. Solomon Sirilio inserted this *baraita* into his version of the Palestinian Talmud (41b) and copied the commentary of R. Samson of Sens. See further *Melekhet Shelomo* on this mishna.

The truth is that these represent two distinct archetypes: The version appended to the Mishna (with the exception of the BT Munich MS. which is a hybrid version) and the version of the Tosefta (with the BT Munich MS. being close to it). The differences between them are so great that it is impossible to posit that they are the result of changes introduced by scribes, similar to the versions of PT Shekalim and Horayot which were appended to the Babylonian Talmud. It is clear that two different traditions existed, and that the relationship between them is like the relationship between two sources from different schools. This is what R. Meshulam (author of *Sefer ha'Hashlamah*) wrote in his Tosafot, printed in BT ed. Re’em as *Tosafot Ḥad Mikamai* on Yevamot 81a: “We learned there, in the final chapter of Bikkurim, ‘There are … in which a hermaphrodite etc.’ I transcribed this mishna which requires clarification of some of its content. And in the Tosefta of Bikkurim, in the final chapter, we learned ‘There are ways in which a hermaphrodite etc.’” And Ra'abad wrote similarly in his commentary, and transcribed the same version of this Tosefta as I wrote etc. And see there, where he explained a number of things concerning the two versions. See further Meiri on Yevamot, ibid., who summed up the differences between the *baraitot* appended to the Mishna and the Tosefta.

In *Halakhot Gedolot*, all of the *baraitot* are cited without specification, according to a version which is close to the type of the Tosefta, see there, ed. Venice, *Hilkhot Yevamot*, 50b and ed. Berlin (henceforth ed. B), p. 246; *Hilkhot Reu*, p. 115, *Halakhot Pesukot* (henceforth HLP), ed. Sasson, p, 154.

These *barait**ot* (according to the version appended to the Mishna) were explained by R. Joseph MR”M. His commentary was published in his lifetime in Venice in 1592 at the end of *Megillat Esther* of R. Isaac Leon (125a ff.) and was summarized in *VeZot LiYehudah* of R. Judah ‘Ayish, II, 32c, in the name of commentaries of the great and revered Rabbi Joseph MR”M of blessed memory. R. Menaḥem Azariah da Fano also deals with these laws (Responsa, 130) and he transcribed them and explained them at length. In his introduction to his work, *Yeish Seder Lamishna*, the great Rabbi Isaiah Berlin writes in the introduction to his work *Yeish Seder Lamishna*: “Chapter four, hermaphrodite etc. In my work on the Tosefta, which I named *Tanna Tosfa’a*, I wrote a proper interpretation of this Tosefta.” See further what I wrote above, p. 407, and what I wrote above, *Killa’im* chap. 5, line 43, s.v. *lo ya’ase*. From this point on, I will only comment on the textual variations, and not on the order in the various variants.