

THE AUTHENTICITY OF THE ALEPPO CODEX*

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I

§ 1 For almost a century Bible scholars have been aware of the fact that the Jewish community of Aleppo claimed to be in possession of the very codex which had served Maimonides as a basis for setting out the exact rules for writing Scrolls of the Law, as stated in his *Code*. The overwhelming authority of Maimonides as the first great systematizer of Jewish law explains why his pronouncements on this subject, too, could hardly be brushed aside by later halakhists. In other words: in all those details which were not already regulated by Talmudic law, later generations were, according to theory, trying to follow the system of the "model codex" as described by Maimonides. Most of these rules were not made absolutely binding; but it certainly was meritorious to follow them.

We cannot say for sure whether the Massoretic school of Ben Asher would

* With the following study I have returned to what may be regarded as the *pièce de résistance* of any work on the Bible text: the Massoretic *textus receptus*. There can be no end to our work in this field, and the very attempt to translate the results of our previous studies into editorial practice is bound to bring with it new insights. Yet I may be excused for looking upon this study as the end of a decade of preliminary work which in one way or another centered around the problem of how to gain a deeper understanding of the questions of the Bible text and its language.

While I feel that with this chapter I may hand the first volume of my attempts in this field — as far as they are not written in Hebrew — to the binders, the exterior circumstances which forced me to publish the material chapter by chapter will explain why I would like to refer those readers who do not read this study within the framework of my *Text and Language in Bible and Qumran* at least to: *Biblica* 35 (1954), pp. 429 f., VT 7(1957) pp. 195 f., JJS 8 (1957), pp. 5 f., *Scripta Hierosolymitana* (Volume VIII, 1960).

The special abbreviations in this paper are as follows:

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| A | = Aleppo Codex of Aaron ben Asher |
| BA | = Ben Asher |
| BH | = <i>Biblia Hebraica</i> , third edition |
| C | = Cairo Codex of Moses ben Asher |
| Hil. S.T. | = Hilkhot Sefer Torah in Maimonides' <i>Code</i> |
| HUBP | = Hebrew University Bible Project |
| L | = Leningrad Codex, after Aaron ben Asher |
| MT | = Massoretic Text |
| SM | = Song of Moses (Deut. xxxii) |
| Sof. | = Tractate Soferim |

have won the day without Maimonides taking sides. In any case, what seems to have been the final crown of the work of generations of Massorettes, the only codex containing the whole Bible procured through infinite labour by the latest scion of this dynasty, Aaron ben Asher, was accepted by Maimonides as the model copy for all future generations.¹ This made our Hebrew *textus receptus* largely identical with Ben Asher's text.

§ 2 If it is true that the so-called Aleppo Codex was the manuscript used by Maimonides and if he was right in accepting the tradition of Ben Asher's authorship², then this manuscript would, indeed, have a unique claim upon our attention. However, no modern scholar was able to study it properly, nor was the Aleppo Jewish community ever willing to make it available in photographs.³ Thus this codex — allegedly the most important single manuscript of the MT — remained practically a hidden treasure. The supposed loss of this manuscript during the pillage of the Aleppo synagogue, shortly after the

1. As we shall have occasion to return to the statement of Maimonides, I shall quote it here in full (*Code*, Book II, *Ahabah*, *Hilkhoth Sefer Torah* viii, 4): ולפי שראיתי שבזש גדול בכל הספרים שראיתי בדברים אלו, וכן בעלי המסורת שכותבין ומחברין להודיע הפתוחות והסתומות בחלקים בדברים אלו במחלוקת הספרים שסומכין עליהם, ראיתי לכתב הנה כל פרשיות התורה הסתומות ופתוחות וצורות השירות, כדי לחקן עליהם כל הספרים ולהגיה מהם. וספר שסמכנו עליו בדברים אלה הוא הספר הידוע במצרים שהוא כולל ארבעה ועשרים ספרים, שהיה בירושלים מכמה שנים להגיה ממנו הספרים, ועליו היו הכל סומכין; לפי שהגיהו בן אשר ודקדק בו שנים הרבה והגיהו פעמים רבות כמו שהעתיקו. ועליו סמכתי בספר התורה שכתבתי כהלכתו.

"Since I have seen great confusion in all the Scrolls [of the Law] in these matters, and also the Massorettes who wrote special works [to make known [which sections are] open and closed, contradict each other, according to the books on which they base themselves, I decided to write down here all the sections of the Law, closed and open, and the forms of the Songs [viz. Ex. xv, Deut. xxxii], so as to correct the scrolls accordingly. The copy on which we based ourselves in these matters is the one known in Egypt, which contains the whole Bible, which was formerly in Jerusalem (serving to correct copies according to it), and everybody accepted it as authoritative, for Ben Asher corrected it many times. And I used it as the basis for the copy of the Pentateuch which I wrote according to the Law."

2. By the time Maimonides wrote his *Code*, the colophon, attributing the Massoretic part and the pointing to *Aaron ben Asher*, formed already part of the codex. Although Maimonides speaks of *Ben Asher* only, there is no reason to doubt that if the colophon turns out to be correct as regards the "Ben Asher" character, it may be also taken as trustworthy in attributing the manuscript to the son, *Aaron*, the more so since it agrees in its character with other MSS which are connected with *Aaron*, while it is opposed to the Cairo Codex attributed to *Moses* (cf. also below, §15). It is well known that many authors did not distinguish carefully between the father, *Moses* and the son, *Aaron*. The fact, to which E. E. Urbach kindly drew my attention, that the commentary *Migdal 'Oz* on the *Code ad loc.* happens to insert the name of *Moses* (מה משה) שסמך על ספר משה is one of these instances and is not backed by any manuscript or other authority (see also below, n. 24).
3. On alleged copies cf. below, §11 and n. 34. Cf. also next par. and below, n. 20.

UNO decision in 1947 to establish a Jewish State, seemed therefore irretrievable.

It is, therefore, extremely fortunate that through the good offices of H. E. the President of the State of Israel, Mr. I. Ben-Zvi, a manuscript, unfortunately mutilated, alleged to be the said Aleppo Codex, has come to light and been made available for study. In connection with the Bible Project, carried out at present at the Hebrew University (HUBP), it has been the great privilege of the present writer to carry out a first investigation of the main problems posed by this unique codex. Being confronted with this task, I was forced to venture far into fields which the student of Semitic and Biblical philology is rarely called upon to enter. I cannot but hope that my findings will stand up to the acid tests to be applied by experts on Rabbinic law, upon whose territory I have trespassed.⁴

§ 3 No manuscript of the Hebrew Bible, apart from those discovered among the Dead Sea Scrolls, has been the subject of so heated a discussion as our Codex. Ever since the first information about it was published almost a century ago⁵, the controversy has been raging, on and off. Now that the manuscript is available, the discussion must perforce be reopened.

On the one hand, there are the few followers of Graetz, the first European scholar to discuss the Codex, who endeavoured to justify the local tradition of the Aleppo community.⁶ On the other hand, there are the much more numerous opponents of this tradition who reasserted the position taken up by Wickes.⁷

4. But for the fact that Professors Lieberman and Urbach were good enough to read this paper before publication, I would have felt much more hesitant about presenting my findings. I am most grateful indeed to these two masters of Rabbinics for their kind encouragement. I would like to use this occasion to offer my sincerest thanks also to those who were instrumental in enabling the HUBP to study the text of this precious codex: H. E. Mr. I. Ben-Zvi, President of the State of Israel; Professor B. Mazar, President of the Hebrew University; Professor E. E. Urbach, Dean of the Institute of Jewish Studies; Mr. M. Benayahu, Director of the Ben-Zvi Institute; last, but not least, to my esteemed colleague and co-editor, Professor C. Rabin, without whose comments the present paper would have been even less readable.

5. By R. Jacob Berlin in the first volume of the weekly *Libanon* (הלבנון) 1863. pp. 23, 31, 76 (copies of which are extremely rare), and in the famous travel account of R. Jacob Sapir, *אבן ספיר* I (1866), 12b ff.

6. Cf. MGWJ 22 (1871), p. 52 f. It was, apparently, he who coined the term *Aleppo Codex*.

7. W. Wickes, *A Treatise on the Accentuation of the Twenty-One so-called Prose Books of the Old Testament* (Oxford 1887), p. vii f.

Kahle is correct in maintaining, in his analysis of the development of the discussion until the present time (cf. *Cairo Geniza*, 1947, p. 62f., [1959, p. 111f.] and after that in V.T. 1 (1951), p. 163), that according to his own admission Wickes was more than a little influenced by the opinion of Seligmann Baer. This also applies to Neubauer, who

If one retraces today the stages of the discussion and the arguments advanced, one sometimes wonders how it was possible. Yet, our amazement may be less great if we bear in mind that no modern scholar was able to investigate the Codex or to photograph it, so that the whole discussion was based on the photograph of one single page (cf. below, note 20), on a few variant readings⁸, and on a colophon in which quite a number of details had been purposely erased and rewritten.⁹

§4 On the basis of this exceedingly meagre material, the discussion was fervently pursued, and the opponents finally won the day. Today their reasons appear rather strange. But in those days there was little familiarity with ancient Hebrew MSS and palaeography, so that scholars could with impunity put forward the opinion that the Codex (=A) was centuries later than Ben Asher!¹⁰ In the light of our present, one hopes somewhat more consolidated, knowledge of palaeography, and in the light of the extension of our field of view as a result of the publication of comparative material¹¹, such arguments hardly seem acceptable.

As regards the alleged lack of agreement between certain readings of A and the supposedly "true" text of BA — that is to say, the one which Baer and his followers considered to be the original BA text — it can no longer be doubted today that those scholars turned the facts upside down: they regarded late "syncretistic" readings as the true BA text, and consequently judged the early authentic readings to be late and untrustworthy (cf. esp. Kahle, *op. cit.*).

pronounced on the issue already in MGWJ 36 (1887), p. 302, four years before his much-quoted statement in *Studia Biblica et Ecclesiastica* (Oxford 1891), p. 25 f. Nevertheless it should be emphasized that it was not Baer who pronounced against the genuineness of the Codex: in 1879 he only expressed a slight doubt (cf. Introduction to *Dikduke ha-Te'amim*, p. xiii). Furthermore, a scholar who happened to make a thorough study of treatises on the Massorah at that time mentions only Wickes as holding the opinion that the tradition about A is untrue. Cf. Harris, "The Rise and Development of the Massorah", JQR, O. S. 1 (1889), p. 249.

8. Since these passed various hands until they appeared in *Libanon* (see above, note 5), it may be doubted whether they were printed correctly. In any case, for the last seventy years no one troubled to analyze them.
9. Cf. the discussion in Kahle's *MdW* I, 1 f. The most recent publication of the text is by President Ben-Zvi (cf. above, p. 13) who based himself on the treatise of Meir Nehmad, מאמר חקירה על הכתר היקר הנקרא כתר ארם צובה "A study of the precious Codex called the 'Crown' of Aleppo" (Aleppo 1933).
10. As is well known, Lagarde went so far as to claim that the Codex was a German MS of the fourteenth century; Kahle, *MdW* I, 14, already tried to explain the origin of this egregious error, which was unfortunately widely accepted because of Lagarde's prestige in other fields of research.
11. Most useful to all who deal with this subject are the tables published by S.A. Birnbaum, *The Hebrew Scripts*, Part Two, London 1954, etc.

Even stranger seems to us the argument — the origin of which is once again to be sought in the lack of familiarity with ancient MSS on the part of 19th century scholars — that because the open and closed sections in A were not marked with the letters **ב** and **ו**, it was impossible that this should have been the MS which Maimonides saw. For how could he have ruled on the matter of open and closed sections if these letters are missing! We have meanwhile learnt that this marking was not at all the prevalent custom in early MSS; rather the difference between open and closed sections was indicated by the size of the blank space left between the sections and by the manner in which the new section was started (cf. below, n. 112). To those early scholars, however, the arguments against the antiquity of A and its identity with Maimonides' "Ben Asher codex" appeared formidable, and they consequently pronounced against acceptance of the local tradition of Aleppo Jewry.

§ 5 The only scholar who contradicted the view which by then had become well-nigh universally accepted on the authority of Wickes¹², was Kahle. Whatever has been said in favour of A in more recent studies of the subject, is entirely due to Kahle, who since 1926¹³ has fought to refute the view generally held until that time.¹⁴

Kahle's refutation of the arguments put forward by Wickes and his followers could however do no more than restore the traditional *status quo*, as accepted more than half a century earlier by Graetz. The reasoning of Wickes and his followers was shown to be fallacious; and we should add that those same arguments of Kahle hold good in this respect also as regards the claims of

12. To be sure, the only independent argument ever to be put forward after Wickes was advanced by Harkavy, *Hadhashim gam Yeshanim VI* (available to me in *Ha-Pisgah* 1 (Vilna 1891), p. 61 (offprint, p. 7)). Although Harkavy was a much more competent connoisseur of Hebrew MSS, he also sought to date the MS two hundred years later than BA on palaeographic grounds. It was he who put forward the explanation that the colophon may originally have been part of another MS. Since Harkavy, one of the few scholars who actually saw the Codex, does not advance any reason for this suggestion from what he actually saw, it carries little weight, because a remark of that nature might obviously be advanced as regards many colophons (cf. also above, note 2).
13. As far as I know, Kahle assumed this point of view at that time, and it first appeared in the abstract of his lecture at the Deutscher Orientalistentag, Hamburg 1926 (cf. ZDMG, N. F. 6 (1927), liii, and the following year in *MdW* I, 1 f. In 1922 (*apud* Bauer-Leander, *Histor. Gramm. d. hebr. Sprache*, p. 89) he still believed that the Rabbinic Bible of Jacob ben Hayyim (1524/5) really represented the BA text.
14. The only scholar before Kahle sufficiently qualified to judge Hebrew manuscripts who was not convinced by Wickes — though he only expressed his doubts without adding any reasons — was apparently Strack, "Ueber verlorenegegangene Handschriften des Alten Testaments", in *Semitic Studies in Memory of A. Kohut* (Berlin 1897), p. 563, and in Hastings, *Dictionary of the Bible* IV (1902) p. 728.

Teicher, who maintained nothing less than that *none* of the manuscripts attributed today to the family of Ben Asher are in fact BA MSS.¹⁵

§ 6 However, neither Kahle nor anyone else did or could produce positive proof for the correctness of this tradition, since no one had access to anything but the same meagre material published in the last century. Thus by the end of World War II (cf. below, § 17, f.) the status of A among Biblical manuscripts rested on the authority of one single advocate, who himself had no positive proof to offer. The most Kahle could do was to make it plausible that A belonged to the BA family of MSS. Even this one pillar was soon, as we shall see (cf. below § 18 f.), to give way.

Considering the possibly unique importance of A, this state of affairs is more than lamentable. After all, should the local "legend" of the Aleppo Jews turn out to be true, our Codex would be one of the oldest massoretic MSS—and the oldest MS of the whole Bible at that—and one of the few MSS attributable to the BA family; possibly even more than that: it would be *the ideal model codex*, unique in its completeness, of the Massoretic *textus receptus*.

§ 7 To prevent at once any misrepresentation: this characterization is not oblivious of the fact that the text of Aaron ben Asher was the outcome of a gradual process of evolution in time, and that he himself most certainly changed many details in it during his lifetime. Nor do we ignore the fact that his Codex became a new starting point of further evolution, once other MSS were brought into some harmony with it or were copied from it (or its descendants). From the point of view of historical development, BA's codex is only one stage in the evolution of the Massoretic text, one text amongst others. Even if scholars are agreed on the eminence of BA, we possess no criterion for adjudging to it absolute immanent superiority from the point of view of the Massorah embodied in it.

This truth from the realm of *Textgeschichte*, however, does not prevent us from looking at the problem from another angle. If the Aleppo tradition is true, A is the one and only MS which without exaggeration may be said to represent a unique event in the history of the Massoretic text. Inasmuch as Maimonides declared it authoritative, he invested a text-form which otherwise might have been a momentary crystallization with a character both permanent and absolute.¹⁶

15. Teicher's paper "The Ben Asher Manuscripts", JJS 2 (1950), pp. 20, 35, unfortunately happened to be published soon after the rumour was accepted that the Aleppo Codex had fallen a prey to rioters. As far as A is concerned, Teicher adds nothing to the statements of his predecessors. See Kahle, V. T. 1 (1951), p. 163 f., and cf. below, note 112.

§ 8 This point allows for some further elaboration. There is no doubt that Maimonides never intended to pronounce on those questions which are of interest to the student of the Bible text, viz. plene and defective spellings, punctuation, and accentuation in their various aspects. Nor, as we shall see later, did A become "canonized" in such a way as to oust all other traditions. Since practically all of the rules without talmudic basis which were recommended on the basis of A were not binding in halakhah, and since it was only meritorious to act according to them (cf. above, § 1), compromises became inevitable.

Matters developed rather differently from what Maimonides appears to have intended. On the one hand, those rules which he had phrased on the basis of A were not exactly followed, and the confusion he had intended to remedy became perhaps even greater. On the other, the BA tradition became (finally?) recognized as the text to be followed. But correcting existing manuscripts according to some copy of a BA text resulted necessarily in the development of a new tradition, more or less akin to A.

In other words: from the historical point of view, A is not exactly the archetype of our *textus receptus*, although it had (together with its sister codices) a decisive influence on the development of the latter. In theory, however, or in the "ideological" (*sit venia verbo*) assumptions of the editors of our printed Bibles — from Jacob ben Ḥayyim down to Baer and Ginsburg — the "true" BA text, as sanctioned by Maimonides — has become the ultimate goal, and each scholar in turn believed that he had practically reached it.¹⁷ If the "legend" of the Aleppo community be true, A would therefore be destined to take from now on its honoured place as our most trustworthy guide.¹⁸

§ 9 The object of this article is to determine whether the Codex we are studying here is, indeed, that ultimate goal; or whether, even though

16. There is no need to dwell once more on the fact that Maimonides' acceptance of BA's work as authoritative went a long way towards complicating the discussion on the alleged Karaite leanings of that Massorete. Cf. now Dothan, *Sinai* 41 (1957), mainly p. 301 f. (against him Allony, *Ha'aretz* 25.X.57) and Zucker, *Tarbiz* 27 (1957), p. 61 f.

17. It may be due to discoverer's enthusiasm that Kahle and his assistants, in connection with the publication of the Leningrad MS (=L), emphasized the differences between the Rabbinic Bible of Ben Ḥayyim and the BA text to an extent which is likely to deceive those who have not themselves compared the two texts. Yet the importance of the differences should not be minimized, as was done by Sperber in his introduction to *The Pre-Masoretic Bible* I, p. xxii, Copenhagen 1956.

18. In view of the excitement which has gripped Bible publishers in Israel (see Yalon's scathing remarks in *Hatzofeh* 10.IV. 59), it should be stressed that our remarks must not be interpreted to mean that the text of our common Massoretic Bible editions is

Wickes and his followers erred in their reasoning, they did not err in their view that the legend surrounding the Aleppo Codex is really nothing but a legend, one of those tales which are sometimes woven around ancient manuscripts.¹⁹

In order to decide our issue, the following claims have to be proved:

1. That the manuscript discussed here is, in fact, the Aleppo Codex. Since the famous colophon, on which its claim to be a BA text mainly rested, was lost together with a considerable part of the Codex, the identity of our manuscript cannot simply be taken for granted.
2. That the Aleppo Codex is really a BA manuscript.
3. That this is, indeed, the MS on which Maimonides based his rules. This is, of course, the most important point, and by far the most difficult one to prove.

II

§ 10 It is comparatively easy to show that the MS before us really is the Aleppo Codex. First of all, the identity of the two MSS became obvious immediately on comparing the two pages photographed side by side in the President's first article (*Sinai* 43 (1957), p. 8). This impression becomes certainty when one places additional pages of the MS next to the photograph of the one page of the Aleppo Codex hitherto known.²⁰ One could assume, of course, for the sake of argument, that our Codex is a twin of the Aleppo Codex. But all the MSS originally kept in Aleppo have been known for a long time and there exists no MS even faintly resembling A — let alone resembling it like two peas in a pod. Since the provenience of our MS from Aleppo is a fact, such an assumption is void.

Moreover, Wickes mentions amongst the sparse information at his disposal (*op. cit.*, p. VII, n. 4) that the height of a column in A is 23 cm. and the width 6 cm. These are the exact measurements of the MS before us. The combination of these facts is perforce unique. The MS before us can be none other than the Aleppo Codex, as maintained by witnesses, and its identity is beyond doubt. We may add that once we prove the identity of our MS with the codex used by Maimonides, this should be further proof of this point, if such were needed.

"wrong", God forbid, or that from now on all the printed Bibles in existence had better be quickly discarded!

19. It is, of course, true that the existence of a tradition for a number of centuries does not in itself constitute proof. Still, some weight it does bear (cf. below, §§25 and 42).
20. Cf. above §3. The photograph had been published at the time as frontispiece to Wickes' book. Great consternation was caused among the heads of the Aleppo community when they learned from the late Prof. Cassuto that such a photograph existed (cf. *Ha'aretz*, 2.1.48).

§ 11 On the other hand, we have to note that in its present state the identity cannot be proved by any known variant readings, for the list of readings published in the name of Jacob Berlin (cf. above, note 5) terminates at the end of Exodus (*ib.* p. 76).²¹

One might, on the other hand, have assumed that the late Prof. Cassuto's working copy of the Bible, on the margin of which he had noted the readings for the new edition he was planning, would contain notes of variants from A. This is not so. I am much beholden to Dr. A. Hartom, who supervised the printing of the edition which was based on Cassuto's notes, for informing me that in Cassuto's own copy not a single variant from A was noted.²² This would explain why Cassuto was so careful, whenever he mentioned A, to talk only of his having "examined" or "studied" that codex. It seems therefore hardly accidental that no variant readings from A have been found among the papers left by this scholar (cf. below, notes 35, 48).

The last possible source of material for comparing our MS to A would be the alleged copy of A which was sent in the 16th century from Palestine to R. Moses Isserlis.²³ But even assuming that it has not been irrevocably lost, we cannot know to what extent it was, indeed, an exact copy of A.²⁴

All these possible sources might have furnished confirmation for our conclusion; but the identification of our MS with A seems beyond dispute in any case. We may therefore turn our attention to the MS itself.

21. Even assuming that all the readings were printed correctly — they appeared in a weekly! — they all concern minor points of accents, methegs and vowels, which by their very nature do not lend themselves to generalizations that could be verified from other passages in the same MS. However, when I finally ran to earth a copy of that rare volume of *Libanon* (probably the only copy existing in this country), my attention was caught by the many places where A has Hāteph Pataḥ instead of a Shewa in the Heidenheim edition used by J. Berlin (cf. above n. 5). In the light of the findings in our MS (see Loewinger's article in this volume of *Textus*), this point should not be ignored.
22. Correct accordingly Eissfeldt, *Einleitung*², p. 843 [and Kahle, *Cairo Geniza*², p. 135]. Completely unjustified therefore is Brownlee's recent statement, that the so-called "Jerusalem edition" is "a correction of the Ginsburg edition in the light of Cassuto's collation of the famous Aleppo MS" (cf. "*The Text of Habakkuk in the Ancient Commentary from Qumran*", *JBL Monograph Series XI* (1959), p. 5).
23. See President Ben-Zvi's article in this number and especially his request that anyone who knows anything about this matter should publish it. Cf. above, n. 3.
24. In the literature on this subject it is sometimes stated that the copy of R. Moses Isserlis was made from C (written by Moses ben Asher). It needs to be emphasized that this information is based on a misunderstanding which spread on the authority of C. D. Ginsburg, *Introduction*, etc. (1897), p. 242. His error was repeated by Strack, in Hastings, *Dictionary of the Bible* IV, 728. Already Kahle, *MdW* I, 12, has pointed out that the statement is erroneous. A confusion of facts of a different order occurs in the latest comprehensive work on the Bible text, Roberts, *The Old Testament Text and*

§ 12 The problem we just tried to solve would not have existed, had scholars had the opportunity to investigate A properly while it was still complete and safe in the hands of the Aleppo community. Our second question, however, is posed by A itself: can we take the colophon at its face value? The tradition about Maimonides using A may be a legend; yet the colophon's information about BA may be correct. What has to be examined first of all is whether the colophon attributing A to BA is spurious or not.

The criteria according to which a MS does or does not represent a BA text have been established and generally accepted during the last thirty years, thanks to the labours of Kahle and his pupils. On the basis of the one known page, it has been assumed that A is indeed a BA MS. This was also the conclusion arrived at by the only scholar who succeeded in looking at the MS itself, namely Cassuto (cf. below, n. 42). It did not take many hours of studying to convince ourselves that these claims are justified, and a fairly comprehensive comparison with the relevant data from Mishael ben Uzziel's treatise conclusively proved that impression to be correct.²⁵

§ 13 Not only is the BA character of the MS obvious, but it can already be established that it differs so decisively from the only other known BA MS of the whole Bible, viz. the Leningrad Codex (L) that it is quite out of the question to argue that it is directly connected with it. A is not the immediate *Vorlage* of L, nor are they both derived from one *Vorlage*. In other words: even if, for the moment, we would not claim superiority for A on the basis of internal criteria, we are already justified in maintaining that A is, at the very least, an alternative BA manuscript.

I would claim, however, that we may at once go one step further. Even without a full-scale investigation of A and its Massorah, accents, vowels, etc., as compared with L (cf. above, n. 25), it seems that we already possess distinct indications that of the two complete BA Bible codices, A and L, A is the superior one, and is consequently to be preferred as the basic manuscript in future critical editions of Aaron ben Asher's text.²⁶

Versions (1951), p. 81. According to him the Codex is housed "in the Qaraite synagogue at Aleppo and the Qaraite have always regarded it as their most costly treasure".

25. The special character and place of A, according to internal criteria, within the framework of MSS attributed to BA, will be discussed in detail by D. S. Loewinger in this volume. Dr. Loewinger, with the aid of the assistant in the Massorah Departement of the HUBP, Mr. Yisrael Yeivin, has already carried out a first summary study of the whole MS. On the subject of Mishael ben Uzziel's treatise, taken to be the most reliable touchstone for examining a BA MS, cf. also Lazar Lipschütz, *Ben-Asher — Ben-Naftali, Eine Abhandlung des Mischael b. Uzziel* (Bonn 1935); F. Pérez Castro "Corregido y correcto", *Sefarad* 15 (1955), pp. 3 ff.

26. This superiority of A over the *Vorlage* of L may, perhaps, be inferred from the

§ 14 A few examples will illustrate this claim, but their full importance can be only evaluated later on in this paper (cf. below, §30 f.).

It should be remembered, first of all, that the problem which troubled Maimonides and which caused him to specify the MS on which he based himself (cf. above, n. 1) was that of open and closed sections. Even from those few chapters of A from the end of Deuteronomy which have escaped destruction, it is clear that this MS *agrees in every instance with the statements of Maimonides* while L diverges from them not less than four times.²⁷

| Maimonides = A | | L | |
|----------------|--------------------|---|---|
| Dt. xxx, 11 | (כי המצוה): | ס | פ |
| xxx, 7 | (ויקרא משה): | ס | פ |
| xxx, 16 | (ויאמר ה'... הנך): | — | ס |
| xxxi, 8 | (וללוי): | פ | ס |

Assuming that readers will wish to look up these passages in their copies of the *Biblia Hebraica*, I have to add, unfortunately, that also in this respect²⁸ the text as printed there is not reliable.²⁹

§ 15 The superiority of A over L does not only express itself in complete agreement with Maimonides' statements on the subject of the sections, but also as regards the beginnings of the lines after the Song of Moses (SM = Deut. xxxii) — a question of utmost importance, as we shall see later on.³⁰ Additional proof of A's superiority is the layout of SM itself and the method of filling up the lines ("Zeilenfüllung"). Also these questions will demand our attention later on (cf. also below, n. 75, 81).

Since A's superiority over L seems rather obvious, it may not be superfluous

wording of Kahle. *Cairo Genizah*, p. 61 [slightly changed in the 2nd edition, p. 111]. For the ranking of MSS attributed to BA (apart from A, of course) cf. also Castro, *op. cit.*, p. 27.

27. If we were to extend the examination of L over the whole Pent., we would find many deviations in the matter of sections; cf. below, n. 113.
28. Cf., in connection with another problem regarding Hebrew MSS, *Biblica* 35 (1954), p. 429 f. The *caeterum censeo* of Orlinsky concerning the apparatus of the BH is too well known to need mentioning. However, it is only fair to add that in any extensive project based on collations carried out mainly by assistants, in spite of the editor's formal responsibility, errors even on major points can hardly be avoided.
29. In the first two passages quoted, BH has closed sections, while in xxx, 15 (ראה נחתי) the sign of the closed section has been omitted, so that one gets the erroneous impression that the MS deviates from Maimonides' rule. For my comparisons I have used photostats of L belonging to the National and University Library of Jerusalem (cf. also n. 31).
30. For this subject cf. below, §30 f. and n. 85. As against A's agreement with the ruling of Maimonides., L deviates as follows: יבא — לדבר — אשר — התורה — האדמה

to add that there seem to be also considerable divergencies between A and L in plene and defective spellings.³¹

To sum up: without basing ourselves on the colophon of A, we maintain that A is, indeed, a BA MS, and that of the two known BA codices of the whole Bible, A seems the superior one.³² Once we have come to that conclusion, we are allowed to take the colophon as further evidence. It will, inevitably, remain our sole witness for the claim that A is not only a BA MS, but was actually vocalized, accented, and embellished with the Massorah by R. Aaron ben Asher himself.

III

§ 16 We now come to our last and most crucial problem: Is A only the best BA codex available to us? Is it only an additional step nearer the desired goal? For even if we assume for the moment that the difference between the superior BA MS before us and the model codex which was before Maimonides, and which has become hallowed in the mind of later generations, is minimal, yet a gnawing doubt will persist for ever that we have before us nothing but a substitute, though a rather perfect one. In fact, all hope ever to find that codex would have to be abandoned. If A cannot be plausibly shown to be that model codex itself, no other candidate is likely to emerge.

On the other hand, if we were able to prove that A is indeed the MS used by Maimonides, we would not only have in our hands the model codex which generations tried in vain to reach, but this historical sanctity would coincide with our textual findings, according to which this MS is in fact the superior one of the known representatives of the BA text.

31. As an example we shall quote the differences in the fifty odd verses from Deut. xxviii which now form the beginning of A (note the defective spelling):

| | L | A |
|-----|---------|--------|
| 18: | ועשחרות | ועשחרת |
| 49: | מרחוק | מרחק |
| 52: | הגבוהות | הגבוהת |
| 58: | הכתובים | הכתבים |
| 59: | גדלות | גדלת |

Verse 63 להיטב as printed in BH is an error for the actual להיטיב of L = A. Cf. above, n. 29, and below, n. 114.

32. For details cf. Loewinger's discussion. According to this claim, it would seem that from now on, L should not be used as a test for judging the BA character of other MSS, since it has to be regarded as a MS which has not been too well harmonized with its BA *Vorlage*. Cf. also Yalon's queries (*Kiriath Sefer* xx (1955), p. 261) on L, which Castro, *Sefarad* 15 (1955), p. 6 f., has tried to rebut. Unfortunately we cannot compare A with BM Or. 4445 at this stage, since that MS breaks off long before Deut. xxviii.

§ 17 To start with, our prospects to prove this identity appear practically nil. The status of A in modern Biblical scholarship rests, as we saw, on the sole authority of Kahle. Kahle, however, who in any case had very little to go by, never pronounced on this problem. He was exclusively interested in our previous question, *i.e.* the BA character of A.

On the other hand, any identification of A with the model codex of Maimonides will have to be based on the Pentateuch only, since all the remarks of Maimonides concern that part of the Bible exclusively. No more than ca. 4% of the Pentateuch have escaped the rioters, so that there is hardly any possibility left to come to a positive conclusion.³³

Whatever shred of a possibility remains was, however, torn apart by the most decisive blow of all: the only modern scholar who was ever privileged to study A while it was still complete³⁴, the late Prof. Cassuto, stated unequivocally that *A is not the Codex used by Maimonides*. Since Cassuto started out with the belief that A was that codex and later on, after having seen it, repudiated that assumption, our attempt looks hopeless. Still, it is imperative to investigate, before deciding to break off, whether Cassuto's view must be accepted without further discussion.

33. Cf. in the light of this below, §22 f.

34. Though modern scholars had no access to A, others apparently sometimes had, and even succeeded in obtaining copies of it, if we can believe their tales. Thus I note that R. Samuel Solomon ben R. Moses Meir claims in his *עמודי שש* (Jerusalem 1892, Excursus, p. 1) that he possessed a copy; but he reveals nothing of its contents. I was even more pleased when I discovered that R. Hayyim Hachohen Finfer in his book *מסורת התורה והנביאים* (Vilna 1906), p. 98 f. (who is known to have taken much trouble, in his own way, to collect material on the problem of open and closed sections) also used a copy of A. But there again: he talks at great length about the price he paid; of the MS itself he reveals nothing. In spite of this, we may note the tradition which was related to him by the person who obtained the copy for him, namely, R. Isaac Moses Abulafia. For this is the only place where we find an allegedly direct tradition about the time when the Codex was written. This is how Finfer quotes the tradition: *סי תנ"ך ישן נושן כתוב על קלף מזה הזמן* "A very ancient copy of the Bible, written on parchment 644 years ago (*i.e.* in the year 644 of the fifth millenium [= 883-4 C.E.], written 1020 years ago — sic!) as is written in the Codex." Without dwelling too long on this piece of information, we may remark that Finfer's(?) explanation of the statement "644 years ago" as "in the year 644" could be based on some authority. Anyhow, it would not be too far out, although we can hardly believe that the codex written by Aaron Ben Asher is ten years older than the Cairo Codex written by his father. Also the fact that Ibn Buyā'a wrote another MS some fifty years later (cf. *MdW* I, 7) almost precludes the claim. The main trouble is that all of Finfer's statements on that whole subject (cf. *ib.*, p. 100-101) are so confused and that he apparently used a number of doubtful copies of MSS, so that one has to approach his information with skepticism. It is even possible, as E. E. Urbach suggested to me, that the number 644 goes to show that Finfer was, in fact, handed a copy of a different MS altogether.

§ 18 There obtains not the slightest doubt that Cassuto, indeed, declared himself against A, although the opposite view was sometimes attributed to him after his death.³⁵ Kahle himself, when lately summing up the discussion, made scholars acquainted with Cassuto's real verdict and concluded that we have no alternative but to accept it³⁶, for no one, — so it seemed then — would ever again have the opportunity to study the codex.

Cassuto's decision was first announced in 1946, in the following statement³⁷:

הוצאת ספר זה מבוססת על כתב היד של ספרי הנביאים שנכתב בעיר טבריה ביד משה בן-אשר, אחד מחכמי המסורה החשובים ביותר, בשנת שמונה מאות ועשרים ושבע אחר חרבן הבית השני... כתב יד זה, הנשמר עכשיו בקאהיר, היה כולל מעיקרו גם את התורה ואת הכתובים ואולי הוא הספר שעליו סמך הרמב"ם כשקבע את הפרטים שבפרק ח' מהלכות ספר תורה. אמנם לפי הדעה הרווחת הספר שעליו סמך הרמב"ם היה הכתר של אהרן בן-משה בן-אשר, הנשמר עכשיו בעיר חלב; אבל מתוך בדיקה מדויקת ב"כתר" זה מצד המנהל המדעי הנ"ל, שנסע לחלב לשם כך בשנת תש"ד, יצא לו בבירור שדעה זו אינה נכונה.

"The edition of this Book is based upon the codex of the Prophets which was written at Tiberias by Moses Ben Asher, one of the most outstanding Massorettes, in the year 827 after the destruction of the Second Temple. . . This codex, now preserved at Cairo, originally comprised also the Pentateuch and the Hagio-grapha. It may well be that *this is the manuscript upon which Maimonides relied in formulating the details in chapter viii of Hilkhoth Sefer Torah*. Admittedly, it is widely believed that the manuscript upon which Maimonides relied was the 'Crown' of Aaron ben Moses ben Asher, now preserved at Aleppo; however, *a thorough examination of that 'Crown' by the above-mentioned Scientific Director*³⁸, who visited Aleppo for this purpose in 1944, *made it quite clear to him that this view is wrong.*" (My italics, M.G.).

Cassuto never changed his view on this matter. He both published it himself³⁹, and mentioned it in his letters to Kahle, who later quoted from the contents of

35. It is not impossible that the Introduction of the so-called "Jerusalem (Bible) Edition" (1953), which singles out for mention A only, contributed to the spreading of this erroneous view. Yet the actual words used in that introduction are correct, since it does not state that Cassuto *used* A, but only that he *studied* it! Cf. above, §11 and n. 48.

36. After quoting Cassuto (cf. immediately below), Kahle felt obliged to sum up (VT 1 (1951), p. 163 f.): "... He is the first modern scholar who had the opportunity of doing so [of studying the Codex], and he will have been the last one if the news of the destruction of the Codex is confirmed. We are therefore dependent for this Codex on the information Cassuto has to give, and everything that has been said before on the Codex has to be regarded in the main as antiquated...."; "There is no point in discussing these matters again. We will have to await the information that Cassuto is able to give us."

37. The statement accompanies the sample edition of the Book of Jonah which the Hebrew University of Jerusalem Press published in the summer of 1946.

38. *i.e.* Cassuto.

39. The earliest reference to it by Cassuto himself is in *Ha'aretz* 2.I.1948.

this correspondence in various scholarly periodicals.⁴⁰ Cassuto may possibly have experienced doubts concerning the "positive" part of his theory, viz. his elevation of C to the rank of Maimonides' model codex (cf. below, §20 f., and esp. note 46). But he did not retract his negative judgment of A, which has already been admitted into text books⁴¹ as the last word on our subject.

§ 19 It would not have been too much to expect that the attempt to deprive A of the position which it was accorded by the Jews of Aleppo⁴², and which had been accepted by scholars on Kahle's authority, should be accompanied by decisive or at least reasonable proof. It is therefore rather amazing that Cassuto did never find it necessary to justify his damning verdict.

A thorough search throughout Cassuto's writings and public utterances, and even questioning those who were connected with his Bible edition from 1944 onward, produced no result whatever. All that can be discovered is the kind of statement he published in *Ha'aretz* (2.I.48):

רגילים לחשוב שהספר שמך עליו הרמב"ם היה דוקא ה"כתר" של ארם צובא. ולכאורה נראה הדבר קרוב מאד. ואולם מרשה אני לעצמי להטיל בזה ספק, מפני טעמים טכניים שאין כאן המקום ליחד עליהם את הדיבור.

"One usually assumes that the book on which Maimonides relied was the Aleppo Codex. Ostensibly, this seems likely enough. Yet I permit myself to doubt it for *technical reasons which this is not the place to set out in detail*". (my italics — M.G.). What a pity that these technical reasons were never set out elsewhere. Similarly, in his letter to Kahle, written at the same time (cf. VT 3 (1953), p. 418): "This tradition [about A] which you regard as indubitable is certainly very old, but it is not proved, and there are some reasons for querying it".

One may take it for granted that Cassuto pondered his decision a great deal: his explanation to Kahle (see below, §21) gives the impression that he himself was not quite convinced. Perhaps it is for this reason that he refrained from publishing his reasons. Our suggestion advanced below (§23, esp. notes 51, 55) may provide a solution to this riddle.

§ 20 In any event, there is no doubt that as a result of his negative attitude towards A, Cassuto went one step further, and a decisive one at that.

40. In VT 1 (1951), p. 164, as well as in his article "The Ben Asher Text of the Hebrew Bible", in *Donum Natalicium H.S. Nyberg oblatum* (1955).

41. Cf. M. H. Segal, *Mevo' Ha-Miqra'* IV (1950), p. 898; Z. Ben-Hayyim, s.v. "Ben-Asher" in *Encyclopaedia Ivrit* IX (1958), col. 41.

42. I should like to stress that Cassuto did not recognize A as being the MS which Maimonides used, yet repeatedly upheld the view that it is BA MS (cf. above § 12). Kahle sums up his correspondence with Cassuto (VT 1, p. 164) as follows: "Cassuto has not any doubt that the Aleppo Codex is a real Ben Asher codex".

Obviously Cassuto could have arrived at his negative decision as regards A only because it did not agree with Maimonides' rules in some detail in its Pentateuchal part. In assuming now C to be Maimonides' MS, Cassuto accorded this honour to a codex which does not contain the Pentateuch at all! Consequently there was no possibility that it might disagree with the ruling of Maimonides. The claim of C, so it must have seemed to him, could not be disproved. But then there was no possibility ever to prove it.

The Cairo MS of *Moses* ben Asher was elevated by Cassuto, though with the proviso "perhaps"⁴³, to the rank of "the MS which Maimonides used", and thus was chosen to assume in the Bible edition which he was then planning the central position originally reserved for A.⁴⁴

§ 21 To invalidate Cassuto's hypothesis as regards C does not automatically mean promoting the case of A. Yet I must point out that also in our view (cf. above, n. 43), this hypothesis is contrary to all available evidence. The very possibility of proving it being absent from the start, it could not be more than a guess, and we would be entitled to dismiss it without hesitation. But even on its own merits it lacks all foundation. We have no right to assume that C ever was a codex of the complete Bible, so that it would at least on this point fit in with the statement of Maimonides that he used a codex of the whole Bible (cf. above, n. 1). On the contrary, all the signs point in the opposite direction, especially the existence of the extremely full colophon after the Prophets, which would be out of keeping in a MS where originally the Hagiographa still

43. Kahle convincingly summed up his doubts concerning C in *Donum... Nyberg*, p. 165 f., and especially emphasized that there is no justification to suppose that this MS, at any time, formed part of a complete Bible codex, as is implied by Maimonides' statement (cf. below, § 21). On the other hand, the objection advanced by B. Toledano (*Ha'aretz* 2.X.1949), that Cassuto's hypothesis is contrary to the evidence of R. David ben Zimra (the great Rabbinic authority in the 16th century who allegedly testified in favour of A) — whose testimony ought to be accepted blindly — is hardly convincing even if the whole matter of the responsum of Ben-Zimra were not based on an error (cf. Ben-Zvi's article, above p. 8). Although we now possess alternative information concerning that tradition from the pen of R. Joseph Ashkenazi (cf. Scholem, *Tarbiz* 28 (1958), p. 75), all information of this type must be taken as the foundation of the "legend" woven around A, and certainly does not prove it. Moreover, none of it is early enough to enable us to dispense with further investigation [cf. *Cairo Geniza*², p. 94].

44. I do not wish to join the discussion about the so-called "Jerusalem (Bible) Edition". But I consider it my duty to emphasize that I have no doubt that the decisive step — namely, to accord pre-eminence to C for the Books of the Prophets (that is as far as this MS goes) while using MSS of different character as a basis for the text in the rest of the Bible — was entirely Cassuto's own. The confusion which was the necessary outcome of giving preference to C, and which resulted in a change of vocalization in the one part (the Prophets) of this edition as against the rest, was remarked upon especially by Yalon in *Ha'aretz* 16.IV.1954 and later by Kahle, *Donum... Nyberg*, p. 162 f.

followed.⁴⁵ The contents of the colophon, the dedications⁴⁶, and the additional evidence of the Ashkenazi Rabbi of Cairo at the beginning of this century⁴⁷, all these deprive Cassuto's hypothesis — which he apparently adopted rather rashly, “, on the rebound”, after A disappointed him — of any verisimilitude.

In addition Cassuto seems to have gone a long way towards retracting his hypothesis. In his article in *Ha'aretz* of the 2.I.48 he did not even mention it. And in his last article in which he summed up this subject (*Ha'aretz*, 15.IV.1949) he made no reference to C, while mentioning again A⁴⁸.

Moreover, he expressly wrote to Kahle at that time (cf. V.T. 3 (1953), 418): “That the codex used by Maimonides is that of which the part containing the Prophets [*sic!* — M.G.] is preserved today at Cairo, is mentioned only in a tentative way in the prospectus attached to the edition of Jonah, *and is not more than a conjecture* [my italics — M.G.]. All the same, the reasons which you advance to the contrary are not so strong as to exclude this possibility.” But again, even to fellow scholars, not so much as a hint about the reasons for his far-reaching decision.

In spite of these rather discouraging circumstances, I hope that the discussion presented in the following chapters will lead us in the right path. Our argumentation will perforce be neither simple nor direct. It is, however, precisely the extraordinary facts I intend to marshal here which have imbued me with the faith that our solution is correct.

IV

§22 At first sight the few pages of the Pentateuch preserved in A offer conclusive proof that the Codex is not identical with the MS which Maimonides used. Maimonides states (cf. above, n. 1) that he noted down the open and closed sections as well as the layout of the two Pentateuchal songs according to that model codex. In his own words (*loc. cit.*, end of chapter viii):

45. Cf. also Dothan, *Sinai* 41 (1957), p. 296.

46. The whole of the colophon refers only to the Prophets. It is, furthermore, rather improbable that, had C ever been a codex of the whole Bible in Maimonides' time, just one part of it would have been singled out later on for dedication in such an elaborate form, with the other parts disappearing — and the legend adhering to another BA MS. It is really too much to postulate all these vicissitudes without very strong reasons. Cf. also Kahle (above, n. 43).

47. After an examination of the MS he decided that there is no sign that it ever contained more than the Prophets or that there are pages missing at the beginning, as might erroneously be assumed from Sapir's note on this MS. This information was given to Finfer (cf. *op. cit.* note 34, p. 99 f.).

48. לא רציתי לוותר על העיון בספר חשוב זה, “I did not wish to forgo the examination [*sic*, M. G.] of this important MS.” This formulation agrees perfectly with the somewhat amazing text of the Introduction to the “Jerusalem Edition” (cf. above, §11 and n. 36).

צורת שירת האזינו: כל שיטה ושיטה יש באמצעה רווח אחד כצורת הפרשה הסתומה, ונמצאת כל שיטה חלוקה לשתיים. וכותבין אותה בשבעים שיטה.

"The layout of the Song of Moses: Every single line has a space in its middle like a closed section, so that every line is divided into two. And it is written *in seventy lines*." In what follows, with a degree of precision never attempted before, he faithfully writes out all the words which start each one of the 140 hemistichs (cf. also below, §31 f.).

Maimonides' statement is unequivocal. The number of lines, namely 70, as mentioned in the heading to that paragraph, agrees with the number of words we find written down there, no matter whether we consult the first or the latest edition of Maimonides' *Code*.⁴⁹ This is Maimonides' apparent decision on the basis of the BA MS to which he gave his approval, and this decision was accepted by all later decisors (cf. *Shulhan 'Arukh, Yoreh De'ah*, cclxxv, 5). Such is the rule to the present day, as can easily be seen from the usual Bible editions.

Nothing easier, therefore, than to arrive at a conclusion on our issue. Counting the lines in A, we immediately see that SM (=Song of Moses, Deut. xxxii) is portioned off in *sixty-seven lines*. By necessity a number of the words which Maimonides mentions as being the beginnings of hemistichs do not tally either.

This would seem to be conclusive proof against the proposed identification; even though we found A to be a superior BA MS, it cannot possibly be the model codex which Maimonides used and which we hoped to discover. The facts, so to speak, stare one in the face, and one cannot help coming up against them at the first serious comparison. Though Cassuto did not intimate his reasons for disqualifying A from being the MS which Maimonides used⁵⁰, I feel that when he saw the MS at Aleppo, he was struck by this discrepancy and considered it such definite proof against the identification that he entertained no further doubts. Since the facts are so unambiguously presented in all the editions of the *Code* as well as later in the authoritative *Shulhan 'Arukh*, it would not be fair to ask why Cassuto accepted what he found printed and did not continue his enquiry; all the more so since the conditions under which he worked at Aleppo made any further enquiry almost impossible (cf. his description of the difficult conditions in *Ha'aretz*, 2.I.48).

§ 23 We have stressed that we must assume that Cassuto disqualified A solely because it did not agree with one of the data specified by Maimo-

49. I use the first edition (Rome 1480, p. 72) according to the photographic reproduction published by Mosad ha-Rav Kook, Jerusalem 1955, and have compared the edition *Rambam la-'Am*, Mosad ha-Rav Kook, Jerusalem n. d. [1957], p. 206.

50. Stressing at the same time the fact that he considered A a true BA MS; cf. above, n. 42. This is a very important point, as we shall see presently.

nides (who dealt with the Pentateuch only). In other words: Cassuto's consideration was performed of a *halakhic* nature.⁵¹

The above paragraph of the *Code* (cf. note 1) deals with three major items: 1) The open and closed sections, 2) The Song of Moses (Deut. xxxii), 3) The Song of the Sea (Ex. xv).

As regards the open and the closed sections, it is well known that errors and doubts already arose in the first generation after Maimonides, as can be seen from a statement of R. Meir ben Todros Ha-Levi Abulafia (Toledo, ca. 1170–1244), as quoted by R. Menahem ha-Meiri (Perpignan, ca. 1249–1306) in the latter's work *Kiriath Sefer* (II, 2, ed. Hirschler, Jerus. 1946, p. 46 f., cf. n. 106, 109). Again, ever since that time the Decisors are known to have been in doubt as to Maimonides' position with regard to certain details in the layout of the beginning of the Song of the Sea (Ex. xv). That is to say: we cannot rule out that in the part of A now lost, Cassuto may have found a contradictory detail with regard to these points. But since such possible contradictions were to be expected, on the basis of the existing literature, we doubt that Cassuto would have taken so fatal a step with so little apparent reason. Any divergency on the part of A in that respect could easily have been interpreted away. More decisive still: were the reason some disagreement, say, in the matter of open and closed sections, this would certainly not have been too technical a matter for mention. There would have been nothing easier for Cassuto than to state that A does not agree in its treatment of the sections with the *Code*. Why then should he have avoided giving his reason on the ground that it was too technical?

The position is totally different as regards SM. In every edition of Maimonides' *Code* which Cassuto could have consulted, he would have found the same evidence against the identification of A. Nor does the usual *halakhic* literature (which he might have consulted as an additional precaution) contain any reference to doubts as to Maimonides' position with regard to the layout of SM (cf. below, chapter V). In other words: Cassuto's reason was *halakhic*, and the only *halakhic* item which justifiably could have appeared divergent enough to base on it a negative verdict on A, and which, at the same time, would be too technical to be mentioned in passing, was the problem of SM.

To sum up: Cassuto never explained his reasons, neither those against A, nor those in favour of C. As regards C, we have already seen that his claim is totally void. As regards A, we are in no position to disprove an argument which has never been advanced and, in any event, we need not be detained by it. Yet it seems to me likely that we have discovered the only obvious reason for rejecting A, Cassuto could have had.

51. That his reason was *halakhic* was confirmed to me also, to the best of his recollection, by Mr. A. Even-Zahav, who accompanied Cassuto on his journey to Aleppo.

§24 Precisely because the facts against A are so obvious, I dare to ask all the more for serious consideration of my contention, which is no less than this: *All that has been stated in our editions of the Code on the subject of the writing of SM (and which is binding halakhah) in fact never was the ruling of Maimonides, as evidenced by the MSS of the Code.* The opposite is the case: Maimonides' decision is identical with the layout of A, and is thus contrary to the widely accepted tradition of writing SM in seventy lines, which found its main formulation in the tractate *Soferim*. Through a remarkable process of harmonization and as a result of halakhic objections and reasonings raised against Maimonides' true decision⁵², his ruling was altered until it became identical with the accepted tradition of writing the song in seventy lines. *This apocryphal decision was the one which found its way into the first printed edition of the Code* and, as we shall see, convinced later generations that they acted on Maimonides' ruling when they accepted the layout in seventy lines as binding halakhah (cf. below, n. 98).

Maimonides' true decision, however, as regards SM itself as well as the arrangement of the page and the writing of the lines before and after SM (cf. below § 30 f., 35 f.), a ruling which to later Decisors seemed unbelievable — and according to their assumptions rightly so — *becomes intelligible from the one and only existing MS whose method completely tallies with the statements of Maimonides. This is the very MS which according to tradition was used by him, viz. the Aleppo Codex.*

§25 It is obvious that one must not rely on the sole evidence of tradition or a colophon (as Kahle perforce did). But when these are confirmed by study of the MS itself (and under such amazing circumstances, as we shall see), that tradition may be taken as corroborative evidence (cf. also below, §42).⁵³ The very text which according to internal criteria was shown to be the most reliable representative of the Ben Asher tradition will turn out on all

52. Cf. below, §36 f., n. 97. It seems that the substitution was facilitated by the fact that Maimonides decided expressly on the basis of one MS and took no account whatsoever of other traditions already hallowed for generations (as embodied in *Sof.*). With much reservation, I would add that it is not impossible that doubt was cast on the authoritative character of the MS as such. But we have no right to put this point forward in any discussion of Ben Asher's alleged Karaite leanings (cf. below, §33).

53. It might be claimed with some ingenuity that at this moment, when at long last we have found *one* MS which is in complete agreement with Maimonides' rulings, we found in fact only an identical twin of the MS which Maimonides saw. Such a possible argument for argument's sake would hardly deserve our attention. However, not only are such completely identical twins quite unknown in the history of Bible MSS, and it would be necessary to confirm such assumption with convincing proof; but it would be more than strange that the tradition — which obviously knew nothing of the internal evidence that we can detect — should single out just the Aleppo Codex and

the internal and external evidence available to be the model codex used by Maimonides. Its text bears, therefore, the stamp of authority for which generations have searched in vain. *The legend is true.*⁵⁴

§ 26 Having outlined our claim in general terms⁵⁵, we shall now set it out in detail. We begin with the question of the layout of SM in seventy lines. As mentioned (cf. above, § 22), this is the reading of the printed editions ever since the *editio princeps*. However, when we turn to the MSS of the *Code*, especially the Yemenite and Spanish as distinct from the Ashkenazi ones (cf. below, §§27, 37), we find a different tradition holding the field almost exclusively.

Of decisive importance, of course, is the famous MS Ox. Hunt. 80.⁵⁶ Not only the catch-line *וְכֹתֵבִין אוֹתָהּ בְּשֶׁבַע וְשִׁשִּׁים שִׁטּוֹת* “and it is written in sixty-seven lines” agrees with the facts of A, but also the enumerated beginnings

claim it to be that MS. In addition, we shall still see that A was apparently rather unique even in Maimonides' time (cf. below, n. 80 and §§31, 33).

54. Dean Lieberman kindly drew my attention to a further point. The Aleppo community boasted in former times not only the possession of A: it also owned a copy of Maimonides' *Code*, the accuracy of which was guaranteed by the master's own signature [on this point as well as on our witnesses for this matter, cf. N. Ben-Menahem, *Studies in Bibliography and Book-Lore* 3 (1957), p. 52, who mentions that this is the copy known to scholars as Oxford Hunt. 80 (cf. below §26) — M. G.J. While the learned Rabbis of Aleppo were perhaps no experts on BA MSS, any obvious discrepancy between A and that copy of the *Code* would certainly have struck them.

55. According to my conclusions I have no choice but to infer that Cassuto erred in his decision as regards A — and I have tried to show how he was led into error (cf. above, end of §23). Had there still been a shred of doubt as regards his erroneous claim in favour of C — which I believe to be the result of his disappointment with A — this doubt will be dispelled by our restoring A to its position of honour. This, of course, also removes the last vestige of justification for publishing an eclectic edition, prepared “as closely as possible to the form fixed by the school of Massoretes of the Ben Asher family” (cf. Cassuto's last public formulation of the issue, *Ha'aretz* 15.IV.1949); cf. also above, n. 44.

In order to prevent any misunderstanding, I would like to add that all I have stated as regards C should not be construed so as to support Yalon's claim, (*Ha'aretz*, 16.IV.1954), who doubts that C is the codex of Moses ben Asher. We have just found out, to our great dismay, how irritating is this habit of scholars to deprive our most distinguished MSS of their status without setting out their reasons — without which one cannot, of course, discuss the matter. Since much importance is, deservedly, accorded to Yalon's statements in the field of Massorah studies, it is to be hoped that he will not content himself with casual remarks on so important a subject. The fact that in *Hatzofeh* of 10.IV.1959 he did not repeat this opinion of his against C, while mentioning others who doubted the genuineness of its colophon, is liable to increase the confusion even further.

56. Cat. Neubauer 577 (cf. above, n. 54). This is the most highly regarded MS of the book *Ahabah* of the *Code*, and that not only on account of Maimonides' signature at its end. For the authority of this MS cf. now also Goldschmidt in *השירה לחקר המכון* (1959).

of each hemistich. In order to facilitate the comparison, I arrange here the beginnings of the hemistichs as quoted in the MS of the *Code*.⁵⁷

- | | |
|--------------------|----------------------|
| 35. ותלהט - אספה | 1. האזינו - ותשמע |
| 36. חצי - מזי | 2. יערף - תזל |
| 37. וקטב - ושן | 3. כשעירם - וכרביבים |
| 38. עם - מחוץ | 4. כי - הבו |
| 39. גם - אמרתי | 5. הצור - כי |
| 40. אשביתה - לולי | 6. אל - צדיק |
| 41. פן - פן | 7. שחת - דור |
| 42. ולא - כי | 8. הלה' - עם |
| 43. ואין - לו | 9. הלוא - הוא |
| 44. יבינו - איכה | 10. זכר - שאל |
| 45. ושנים - אם | 11. בהנחל - בהפרידו |
| 46. וה' - כי | 12. יצב - למספר |
| 47. ואיבינו - כי | 13. כי - יעקב |
| 48. ומשדמת - ענבמו | 14. ימצאהו - ובתהו |
| 49. אשכלת - חמת | 15. יסבנהו - יצרנהו |
| 50. וראש - הלא | 16. כנשר - יפרש |
| 51. חתום - לי | 17. ה' - ואין |
| 52. לעת - כי | 18. ירכבהו - ויאכל |
| 53. וחש - כי | 19. וינקהו - ושמן |
| 54. ועל - כי | 20. חמאת - עם |
| 55. ואפס - ואמר | 21. בני(!) - עם |
| 56. צור - אשר | 22. ודם - וישמן |
| 57. ישתו - יקומו | 23. שמנת - ויש |
| 58. יהי - ראו | 24. וינבל - יקנאהו |
| 59. ואין - אני | 25. בתועבת - יזבח |
| 60. מחצתי - ואין | 26. אלהים - חדשים |
| 61. כי - ואמרתי | 27. לא - צור |
| 62. אם - ותאחו | 28. ותשכח - וירא |
| 63. אשיב - ולמשנאי | 29. מכעס - ויאמר |
| 64. אשכיר - וחרבי | 30. אראה - כי |
| 65. מדם - מראש | 31. בנים - הם |
| 66. הרנינו - כי | 32. כעסוני - ואני |
| 67. ונקם - וכפר | 33. בגוי - כי |
| | 34. ותיקד - ותאכל |

VII (Jerusalem 1959); p. 187. On the question of adding the author's *khaff*, cf. Blau, *Tarbiz* 27 (1958), 542; Stern and Sassoon, *ib.* 29 (1960), 266.

57. Because of spelling differences in the various MSS of the *Code*, I quote all the words according to the spelling of A.

§ 27 This version would have been of the greatest importance, even if unsupported by other MSS. The fact is that practically all the MSS which I had the opportunity to consult, and apparently all the Spanish and Yemenite ones (cf. below, § 37 f. and n. 71, 102 a), support it.⁵⁸

For instance: MS Budapest/Kaufmann 77⁵⁹, Vienna 57⁶⁰, London BM Har. 5698⁶¹, Casanatense 3203, Angelica 76, Rovigo 209⁶², Padua 549⁶³, Vatican 172⁶⁴, as well as all the Yemenite MSS housed in the above-mentioned libraries in Jerusalem.⁶⁵

§ 28. There exists another group of MSS of the *Code* which also mentions "sixty-seven lines" in the catch-line, but is set apart from the first group by an error which must be regarded as stemmatic: the word פֶּרֶשׁ (line 16) is quoted as opening the first as well as the second hemistich! To this group — the majority, if not all, of which are Ashkenazi MSS — belong, *inter alia*, Oxf. Seld. Arch. B 2⁶⁶, Sassoon (the photostat has no number and I was not able to identify it), Tübingen 12/7⁶⁷, and Nuremberg Fen. V 58,20.⁶⁸ This common error seems to be based on a mishap in copying marginal corrections, similar to that in the peculiar MS Oxf. Can. Or. 78 (Neubauer 568). It is not impossible that this MS itself forms the actual basis of the mistake. This is one of the very few MSS where, though the original reading was "seventy lines", a second hand corrected the text so as to make it agree with the system

58. Since in this article I am not engaged in classifying the MSS of Maimonides' *Code*, I have mainly restricted myself to collating MSS to which I could gain access in Jerusalem and Rome without too much trouble. I wish to express my sincere thanks to the National and University Library and to the Mosad ha-Rav Kook in Jerusalem, as well as to the other libraries I have mentioned below, who placed their treasures at my disposal.

59. Written in 1295, according to the catalogue of M. Weisz (1906).

60. According to the catalogue of Zachariah Schwarz, a German MS of the fourteenth century.

61. No. 486, written in 1472, according to the catalogue of G. Margoliouth.

62. In the *Biblioth. dell' Acad. dei Concordi Silvestriani* according to a note on the photostat.

63. In the *Biblioth. del Seminario*, according to a note on the photostat.

64. The photostat is marked as Vat. 175. This seems improbable, bearing in mind Assemani's description. I failed to check the reference while using the original. Because of the absence of catalogues, I cannot give more exact data as regards the MSS just mentioned.

65. As for the MSS in the National and University Library of Jerusalem, Jer. Heb. 8° 1183 was written in 1382; Jer. Heb. 4° 444 in 1657; and 4° 445 seems to hail from the same period. Sometimes one of the words is omitted in a MS; these are the usual scribal mishaps. The overall number is always correct.

66. Neubauer 569 has no date; the MS seems to be of the 15th cent.

67. Formerly no. 7 in Steinschneider's catalogue of the Berlin Hebrew MSS (Or. Fol. 12). According to him it was written in the 14th–15th cent.

68. Details about this MS, the photostat of which has a note to the effect that it is now kept at the Landeskirchliches Archiv, are not known to me.

of sixty-seven lines. According to the system of seventy lines, the word **יִפְרֹשׁ** stands at the beginning of a first hemistich. The corrector added a cancelling sign and the word was added as opening of a second hemistich. Thus (or in some such way) the enumeration of hemistichs in these MSS became corrupted.⁶⁹

Except for this last MS, which originally read "seventy lines", every MS I have seen⁷⁰ — the most important one being, of course, Hunt. 80 — supports the 67-line system.

§ 29 In § 22 above I mentioned that the *Shulhan 'Arukh* perpetuated the method of writing SM in seventy lines as a binding rule. But this rule is obligatory only on scribes of Pentateuch scrolls for ritual use; it does not necessarily apply to the writing of Pentateuchal codices. Here we find various types, among them old MSS which still bear witness to the tradition of sixty-seven lines.⁷¹

In general, the possibilities are more varied than one would imagine in the first moment.⁷² The number of lines is not fixed: sometimes they fall below sixty-seven⁷³, while other MSS have even more than seventy.⁷⁴ But by no means

69. It is difficult to obtain a clear picture of the true nature of this MS which, according to the statement of its scribe in the colophon, was written in 1184/85, that is to say, *within the lifetime of Maimonides*. This date appears very unlikely from the palaeographic point of view and it has been questioned before. I have no doubt that the colophon was written by the scribe himself; cf. the page in Neubauer, *Facsimiles of Hebrew Manuscripts in the Bodleian Library*, etc. (Oxford 1886), pl. XXIII. To correct the date (claiming that there is a small line which was erased) and to read 1045 (תתמ"ה) instead of (תתקמ"ה) would be, of course, pointless, because that year would simply have been written as תמ"ה. This MS altogether has some amazing errors, and also the text of the colophon, which speaks of רבנו משה בן מיימון הנצי"ה, "Our Teacher Moses son of Maimon, may his soul be bound up in the bundle of life" (without adding the word *Rabbi* to the name of his father) seems rather peculiar. Altogether I would suspect intentional mystification rather than a case of copying the colophon from a *Vorlage*.

70. Since our choice of examples is random, depending on the MSS which happened to be accessible, it may be assumed that the numerical relationship is not without interest. I did not see a MS which reads "seventy lines" without any marginal correction; but no doubt there are such.

71. E. g. the sumptuous MS Casanatense 21 (= Ken. 447, Spanish square script, 12th–13th cent.); Vat. Ross. 363. According to my — by no means exhaustive — investigations, the author of *Iggereth Soferim* (cf. below, § 37) had good reason for maintaining that this is a tradition prevalent in Spanish MSS — and one ought to add, Yemenite (cf. also above, beginning of § 27, and below, n. 102a).

72. Again, I can only exemplify, but in this case I have gone over hundreds of MSS preserved in Italian libraries. The subject as such deserves more than the summary treatment which can be accorded to it in this paper.

73. E. g. Vat. 475 which has sixty-six lines, since the words **גם בחור... אגור** are written in one line; on the other hand, Vat. 503 has sixty-eight lines.

74. E. g. Firenze pl. I 30 (written in 1290).

should we imagine that all MSS come near that number⁷⁵, because the scribe may simply write the song in two columns (לבנה על גבי לבנה, "like bricks one on top of the other") as exemplified by L.⁷⁶ Of special interest are those MSS which still exemplify a custom declared impermissible by the halakhah⁷⁷, viz. writing SM in the same manner as the "Song of the Sea".⁷⁸

75. It should be stressed that L, which until now served as a kind of substitute for A, is not written according to this system, and the number of lines in that MS is only slightly more than half the number of lines mentioned by Maimonides. Only the separation of hemistichs reveals the character of the Song, but (unlike the printed layout in BH) the division does not correspond to any poetical or contextual criterion. Thus, e.g., line 1 ends with חזל, line 3 with ואין, line 5 with עשך, etc. It is superfluous to add that this is an important point in considering the question of the connection between L and A. Cf. above, §15 and below, note 81.
76. From the statement of Rabbenu Tam, for instance, it may be deduced that writing the Song in two equal hemistichal columns was not yet an accepted practice at his time (vid. *Hil. Sefer Torah* in Wertheimer, *Ginze Yerushalayim* I, 18 f. = *Mahzor Vitry* (cf. below, note 87). It should be noted that Jacob ben Hayyim in his Rabbinic Bible (1525) still printed SM after the fashion of writing the "Ten Sons of Haman" in *Esther* Scrolls, that is, a broad column on the one side and a narrow one on the other (לבנה על גבי לבנה ואריה). (על גבי אריה).
- MSS which contain also the Targum often have three columns, one of them reserved for the Targum; cf., for instance, Vat. Ebr. 439-440.
77. Cf. below, note 98.
78. This pattern of "broken lines" is not easily described in words, and is best comprehended by looking up Ex. xv in any printed edition of the Pentateuch. As an example for writing SM after this fashion cf. the following layout from Barb. Or. 161 (13th cent.?). (In the following quotations I have not tried to reproduce the actual plene and defective spellings of each MS.)

| | | |
|------------------------------|---|---------------------------|
| השמים ואדברה וחשמע הארץ | האזינו | אמרי פי יערף כמטר לקחי |
| חזל כטל | אמרתי כשעירם | עלי דשא |
| וכרביבים עלי עשב כי שם ה' | | אקרא הבר גדל לאלהינו הצור |
| תמים | פעלו כי כל דרכיו משפט אל אמונה ואין עול | צדיק |
| וישר הוא שחת לו לא בניו מומם | | דור עקש ופתלחל הלה' תגמלו |
| זאת | עם נבל ולא חכם הלוא הוא אביך קנך הוא | עשך וגו' |

The basic idea is the same in Vat. Heb. 5 (an Ashkenazi MS which, in my view, is centuries later than the specified date, 840 C. E.):

| | | |
|-----------|----------------|---------|
| השמים | האזינו | ואדברה |
| אמרי פי | וחשמע הארץ | יערף |
| חזל כטל | כמטר לקחי | אמרתי |
| דשא וכרבי | כשעירם עלי | בים עלי |
| | עשב כי שם וגו' | |

In a slightly different execution, Firenze pl. III, 4 (Spanish square script, 13th-14th cent.):

Very rarely the Song is written without any external distinction, "like the rest of the Pentateuchal text" כשאר הכתב.⁷⁹

Yet, among all the many and diverse MSS, we have not found another MS which agrees with the ruling of Maimonides both as regards the number and incipits of the hemistichs of SM, and the lines following it (cf. immediately), as does the Aleppo Codex.⁸⁰

§ 30 At this juncture we must briefly deal with the lines preceding and following SM. Maimonides leaves us in no doubt (*Hil. Sefer Torah* vii, 10) that also as regards this question he had no formulated *halakhah* before him. But this was one of those rules - ונהגו בהם הסופרים - "which are not stated in the Talmud, but the scribes practised them, each generation receiving it by word of mouth from its predecessors". In the light of Maimonides' remarks (ib. viii, 4) on the BA Codex, it is obvious that his rules concerning the beginnings of the lines before and after SM are based on the authority of that same MS. The following are the incipits of the lines preceding SM (Deut. xxxi, 28 f.):

ואעידה
אחרי
הדרך
באחרית
להכעיסו
קהל

After the poem Maimonides mentions only *five* lines, beginning, respectively (Deut. xxxii, 44 f.):

ויבא
לדבר
אשר
הזאת
אשר

note 78 contd.

האוינו השמים ואדברה
ותשמע הארץ אמרי
פי יערף כמטר
לקחי תול כטל אמרתי כשעירם עלי
עשב כי שם ה'
דשא וכרביבים עלי
אקרא הבר גדל לאלהינו הצור וגו'

For this type cf. also Vat. Borg. 17 (13th-14th cent.), Vat. Ross. 554, (14th-15th cent.).

79. E. g. Firenze, pl. III, 3, written apparently in 1291. On the problem of כשאר הכתב cf. below, notes 97-98.

80. As the Hebrew saying goes: "Not having seen" is no proof." But if among hundreds of MSS examined by me there was not a single one which agreed with A — neither amongst early, nor among later ones — this fact may be added as cumulative evidence

On consulting A in the facsimile, we not only see that such is indeed the case, but we also understand how the scribe achieved this adaptation of the text to the given width of his page: by filling in the lines with meaningless shapes resembling the ductus of letters (*Zeilenfüllung*). As we shall see presently, this is a matter of major importance.

§ 31 Not only is A the only MS known today which agrees in all these details (cf. § 36) with all of Maimonides' rulings on the writing of SM and the adjacent verses⁸¹; it must have been, to say the least, extraordinary, if not unique, in Maimonides' own time. For this reason his decision was bound to arouse surprise, especially as it was opposed to a different and apparently universally accepted tradition.⁸² On this subject we have the express evidence of *ha-Meiri*, quoting R. Meir ben Todros of Toledo, who asked the translator, R. Samuel ibn Tibbon, to verify the wording of Maimonides' ruling from his copy.⁸³ This is how R. Meir summed up his efforts: אך ענין "ויבא משה" לא יכולתי להכריע בו דבר ותמה אני אם אינו טעות סופר. ואני בספרי לא כתבתי כן, וזלתי כאשר נמצא בכל הספרים הישנים המדויקים הנמציאים בארצות האלה, שהם: ובא (=ויבא) - הדברים - לכתבם (=לבבכם) - אשר - התורה.

"Regarding the matter of *ויבא משה* I was not able to come to any decision, and *I wonder whether it is not a scribal error*. In my own scroll of the Law I have not written in this way, but as it is found in *all the old and exact scrolls found in these lands*, namely: - אשר - העם - הדברים - לכתבם (=לבבכם) - אשר - התורה.

The testimony of R. Meir cannot be valued highly enough. The data, as quoted by *ha-Meiri* — both as regards SM itself (*Kiriath Sefer*, p. 41) and as regards the lines followings it (p. 38) — fit those quoted in the MSS of Maimo-

for the apparent uniqueness of the Aleppo Codex, which can already be inferred from the statement of R. Meir; cf. below, § 31 and end of § 36.

81. Besides the many disagreements between L and Maimonides' statements, the secondary nature of L is also apparent in that it has simplified the method of filling in the lines before SM. Instead of the letter-like shapes for filling any empty space, which can be seen clearly in the photograph of A, L uses within the line dots only. At the end of the line one finds a different sign. Cf. above, § 15 and note 75, and below, note 93.
82. Yet, Maimonides' ruling concerning the lines after SM was at least not opposed to an early written and definite tradition like that of the seventy lines as regards the Song itself. Hence, after R. Meir's hesitation, as we shall see, a "compromise" was reached. Maimonides' ruling on writing SM was explained away, while his tradition concerning the lines following it was accepted and became fixed practice! (The fact that through some scribal mishap the *Tur* and the *Shulhan 'Arukh* quote וידבר in place of לדבר, is not part of our issue here; cf., for instance, the commentary *Sifthe Kohen to Shulhan 'Arukh, Yoreh De'ah*, end of § 275).
83. R. Menahem ha-Meiri, *Kiriath Sefer* (ed. Hirschler, 1956), p. 46 f.

nides' *Code*, and are identical with the system of A. In fact, R. Meir expressly justifies himself for deviating from Maimonides as regards the lines *after* the poem.⁸⁴ Nevertheless he felt compelled to reject what he found written down as Maimonides' ruling because of the strong tradition of "all the old and exact scrolls".⁸⁵ He considered Maimonides' arrangement, after all his enquiries, as an individual idiosyncrasy, so much so that he thought it to be a scribal error!^{85a} We may ask ourselves why R. Meir went to such lengths in deciding this small point. The answer is obvious: it seemed impossible to him that Maimonides should have ruled, as was (quite correctly) handed down in his name, that there are only five lines after SM, for this would mean, as *ha-Me'iri* calculated, that "those lines would have to be much too long" (שהרי יצטרכו השטין להיותם גדולים) (*op. cit.*, p. 38; cf. below, § 35 f.).

§ 32 In order to comprehend more fully the halakhic aspect involved, we shall try provisionally to sum up the facts as we have so far established them: The tradition which entered the standard halakhic treatises as well as our printed editions of Maimonides' *Code* assumes that Maimonides decided that SM itself should be written in *seventy* lines and the verses of the following prose

84. His justification: ונשענתי על דברי הרב הגדול ההוא שכתב, שכל הדברים האמורים בענין ראשי השטות אינן אלא למצוה מן המובחר ואם שנה לא פסל "And I relied on the words of that great Rabbi, who wrote that all the statements with regard to the beginnings of the lines are only a meritorious practice, and deviation does not disqualify." As against this, cf. Hassan's and Lonzano's views on the one hand (below, §36 and n. 97), and those of the later Decisors on the other (note 98).

85. It should be noted that earlier, while dealing with the prescriptions for writing SM (*op. cit.*, p. 38), *ha-Meiri* himself rules differently and notes for the beginning of the sixth line מה (=הוא?) in place of התורה. I would suggest that the main part of the tradition only went as far as fixing the number of lines (*six*), while as far as the details were concerned, there were apparently slight differences. This is also borne out by Pentateuch codices. For instance, six lines and at their end התורה, e.g. in the sumptuous MS Casanat. 21 (written in 1243) and Jer. Heb. 8° 1401 (written in 1341). In the famous *Miqdashiah* (now Jer. Heb. 4° 780; cf. Ben-Zvi, KS 32 (1957), p. 366 f.) the beginnings are: ויבא - העם - הדברים - לבבכם - תצוום - הוא. That the number *six* is fixed while the incipits change, I found borne out on examining a fair number of ancient Sephardi scrolls of the Law, kept in various synagogues in Safed. As for L, cf. above, n. 30.

85a. E. E. Urbach rightly pointed out to me that the uniqueness of Maimonides' readings in R. Meir's eyes should be taken at its face value only as regards the situation in western Europe (and North Africa). Although later Decisors were mainly influenced by the state of affairs in these countries, we have no means of saying whether A was unique in its own time also in Palestine or Egypt. Even so R. Meir seems to have gathered information from various places, and still found A unique. On the other hand nothing can be inferred from the term *Akhū maṣḥaf al-tāj* ("The Brother of the Crown Codex"), by which a certain MS kept at Fostat (Old Cairo) in Maimonides' time was apparently known. I am indebted for this reference to S. D. Goitein, who discussed that MS in *Homenaje a Millàs-Vallcrosa* I (1954). p. 713 f.

section in *five* lines; while ha-Meiri held that the correct way is *sixty-seven* lines for the Song and *six* lines for the closing section; though there is no doubt that he was well aware that on the last point he decided contrary to what he found transmitted in the name of Maimonides, namely sixty-seven and five. On this latter point we possess the additional evidence of R. Meir ben Todros, who can almost be called a younger contemporary of Maimonides. On the strength of this we can conclude that the evidence in early halakhic sources fits the tradition of the MSS of the *Code*, which in turn reflect the system of A.

V

§ 33 With this consideration we have already started on the last part of our study, namely, the development of Maimonides' ruling in the treatises of the Decisors. The quotation from R. Meir apprehended us of the important fact that A was apparently unique in its way of writing. This fact, together with the opposition of those used to the *Sof.* tradition, suffices to explain the tendency to bring Maimonides' ruling into line with the older seventy-line tradition.⁸⁶

This apparent identity between the tradition of *Sof.* and the ruling attributed to Maimonides was made even more striking by the fact that later Decisors expressly stressed that on one point only we find a difference between *Sof.* and Maimonides, namely, that the latter starts line 23 with בני בשך, while *Sof.* starts it with ואילים.⁸⁷

At first sight one feels tempted to ask why it was Maimonides' view that was

86. In the printed editions it is found in *Sof.* ch. xii Hal. 9 (ed. Higger (1936): Hal. 8). The number *seventy* in *Sof.* is above doubt, being established by the aggadic linking of "seventy plus two" (the two empty lines above and below the Song) with the seventy-two elders (cf. *Sof.* ii, 6; xii, 8).

87. Cf. *Nahalath Ya'aqob* on *Sof. ad. loc.* Similarly commentators understood (justifiedly, it seems) the statement of Rabbenu Asher (הרא"ש) (*Hil. S. T.* xiv = *Tur Yoreh De'ah* §275): והחלת ראשי השיטות כתובים במסכת סופרים וגם הרמב"ם ז"ל כתבן ושינה בהן קצת "And the commencements of the lines are stated in *Sof.*, and also Maimonides, of blessed memory, recorded them and *changed them a little*". Cf. *Ma'adanne Yom-Tov, ad. loc.*, and below, note 97.

Since this incidental controversy does not form part of the main problem of the *sixty-seven* as against *seventy* lines, it is not difficult to understand that in this case the need for harmonization was not felt, all the more so since on this point Maimonides seems to have been supported by some other tradition (cf. the note of Wertheimer, *Ginze Yerushalayim*, p. 18, on the tradition attributed to R. Tam; printed later in *Mahzor Vitry* (available to me in ed. Nuremberg 1923, p. 656 f.). But here, too, there were attempts at explaining away the express statements of Maimonides (cf. Lonzano's remarks following on the quotation given below, §36). It is, indeed, a widespread custom to follow *Sof.* also on this point.

rejected. After all, harmonization could also have been achieved in the opposite direction. This, however, is hardly a real problem. Not only was the tradition to which Maimonides' ruling was opposed, invested with the authority of a much earlier and well-established halakhic source, but Maimonides did not trouble to give any reason for his decision against that source (*i.e. Sof.*), but solely decided on the basis of one MS which he considered authoritative. As it turned out, the history of Halakhah took its revenge. We have no right to assume that there were any other reasons for reversing Maimonides' ruling, such as the alleged Karaism of BA (cf. above, n. 52).

§34 It may, however, be that a very weak echo reached us, indeed, of an effort to strengthen the ruling of Maimonides, in a story related by R. Azariah de'Rossi (ca. 1512–78), which he found written at the end of an ancient Pentateuch.⁸⁸ According to this, Maimonides travelled to France in order to compare the Scroll of the Law he had written for himself according to the BA Codex, with the Scroll of Ezra the Scribe (ספר עזרא) which was reputedly preserved there (!), and found that everything corresponded perfectly:

והבאתי עמי תקן סופרים פתוחות וסתומות וסדורות שהעתיקתי מספר העשרים וארבע אשר הובא מירושלים ומצאתי בגי'ל כל פתוחות וסתומות מכוונות יחד עם הספר אשר הבאתי עמי. "And I brought with me the Bible text, indicating the various sections, which I had copied from the complete Bible which was brought from Jerusalem, and I found on the parchment all the open and closed sections agreeing with the scroll which I had brought with me."⁸⁹

§ 35 We have mentioned above (§31 f.) that the ruling on sixty-seven lines was known to ha-Meiri⁹⁰; nor was it forgotten long after the process of harmonization had taken place.⁹¹ Later Decisors, however, were very much amazed at ha-Meiri's statement, so much so that they claimed that he must have happened

88. *Me'or 'Enayim, Imre Binah*, end of ch. 9 (in the Vilna edition 1863, p. 135.). R. Azariah de'Rossi himself already expressed doubts regarding the truth of the story. I suggest it is simply a rehash of the story told in ha-Meiri's *Kiriath Sefer*, p. 46, about the MSS of the *Code* and the correspondence between R. Meir ben Todros of Toledo and the scholars of Burgos.

89. The purpose of this piece of information is obvious, for the apocryphal story makes Maimonides end with the words: ... יחליף עליי הכתוב אומר. "And he who follows these rules exactly and makes no change in them is the one whom Scripture means when it says..."

90. Note the softening of his formulation (*op. cit.*, p. 41): בס"ז שסין, "and according to custom it is written in sixty-seven lines", instead of Maimonides' original וכותבין, "and it is written".

91. It is still found in the *Tiqqun Soferim* by R. Solomon Dubno, composed at the time of Mendelssohn (I have used the edition of נתיבות שלום, Berlin 1783, *ad. loc.*).

to have used a corrupt copy of the *Code* (cf. below, §37). There would have been no need to examine the "evidence" of the Decisors against ha-Meiri, were it not that our thesis receives additional support from it.

We have already seen (§31 f.) that ha-Meiri saw himself compelled to assume that the section after SM should be written in *six* lines, contrary to what he knew to be Maimonides' ruling (i.e. five lines). His reason was: "Otherwise the lines would have to be too large" (*Kiriath Sefer*, p. 38).

This argument, finally put forward with more elaborate reasoning by the great Massoretic scholar, R. Menahem di Lonzano (16th–17th century) was based on the following assumption: the width of the lines in the column is perforce determined by four factors: a) the beginnings of the lines before SM, b) the beginnings of the lines after it, c) the first words of the hemistichs, d) the minimum space between the two hemistichs within the Song, which was taken to be equal to the blank space of a closed section.

With pencil in hand it can be worked out that it is practically impossible to compose a column taking into consideration all these factors if Maimonides' ruling of $6+67+5$ lines is taken as a basis. For that very reason Decisors found it easy to uphold, finally, the tradition of *Sof.* which was passed off as Maimonides' ruling. In the time of ha-Meiri the true ruling of Maimonides was still too well known, and ha-Meiri had to admit that he consciously contravened it as regards the last five lines. However, by the time of Lonzano the substitution of the seventy-line system of *Sof.* had already been accepted to such a degree that only a final blow was needed. Since that system enabled the scribe to compose a column somewhat more easily, it provided — so to speak — internal evidence against the original ruling of Maimonides. The 67-line tradition was officially declared spurious, and the 70-line tradition became the only recognized one.

§ 36 Because of its decisive bearing on the history of our problem, Lonzano's reasoning deserves to be quoted in full (ed. in שתי ידות, Venice 1618, *ad. loc.*):

בענין צורת השירה הזאת כתב הרמב"ם ז"ל שכותבין אותה בששים ושבע שיטות. וזה אמנם כפי מה שמצאתי בשלושה רמב"ם כתיבת יד וכפי מה שכתב רבי דוד כוכבי ז"ל בספר בית אל בשמו ולזה הסכים המאירי ז"ל. ואולם בספרי רמב"ם הדפוס' כתוב שכותבין אותה בשבעים שיטות, וכך מצאתי ברמב"ם אחד כתיבת יד (י) וכן מצאתי בהללי ובספר... ובספרי הירושלמיים הקדמונים ביותר מן ת"ק שנה וכן כתוב במסכת סופרים פרק יב (י)... וספרי ספרדיים נחלקו בזה, קצתם כסברא ראשונה וקצתם כסברה אחרונה; וכן נראה לי עיקר, ולא עוד אלא שנראה לעניות דעתי שכל ספר תורה שכתוב כסברא ראשונה פסול לפי שבאמצע כל שיטה משירה זו צריך רווח כצורת פרשה סתומה, ואם

שינה פסול... כמו שכתב המאירי ז"ל בהדיא, וכן דעת הרמב"ם. ובעלי הסברה הראשונה צריכים בג' מקומות... להכניס בשיטה אחת מה שהוא שתי שיטות לסברא האחרונה ולכן לא יוכלו להניח באמצע שלושת השיטות ההן רווח כשיעור פרשה, כי קצר המצע. וכי תאמר: אפשר לתקן זה... ומתחילה ירחיב עמוד השירה הרבה כדי שיוכל להכניס שתי שיטות בשיטה אחת וגם יישאר באמצע כשיעור, הא לאו מילתא היא, דאם כן יהיה הספר תורה פסול ממקום אחר, לפי שצריך למעלה משירה זו שש שיטין וכלן שיטות קצרות ואיך יעשה הסופר? אם יתחילם בימין העמוד שיהיה להתחלת שיטות השירה יישאר משמאל העמוד רווח בסוף כל שיטה, וכשתסתכל היטיב תמצא שכל השיטין זולת הראשונה הרי הם כדין פרשה פתוחה שקודם לה רווח בסוף שיטה והיא מתחלת בריש שיטה, ונמצא שעשה חמש פרשיות פתוחות במקום שאין גם אחת. ואם יתחילם באמצע העמוד בין שיעשה סופן שיהיה לסופי שיטות השירה ויניח כל הרווח מימין העמוד, בין שיניח חצי הרווח מימין וחציו משמאל וששת השיטות באמצע – סוף סוף כיון שיש בראשון רווח הרי הם ששה פרשיות סתומות וכן לא יעשה. וקושיא זו לא יימלטו ממנה בעלי סברא זו אף אם היה מותר להם שלא להניח רווח באמצע השיטה העשירית והשש עשרה והשלושים ושמונה, כי אלו יותר ארוכות בלא ריוח מהשאר עם הרווח! הא למדת כי הטוב והישר לעשות שירה זו שבעים שיטות וראשיהן הראשונים והאמצעים הנם כתובים בספר רי הרמב"ם הדפוסים...

"As regards the layout of SM: Maimonides wrote that it is written in sixty-seven lines. And this, indeed, is what I found in three Maimonides MSS and it is in accordance with what R. David Kokhavi wrote in his *Beth El* in his name and ha-Meiri agreed with it. However, in the printed Maimonides editions it states that it is written in seventy lines, and I found the same in one Maimonides MS (!), and in the *Hilleli* and in... and in scrolls from Jerusalem more than five hundred years old, and thus it is written in the *Tractate Soferim* XII (!)... Spanish scrolls, however, differ in this matter, some go according to the former view and some according to the latter, and this latter seems to me to be the better opinion. Moreover, in my humble view every scroll written according to the first view is unfit for ritual use. This is because in the middle of every line of this song there must be a space, the size of a closed section, and if the scribe changes this, the scroll is unfit... as ha-Meiri stated expressly, and this is the view also of Maimonides. However, those holding the former view must in three places... admit into one line what is two lines in the latter view and therefore they cannot leave in the middle of those three lines a space the size of a section since the width of the page is too small. You could say: this can be arranged... and from the start one could widen the column of the Song a great deal so that one can admit two lines in one line and still in the middle there will remain enough blank space — but this is no solution. Because if so, the scroll would be unfit for another reason, since there needs to be above this Song six lines, all of them short lines; what then should the scribe do? If he begins them at the very right of the column, equal to the

beginnings of the Song's lines, there will remain a space at the end of every line on the left hand of the column. And if you look carefully into the matter you will find that all the lines, except the first one, would become 'open sections', which are defined as sections preceded by a space at the end of the previous line while the section itself starts at the beginning of a new line. That would mean that such a scribe made five open sections where there is not even one! If on the other hand, he begins them in the middle of the column, either making their ends even with the ends of the lines of the Song (so that the whole blank space is on the right hand of the column) or leaving half the space at the right and half of it at the left, and thus placing the six lines in the middle — whatever way he does it there will be six closed sections, and this he must not do. Those holding the first view will not escape this difficulty even were it permitted not to leave any space in the middle of the tenth, sixteenth, and thirty-eighth line; for these are longer without a space than the rest of the lines with a space! Thus you have learnt *that it is right and proper to write this Song in seventy lines; and the beginnings of the hemistichs are indeed those indicated in the printed editions of Maimonides...*"

Nevertheless, Lonzano felt that matters were not quite smooth. Dealing with the problem of the "five lines" after SM (which had troubled ha-Meiri, who consequently accepted another tradition) he suggested a solution based on the rather modern principle that such discrepancies should be explained through successive corrections which Maimonides made in his *Code*:

ונראה לעניות דעתי שכתב כן הרמב"ם ז"ל לפי סברתו הנמצאת בספריו כתיבת יד שכתבתי למעלה, שכותבים השירה ששים ושבע שיטות ונמצא בהן שלש שיטות ארוכות מאד וב-
עבורן צריך להרחיב כל העמוד, לכן כתב בסופם שיטות ארוכות אלו. אלא שאם תיקן
הרב בזה הסוף, לא תיקן הראש, ר"ל כי ששת השיטין שלמעלה מהשירה קצרות מאד ויקשה
מה שהקשיתי למעלה. לכן נראה שחזר בו הרמב"ם ז"ל וחזר ואמר שכותבין אותה בשבעים
שיטות והיינו שנמצא בספריו הדפוסים — אלא שנראה שלא זכר הרב לתקן גם השיטות
שלמטה ונשארו כשהיו...

"In my humble view Maimonides wrote this according to his view found in the MSS of his Code which I mentioned above, namely, that the Song is written in sixty-seven lines, so that there are three very long lines and on their account the whole column has to be widened. That is why after the Song he has these long lines. However, if the Master managed to get the final lines right, he did not do justice to the initial ones; for the six lines before the Song are very short, and the same difficulty arises as I pointed out above. It therefore seems that Maimonides retracted his former view, and now stated that the Song is written in seventy lines (*i.e.* as it is found in the printed editions of the

Code), but apparently he did not remember to correct also the lines after the Song, so they remained as they were. . . . ”⁹²

Lonzano's decision is the final word on this issue, no matter whether the Decisors also accepted his radical view that writing SM in sixty-seven lines disqualifies a scroll for ritual use or whether in practice they were not so strict (cf. below, §37 and note 98). Lonzano's argument was, under the circumstances, fully convincing. After all, no one could have known — as has now been revealed to us — that in the MS which Maimonides used *there was no problem whatsoever, due to the system of “filling-in signs”* in the section before the Song.⁹³ The only MS which agrees with all of Maimonides' data — and which alone could agree with it on account of this system (which was unknown to the later Decisors) — is the Aleppo Codex.

§ 37 We have anticipated the historical development by mentioning the final step, Lonzano, next to the initial one, ha-Meiri. Lonzano's authority was accepted by everyone, and no later Decisor dared to contest his ruling.⁹⁴ In order to fill in the picture, we shall now try to catch some glimpses of what happened before that final decision.

The most important connecting link between ha-Meiri and Lonzano is to be found in a treatise which was almost exclusively devoted to our subject. It seems, however, that it was soon forgotten, and in any case it did not directly influence later Decisors.⁹⁵ I am referring to *Iggereth Sofer* (“An epistle for the Scribe”) by R. Abraham Hassan.⁹⁶ With great ingenuity and unbearable

92. I have asked Dean Lieberman whether it is to his mind possible for this to be one of the cases in which Maimonides introduced changes in his “editions” of the *Code* (cf. Lieberman's *Hilkhoth ha-Yerushalmi*, New-York 1947, p. vi). He feels that this is quite possible — of course exactly in the direction opposite to that assumed by Lonzano, i.e. that Maimonides' final ruling (as evidenced by the “last edition”, Ox. Hunt. 80) was based on the 67 lines which he found in A. I would, however, add that such an assumption is not at all necessary and does not agree too well with the relationship between MSS and printed editions as known to us.

93. For the originality of the signs in A as opposed to L, cf. above, note 81. It should be noted that the signs serve for filling in spaces not only in the lines before the Song, but also in the lines of SM itself (as well as elsewhere in that MS; cf. §41 below). It would seem that a most precise system obtained. Thus, for instance, the one sign used throughout the whole chapter is changed for another, so-to-say final, sign in the last hemistich of SM.

94. Lonzano's statement became known to later generations mainly through being quoted by R. Jedidiah Solomon of Norzi in his famous *Minhath Shay*. Norzi does not add anything new, and expressly states that he is “like one who gleanes after the harvesters” (כמלקט שבלים אחרי הקוצרים). Cf. *Minhath Shay*, *ad loc.*

95. Lonzano does not mention it; but a few of his phrases let one suspect that he knew it.

96. The author, who worked as a corrector of scrolls of the Law in Salonica (about 1500), addressed this epistle in the form of a halakhic question to one of the greatest authorities

longwindedness he attempts to prove that ha-Meiri was led astray by corrupt copies of Maimonides' *Code*, and that there could be no possible doubt whatever that Maimonides actually ruled there were to be *seventy* lines. Any scroll written otherwise is in his view so severely corrupt that there is no remedy but the removal and replacement of the whole length of parchment on which SM is written!⁹⁷

However, we are interested in the evidence he mentions by the way rather than in his tortuous argumentation. Not only (cf. *Ha-Segullah*, no. 54, p. 7) do we learn that in all Spanish scrolls "for the last three hundred years [*i.e.* since the days of Maimonides! — M.G.] it has been written in only sixty-seven lines" — זה לנו קריוב משלש מאות שנה שעושין אותה בס"ז שיטין בלבד — as opposed to the scrolls of the 'Ashkenazi' Jews who always write the Song in seventy lines according to the Halakhah (!) (*ib.* p. 11), but he also informs us that almost all MSS of Maimonides' *Code* at his time were "corrupt", for they, too, contained the reading 'sixty-seven lines'!

One can hardly wish for more explicit evidence for the practically universal tradition of sixty-seven lines in the Spanish scrolls (cf. above n. 71), as late as three hundred years after Maimonides. R. Abraham is well aware of the

of his day, R. Elijah Mizrahi; the latter did not deal himself with the actual subject matter, but only answered politely that he was certain R. Abraham was right, and thus it should be decided. The epistle is not yet to be found in the Jerusalem 1938 edition of the *Responsa* of R. Elijah Mizrahi (which is only a reprint of the Constantinople edition, 1560), but was published in the same year in *Ha-Segullah*, nos. 53–56. It would lead us too far from our issue to go into the niceties of his halakhic reasoning. In addition to his reliance on R. Asher, the printed editions, *Soferim*, the *Hilleli* (*sic*) etc., he proves his view as follows: In writing sixty-seven lines instead of seventy, three lines of SM are, so to say, erased. Halakhically speaking, that means that instead of writing those lines in the form of a Song, "one writes the Song like the rest of the text" (עשה שירה כשאר הכתב). That, according to the halakhah, is a completely disqualifying blemish (cf. also below, note 98). Furthermore, every line of SM has in its middle the space of a closed section. Now, if we write three lines less, we change perforce also the number of sections in the Pentateuch, which are definitely fixed. This again is one of the things which would make a scroll unfit, etc. Moreover: Rabbenu Asher explained (according to the *Ba'al ha-Turim*) that an alteration in the beginnings of the lines of the Song of the Sea does not disqualify a scroll. But he did not state the same thing as regards SM — which means that there one has to be strict, all the more so since Rabbenu Asher was even amazed at the slight change in the matter of בני בשר and אילים (cf. above, note 87). A more serious change he would, no doubt, have regarded as disqualifying. Moreover, the fact that Maimonides dealt separately with the case of the lines above and below the Song on the one hand and the problem of the number of lines of the Song itself on the other, proves that he intended to make this distinction: a change in the first ruling does not disqualify; but changing the lines of the Song itself is, indeed, disqualifying. These are all obvious reasons that a Torah Scroll in which SM is written in sixty-seven lines is completely unfit for ritual use.

origin of the tradition but he, too, is forced to prove, like Lonzano after him, that it is a mistake to attribute that tradition to Maimonides, since Maimonides' "true" tradition is identical with that in *Sof*. Therefore, writing SM in sixty-seven lines disqualifies the Torah Scroll!⁹⁸

§ 38 We possess additional evidence from the same period, which I consider hardly less important, though it, too, was not used by Lonzano in his decisive discussion of this matter. Its particular interest derives from two facts: that it is not part of a halakhic discussion — in which the views of earlier sources might have affected the picture —, and that it establishes a direct connection between the facts of the Aleppo Codex and the rulings in Maimonides' *Code*.

98. The position at which the halakhah was finally settled is not part of our subject, and we shall only mention it in passing. According to the *Shulhan 'Arukh* (*Yoreh De'ah* §275,5), the rule is seventy lines, and no doubt this decision was intended to represent Maimonides' view as well as the ruling according to *Sof*. (in spite of disagreements on certain other laws concerning the writing of scrolls of the Law, it appears that the Decisors intended to follow Maimonides; cf. the remark of R. Moses Isserlis, *loc. cit.*, subsection 2).

As regards SM, no divergent tradition seems to have got as far as the commentaries on the *Shulhan 'Arukh*. One almost wonders whether they were at all aware of the divergent tradition, which was so well known to those who specialized in the laws governing the writing of Torah Scrolls. But they may simply have ignored the remarks of the specialists and regarded the matter with less severity than R. Abraham Ḥassan. In any case, the accepted view was that expressed already by ha-Meiri (*Kiriath Sefer*, p. 41), ואם שנה בראשי השטין ובראשי אמצעיתן לא פסל "if one alters the beginnings of the first or second hemistichs, this does not disqualify the scroll". Thus we read: "With regard to the number of the lines of the Songs, it also appears that if one deviates from the rule, the scroll does not become disqualified" (*'Arukh ha-Shulhan* §275, 18). This decision seems in the last instance to be based on Maimonides' own conclusions (*Hil. S. T. x*, 1; cf. also *ib.* vii, 11), that the only blemish which renders a scroll unfit is writing the Song like a prose text (cf. B. T. *Shabbath* 103b; *Menahoth* 31a), but keeping to the special form for each poem is only a matter of special merit. Cf. also *Shulhan 'Arukh, Yoreh De'ah* 275, 3).

Also from this latter point we must deduce that it was Maimonides whom the Decisors intended to follow, for this approach is opposed to the stricter halakhah of *Sof*. i, 10 (11 in ed. Higger): האזינו שעשאה שירה, שירה שעשאה האזינו, רצוף שעשאה מסורג, מסורג שעשאה: "If one writes SM like the Song of the Sea, or the Song of the Sea like SM, a continuous text like a broken text, or a broken text like a continuous text. . . one must not read from that scroll. . .". Many ingenious suggestions were advanced in order to get away from that difference between *Sof* and Maimonides (and Rabbenu Asher after him), so much so that the expressions מסורג and רצוף were given a meaning different from their real one (cf. especially the effort of Azulai, *Kisse' Raḥamim*, Leghorn 1803, *ad loc.*). But such an attempt is in obvious contrast to the ancient tradition which explains what is said in *Sof*:

ספר שכתבו כמין שירה, שירה שכתבה כמין ספר לא יקרא בו. . . רצוף שעשאה מסורג. . . אל יקרא בו. ואיזה רצוף? זה שכתבו כהלכתו. מסורג — כגון האזינו וספר תילין ואיוב; ושמעין מינה תיקון שירת האזינו שצריכה להיות מסורגת לשני ספרים. . .

I am referring to the statement of R. Saadya ben David of Aden (Ha-'Adani, ca. 1480). Steinschneider already pointed out⁹⁹ the statement of this Saadya in his commentary on Maimonides' *Code*, that he saw in Aleppo the MS on which Maimonides based himself.¹⁰⁰ Immediately following this important remark, Saadya writes¹⁰¹:

למה שירת האזינו כותבין אותה על שבעה וששים שיטה? אלגזאב: קאלו זיל כדי לזכור שם המוכיח הוא משה שנ' והוכח <כמהב> (י) במכאוב על משכבו וג'. מנין 'במכ' אוב' שבעה וששים. במכאוב שם משמותיו של משה שאמרו: עשרה שמות למשה. "Why is SM written in sixty-seven lines? The answer: The sages said, in order to allude to the name of the reprover [=the author of the poem of reproof], i.e. Moses, as is written: 'He is reproved [A.V. chastened] also with pain upon his bed', etc. (Job xxxiii, 19). The numerical value of the letters במכאוב is sixty-seven. במכאוב is one of the names of Moses, as they said: Moses had ten names."¹⁰²

"A scroll [where the prose] is written like a Song, or a Song written like a [prose] scroll is unfit for reading... a continuous text written like a broken text is unfit for reading. What does 'continuous' mean? The normal writing. And what 'broken'? Such as SM and the books of Psalms and Job. Thus we learn that the proper way of writing SM is to be broken up into two lateral columns. . . ." (cf. the Geniza fragment attributed to R. Judah ben Barzilai of Barcelona, published by E. N. Adler, JQR 1897, p. 703). Also to be compared is the text of the Palestinian tractate *Sefer Torah* (cf. ed. Higger, New-York 1930, Introduction, p. 11), which, however, raises other problems: 'האזינו שעשו רצוף או שעשו את המסרג שלא כהלכתו אל יקרא בו: [A Scroll in which] SM is written continuously, or in which the broken text is not written according to its particular way, is unfit for reading' (cf. also n. 78 above).

99. *Catalogus Librorum Hebr. in Bibl. Bodleiana*, col. 1936. Cf. also his *Arab. Literatur der Juden* (1902), §202.

100. Steinschneider quoted this fact from Ox. Hunt. 372 (an autograph?), and the statement itself was published by Assaf, KS 22 (1946), p. 241:

הספר שסמך עליו הגאון ז"ל עדיין הוא היום במדינת צובה והיא חלב, ויסמוה אל תאג' ומכתוב עלי רק, בכל ורקת חלאת דפאת ומכתוב פי אכרה 'ואני אהרן בן אשר שהגהתי וכו'. ואני ראיתי וקראתי בו. "The codex upon which the Master based himself exists still today in Aleppo, and it is called 'the Crown', and it is written on parchment, on every page three columns, and at its end it says: 'It is I, Aaron b. Asher who corrected it, etc.' And I have seen it and read in it."

This same information was published a year later by Kahle, *The Cairo Genizah*, p. 58, who apparently knew neither of Steinschneider's note nor of Assaf's publication. [2nd ed. unchanged!] Kahle already pointed out that the quotation is not literal.

101. I came upon this (unpublished) statement while verifying the preceding quotation in MS Jer. Heb. 8° 1179, fol. 102a. This is a later MS than the Bodleian one, but it can be taken to be exact, as turned out on comparing other quotations from the above Bodl. MS.

102. This is, obviously, a rather weak argument to explain a custom for which no reason had been given (as opposed to the tradition of *Sof.* about seventy lines, cf. above, n. 86). As far as the supposed numerical value of במכאוב is concerned, it seems that already the scribe failed to understand how במכאוב equals 67.

With regard to the numerous traditions concerning the names of Moses, cf. now the note of Margalioth on *Lev. Rabba* i, 3 (Jerusalem 1953, p. 11). I did not find in the

Thus the only commentator of the *Code* who informs us that while commenting on *Hil. S. T.* he took the trouble of consulting the Aleppo Codex, attests at the same time to the tradition of writing SM in sixty-seven lines. This tradition, which he found confirmed on examining the Codex, must have been the one known to him: while he tries to account for it, he certainly takes it for granted that this was the authentic ruling of Maimonides. In any case he did not find it necessary to state that there was also another tradition.^{102a}

§ 39 This is sufficient to show that the evidence garnered from the MSS of the *Code* is confirmed and explained by the development of the matter in halakhic literature. Maimonides' original decision always remained known to those Decisors who dealt specifically with the laws for writing Torah Scrolls, but they finally saw themselves compelled to uphold the spurious tradition.¹⁰³

§ 40 Having completed our main inquiry, we may add a number of minor details culled from the writings of the Decisors. Now that A lies before us, these are perhaps not without interest.

We saw the difficulties encountered by the Decisors, from R. Meir and ha-Meiri to Lonzano, with regard to the actual layout of the column on which SM is written. According to their assumptions they were quite justified in maintaining that only a layout of seventy lines enables one to write a ritually correct page, on which the scribe could leave in the middle between the two hemistichs a blank space the size of a closed section (cf. above § 36). We saw that the problem solved itself once we realized that the model codex used dummy signs for filling up certain lines. This simple device was not taken into account by all the calculations of the Decisors, since it was apparently unknown to them (and since, in any case, it could not be used in scrolls).

We may, however, be able to discover even more. It seems that the Decisors started out from an additional wrong premise. A glance at the facsimile will show that there always remains a space between the two hemistichs even in the long lines of SM. But this space is definitely not always of a size to allow for the writing of nine letters, which is the measure of a closed section as generally accepted by the Decisors.

literature mentioned there any parallel to the explanation offered by Saadya al-'Adani.

102a. As mentioned, this seems to be the common tradition in Yemenite MSS; cf. above, beginning of §27 and n. 71.

103. The only one whose wording leaves one with the suspicion that he might have felt some misgivings about Lonzano's decision (though he upheld it) is Azulai (cf. *Kisse', Rahamim*, Leghorn 1803, fol. 46b). In any case his words contain at the utmost a bare hint, and no conclusions must be drawn from them.

104. Mainly two, three and five; cf. the conclusion in *Tosafoth* on B. T. *Menahoth* 32a and also the fragment mentioned in note 98.

We know that formerly there used to be traditions which assumed a smaller number of letters for fixing the size of the blank space in a closed section¹⁰⁴, and the scribe of A may have followed one of these. But in any event it must be stressed that it was not Maimonides who formulated the ruling that the blank space should equal the measure of nine letters; it rather seems that only later his statements were interpreted as though that was his intention.

The exact words of Maimonides regarding the closed section are: מניח רווח כשעור i.e. "one leaves a space to the proper measure" (*Hil. S. T.* viii, 2). As regards SM, however, he expressly formulates: יש באמצעה רווח אחד "in the middle one leaves a space similar to the form of a closed section", which may simply refer to the form in general, but not to the exact width. Ha-Meiri still differentiates exactly. Only later the difference of formulation became blurred, and Maimonides' statement was reworded in a more absolute form so as to stress the identical width between a closed section and the blank between two hemistichs in SM.¹⁰⁵ Thus a further difficulty was added in understanding the words of Maimonides as they were meant, which no doubt helped in spreading the apocryphal ruling, as finally promulgated by Lonzano.¹⁰⁶

§ 41 Another point which is clearly demonstrated in A — more than in any other known MS — concerns the way in which Maimonides developed the ruling on writing words at the end of the line (cf. B.T. *Menahoth* 31a-b).

105. R. Asher formulates as follows: כל שבצורת שירת האזינו מפורש במסכת סופרים באמצע כל שיטה רוח כשעור הפרשה הסתומה "And the form of SM is expressly stated in *Sof.*: in the middle of every line a space the measure of a closed section" (*Hil. S. T.*, 14; and similarly *Tur*, *Yoreh De'ah* §275). Even though his words give the impression that they were taken from *Sof.*, they must have been derived, in fact, from Maimonides' wording.

106. I hardly like to remark on matters of practical halakhah, but I cannot help feeling that Maimonides himself does not seem to have stated expressly what constitutes the space of a closed section. Even so it seems accepted in halakhic literature, apparently already by ha-Meiri (*Kiriath Sefer*, p. 51), that as regards the closed section (*Hil. S. T.* viii, 2), Maimonides' phrase כשעור ("to the proper measure") intends the same measurement as that which he gave (*ib.* 1) for the open section — i.e. nine letters. In the light of the divergent traditions on this subject (cf. note 104), I am not fully convinced that this really was his intention. I would suggest, with all due caution, that the certainty of the late Decisors in their interpretation was perhaps unconsciously strengthened by their desire to "enable the God-fearing to satisfy all views" (וירא שמים יצא את כלם). Since with regard to certain sections, there were other traditions than those accepted by Maimonides' (cf. *Yoreh De'ah* §275, 2, and cf. below, note 109), and since these could not be brushed aside, it must have been imperative to keep at least the same size for both types in order to "satisfy all views" (as suggested in detail by commentators). In connection with this problem, it is worth while to have a look at the photograph of A so as to realize what could be, in fact, the size of a closed

It would seem at first that Maimonides only developed the system of the Talmud in deciding (*Hil. S. T.* vii, 5) that, if there is not enough space left in the line to write three letters, the scribe should leave the space empty (מניח מקום פנוי) and start from the beginning of the next line. However, the commentators already voiced their surprise why Maimonides did not mention the scribal custom of dilating the letters אהלתים so as to avoid blank spaces (explicitly: *Shulhan 'Arukh, Yoreh De'ah* §273, 3; also *Haggahoth Maimoniyoth* on our passage).

The method of filling up the lines with dummy signs (cf. n. 93) offers a simple solution, even if we may assume that Maimonides knew the different customs of Scroll scribes. This method of filling up lines is, of course, not peculiar to A and cannot serve as evidence to prove our main contention.¹⁰⁷ But we know of no other MS which has developed this method to the extent that A did, and when Maimonides formulated the rule about leaving empty spaces, he may well have had in mind the system of A.¹⁰⁸

We cannot close this chapter of sidelights without a brief mention of the controversies on the form of the open and closed sections (*Hil. S. T.* viii, 1–2). Undoubtedly there were varying traditions as to what these sections should look like.¹⁰⁹ It would, of course, be wrong to say that on this major subject Maimonides relied on anything but a very early talmudic tradition¹¹⁰, but it

section; e.g. the space before ויאמר אמר (Dt. xxxiii, 24). Even though a nine-letter space may have been usually observed in this MS, it was not obligatory, as assumed by later Decisors.

107. The method is customary to a more limited extent also in other MSS attributed to BA (cf. note 81). Cf. now S. A. Birnbaum, V. T. 9 (1959), p. 123 concerning a column of a Torah Scroll which, he claims, precedes BA. Since his statement is not accompanied by a photograph, it is impossible to comment on it.

108. With all due reserve, I would suggest that there may be some connection between those blank spaces of two to three letters which are less than the measure demanded for a section (cf. note 104) and the problem of a פרשה סדורה, about which already our earliest sources are uncertain. On the other hand, this problem may find its solution if we bear in mind the various spaces found in pre-massoretic MSS (compare the Dead Sea Scrolls). Those spacings, which were later not recognized as sections in the halakhic sense (פתוחה/סדורה) may for some time have lingered on as סדורה until they were finally rejected.

109. The main summary on this subject: *Tur, Yoreh De'ah* §275 and *Beth Joseph* and other commentaries *ad loc.*; *Tosafoth* on B. T. *Menahoth* 32a. Cf. the literature cited by Higger, *Sof.*, end of chapter i (p. 110). It should be mentioned that R. Abraham, the son of Maimonides, expressly recognized the existence of the divergent traditions; he decided that scrolls following such traditions are ritually fit unless the sectioning of a scroll did not agree with any tradition at all. Cf. his Responsa, ed. Freimann-Goitein (1938), §91, and also R. Moses Isserlis, *apud Shulhan 'Arukh, Yoreh De'ah* §275, 2, and above, note 106.

110. The classic formulation as regards the halakhic problem in P. T. Megillah i, 9 (=11) is that of *Mar'eh Panim ad loc.*:

should be emphasized that Maimonides' statements as well as the exact drawing of the forms of the sections he added¹¹¹, completely agree¹¹² with the way he found these sections executed in A.¹¹³

The points which we have raised just now may throw some further light on our subject¹¹⁴, but our identification of the MS and our tracing of the development of the halakhah in respect of Maimonides' ruling as regards SM, do not depend on them.

§ 42 It remains to sum up our findings: all our evidence goes to prove that the system of A as regards SM is identical with the ruling adopted by Maimonides. Not only is A the only extant MS of that period which fulfils all the conditions, but on examining the history of Maimonides' ruling until its rejection, we found that the MS on which Maimonides based himself was apparently unique even in his time. The very way in which Maimonides' ruling

הנה ראינו כמה דיויות משתפכין וכמה קלמוסין משתברין... ולכולן נודמנו להם ספר מוטעה וגרסה משובשת מלבד הרמב"ם, שהיה לפניו הגרסא הנכונה והאמיתית כמו שהיא לפנינו בדפוס ויניציה. ומתפרשת כפשטה וכדברי הרמב"ם בלי פקפוק.

"Behold we have seen much ink being spilt and numerous reeds being broken... and they all happened to use an incorrect book and a spurious reading, except for Maimonides, who had in front of him the correct and true reading as we have it in the Venice edition (of the P.T.). Its meaning is plain, and according to the words of Maimonides it should not be doubted." Cf. also *Tractate Sefer Torah* i, 13 and the explanations of Higger, שבע מסכתות קטנות, Introduction, p. 14, and ha-Meiri, *Kiriath Sefer*, p. 50, note 184.

111. The drawing was, of course, already omitted in the Rome edition (though the space for it is still visible), but it is found in absolute precision in all the MSS I saw, beginning with Ox. Hunt 80.

For an open section _____ or _____ פְּנִיָּה

For a closed section _____ or _____ or _____

112. It is superfluous to stress that with regard to such an ancient MS, one cannot query the omission of the words "open" and "closed", as Wickes erroneously believed when he wanted to disqualify A (cf. above, §3), and as Teicher objected after him (JJS 2 (1950), p. 20). The nature of the sections was, of course, recognizable beyond all doubt from the very form of the spaces left in A as well as in other early MSS.
113. In the light of what we have seen of harmonization whenever there are conflicting traditions, it is not unreasonable to assume that the difference between the open and closed sections as they are noted in MS Ox. Hunt. 80 and in other MSS of the *Code* and what appears in our printed editions, is not accidental. So long as we do not possess the missing pages of A, there can be no complete certainty. In any case, this subject deserves a separate investigation, if ever those pages should become available.
114. Since we have dealt with SM, I shall use the opportunity (cf. above, note 31) to add the differences in the plene and defective spellings between A and L as regards SM.

| | L | A |
|----------|----------|----------|
| xxxii, 7 | דור ודור | דר ודר |
| 27 | ידינו | ידנו (!) |
| 34 | חתם | חתום |

was replaced may be taken to strengthen our contention. In addition, A is the BA MS *par excellence*, and from a purely textual point of view is superior to all MSS of that school known to us. These findings, moreover, do not refer to an unknown MS in some obscure library, but to the very MS which according to ancient tradition is the one which Maimonides saw.

On the eve of the establishment of our State, one of the outstanding teachers of the Hebrew University was the first to recognize the value of the oldest MSS of the Hebrew Bible discovered so far, the now famous Dead Sea Scrolls. Ten years later, with the help of H. E. the President of Israel, we are able to discuss the value of a manuscript which — though from a different point of view — is of hardly less importance to Bible scholars. I cannot but hope that also in this case the evaluation will be found sound and that it is not an act of rashness if I claim that the "legend" believed in by Aleppo Jews for many centuries is true.