

## MAIMONIDES AND THE ALEPPO CODEX\*

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In the eighth chapter of *Hilkhoth Sefer Torah*, Maimonides codifies in detail two rules that are to be followed in writing a Torah scroll in accord with *Halakhah*. These are the forms of writing the "Songs" (Ex. 15:1-19), Deut. 32:1-43), and the form and the list of the specific Sections contained in the Pentateuch.<sup>1</sup> The confusion in the Bible manuscripts of his day was so pronounced that he considered it necessary, in the

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<sup>1</sup> Maimonides, *Mishneh Tora, Ahavah, Hilkhoth Sefer Torah* (=Hil. S.T.) Chapter 8:4 includes the form of the "Songs" after the list of Sections. In chapter 7, he lists in paragraph 10 the opening words of the lines preceding and following each of the Songs. Maimonides did not consider the information in 7:10 as mandatory (cp. 7:11), but rather as preferable. The form of the Sections is found in 8:1,2.

[1]

light of *Halakhah*,<sup>2</sup> to list every Section in the Pentateuch and to indicate whether it was an Open or a Closed Section -- פרשה פתוחה, פרשה סתומה. Similarly, he deemed it necessary to specify the form of the Songs. One might have expected that in setting down these two features, Maimonides would have relied on the majority of manuscripts available to him.<sup>3</sup> However, he chose to rely on only one codex. In paragraph four of that eight chapter Maimonides explains his reason:

<sup>2</sup> Cp. *Hil S.T.* 7:11, 8:3, 10:1 where Maimonides records that changing the form of Sections, i.e. Open for Closed and vice versa, renders a Torah Scroll unfit for use in the synagogue. His talmudic source is B.T. *Shabbath* 103b. Our earliest source for this *Halakhah* is the halakhic midrash *Sifre Deut.* section 36 (beg.). Maimonides also states in 8:3 that also adding or omitting Sections renders a Torah Scroll unfit for use in synagogal service.

<sup>3</sup> R. Meir b. Todros Ha-Levi Abulafia (=Ramah) (d. 1244) states in his *Massoreth Seyag La-Torah* (Tel-Aviv 1969, photocopy of ed. Florence 1750, first page of unnumbered introduction) that in compiling a plene-defective list for words in the Pentateuch, he will follow the majority of reliable mss, because a decision by majority is the procedure prescribed by the Torah (Ex. 23:2) in cases of conflicting opinions. Cp. also *Responsa of R. Solomon Ibn Adreth* (=Rashba) (d. 1310) *Attributed to Nahmanides* (Warsaw 1882; first ed. Venice 1519(?), number 232), where in addition to Ex. 23:2, the support of *Soferim* 6:4 regarding the "three scrolls in the temple" is adduced as an actual precedent for a decision by majority in cases in which mss of the Torah conflict. On the "*Peshaṭ*" of Ex. 23:2 see Rashi *ad. loc.*; on the "three scrolls" see S. Talmon, *Textus II* (1962) 14-27. On a variant in Rashba's responsum which would affect his decision in cases where the conflict involved a reading on which the *Halakhah* depended, cp. *Responsa of R. David Ibn Zimrah* (=Radbaz) (d. 1574) part 4 (Warsaw 1882, number 101), which quotes Rashba as "וְאֵל מִתְקִינִן" (one is definitely to correct (according to *Halakhah*)), and not as "וְאֵל מִתְקִינִן הַמִּיעוּט" (one is definitely to correct the minority, i.e. follow the majority of mss). The earliest witness to the content of the above mentioned responsum

The Codex, which we have relied upon in these matters, is the one known in Egypt and which contains the whole Bible. It was formerly in Jerusalem serving as a model codex. And everybody relied upon it.<sup>3a</sup>

This statement implies that in view of the uniqueness of that codex, Maimonides saw no reason to rely upon a majority of manuscripts. Furthermore, it implies that it was not his decision to grant this codex its special standing. It obviously had already been in use as a model codex. Indeed "everybody had relied upon it". Maimonides continues to specify what accounted for this unanimous acceptance, namely that Ben Asher was said to have been responsible for its execution and perfection.<sup>4</sup>

of Rashba is Rashba's contemporary R. Menahem Ha-Meiri, *Kiryath Sefer* I, ed. Hirschler (Jerusalem 1956) p. 58 and n. 254. Another early witness is R. Simeon b. Zemah Duran (1361-1444), *Tashbez* III (<sup>2</sup>Amsterdam 1741) responsum no. 160. Both corroborate the variant, as later brought by Radbaz (see above). Indeed, a close reading of the text of the printed edition(s) of Rashba's responsum shows that there is an error in the text, and that the variant as adduced by Radbaz, and as earlier testified to by Meiri and Duran, is correct. Furthermore, a careful reading of Meiri's summary of Rashba's responsum can help in restoring its full text.

<sup>3a</sup> וספר שסמכנו עליו בדברים אילו הוא הספר הידוע במצרים שהוא כולל ארבעה ועשרים ספרים שהיה בירושלם מכמה שנים להגיה ממנו הספרים ועליו היו הכל סומכין

<sup>4</sup> לפי שהגיהו בן אשר ודקדק בו שנים והגיהו פעמים רבות כמו שהעתיקו. Maimonides does not explain who Ben Asher was and why the Codex assumed its uniqueness because Ben Asher had worked on it. Indeed, in some communities that preserved varying traditions with respect to the Sections as found in Maimonides' list, Ben Asher's authority was questioned. Cp. *Responsa of R. Judah Minz* (d. 1507) (Cracow 1882) number 8. The statement of R. Judah Minz that a Torah Scroll whose sectional division disagrees with Maimonides' list is nevertheless valid is only one of such responsa. In fact, we have a responsum from Maimonides' himself which states that such a Torah

Tradition identified the codex upon which Maimonides relied with the Aleppo Codex. However, this identification sometimes was debated. When the Aleppo Codex became available for scholarly study, a fresh attempt was made to prove that the traditional identification was correct.<sup>5</sup> As Maimonides had relied upon the Ben Asher Codex with respect to the form of the Songs and the list of the Sections, the proof could be accomplished in two ways: a unique agreement between Maimonides and the Aleppo Codex with respect to the Song(s), or a unique

scroll is valid, in spite of his opinion noted above, n.2, printed in *Responsa of Maimonides*, ed. Freimann (Jerusalem 1943) number 43 (=ed. Blau, vol. 2, Jerusalem 1960, number 294). Cp. the sources adduced by Freimann and Blau, e.g. R. Joseph Karo, *Kesef Mishneh*, *Hil. S.T.* 10:1. It is even preserved in Maimonides' autographed copy of the *Code* (Ms. Ox. Hunt. 80 = Neubauer 577) in the margin of the folio which includes *Hil. S.T.* 7:14. Cp. also *Responsa of R. Abraham son of Maimonides*, ed. Freimann-Goitein (Jerusalem 1937) number 91, where the same decision is given as in the above responsa, but with a different reasoning (p. 135):

אין עמנו ספר העזרה שנוכל לדקדק ממנו את הדבר, ואין בענין זה קבלה שהכל מסכימים עליה עד שנפסל מה שיסתר אותה

"We do not have the Temple Scroll which would allow us to settle the matter. And there is no (single) tradition on this matter to which all agree compelling us to invalidate divergent opinions". Cp. similarly, R. Menahem Ha-Meiri, *Kiryath Sefer* I, ed. Hirschler (Jerusalem 1956), third page of unnumbered introduction. It was for these reasons that R. Moses Isserlis, in his notes to *Shulhan 'Arukh*, *Yoreh De'ah* 275, paragraph 2, added that though there were those who exclusively followed Maimonides' Section list, the scrolls with varying traditions were nevertheless valid.

<sup>5</sup> M. Goshen-Gottstein, "The Authenticity of the Aleppo Codex", *Textus* I (1960) 17-58.

agreement with respect to the Sections. The former was convincingly established by M. Goshen-Gottstein. Only the Aleppo Codex agreed with Maimonides' requirement of writing *Ha'azinu* (Deut. 32:1-43) in sixty-seven lines, as evidenced in the manuscripts of his *Code*, and with his recommendations on how to write the lines before and after the Song of Moses.<sup>6</sup>

The second issue, a unique agreement between Maimonides and the Aleppo Codex (=A) with respect to the Sections, is the subject of our present study. By *unique*, I mean that in contrast to all other available Ben-Asher type manuscripts, only A coincides, in a given Section, with Maimonides' Section list. On the other hand, *any* Section disagreement between Maimonides and A will disprove the identification.<sup>7</sup> We will begin our study by examining two apparent Section-differences between Maimonides and A, in order to prove that, in fact, neither case represents a contradiction. We will then analyze two other examples to show that Maimonides' Section list disagrees both with logical expectations and with all other extant Ben-Asher type manuscripts, but concurs uniquely with the Ben Asher Codex. With respect to one example, relevant information about the sectional division in A is preserved in a sixteenth century responsum. We will show that in this case, too, in spite of an apparent contradiction, A agrees with Maimonides, thus offering an additional proof for the identity of the Ben Asher Codex used by Maimonides and the Aleppo Codex.

<sup>6</sup> For technical considerations of page layout, some extended notes were placed at the end of the article. For n. 6, see pp. 111-115.

<sup>7</sup> Cp. M. Goshen-Gottstein, "A Recovered Part of the Aleppo Codex", *Textus* V (1966) 59.

A thus is to be valued not only for its vocalization and accentuation, but also for its unique arrangement of the Sections and *Ha'azinu*. Ben Asher emerges as a massorete who ensured that the codex upon which he worked was written according to unique specifications. It was not by chance that A, attributed to Ben Asher, also had a unique arrangement of the Sections and *Ha'azinu*. Nor was it mere chance that another codex written by the same scribe who penned A, but not carrying the stamp of Ben Asher, differed from A in details with respect to the Sections and *Ha'azinu*.<sup>8</sup>

We preface our study with a few general remarks both on Maimonides' Section list and on the sources we used in this inquiry.

1. According to Maimonides, a Section (Open or Closed) refers to the text which begins with the listed catchword, and not to the space which precedes as required by the *Halakhah*.

<sup>8</sup> Cp. *ib.*, p. 57, n. 21; *id.*, "כתר חלב וכן בויאעא הסופר", *Tarbiz* 33 (1964) 149-156, and our example three. See also I. Yeivin, *מבוא למסורה הספרנית* (Jerusalem 1972), pp. 19-20. We emphasize, though without elaborating, that in addition to the above features, A is to be valued also for its plene-defective spellings, for they accurately reflect the Tiberian Massorah. Cp. M. Cohen's Ph.D. Dissertation, *Orthographic Systems in Ancient Massorah Codices and their Import for the History of the Traditional Hebrew Bible Text*, Hebrew, (Jerusalem 1974), pp. 80, 149 n. 149 (vol. 2, p. 53), 152, and *passim*; also M. Breuer, *The Aleppo Codex and the Accepted Text of the Bible*, Hebrew, (Jerusalem 1976), chapter 4; M.H. Goshen-Gottstein, "The Aleppo Codex and the Rise of the Massoretic Bible Text", *Biblical Archeologist* 42, no. 3 (summer 1979), pp. 149b, 154c-155a.

An Open Section has two forms. (1) If one finished (the preceding Section) in the middle of a line one leaves the rest of the line empty and begins the Section that is open at the beginning of the second line... (Hil. S.T. 8:1)<sup>a</sup>

However, the Section type can be defined only by the required space preceding the catchword. Therefore, when we say that "a verse begins a Section", this also means that the verse is preceded by the required space. Similarly, when we state that there is "a Section at verse two", this implies a) that verse two begins a Section, b) preceding verse two the required space is found.

2. In the listing of Sections, Maimonides gives only the opening catchwords of each Section, and then states the type of Section. For example: (Gen. 39:1) ויוסף הורד סתומה.

3. If more than one Section of the same type occur consecutively, Maimonides lists the catchphrase of each Section, and after the last, he notes the type of Section common to all, and totals up their number. E.g. (Gen. 2:16, 17) אל האשה אמר ולאדם אמר שתייהן סתומות.

4. At the end of every book in the Pentateuch, Maimonides gives the total number of Open and of Closed Sections, separately and combined. For example, at the end of Genesis: מניין הפתוחות שלש וארבעים והסתומות שמונה וארבעים הכל אחת ותשעים פרשיות.

5. At the end of the Pentateuch he states the total number of Open and of Closed Sections, separately and together.

<sup>a</sup> פרשה פתוחה יש לה שתי צורות, אם גמר באמצע השיטה מניח שאר השיטה פנוי ומתחיל הפרשה שהיא פתוחה מתחלת השיטה השניה...

6. The list is liable to be misinterpreted because Maimonides noted only the opening catchphrase of each Section. Thus, where only one of two neighboring verses is intended to begin a Section and both start with the same opening phrase, it remains unclear which of the two is meant to begin the Section.<sup>9</sup>

7. Variants may occur in the manuscripts of the list due to:

a) scribal error and b) deliberate change.

a) Scribal error: when the total given exceeds the number of catchphrases actually listed, one may suspect omissions due to scribal error, as *e.g.* when there are six individual catchphrases and yet the total recorded is seven.

b) Deliberate change: if, on the other hand, the total is less than the individual catchphrases listed, some may have been deliberately added, as *e.g.* if one finds seven catchphrases, and yet the total is six.

8. Theoretically, the changes could have originated with an error in the sum total, *i.e.* the scribe could have erred in copying the total, or even in adding up the individual catchphrases. However, the examples encountered in our study point to the explanation that the discrepancy between the individual catchphrases and the total is due to a change originating with the *catchphrases* (whether an omission by error or a deliberate

<sup>9</sup> Cp. for example *Hagahoth Maimunioth* on *Hil. S.T.* 8:4, where in his second comment he notes that the catchphrase in Genesis, וַיֹּאמֶר אֱלֹהִים אֵל אַבְרָהָם, refers to Gen. 17:15, and not to Gen. 17:9. Similarly, his fifth comment notes that the catchphrase in Genesis, וַיְהִי אַחֲרָיִם הַדְּבָרִים, refers to Gen. 40:1, and not to Gen. 39:7.



addition). Once that change occurs, further developments are possible, e.g. adjusting the old total to the new number of individual catchphrases. Such a harmonization shows in two mss in which the number of individual catchphrases and the recorded total tally internally, but deviate from each other: one manuscript has six catchphrases and a total of six, while another has seven catchphrases and a total of seven. In such a case, only one of the numbers can be original, though neither can be preferred, *a priori*.

The following were the sources consulted to determine Maimonides' decision with respect to specific Sections in the Pentateuch, and to determine the sectional division found in the Ben-Asher type manuscripts in general, and in the Aleppo Codex in particular.

a) Six manuscripts of Maimonides' Code. These were chosen in light of Goshen-Gottstein's results with respect to *Ha'azinu*.<sup>10</sup>

<sup>10</sup> Cp. *Textus I* (1960) 37-40 and p. 57, n. 113. We note that the date of Ms. Ox. Can. Or. 78 = Neubauer 568 = below M<sup>5</sup>, is indeed תתקמ"ה, 1284 C.E., even though we would have expected such a date to be written as תמ"ה (cp. Goshen-Gottstein's query, *Textus I*, 1960, p. 40, n. 69). This was convincingly shown by M. Bet-Aryeh, *Tarbiz* 41 (1972) 116-124, who brings additional examples of writing ...תתקמ (in place of תמ) in dated colophons, all from the same period and provenance. These examples led Bet-Aryeh to suggest that M<sup>5</sup>, like two of the other mss, was written in Soria, Spain. See further A. Rosenthal's queries in *Tarbiz* 41 (1972) 450-452, and Bet-Aryeh's convincing rejoinder in *Tarbiz* 42 (1972/3) 199; further S. Abramson's similar remarks, *Tarbiz* 42 (1972/3) 198. To the above we add that the color slide exhibited by M. Glatzer in his lecture at the World Congress of Jewish Studies, Jerusalem, August 1977, clearly shows that the date of M<sup>5</sup> was originally תתקמ"ה, and that the short line to the left of the ך was added -- in another color ink -- to read תתקמ"ה.

The most important source is Ms. Ox. Hunt. 80 (Neubauer 577) = M<sup>1</sup>. Three other selected for their accuracy are Mss. Budapest Kaufmann 77 = M<sup>2</sup>, London B.M. Harley 5698 = M<sup>3</sup>, and Vatican 172 = M<sup>4</sup>. They all preserve the original reading of sixty-seven lines in *Ha'azinu*, and the same list of hemistichs as M<sup>1</sup>. To collate possible variants we chose Ms. Ox. Seld. Arch. B2 (Neubauer 569) = M<sup>6</sup>. Although having the correct number -- sixty seven, it contains an error in the sixteenth pair of hemistichs, reading שְׁנֵי twice. Ms. Ox. Can. Or. 78 (Neubauer 568) = M<sup>5</sup> was collated with the expectation of finding variants because its text preserved the later reading of seventy lines in *Ha'azinu*. This reading of seventy was then corrected in M<sup>5</sup> to sixty-seven. Our findings show a correspondence in these manuscripts between their accuracy in transmitting the original text of Maimonides' *Code* with respect to *Ha'azinu* and with respect to the Sections.

We consulted the massoretic-halakhic literature that dealt with the Sections for traces of Maimonides' decision: Meiri's *Kiryath Sefer*, Lipman-Muelhausen's *Tikkun Soferim*, Lonzano's *Or Torah*, and the commentaries on Maimonides' *Code* - *Hagahoth Maimunioth* and *Kesef Mishneh*. Relevant responsa also were consulted - in particular, A. Hasan's *Iggereth Ha-Sofer*, the responsum published at the end of *Massoreth Seyag La-Torah*,

and the responsum of R. Elijah b. Hayyim.<sup>11</sup>

b) Eight Ben Asher (=BA) type manuscripts: B.M. Or. 4445 = B; Leningrad B 19a = L; Firk. B, 17 = L<sup>1</sup>; Firk. B, 10 = L<sup>3</sup>; Firk. B, 59 = L<sup>9</sup>; Firk. A, 85 = L<sup>16</sup>; Sassoon 507 = S; Sassoon 1053 = S<sup>1</sup>.<sup>12</sup> These were chosen on the basis of I. Yeivin's findings and categorization.<sup>13</sup> The mss are close to the BA system of vocalization and accentuation. They concern us here, even though we are dealing with Sections, because Maimonides based his list on a manuscript attributed to BA. Although most of these mss contain only parts of the Bible (whereas Maimonides states that he used a ms containing the whole Bible), they were

<sup>11</sup> R. Menahem Ha-Meiri, *Kiryath Sefer* I, ed. Hirschler (Jerusalem 1956); *Kiryath Sefer* II (Jerusalem 1968, photocopy of ed. Izmir 1881); S.D. Loewinger and E. Kupfer, "תקון ספר תורה של ר' יום טוב ליפמן מילהויזן" *Sinai* LX (1960) 237-268; Menahem de Lonzano, *Or Torah*, in *Shtei Yadoth* (Jerusalem 1970, photocopy of ed. Venice 1618) 3b-26b; Abraham Hasan, *Iggereth Ha-Sofer*, in *Ha-Segullah* (ed. M. Hasida) nos. 53-56 (Jerusalem 1938), the pages in the respective issues are numbered consecutively 1-4, 5-8, 9-12, 13-16; "Responso to a Scribe" in *Tikkunei Soferim*, in *Massoreth Seyag La-Torah* (Tel Aviv 1969, photocopy of ed. Florence 1750) p. 90a; "Responso of R. Elijah b. Hayyim" in *Mayim 'Amukkim* (Venice 1647) part II, number 78. The text of Hasan's *Iggereth* has been published anew by M. Benayahu from a ms in his collection, together with an introduction (pp. 189-206) and notes: "אגרת הסופר רבי אברהם חסן משאלוניקי", *Sefunot* 11 (offprint 1973 = 1977) 189-229.

<sup>12</sup> We examined these mss, as well as M<sup>1</sup>-M<sup>6</sup>, in microfilm copy at the Institute of Microfilms of Hebrew Manuscripts, in the National and University Library, Jerusalem. Photostat copies of B and L were examined at the National and University Library, Jerusalem. Ms. S has recently been purchased by that Library. Its new signature is Ms. Jerusalem 24°5702.

<sup>13</sup> I. Yeivin, *כתר ארם צובה ניקודו וטעמיו* (Jerusalem 1968). In particular, pp. 3-4, 357-375.

chosen with the aim of determining the uniqueness of a given Section division of Maimonides and of the Aleppo Codex, in the light of the BA type mss.

c) Secondary sources for the sectional divisions in the Aleppo Codex. With respect to our four examples, the text of A is no longer extant. We have, however, examined sources which preserve or possibly preserve the sectional division of A in these cases. In particular, the responsum of R. Elijah ben Hayyim and the information reported about the Cracow *Tikkun Soferim*.<sup>14</sup>

Since we are dealing in this study with Maimonides' list and the way he defined the Sections found in the Ben Asher Codex, we used his definition of Open and of Closed Sections as given in *Hilkhoth Sefer Torah* 8:1,2.<sup>15</sup>

I Ex. 20:14b

לֹא תַחַד אֶשֶׁת רֵעֶךָ

Exodus ch. 20 contains in vv. 2-14 the Ten Commandments.<sup>16</sup>

<sup>14</sup> In addition to these secondary sources, we also checked J. Sapir's מאורות נחן for potential information about the sectional division in A. However, it turned out that Sapir's check list contained no information concerning A's Sections. On מאורות נחן, see M. Goshen-Gottstein, *Textus II* (1962) 53-59, and below nn. 63, 64.

<sup>15</sup> The problem of the definition of Open and Closed Sections requires a separate study.

<sup>16</sup> Cp. Ex. 34:28b, Deut. 10:4. We are using the verse division found in the Ginsburg Bible (London 1926), and similarly, the Koren Bible (Jerusalem 1969). *Biblia Hebraica* <sup>3</sup> (Stuttgart 1937) has a different verse division of the commandments (based on טעם ההחזון, cp. n. 19). In particular: Koren Ex. 20:13 b, c, d = BH<sup>3</sup> Ex. 20:14, 15, 16, and Koren Ex. 20:14a, b = BH<sup>3</sup> Ex. 20:17a, b.

Exactly where some of these commandments begin has been a matter of dispute. The arrangement of the commandments according to the sectional division as found in L indeed results in ten commandments: 1. אנכי (v. 2); 2. לא תשא (v. 7); 3. זכור (v. 8), ...; 9. לא תחמד בית רעך (v. 14a); 10. לא תחמד אשת רעך (v. 14b). However, the commonly accepted division takes אנכי (v. 2) as the first, and לא יהיה (v. 3) as the second, the third being לא תשא (v. 7), ..., the tenth, לא תחמד בית רעך, לא תחמד אשת רעך (v. 14a, b).<sup>17</sup> The above two divisions thus

<sup>17</sup> Cp. Ibn Ezra on Ex. 20:1 (ותחלתם אנכי...) somewhat after the words אמר אברהם המחבר, and on Ex. 20:14. See also Nahmanides on Ex. 20:3 (...הנה הזהיר בדיבור השני...), and on Ex. 20:13 towards the middle (...עשרת הדברות...). This is the same division found in the "Ten Commandment Tablets", placed in various synagogues above the *Aron Ha-Kodesh*. The tablets contain two columns, each having the opening words of five commandments. The first in this arrangement is אנכי, the second לא יהיה, ... the ninth לא תענה, the tenth לא תחמד. Cp. JE I: illustration opposite the second title page. This division and conception of the tablets is already found in the tannaitic midrash *Mekhilta de Rabbi Ishmael*, ed. Horowitz-Rabin (2Jerusalem 1970) pp. 233-234. Cp. Ex. 32:15, 34:1, Deut. 4:13, 5:19, 10:4.

To be sure, other divisions were known, as we see from Ibn Ezra's remarks on Ex. 20:1. Cp. R. Yedidyah Solomon Norzi, *Minḥat Shai*, in *Sefer Ozar Perushim al Ha-Torah*, vol. VI of *Mikraoth Gedoloth* (New York 1950, photocopy of ed. Vienna 1814) on Ex. 20:14. Indeed, according to the tannaitic midrash *Sifre* on Num., ed. Horowitz (2Jerusalem 1966), section 112, p. 121 (cp. B.T. San. 99a), the first commandment consists of אנכי, לא יהיה לך (vv. 2-6), and not just אנכי (v. 2). Cp. U. Cassuto, *A Commentary on the Book of Exodus*, trans. by I. Abrahams from the 1951 Hebrew edition (Jerusalem 1967) pp. 251-252. Thus, the sectional division of the first commandment as found in BLL<sup>1</sup>L<sup>3</sup>L<sup>9</sup>SS<sup>1</sup> is identical with the division given in *Sifre*.

With reference to the different ways of counting the Ten Commandments, cp. also J. Bowman - S. Talmon, "Samaritan Decalogue Inscriptions", *Bulletin of the John Rylands Library* 33 (Manchester 1951) 220-224.

disagree as to the beginnings of the second and of the last commandment. One considers the first Section (vv. 2-6) אֲנֹכִי as two commandments (vv. 2, 3-6),<sup>18</sup> and the last two Sections

The history of the current conception of the form of the tablets, and the history of the tablets as an ornament of the Aron Ha-Kodesh (first introduced in Italy, in the 15th-16th centuries), is discussed by G. Zarfati, "לוחות הברית כסמל", *Tarbiz* 29 (1960) 370-397; see also his remarks concerning the different ways of counting the Ten Commandments (pp. 386-392), and note the group of tablets from eighteenth century Italy, which contain an unexpected division of the Ten Commandments, different from the one noted above. To this group we add another case, to be placed after the first in Zarfati's list (*ib.*, p. 391), dated 1689: the tablets on the title page of R. Hayyim Benveniste's *Sefer Pesah Me'ubin*, (Venice 1692). Cp. the photo in *EJ* IV: 560. Cp. also S. Weingarten, "עשרת", *Beith Mikra* 19 (1974) 549-571.

<sup>18</sup> In addition to *Mekhilta de Rabbi Ishmael* (cp. n. 17 and the parallel sources noted in the Horowitz-Rabin edition) which considers אֲנֹכִי, לֹא יִהְיֶה (vv. 2-6) as two commandments, there are other sources, both Babylonian (B.T. *Makhoth* 23b - 24a in the name of R. Hammuna) and Palestinian (*Shir Ha-Shirim Rabbah*, section 1, on v. 2 יִשְׁקֵנִי מִנְשִׁיקוֹת פִּיהוּ, and *Pesikta Rabbati*, ed. Friedman, Tel Aviv 1963, photocopy of ed. Vienna 1860, *Piska* 22, p. 111a in the name of R. Joshua b. Levi) which take אֲנֹכִי, לֹא יִהְיֶה as two commandments. Cp. W. Bacher, *Die Agada der Palästiniensischen Amoräer I* (Strassburg 1892) p. 558 n. 2, p. 178, n. 7 = אגדת אמוראי ארץ ישראל, trans. by A. Rabbinowitz, I, 2 (Tel Aviv 1926) p. 322 n. 2; I, 1 (1925) p. 176 n. 3. Cp. further E. Urbach, *Hazal* (<sup>2</sup>Jerusalem 1971) p. 302 n. 98.

These Babylonian and Palestinian sources are of the opinion that only the first two commandments (vv. 2-3) were divinely communicated to Israel (the other commandments being related to them by Moses), whereas רַבִּנָּן in *Shir Ha-Shirim Rabbah* and *Pesikta Rabbati* (*ib.*) state that all of the ten commandments were divinely communicated to Israel. *Sifre Num.* (cp. n. 17), on the other hand, asserts that even לֹא יִהְיֶה אֲנֹכִי (vv. 2-6, considered as the first commandment) was divinely communicated only to Moses. These three opinions are interpretations of Ex. 20:15-18, Deut. 5:19 ff., taking into account the phrase אֲנֹכִי ה' אֱלֹהֶיךָ in Ex. 20:2, 5 (cp. Ibn Ezra at the very beginning of Ex. 20:1).

(v. 14a, b) **לֹא תִחַמְדּוּ**...**לֹא תִחַמְדּוּ** as one. The other considers the first Section as one commandment (vv. 2-6), and the last two Sections as two, each **לֹא תִחַמְדּוּ** introducing a separate commandment. There is, however, still another type of division extant. The system of accents, known as **טעם העליון**,<sup>19</sup> that divides Ex. 20:2-14 according to commandments exhibits a unique division, a sort of compromise between the opinions just noted. Thus, though **טעם העליון** considers vv. 2-6 -- **לֹא יִהְיֶה** (the first Section in L) as one commandment, with the first **פסוק** occurring at the end of v. 6, it considers v. 14a b -- **לֹא תִחַמְדּוּ** (the last two Sections in L) also as only one commandment, with the **פסוק** occurring at the end of v. 14b, and with only an **אִתְּחַתֵּם** at the end of v. 14a. According to this division, we are left with only nine commandments.<sup>19a</sup>

When comparing these systems for common elements, we note immediately that all three view vv. 2, 7, 8, 12, 13a, b, c, d, 14a as commandment beginnings and as Section beginnings (as found in **BLL<sup>1</sup>L<sup>3</sup>L<sup>9</sup>SS<sup>1</sup>**). Thus, nine commandments begin Sections.

<sup>19</sup> For n. 19, see pp. 115-117.

<sup>19a</sup> In order to make up the traditional ten, one would have recourse to the following explanation. The sources mentioned in n. 18 indeed consider vv. 2-6 as two separate commandments (as does *Mekhilta de Rabbi Ishmael*), which, though, have in common a special characteristic: only these two consecutive commandments were divinely communicated to Israel. The **טעם העליון** was influenced by this characteristic, and determined the accents accordingly: vv. 2-6 are accented as a unit. Counting in this way, one arrives at ten commandments.

It has now become evident (see above n. 19, end) that **טעם העליון** actually divides vv. 2-6 into two commandments, and thus agrees with the commonly accepted division of the commandments into ten.

Therefore, one would not expect a Section space at the beginning of v. 14b, both according to the טעם העליון and according to the common division of the Ten Commandments, since v. 14b is not the beginning but rather the middle of a commandment.<sup>20</sup> Indeed, L<sup>3</sup> and S have no Section at Ex. 20:14b. However, BLL<sup>1</sup>L<sup>9</sup>S<sup>1</sup> do have a Closed Section. The Aleppo Codex has not been preserved here, and the disagreement among the early BA type mss on this Section precludes a conjecture as to A's division.<sup>21</sup> A responsum of R. Elijah b. Hayyim (ca. 1530-1610),

<sup>20</sup> As Ex. 20:14 is not mentioned as a case of פיסוק באמצע פסוק, i.e. when a sectional space occurs in the middle of a verse after the אהנהחחא (cp. S. Talmon, "Pisqah Be'emsha Pasuq and lIQ Ps<sup>a</sup>", *Textus V*, 1966, 11-21, and p. 15 n. 17), we would expect it, according to טעם העליון, to be written without a space after the אהנהחחא (end of Ex. 20:14a).

Note that with respect to the commonly accepted division not only Ex. 20:14b (לא חחמד) is inconsistent regarding the commandments and Sections as found in L (it begins a Section but not a commandment), but so too is Ex. 20:3 (לא יהיה). While all the other verses which begin commandments begin Sections (according to all three systems of division), Ex. 20:3 -- according to the commonly accepted division -- begins a commandment but does not begin a Section.

<sup>21</sup> A possible basis for a conjecture is the parallel set of commandments in Deuteronomy. At Deut. 5:18b (ולא חחאיה), the Aleppo Codex is preserved (cp. *Textus V*, 1966, opposite p. 58, plate 1, and again plate 3). The testimony of A and the BA type mss at Deut. 5:18b is as follows: ALL<sup>1</sup>L<sup>16</sup> - Closed Section, L<sup>3</sup>SS<sup>1</sup> - no Section. We note that of the five mss for which we have evidence both in Ex. 20:14b and in Deut. 5:18b (LL<sup>1</sup>L<sup>3</sup>SS<sup>1</sup>), only one -- S<sup>1</sup> -- is inconsistent in this respect: Ex.-Closed Section, Deut.-no Section. One might suggest therefore that A was consistent: like Deut. 5:18b, Ex. 20:14b began a Closed Section. We note that beginning a Closed Section at Deut. 5:18b (A) agrees with Maimonides as testified by M<sup>1</sup>M<sup>2</sup>M<sup>3</sup>M<sup>5</sup>M<sup>6</sup>. M<sup>4</sup> skips the catchphrase but has a total of eleven, thus implying the inclusion of that catchphrase. This, of course, is not a unique agreement between Maimonides and A, since in LL<sup>1</sup>, Deut. 5:18b also begins a Closed Section.



however, testifies concerning A's division.<sup>22</sup> In reply to the question whether there was a Section at the second חמור, i.e. at Ex. 20:14b (subsection six of responsum seventy-eight), R. Elijah pointed out that Maimonides' list does not have the catchphrase for this Section, and that this is consistent with the total of consecutive Closed Sections which immediately followed. In the printed editions, six catchphrases are adduced (Ex. 20:12, 13a, b, c, d, 14a) and a sum total of six:

כבר לא חרצח לא תנאף לא חגנב לא תענה לא תחמר כלן סתומות והן שש

If, indeed, the second חמור (v. 14b) was originally in the list and was omitted by mistake, one would have expected a total of seven which would have pointed to an omission in the enumeration. Also, the printed Bibles had no Section here. According to R. Elijah, they seemed to corroborate Maimonides' list.

From another contemporary responsum<sup>23</sup> we learn what had actually prompted the question to R. Elijah. A scribe noted the

<sup>22</sup> For n. 22, see pp. 117-118.

<sup>23</sup> See n. 11: "Responso to a Scribe", published at the end of *Massoreth Seyag La-Torah*. Ta-Shema, KS 45 (1969/70) 125 suggests that the scribe was Menaḥem Moscato, the same scribe who had copied *Massoreth Seyag La-Torah* in 1585, from a Jerusalem ms date 1388 (cp. *Massoreth Seyag La-Torah*, Tel Aviv 1969, p. 77b). Noting that one of the responsa which originated in Constantinople (cp. *Massoreth*, p. 90b) is to be dated ca. 1598 since its author refers to the book *Minḥath Kohen* "which they now printed" (*Minḥath Kohen* was first printed in 1598), Ta-Shema suggests that Moscato added his question(s) and the summary of the responsa he received at a later date (ca. 1598) to his finished copy of *Massoreth* (1585). This suggestion is indeed attractive. In any case, the date makes the responsa contemporary with R. Elijah b. Ḥayyim.

following problem: on the one hand, Maimonides, who based himself on the BA Codex, had no Section at the second לא תחמך (Ex. 20:14b), and there were books which followed this opinion. On the other hand, the accurate books from Turkey, the East, from Spain, and the Section lists of the accomplished scribes exhibited a Section at the second לא תחמך. Thus, these books appear not to have followed the halakhic tradition of Maimonides (and the BA Codex).<sup>24</sup> Moreover, this tradition was being followed by other books. The same problem was presented to R. Elijah who was active in the rabbinate of Constantinople towards the end of the sixteenth century.

R. Elijah replied in his responsum that in spite of the testimony concerning Maimonides (no Section at Ex. 20:14b), he had a copy of a copy of the Aleppo Codex [concerning the Sections]<sup>25</sup> wherein Ex. 20:14b began a Closed Section.<sup>26</sup> R.

<sup>24</sup> The scribe writes *Moses* (*sic*) Ben Asher. Perhaps the source of his error is the commentary on Maimonides' Code entitled *לפני מלך*. Cp. *Textus I*, p. 18 n. 2.

<sup>25</sup> For n. 25, see pp. 118-119.

<sup>26</sup> R. Elijah, who lived in Constantinople, also reported that according to the local scribal tradition, and in the books used by the scribes, Ex. 20:14b began a Section (as in the Aleppo Codex). Further, a note by the scribe R. Moses Ha-Levi in the margin of a Yemenite *Tikkun Soferim* states that in the Torah Scroll of Constantinople, Ex. 20:14b began a Section. Cp. *The Titled Bible* = Ms. B.M. Or. 9883 = Gaster 85 (London 1929) p. 158, top left. R. Moses also quotes to this effect (*ib.*) A. Porteleone's *שלטי הגדולות*. Since this work was first published in 1612, we have a *terminus non ante quem* for R. Moses' note (cp. *ib.*, p. 43). The scribe Moscato (cp. n. 23) reports the same about Turkey. But from the answer he received, we learn that while Constantinople "followed Maimonides" (no Section at

Elijah's answer appears to imply that with respect to the sectional division at Ex. 20:14b Maimonides (no Section) contradicted the Aleppo Codex (Closed Section). Were this indeed the case, it would follow that A was not the source of Maimonides' Section list. But, R. Elijah, who assumed that A was the source of Maimonides, actually implied in his responsum that the Aleppo Codex testified to Maimonides' original opinion, namely that there was a Section at Ex. 20:14b and that therefore the books of Turkey were following the halakhic tradition of Maimonides. The other copy of Maimonides' list (and similarly those books which had no Section at Ex. 20:14b), according to him did not preserve Maimonides' original decision. Thus, though there were lists which had six catchphrases (excluding Ex. 20:14b) and a sub-total of six: (כבד...לא תענה לא תחמד כלן סתומות והן שש), R. Elijah implied that Maimonides' original list had seven catchphrases (including Ex. 20:14b) and a sub-total of seven: (כבד...לא תענה לא תחמד כלן סתומות והן שבע). Since we do not posit that A was Maimonides' source, but rather try to prove just that point, we cannot use R. Elijah's testimony and implication to determine Maimonides' original reading, and thereby remove the contradiction.

Another contemporary of R. Elijah discussed the general problem of the Section at Ex. 20:14b, and Maimonides' list in particular, though omitting mention of A. Menaḥem de Lonzano pointed out in his massoretic commentary *Or Torah* (published in 1618) that the מדפיס, i.e. the Bomberg edition of the Rabbinic

Ex. 20:14b), Salonika followed the other tradition (a Section at Ex. 20:14b). R. Elijah's and R. Moses' testimony clearly contradict this view. Therefore, it appears that also in Constantinople both traditions were attested.

[19]



catchphrases and the total of seven mirrored this fact. Lonzano offered further proof from R. Menaḥem Ha-Meiri, the Torah Scroll of R. Meir b. Todros Ha-Levi Abulafia, the Spanish Scrolls, and the Egyptian and Jerusalem mss, all of which testified to the beginning of a Section to Ex. 20:14b.

The second implication which emerges from Elijah's responsum is now validated. There did exist a copy of Maimonides' list which recorded seven catchphrases (including Ex. 20:14b) and a total of seven. It remains to be shown which of these two readings, six or seven catchphrases, is the original, i.e. whether one was to omit or include a Section at Ex. 20:14b.<sup>29</sup>

Disregarding for the present the ms said to have been owned by R. Zerahiah Ha-Levi, we note Lonzano's comment that Meiri had a Section at Ex. 20:14b. In *Kiryath Sefer*, Meiri indeed prescribes a (Closed) Section here and adds the comment "even though it's in the middle of a verse".<sup>30</sup> That is to say, even

The above argument was now adduced independently by I. Ta-Shema, *Bar-Ilan, Annual* (Hebrew) 12 (1974) 134, who also attempted to suggest possible counter-arguments. He was noted by Havlin, separate page of "additions to the Introduction", 1975 (cp. above n. 6, end), reverse side.

<sup>29</sup> It was pointed out by Moscato (cp. n. 23), and then again by Lonzano, that the totals at the end of the book of Exodus cannot serve as a means for verifying the original rule in our particular case. It so happened that there was another Section in Exodus where a difference similar to that at Ex. 20:14b appeared in mss of the Code. In some mss, Ex. 8:1 began a Section, while in others it did not (cp. example two). Those who had a Closed Section beginning with Ex. 20:14b did not have one at Ex. 8:1, and vice versa. Therefore, the totals at the end of Exodus tallied according to both opinions.

<sup>30</sup> See n. 11: *Kiryath Sefer* II, p. 51b - ואף היא אמצע פסוק.

though logically we would not expect a Section at Ex. 20:14b, it is nevertheless required. It appears that this is what Meiri found in Maimonides' Section list. Our deduction is based on the following observations. Meiri determined his Open and his Closed Sections from a comparison of Maimonides' list, the Torah Scroll of Abulafia, Bible mss, and *Tikkunei Soferim*.<sup>31</sup> Where Meiri disagreed with Maimonides' decision and the Torah Scroll of Abulafia, he made a statement to that effect.<sup>32</sup> Furthermore, Meiri's disagreement with Maimonides in such cases was due to a decision based on logical considerations supported by other evidence.<sup>33</sup> The fact that Meiri makes a point of mentioning that Ex. 20:14b was an unusual Section beginning, and he does not say that he disagrees with Maimonides, witnesses to Meiri's agreement with Maimonides' list and with the other sources available to him. Meiri's decision also helps us date a copy of Maimonides' list with seven catchphrases (Section at Ex. 20:14b) to at least as early as 1306, the date of *Kiryath Sefer*.<sup>34</sup> In fact, it dates such a text even earlier because it implies that Meiri found this arrangement also in the Torah

<sup>31</sup> See n. 11: *Kiryath Sefer* I, p. 49. Cp. also K.S. II, p. 27b: בפסוק ויאמר ה' לנח מצאתי בספר מדויק רוח פרשה ובתקון קצת תקונים צרפתים ואשכנזים, אבל בספרי רבנו משה וספר המדויק שרמזתי ... עליו לרבינו מאיר (=רמ"ה) לא מצאתי בה פרשה ... (פרשה ג), p. 70a (פרשה ה). *Tikkunei Soferim* were model copies of the consonantal text of the Pentateuch (sometimes they also included the Scroll of Esther) for writing a Torah Scroll.

<sup>32</sup> Cp. K.S. II, p. 95b (פרשיות) and see our example three. Cp. *ib.*, p. 63a (פרשה ז) and see our example four.

<sup>33</sup> *Ib.*

<sup>34</sup> K.S. I, p. 49.

Scroll of Abulafia, whose Sections were based on a copy of Maimonides' Section list. This latter list was prepared by Samuel Ibn Tibbon for Abulafia, at his request, from a copy of the Code that was autographed by Maimonides.<sup>35</sup> Since Abulafia's Torah Scroll, of which Meiri obtained a copy, was used as a model already in 1250 and 1273,<sup>36</sup> the date of Maimonides' text with seven catchphrases (Section at Ex. 20:14b) can be pushed back to at least 1250.

About a century after Meiri, another halakhist, R. Lipman-Muelhausen who was aware of the variants in the Sections, also compiled a *Tikkun Soferim* which contained a list of the Sections in the Pentateuch. However, unlike Meiri, Lipman chose to follow Maimonides exclusively.<sup>37</sup> In compiling his own Section list, Lipman's efforts were, therefore, concentrated on determining the text of Maimonides' list. Lipman gathered copies of Maimonides' Code including some of Sefardi origin.<sup>38</sup> The text of Lipman's *Tikkun*, which is preserved in at least two manuscripts,<sup>39</sup> therefore represents the evidence of Maimonides' Code in the copies which Lipman had collected. Concerning our verse, one ms of Lipman's *Tikkun* lacks the second לא תחמוד and has the corresponding total of six כבוד...לא תענה לא תחמוד כולן ט' והן (שש). The other also omits the second לא תחמוד, but has the in-

<sup>35</sup> K.S. I, p. 46

<sup>36</sup> Cp. K.S. I, pp. 48-49 and Hirschler's notes: p. 48 n. 166a and p. 49 n. 167a. Cp. also Ta-Shema, KS 45 (1969/70) 120-121.

<sup>37</sup> See n. 11: תקון ספר תורה של ר' יום טוב ליפמן, pp. 251, 254.

<sup>38</sup> *Ib.*, p. 255.

<sup>39</sup> *Ib.*, p. 237 (Ms. X893 Ab 081) and p. 238 (Ms. B.M. Add. 17,338-incomplete) and n. 5.

consistent total of seven כבוד...לא תענה לא תחמוד כולן ס' והן (שבע). Thus, Lipman's efforts to compile an authoritative text of Maimonides' list did not prevent variations in his own list. In our case, it is the latter ms which points to Lipman's original reading of seven catchphrases and the total of seven.<sup>39a</sup>

From the secondary literature we thus obtain the following impression of Maimonides' decision. The copy of the autographed text of the Code which was sent to Abulafia (d. 1244) had a Section at Ex. 20:14b. This reading was perpetuated by Abulafia's Torah Scroll, copied in Spain as early as 1250, and again in 1273 for the Ashkenazi communities. Also in France, this was the reading found in texts of the Code, as early as Meiri's *Kiryath Sefer* (1306).<sup>39b</sup> About a century later, this reading was found in various copies of the Code, including those of Sefardi origin, as shown by Lipman-Muelhausen's implied original text of seven catchphrases and the total of seven. However, a variant arose in Lipman's *Tikkun*, leaving only six catchphrases and the total of six, with no Section at Ex. 20:14b.

<sup>39a</sup> Cp. n. 50.

<sup>39b</sup> The secondary reading of six catchphrases, (no Section at Ex. 20:14b), found its way into a ms of *Sefer Ha-Me'oroth*, on *Hilkhoth Ketanoth*, novellae by the Provencal scholar R. Meir b. Simeon Ha-Meili, (first half of the thirteenth century, cp. *EJ* XI: 1256-1257). R. Meir cites Maimonides' Section list *in toto*, though the ms on which the printed edition of *Sefer Ha-Me'oroth* is based contains the list only to the beginning of Leviticus. In the Exodus Sections, the editor M. Blau, (*Sefer Ha-Me'oroth*, *Hilkhoth Ketanoth*, N.Y. 1967, p. 381) reads: "לא תענה לא..." "תחמוד כולן סתומות הן. שוב וכל העם פתוחה..." Clearly, this should read: "לא תענה לא תחמוד כולן סתומות והן שש (א"י: שבע)." "וכל העם פתוחה..."



This reading also entered the printed editions of Maimonides' *Code* in the sixteenth century. Manuscript copies of Maimonides' *Code*, no doubt also exhibited this variant.

An examination of the mss of Maimonides' *Code* shows that seven is indeed the original reading, with a Section at Ex. 20:14b. Thus, e.g. though exhibiting in its text six catchphrases with the second  $\text{לא תחמך}$  being omitted,  $M^1$  nevertheless has the total of seven. The second  $\text{לא תחמך}$  was probably omitted on account of haplography. This omission was noticed by a corrector who added the missing catchphrase  $\text{לא תחמך}$  in the margin of  $M^1$ . Also in  $M^2$ , the same situation prevails. However, this ms was not corrected in the margin.  $M^3$  has seven catchphrases and the total of seven. Noting the uniqueness of the second  $\text{לא תחמך}$ , and perhaps to guard against haplography, the following comment was added after the second  $\text{לא תחמך}$ :  $\text{תניינה}$   $\text{באמצע פסוקה}$ .  $M^6$  has six catchphrases and the total of six, as do the text of one copy of Lipman's *Tikkun* and the printed editions of Maimonides' *Code* mentioned by Lonzano.

$M^5$  provides the connecting link between  $M^1M^2M^3$  on the one hand and  $M^6$  on the other. The original text of  $M^5$  has seven catchphrases and the total of seven. However, in the margin it was noted that the second  $\text{לא תחמך}$  is not to be included --  $\text{יתר}$   $\text{הוא}$ , and in juxtaposition to the total seven we find --  $\text{שש } \ddot{x}$ , meaning: correct this total to six. This is obviously a deliberate correction and not a scribal error. The correction reflects the conflicting tradition (no Section at Ex. 20:14b) - later mentioned in the responsum printed at the end of *Massoreth Seyag La-Torah* (cited above) - which was found in contemporary Bible mss of Ashkenazi origin, as represented e.g. by Mss. B.M.

Add. 9404, Add. 15451, and Or. 2696. The scribe who revised M<sup>5</sup> assumed that the Bible copies before him (with no Section at Ex. 20:14b) reflected Maimonides' decision, and accordingly corrected what he thought was a faulty copy of the *Code*.

We have shown that the apparent contradiction between A (Section at Ex. 20:14b) and Maimonides' *Code* (no Section) in fact is no contradiction. An examination of the mss of the *Code* and the relevant literature proved that the reading of six catchphrases and the total of six was not Maimonides' original text. It was rather a change introduced into the mss of the *Code*, which found its way into the sixteenth century printed editions, and which admittedly goes counter to A. Maimonides' original text however, inclusive of Ex. 20:14b as a Section beginning, was in full agreement with the Aleppo Codex.<sup>40</sup>

<sup>40</sup> As Ex. 20:14b also begins a Section in LBS<sup>1</sup>, the agreement here between Maimonides and the Aleppo Codex is not unique. What we have shown is that A is not eliminated as the possible source for Maimonides' list. However, LBS<sup>1</sup> could not have served as Maimonides' source. B, which contains only the Pentateuch whereas Maimonides' source contained the whole Bible, widely diverges from Maimonides' Section list. Cp. C.D. Ginsburg, *Introduction to the Massoretico-Critical Edition of the Hebrew Bible* (1897; republished with a Prolegomenon by H.M. Orlinsky, New York 1966) pp. 470-472. The same may be said of L, as noted e.g. by Goshen-Gottstein, *Textus I*, p. 27 and n. 29, *Textus V*, p. 57 and n. 25, and p. 58. As we have already noted, S<sup>1</sup> does not begin a Section at Deut. 5:18b, thus disagreeing with Maimonides' list (cp. n. 21). Cp. also our examples three and four.

II Ex. 8:1      וַיֹּאמֶר ה' אֶל מֹשֶׁה אֲמַר אֶל אֹהֲרֹן  
נֹטֵה אֶת יָדְךָ בְּמַטֶּן... וְהָעֵל אֶת הַצַּפְרָדִּיעִים

It has long been noticed that the text of the first nine plagues in Ex. 7:14 - 10:29 follows a specific pattern.<sup>41</sup> There are three cycles of three plagues, with the corresponding plague in each cycle beginning with a similar textual form:

I      (דָּם) 1. 7:14	II      (עֲרֹב) 1. 8:16	III      (כֶּרֶד) 1. 9:13
7:19	(cp. v. 20)	9:22
(צַפְרָדִּיעַ) 2. 7:26	(דָּבָר) 2. 9:1	(אֲרֵבָה) 2. 10:1
8:1	(cp. v. 6)	10:12
(כֹּנִיּוֹם) 3. 8:12	(שֹׁחִין) 3. 9:8	(חֹשֶׁךְ) 3. 10:21

Each plague is introduced by the phrase וַיֹּאמֶר ה' אֶל מֹשֶׁה. According to L, each of these nine verses begins a Section (7:14, 26, 8:12, 16, 9:1, 8, 13, 10:1, 21). The first and third cycles explicitly quote in their first and second components the divine instructions given to Moses on how to bring on the plague (7:19, 8:1, 9:22, 10:12). These four verses also begin with וַיֹּאמֶר ה' אֶל מֹשֶׁה.<sup>42</sup> According to L, three (7:19, 9:22, 10:12) begin Sections. Due to the general pattern of the text and, in particular, the subpattern of cycles one and three, one would expect that each of these four verses would begin a Section. Yet, the second in this group (Ex. 8:1), which also begins

<sup>41</sup> Cp. the commentary of Rashbam (R. Samuel b. Meir, the grandson of Rashi) on Ex. 7:26, and again U. Cassuto, *A Commentary on the Book of Exodus*, pp. 92-93, who also cites Abarbanel's commentary.

<sup>42</sup> In the first cycle, the first and second instructions (Ex. 7:19, 8:1) also have וַיֹּאמֶר ה' אֶל מֹשֶׁה.

משה ויאמר ה' אל משה lacks a Section. To put it differently: since twelve verses which are topically connected and open with ויאמר ה' אל משה begin Sections, one would expect the thirteenth verse also to begin a Section. Indeed, B has an (Open) Section at Ex. 8:1. However, LL<sup>1</sup>L<sup>3</sup>SS<sup>1</sup> have no Section.<sup>43</sup> Interestingly enough, a sixteenth century scribe with knowledge of the Persian language added a correction to B, correcting to the effect that there should be no Section at Ex. 8:1.<sup>44</sup>

<sup>43</sup> The division in L<sup>9</sup> at Ex. 8:1 is not clear from the microfilm. It may be an Open Section. The line preceding Ex. 8:1 has only one word - הצפרועים (end of Ex. 7:29), and Ex. 8:1 starts at the beginning of the next line (ויאמר ה' אל). However, if there is some filler mark at the end of the line containing הצפרועים, then L<sup>9</sup> has no Section at Ex. 8:1. Note that the למ"ר of אל (Ex. 8:1) takes up some of the space of the preceding line.

<sup>44</sup> The corrector wrote his note -- מישור מי באיד -- in the empty space preceding Ex. 8:1, in order that another copyist should not encounter the space between Ex. 7:29 and Ex. 8:1, which was originally found in B. מישור means that the text is to be written (ישר) without a break. Cp. Ginsburg, *Introduction*, p. 472 and n. 1. Note that the term מישור with the same meaning is found in the marginal notes of the Yemenite *Tikkun Sofetim* mentioned above (n. 26), e.g. on Ex. 8:1 (*The Titled Bible*, p. 129): סוף שהביאו מאל מישורת היא ואינה פרשה.

מישור מי באיד is actually to be read as one Persian word -- מיבאיד = *mibayad*, which means "it is necessary" (oral communication from A. Davidan). In describing B in the *Catalogue of the Hebrew and Samaritan Manuscripts in the British Museum*, I (London 1965, photocopy of 1899 ed.) p. 38a, G. Margoliouth already noted: "On fol. 48<sup>b</sup>, col. 2, מישור באיד (J.S.P., *sic*) is found, thus testifying to the Persian affinities of the MS".

Thus the corrector's note מישור מיבאיד is equivalent to מישור צריך, used by the same scribe at Ex. 33:5 (cp. also Marg. *ib.*).

The corrector's note at Ex. 8:1, as well as his other corrections of the sectional division in B, do not stem from the hand of the scribe who wrote the massorah of B (cp. Marg.,

Maimonides' decision with respect to Ex. 8:1 once again was the cause of halakhic responsa. In subsection five of his responsum seventy-eight,<sup>45</sup> R. Elijah replies to the question whether one should divide the paragraph of צַפְרָדְעִים (Ex. 7:26 - 8:11) into one or two Sections. He took the question to refer to whether one was to begin a Section at Ex. 8:1 as well as at Ex. 7:26. His answer, that all books and decisors agree that there is no Section here, strikes one as peculiar. If that indeed was the case, the question was superfluous. To clarify the intent of the questioner, we refer to the contemporary responsum cited in example one.<sup>46</sup> There, the scribe noted the discrepancy between Maimonides, who required a Section at Ex. 8:1 (and was followed by some scrolls), and the mss from Turkey, the East, and Spain which did not have a Section. Furthermore, R. Elijah's contemporary, Lonzano noted that the Bomberg Rabbinic Bible also had a Section at Ex. 8:1. Now we understand what prompted the question. It appeared that the scrolls from Turkey and the East were not in accord with Maimonides' decision requiring a Section at Ex. 8:1, which was followed by other types of scrolls and further was corroborated by Bomberg's Rabbinic Bible.

p. 38a, a correction of Ginsburg, p. 472). Not only is it "later (than a century after B was written)", (Marg., *ib.*), but we can pinpoint the exact date. Dr. M. Bet-Aryeh has kindly informed me that the Persian note is in the same hand as the folios that were later added to B, which are in a Persian hand of the fifteenth-sixteenth century. The colophon of the later folios (cp. Marg., p. 39a) is dated 1539 (cp. Ginsburg, p. 469, Marg., p. 36a). Thus, the correction at Ex. 8:1 is to be dated in the same year.

<sup>45</sup> See n. 11.

<sup>46</sup> Cp. n. 23.

R. Elijah's peculiar answer which seems to be avoiding facts he obviously knew<sup>47</sup> suggests that he was of the opinion that Maimonides did not have a Section at Ex. 8:1. Therefore, the scrolls from Turkey and the East which had no Section in fact followed Maimonides' decision. Once again, R. Elijah's answer implies that a variant was extant in Maimonides' list. In particular, the above mentioned text that included a section at Ex. 8:1 had three catchphrases and the total of three:

ויאמר ה' אל משה אמר אל אהרן ויאמר ה' אל משה אמר אל אהרן

ויאמר ה' אל משה השכם בבקר שלשתן סתומות (Ex. 8:1, 12, 16)

However, R. Elijah's decision implies that this text diverged from the original of two catchphrases and the total of two, omitting Ex. 8:1 :

ויאמר ה' אל משה אמר אל אהרן ויאמר ה' אל משה השכם בבקר

שתיהן סתומות (Ex. 8:12, 16)

That a change involving Ex. 8:1 actually occurred in Maimonides' list can be seen from the remarks of still another

<sup>47</sup> R. Elijah noted that not one of the decisors who discussed Open and Closed Sections included Ex. 8:1 as the beginning of a Section: וגם שום אחד מהפוסקי אשר הזכירו הפתוחי והסתומי לא הזכירו בה שום דבר רק הזכירו פרש' ויאמר ה' אל משה בא אל פרעה בהתראת הצפודעים (Ex. 7:26=) ואחר כך הזכירו פרש' ויאמר ה' אל משה אמור אל אהרן נטה את מטך שבמכת הכנים (Ex. 8:12=). Nevertheless, R. Elijah was obviously aware of R. Joseph Karo's comment in the *Kesef Mishneh* on this verse, where Karo mentioned variants in Maimonides' text, and in fact chose to include Ex. 8:1 as a Section (cp. *infra*). This awareness follows from the fact that R. Elijah, in this very same responsum seventy-eight, in subsection seven, explicitly quotes from Karo's commentary with respect to another problematic Section. Furthermore, R. Elijah no doubt was aware of the printed editions of Maimonides' *Code* that explicitly listed Ex. 8:1 as beginning a Section.

contemporary of R. Elijah, R. Joseph Karo. In his commentary *Kesef Mishneh* on the *Code*, he included text-critical remarks concerning Maimonides' Section list. Karo informs us that he saw a copy of the *Code* in which the list was corrected<sup>47a</sup> from a reading of three catchphrases and the total of three, which he felt was the original text, to a reading of two catchphrases and the total of two, omitting Ex. 8:1.

It remains to be shown which of these readings, in fact, represents Maimonides' original decision. Were there three consecutive Closed Sections and the total of three, as evidenced by the copy of the *Code* which Karo saw and by the responsum mentioned above, or were there only two Sections and the total of two as exhibited in the correction seen by Karo, and as testified by R. Elijah. In short, did Maimonides require a Section at Ex. 8:1?

Returning to Lonzano, we find that our case has parallels in the first example discussed in this study (Ex. 20:14b). Here, too, Lonzano notes that both the printed edition of the Rabbinic Bible and the printed edition of Maimonides' *Code* have a Section at Ex. 8:1. He is of the opinion that both are wrong. He also dismissed the decision of Karo who accepted, on the basis of a printed edition, the reading of three catchphrases,

<sup>47a</sup> On "corrected copies" of Maimonides' *Code*, cp. Havlin, *Introduction*, 1975 (see above n. 6, end) pp. [8-9], and separate page of "additions to the Introduction", (Hebrew).

including a Section at Ex. 8:1.<sup>48</sup> Lonzano again based his conclusion on the copy of the *Code* whose ownership he attributed to R. Zerahiah Ha-Levi. Once again, he adduced proof from Meiri and the Spanish scrolls which he felt preserved the correct tradition and Maimonides' opinion. All these testified to the absence of a Section at Ex. 8:1. Therefore, Maimonides' original reading was two catchphrases and a total of two. Lonzano brought further proof from two other mss of the *Code* which had the same tradition.

<sup>48</sup> Thus Lonzano: ואני אומר ומנו דפוס אישאר ולא ידענא ליה, ומאי אולמיה מדפוס בומכירגי ושאר דפוסים, ותו אדפריך מדפוס אישאר ליסיע מדפוס פורטוגאל, שהוא היותר מדויק שבכל הדפוסים, והנה אין [דפוס אישאר] The printed edition to which Karo referred is supposedly an edition of the Pentateuch printed in Ixar, Spain. M. Gaster (*The Titled Bible*, p. 47 bottom) obviously equated אישאר [מדפוס] in the marginal comment (*ib.*, p. 129 bottom, right), which is in fact a direct quote of Karo's comment in the *Kesef Mishneh*, with the Ixar, 1490 printed edition of the Pentateuch. Ginsburg, *Introduction*, pp. 831-836 and especially p. 835, cont. of n. 3, shows that Ixar was written אישאר in the epigraph of that edition.

However, an examination of that edition shows that Ex. 8:1 does not begin a Section, contrary to what Karo concluded. Clearly it could not have been the source to which he referred. Similarly, an examination of the Pentateuch printed in Ixar, ca. 1490 (cp. Steinschneider, *Cat. Bod.* n. 1011a) also shows that it could not have been Karo's source, since there too Ex. 8:1 did not begin a Section. As these are the only known editions of the Pentateuch printed in Ixar, Karo's source remains a mystery. Cp. now the similar remarks by Havlin, *Introduction*, 1975 (see above n. 6, end) p. [6] n. 33.

Karo's decision is peculiar in the light of the fact that in reference to two other variants in Maimonides' list, Karo quoted a corrected copy of the *Code* and decided in favor of it (cp. *infra*, examples three and four). Yet, in the case under review, he rejected the correction on the basis of a printed edition. For the implications of this decision, see Appendix A.



In the light of the analysis of example one, Lonzano's testimony here shows that this tradition was current in copies of Maimonides' *Code* in France at least as early as 1306, and in Spain as early as 1250. Thus Meiri's omission of this Section, even though its inclusion is logically expected, proves that this is what he found in the mss of Maimonides' *Code* at his disposal, and in Abulafia's *Torah Scroll*.

In Lipman-Muelhausen's *Tikkun-Soferim* we also find a situation which is remarkably parallel to example one. Both mss of the *Tikkun* preserve in their actual catchphrases the reading which R. Elijah and Lonzano considered secondary. Both have three catchphrases including Ex. 8:1 :

וַיֹּאמֶר יְיָ אֶל מֹשֶׁה אֲמַר אֶל אֶהֱרֹן וַיֹּאמֶר יְיָ אֶל מֹשֶׁה אֲמַר שְׁנֵי

(Ex. 8:1, 12, 16) וַיֹּאמֶר יְיָ אֶל מֹשֶׁה הִשְׁכֵּם בְּבֹקֶר

One ms has the correct total of three (שְׁלֹשָׁה ס'), while the other has the inconsistent total of two (שְׁתֵּי ס'). The latter obviously points to Lipman's original reading of two catchphrases and the total of two.

From the above survey we have obtained an impression of the process which affected Maimonides' decision concerning Ex. 8:1, and which clearly resembles the one observed in example one. The evidence shows that Maimonides required no Section at Ex. 8:1, and that in his list there were only two catchphrases and the total of two. Again variations occurred, as witnessed by Lipman's *Tikkun* and Karo's ms of the *Code*. Once again, the variant reading of three catchphrases and the total of three entered the printed editions of the *Code* and found its way into Bomberg's *Rabbinic Bible*.

An examination of the mss of the Code shows that the impression obtained from the secondary literature is correct. Maimonides required no Section at Ex. 8:1; there were only two catchphrases and the total of two, as found in  $M^1M^2M^3$ . Since the first catchphrase  $\text{ויאמר יי אל משה אמר אל אהרן}$  was ambiguous, referring either to Ex. 8:1 or to Ex. 8:12,  $M^5$  (which has two catchphrases and the total of two) adds  $\text{נטה את מטן}$  to make it clear that Ex. 8:12 is implied and not Ex. 8:1 (which continues  $\text{נטה את ירך במטן}$ ). However,  $M^6$  again exhibits the variant reading. There, the text reads  $\text{ויאמר ה' דאמר אל דכנים ויאמר ה' ג"ס}$ . That is, only two catchphrases are recorded (Ex. 8:12, 16), but a total of three is given (i.e. Ex. 8:1, 12, 16). This implies that the source of  $M^6$  had three catchphrases of which one was omitted by mistake. The omission was noticed by a corrector. Making a sign in the text after  $\text{ויאמר ה'}$  of the first catchphrase, he added in the margin:  $\text{אל משה אמור אל אהרן (8:1) ויאמר ה' אל משה אמור (8:12) שיני}$ . Thus, the marginal note not only added the missing catchphrase but recorded all three and the total of three. Noticing that the wording of the catchphrases in  $M^6$  was unique, and obviously using a current standard copy of Maimonides' list, the corrector simply copied all three catchphrases according to his *Vorlage*.<sup>49</sup>

<sup>49</sup> The wording of the correction is essentially the text of the catchphrases and the total as found, e.g., in Lipman-Muelhausen's *Tikkun* according to Ms. B.M. Add. 17,338. To visualize the differences in the wording, we add the following comparison of the text of  $M^6$  and the marginal correction.

$M^6$	correction
$\text{ויאמר ה'}$	$\text{ויאמר ה' [אל משה אמור אל אהרן 8:1]}$
$\text{דאמר אל דכנים 8:12}$	$\text{ויאמר ה' אל משה אמור שיני 8:12}$
$\text{ויאמר ה' 8:16}$	$\text{ויאמר ה' אל משה השכם 8:16}$
$\text{ג"ס}$	$\text{שלשתן סתומות}$

Once again, R. Elijah and Lonzano were correct. The mss of the Code showed that Ex. 8:1 was not included in Maimonides' list and that the total was consistently two. However, various copies of the Code were later corrected to include Ex. 8:1 according to Biblical mss of the type quoted by the scribe in the responsum cited above. Accordingly, the total was changed to three.

This becomes evident when we consider examples one and two in conjunction. On the one hand, there were scrolls from the East, Turkey, and Spain which exhibited a Section at Ex. 20:14b and did not have a Section at Ex. 8:1. This, as we have seen, was Maimonides' original decision. On the other hand, there were scrolls, and following them Jacob ben Hayyim's Rabbinic Bible, which disagreed with Maimonides' decision both at Ex. 20:14b and Ex. 8:1, having no Section in the first instance and a Section in the second. These scrolls were the source of the variants which later entered mss of Maimonides' list and then the printed editions of his Code. It is thus not by chance that in both mss of Lipman-Muelhausen's *Tikkun* we find both variants, since in his area there existed codices which differed from Maimonides' Section list.<sup>50</sup> Nor was it by chance that M<sup>6</sup> which

In the light of the unique wording in M<sup>6</sup>, the missing catchphrase seems to be וְיִאמַר ה' דָּאמִי אֶל דְּצַפְרָדְעִים.

<sup>50</sup> Thus, according to Ms. B.M. Add. 17,338 (cited as J by Loewinger-Kupfer in their notes to the *Tikkun*; cp. above n.11), there were six catchphrases and the total of six, omitting Ex. 20:14b, and three catchphrases and the total of three, including Ex. 8:1. Even though both of these variants in Add. 17,338 could be explained as having resulted from scribal techniques (cp. the notes of Loewinger-Kupfer), in the light of the evidence which we have presented they should rather be understood as a deliberate change. To explicate: there are many instances

is in a *German hand* contained both these variants. In fact, Biblical mss of *Ashkenazi* origin<sup>51</sup> gave rise to variants in Maimonides' list which later became the standard text in copies of the *Code* of *Ashkenazi* origin and also entered the printed editions.

Having established Maimonides' original decision with respect to Ex. 20:14b and Ex. 8:1, we proceed now to analyze a source which potentially reflects the division of these Sections in the Aleppo Codex.

in Maimonides' list where haplography, dittography, etc. could have occurred, and where the catchphrases are ambiguous. Nevertheless, in one ms of Lipman's *Tikkun* we find the variants concerning exclusion and inclusion specifically in these two catchphrases. Moreover, the other copy of the *Tikkun* retained in both cases a total at variance with the actual catchphrases. Thus, Ms. X 893 Ab 081 (cited as X by Loewinger-Kupfer) had six catchphrases and the total seven, and three catchphrases and the total of two. Ta-Shema, KS 45 (1969/70) p. 22 n. 11, in discussing example one, already suggested that the variant at Ex. 20:14b in Lipman's *Tikkun* was not the result of a scribal error, and noted that *Ashkenazi* Bible mss concurred with the variant tradition.

<sup>51</sup> Aside from the mss later quoted in "Responsa to a Scribe", cp. e.g. Mss. B.M. Add. 9404, Add. 15451, and Or. 2696 (in Ginsburg's *Introduction*, nos. 16, 25, 49), cited already at the end of our example one, all in a German or Franco-German hand. In these mss, Ex. 8:1 begins a Section and Ex. 20:14b does not. They were dated by Ginsburg ca. 1350, ca. 1200, ca. 1300-1350 respectively. All pre-date Lipman's *Tikkun*. I checked these mss at the Institute of Microfilms of Hebrew Manuscripts in the National and University Library, Jerusalem.

Without elaborating at the present, it should be emphasized that these and other sectional variants did not necessarily originate in the *Ashkenazi* mss, but rather were often perpetuated there. Cp. Ginsburg, *Introduction*, p. 755 and C. Perrot, "Petuhot et Setumot", *RB* 76 (1969), especially pp. 56-68, 73.

The Tikkun Soferim of Cracow

In the middle of the nineteenth century it was first reported that the Isserlis Synagogue in Cracow housed a Torah Scroll written by R. Moses Isserlis (1520-1572), and the *Tikkun Soferim* (=TS) on which it was based which Isserlis "bought from Safed" in 1570.<sup>52</sup> Mordechai Weisman published this report in the newspaper *המגיל* in 1857, and also printed the note at the beginning of the TS and the long colophon at its end.<sup>53</sup>

Weisman's information shows that the colophon, though now found at the end of the TS, in fact did not originally belong to this TS. The TS was an unvocalized text<sup>54</sup> of the Pentateuch,<sup>55</sup> whereas the colophon referred to a vocalized text<sup>56</sup> of the entire Bible:<sup>57</sup> *זה המצורף השלם של כ"ר ספרים... ונקד ומסר* (*sic*) *אוחז* *היטיב*.<sup>58</sup> Obviously the colophon was copied from some other source.

<sup>52</sup> *Ha-Maggid*, ed. L. Silberman, first year (Lyck 1857), issue no. 47, p. 187, column a, in the section *Ha-Zofeh*. As to the *Tikkun* and Safed, see below, Appendix B. For R. Moses Isserlis, the *Tikkun*, and the Torah Scroll, see Appendix C.

<sup>53</sup> *Ha-Maggid* (*ib.*), p. 187, column b.

<sup>54</sup> *Ib.*, I, no. 54, p. 215b n. 5.

<sup>55</sup> *Ib.*, I, no. 48, p. 190a. Later, in the newspaper *המבשר*, ed. A. Menkesh, first year (Lemberg 1861), issue no. 23, p. 160b, Weisman stated that the *Tikkun* included the Pentateuch and also one Megillah: *חמשה חומשי תורה ומגלה* (=כל אס) *לא נמצא כ"א* *אחת*. Presumably, it was the Book of Esther which is still read in synagogues from a scroll.

<sup>56</sup> See n. 54.

<sup>57</sup> See n. 55.

<sup>58</sup> See n. 53.

The actual source of the colophon was identified by J. Sapir in 1866. Having before him a copy of the colophon of the Aleppo Codex, Sapir realized that it was the very same colophon which Weisman had printed.<sup>59</sup> The *Tikkun Soferim* of Cracow had the colophon of the Aleppo Codex.

The text of the TS now assumed a potential uniqueness. Could it be that it was, in fact, a copy of A?<sup>60</sup> Could it be that the consonantal text of the Pentateuch found in the TS had been copied from the vocalized text of the Pentateuch as it appeared in A which contained the whole Bible? This circumstance could explain the presence of the colophon of A at the end of the TS. Though the scribe had only copied the consonantal text of the Pentateuch, he could have added the colophon of A to indicate the important source of his TS.

<sup>59</sup> J. Sapir, *Even Sapir I* (Jerusalem 1967, photocopy of ed. Lyck 1866) pp. 13a, b. The actual identification could have been made three years earlier, when the colophon of the Aleppo Codex was published in the newspaper *הלבנון* I, no. 4, (Jerusalem 1863) pp. 22b, 23a -- כ"ה אייר תרכ"ג. The story of how this copy of the colophon was acquired had been published in the previous issue *הלבנון* I, no. 3, p. 16b -- כ"ז ניסן תרכ"ג (cp. Goshen-Gottstein, *Textus I*, p. 19 n. 5, *Textus II*, p. 54 n. 2). In checking this newspaper I have used the microfilm copy at the National and University Library, Jerusalem. The identification could have been made in spite of the rather gross error in Weisman's original transcription *מר ר' אהרן בר מר רב* *אשר!* (*Ha-Maggid* I, 1857, no. 47, p. 187b), corrected by him in *מר ר' אהרן בן מר* *המבשר* I, no. 23, (October 28, 1861) p. 160b: *מר ר' אהרן בן מר* (*כצ"ל*, והוא בן אשר המתנגד לשיטת בן נפתלי...). In fact, in view of the 1855 date of Sapir's manuscript of selected readings in the Aleppo Codex (cp. *Even Sapir*, p. 12a, and Goshen-Gottstein, *Textus II*, 1962, p. 54), Sapir could have made the identification in 1857, when *Ha-Maggid* first appeared.

<sup>60</sup> It is to be noted that Weisman in 1861 connected the name

The importance of whether the TS was or was not a copy of A is self-evident. In our present study, the fact takes on the following particular significance. Weisman mentioned two divisions which he considered to be unique with the TS:<sup>61</sup> no Section at Ex. 20:14b and a Closed Section at Ex. 8:1. If the TS were indeed a copy of A, it would give testimony concerning A's division with respect to these two Sections. We recall, however, that Maimonides' decision regarding these two Sections was:

in the colophon of the *Tikkun*, (brought to his attention by R.N. Rabinovicz) with the name of Ben Asher mentioned in Maimonides' *Code*, *Hil. S.T.* 8:4 (המכשר I, no. 23, (Oct. 28, 1861) p. 160b). Convinced that the other names in the colophon pertained to Karaites (he cites extensively from Pinsker, *Likkutei Kadmonioth*, Vienna 1860) and having become cognizant of Maimonides' connection with BA, Weisman stated that BA himself was not a Karaite. Weisman agreed with the reasoning of the unidentified .ה.נ.נ. who in previous numbers of *Ha-Maggid* had attempted to show (against the claims of Z. Pineles, which were also put forth in *Ha-Maggid*) that one was not to rely on a Torah Scroll written by a Karaite, and that BA obviously was not a Karaite since Maimonides (who no doubt would have known of BA's Karaism) relied upon him. (.ה.נ.נ., *Ha-Maggid* 5, no. 37, (Sept. 18, 1861) p. 239b; cp. J. Dienstag, *Sinai* IV, 1964, p. 67 n. 9 for the references in *Ha-Maggid* to the Pineles-.ה.נ.נ. exchange). Weisman reformulated his earlier reasoning which was similar to that of .ה.נ.נ.: BA of the TS obviously was not a Karaite, since R. Moses Isserlis (and R. Joseph Karo - cp. n. 95) also had relied upon him (cp. *Ha-Maggid* I, 1857, no. 54, p. 215a). In other words, in *המכשר* of Oct. 28, 1861, Weisman took it for granted that the text of the TS which Isserlis allegedly used was identical with the text that Maimonides had used, i.e. the text of Ben Asher. Ten years later, on the basis of the similarity of the colophons, Graetz explicitly identified the *Tikkun*'s text with that of the Aleppo Codex ("Die Beiden Ben-Asher und die Masora", *MGWJ* XX, 1871, p. 5; cp. A. Dotan, *Tarbiz* 34, 1965, p. 151 n. 77). Two years after Graetz's article, Strack (*ProL. Critica in V.T.*, Leipzig 1873, p. 46 n. 109) also assumed the identification noted above.

<sup>61</sup> *Ha-Maggid* II, no. 16 (April 28, 1858) pp. 62a, b.

Ex. 20:14b - Section, Ex. 8:1 - no Section, i.e. the opposite of the TS. This would produce two contradictions between Maimonides' Section list and A. It would follow that A was not the source for Maimonides' Section list.

The possibility that the TS was a copy of A already had occurred to Sapir. To determine the validity of this hypothesis, he reasoned that the text of A should be compared with the text of the TS. Their unique agreement would prove their identity. However any disagreement would testify to non-identity, especially since the TS was meant as a model for writing halakhically valid Torah Scrolls. Any difference even in plene or defective spelling would invalidate such a scroll. *A fortiori*, if a given reading of the TS were claimed to be unique and that reading disagreed with A, we would have non-identity.

When Sapir harbored the above hypothesis, he had no direct access to the required sources. But circumstances were such that Sapir nevertheless was able to test his hypothesis. Weisman had listed fourteen words which he claimed were unique in the TS, and which disagreed with the way they were given in the Torah Scrolls of his area which, as he noted, were based on Lonzano's *Or Torah*.<sup>62</sup> Being aware of the significance of A, Sapir had earlier obtained a list of A's readings in a number of problematic places.<sup>63</sup> It turned out that four of the four-

<sup>62</sup> For n. 62, see pp. 119-120.

<sup>63</sup> Cp. הלכנון I, 1863, no. 3, p. 16b and *Even Sapir* I (1866) p. 12a; further, Goshen-Gottstein, *Textus* II, p. 55 and n. 7. Part of this list was printed in הלכנון I, 1863, no. 5, pp. 31b, 32a (Gen. through Ex. 17:16) and *ib.*, no. 11, pp. 76a, b. (The second p. 76 of that issue. After p. 76, the pagination 72-76 is repeated). A hand copy of Sapir's complete list, entitled מאורות נתן (=Ms. JTS 729), dated 1855 (cp. above n. 59, end), was recovered by Goshen-Gottstein (cp. *Textus* II, 1962, 53-59).



teen cases listed by Weisman were found in that roster.<sup>64</sup> One of these contradicted the TS. Weisman had given as the eighth unique reading in the TS בא לי ט' ובזקננו ח"י (Ex. 10:9), ובזקננו spelled without a יו"ד. However, Sapir's list, both in the version of מאורות נתן and in the partial version which was printed in the newspaper הלכנון, explicitly points to a יו"ד in this word. Sapir noted it in his comments to Weisman's list: "In my list from Aleppo, it explicitly says plene with יו"ד."<sup>65</sup>

There is another explicit contradiction between the TS and A which, though, was unknown to Sapir. In the parts of the Pentateuch which were preserved in the Aleppo Codex (Deut. 28:17 - 34:12) or in photographic reproductions of it (Gen. 26:39 - 27:30, Deut. 4:38 - 6:3), one of the fourteen cases listed by Weisman is found: the unique reading in the TS האזינו ליב ליד הלוא מלא וא"ו (Deut. 32:34) being spelled plene, with a וא"ו. The photograph in *Textus* (I) clearly shows, however, that in A, this word is spelled without a וא"ו (הלוא).<sup>66</sup> Thus, two of the fourteen cases which were considered unique in the TS are contradicted by A. These examples show, separately and combined, that the TS cannot be regarded as a copy of A.<sup>67</sup> Thus,

<sup>64</sup> For n. 64, see pp. 120-122.

<sup>65</sup> For n. 65, see pp. 122-123.

<sup>66</sup> A. Dotan already pointed this out in *Tarbiz* 34 (1965) p. 152 n. 79 (ב).

<sup>67</sup> Thus, even if one had found the TS or the Torah Scroll which allegedly had been copied from it by Isserlis, they would have been of no use with respect to providing evidence of the Aleppo Codex (cp. *Textus* I, p. 12 n. 27). That is not to say that all the readings of the TS are against A, but rather that since we already have two explicit contradictions between the TS and A (and one implicit contradiction - cp. n. 65 c), any

the colophon does not indicate the source of the text of the *Tikkun*. It was simply added to enhance the value of the TS, in particular to show that its sectional division was that of A, according to tradition the source of Maimonides' Section list; in other words, that the TS followed the sectional division as required halakhically by Maimonides.<sup>68</sup> However, this is actually not the case, as a comparison between the two Sections which Weisman listed as unique in the TS (Ex. 20:14b, Ex. 8:1) with Maimonides' decision on these two verses will show.

We have dealt with this issue because the *Tikkun Soferim* of Cracow potentially reflects the text of the Aleppo Codex. Were this indeed the case, we would have two contradictions between Maimonides' Section list and A (at Ex. 20:14b and Ex. 8:1). However, we have shown that the TS, though having the colophon of A, was not a copy of A. Therefore, its divergences from Maimonides' Code do not reflect on the relation of the Code and A.

other given reading of the TS is not necessarily that of A. In other words, since the TS was not copied from A, we have no guarantee that their readings will agree with each other, even though there are cases where they will, e.g. Weisman's nos. 1, 11, 13, (cp. n. 64 beginning). Therefore, we cannot quote the TS as a substitute for A.

For the sake of completeness, we note that in 1903, S. Cahana, *ענין עץ אבות* (Cracow 1903) p. 64 n. 273, reported that the TS and the Torah Scroll were still in the Isserlis synagogue (cp. A. Siev, *Responsa of R. Moses Isserlis*, Jerusalem 1971, p. 12 n. 25). Forty-six years later, S.B. Auerbach reported in *אנציקלופדיה לתולדות גדולי ישראל*, vol. 4 (1949) p. 1072, that the Isserlis Torah Scroll was recently brought to Jerusalem (!), whereas E. Gartenhaus, *אשל הגדולים*, vol. 3 of *שם הגדולים השלם* (1958) p. 219, seems to imply that the TS and the Torah Scroll were burnt during the Holocaust.

<sup>68</sup> For note 68, see pp. 123-124.

III Deut. 27:20      אָרֶר שָׂכַב עִם אִשְׁתּוֹ אָרֶר

In Deut. ch. 27 twelve consecutive verses are found which begin with the word אָרֶר (Deut. 27:15-26). These twelve curses were to be ceremoniously recited after Israel's crossing of the Jordan. According to L, eleven of these verses (Deut. 27:15-19, 21-26) begin a Section. One would logically expect the remaining verse, number six, also to begin a Section.<sup>69</sup> Indeed, in <sup>1</sup>LL<sup>3</sup><sup>9</sup><sup>16</sup><sup>1</sup>SS<sup>1</sup> this verse begins a (Closed) Section. The Aleppo Codex is no longer extant for Deut. 27:20. Therefore, we must turn once more to the responsum of R. Elijah b. Hayyim which preserves relevant information about A's sectional division.

In responsum seventy-eight, subsection seven, R. Elijah notes that according to Maimonides' there was a (Closed) Section at Deut. 27:20, which was specifically listed in the catchphrases. Since also at Deut. 27:9, 11 were Closed Sections as at all twelve אָרֶר verses (Deut. 27:15 - 26) including Deut. 27:20, the list had the correct total of fourteen Closed Sections. However, R. Elijah also noticed that R. Joseph Karo stated in his commentary to the Code that there should not be a Section at Deut. 27:20, and that, therefore, one was to remove this catchphrase from Maimonides' list. Accordingly, the total should be emended to thirteen consecutive (Closed) Sections. Karo added that this is what he found in a corrected text of the Code. Relying on the scrolls of his community, which assumedly followed the halakhic tradition of Maimonides and which had no Section at Deut. 27:20, R. Elijah deemed Karo's

<sup>69</sup> We refer to expectations based on consistency. Whether indeed there is complete consistency with respect to the Sections is a question in itself.

correction to be justified. Thus, Maimonides' original Section list did not include Deut. 27:20 and had the total of thirteen. Later, Deut. 27:20 was added and the sum was accordingly changed to fourteen.<sup>70</sup> However, there was evidence which seemed to contradict this hypothesis. R. Elijah accepted the traditional identification of A as Maimonides' source. Yet, the copy of a copy of A's Sections which R. Elijah possessed had a Section at Deut. 27:20. In other words, R. Elijah's source for the Sections of A (Deut. 27:20 - Section) contradicted what he thought was Maimonides' original opinion (Deut. 27:20 - no Section).

If this were the testimony of A (Section at Deut. 27:20), and if Maimonides' list originally had only thirteen catch-phrases, i.e. no Section at Deut. 27:20, as Karo and R. Elijah claimed, we would have here a contradiction between Maimonides and A.<sup>71</sup> Moreover, the ms which Maimonides used as the source for his list would be indeed unique. Whereas all the mss of the BA type, Mss. LL<sup>1</sup>L<sup>3</sup>L<sup>9</sup>L<sup>16</sup>SS<sup>1</sup> and A, would have a Section at Deut. 27:20; only the source upon which Maimonides relied would have no Section. R. Elijah's responsum leads us, however, to conclude that this was not the division found in A. Having implied that the copy of the copy of A was incorrect because the scrolls of his area disagree with it, R. Elijah adds:

<sup>70</sup> Our later discussion of the massoretic-halakhic literature will show that the question posed to R. Elijah was prompted not by Maimonides' text alone, but rather by the conflicting Bible mss, in the light of Maimonides' Code. Cp. examples one and two.

<sup>71</sup> This is what Ta-Shema implies in his footnote in KS 45 (1969/70) p. 22 n. 11. His query was recently reiterated by S.Z. Havlin, Introduction to *Facsimile Ed. of Mishne Torah of Maimonides, Moses b. Shealtiel Edition* (Jerusalem 1975), reverse side of the separate page of additions to the Introduction.

And also others who (actually) saw the Ben Asher Codex that is in Aleppo told me that there is no Section there (at Deut. 27:20), and this should be followed.<sup>71a</sup>

Thus, eyewitness reports of contemporaries of R. Elijah, who had been in Aleppo and had examined the Codex, contradict the testimony of his copy of the copy of A concerning the Sections. We have no reason to assume that these eyewitnesses gave incorrect (or false) testimony; whereas, a copy of a copy of a ms is liable to changes.<sup>72</sup> We conclude that there was no Section at Deut. 27:20 in the Aleppo Codex. It remains to be shown that Maimonides' text also had no Section at Deut. 27:20, as R. Elijah and Karo claimed, i.e. that originally there were only thirteen catchphrases with the total of thirteen, and only later was this changed to fourteen catchphrases and the total of fourteen.<sup>73</sup>

A survey of the literature verifies this claim. Although disagreeing with the mss of Maimonides' Code and with Abulafia's Torah Scroll, Meiri states explicitly that according to Maimonides there was no Section at Deut. 27:20. Meiri noted that all

<sup>71a</sup> וגם אמרו לי אחרים שראו ספר בן אשר שבחלי"פ שאין שם פרשה וכן ראוי לנהוג.

<sup>72</sup> However, in example one we took the copy of the copy of A as evidence of the Section division in A. Our reasoning was that there the information is not contradicted by any other source. In the present case it is possible that the disagreement arose because there was a slight space preceding Deut. 27:20, and somebody incorrectly therefore assumed that Deut. 27:20 began a Section. For other implications concerning these eyewitnesses, cp. Appendix B.

<sup>73</sup> Neither of these sums (13, 14) is *a priori* correct. In example one we found that an original larger total (7) later was reduced (6), whereas in example two an original smaller total (2) later was increased (3).

twelve consecutive verses began with אָרוֹר, and that according to some *Tikkunim* all twelve verses began a Closed Section, including Deut. 27:20. Therefore he preferred to follow these *Tikkunim* rather than the seemingly illogical decision of Maimonides which required no Section at Deut. 27:20, with the result that only eleven of the twelve אָרוֹרִים begin a Section.<sup>74</sup>

The text of Maimonides' list continued to be transmitted as in Lipman-Muelhausen's *Tikkun* which fully agreed with it: thirteen catchphrases and the total of thirteen, including Deut. 27:9, 11 and eleven אָרוֹר verses, exclusive of Deut. 27:20. At the same time, the deviating system, mentioned and perpetuated by Meiri also remained in use. This can be seen from A. Hasan's *Iggereth Ha-Sofer*. Writing in Salonika (towards the end of the first quarter of the sixteenth century)<sup>74a</sup> and originally addressing himself to R. Elijah Mizrahi, Hasan, the scribe appointed to correct the Torah Scrolls in Salonika, discussed some problems in writing a Torah Scroll according to

<sup>74</sup> פרשיות הארוֹרִים הם שנים עשר פסוקים ולפי קצת התיקונים כל אחד מהם פרשה בפני עצמה וכלן סתומות ומ"מ בתיקון הר"מ ז"ל ובספר שרמזתי עליו אינן כי אם י"א פרשיות מפני שהם עושים ארוֹר מטה משפט וארוֹר שוכב עם אשת אביו פרשה אחת לבד והשאר כל אחד פרשה בפני עצמה. Meiri, *Kiryath Sefer* II, p. 95b. Cp. the text in Lonzano, *Or Torah*, p. 24b and Norzi, *Minhat Shai* ad Deut. 27:20.

<sup>74a</sup> In his *Iggereth Ha-Sofer*, Hasan states that all the important printed editions from Lisbon, Italy, Venice, and Constantinople spell כָּלָת defective in Num. 7:1, (see note 11 above: Hasan, *Iggereth, Ha-Segullah*, no. 54, p. 5 = *Sefunot* 11 (off-print 1973 = 1977) 213). This dates the *Iggereth* somewhere between 1516 (the date of the first printed Pentateuch edition in Venice; cp. C. Roth, *The History of the Jews of Italy*, Phila. 1946, p. 225) and 1525 (the date of publication of Jacob b. Hayyim's Rabbinic Bible, printed in Venice, which spells כָּלֹת plene). Cp. also M. Benayahu, *Sefunot* 11, p. 190.

*Halakhah*, including whether there is a Section at Deut. 27:20.<sup>75</sup> He noted that though some scrolls contradicted the accurate copies of Maimonides' Code and had a Section at Deut. 27:20, surely one should have no Section there, since one was to follow Maimonides' halakhic decision.<sup>76</sup> Referring to Meiri's decision, Ḥasan implied that Meiri, who explicitly opposed Maimonides, was responsible for perpetuating this non-halakhic tradition.<sup>77</sup>

Later, in Karo's *Kesef Mishneh*, we hear of a ms of Maimonides' Code with fourteen catchphrases and the total of fourteen, including Deut. 27:20. It was this type of Code with fourteen catchphrases (in conjunction with the conflicting Bible mss) which prompted the question to R. Elijah.

Discussing Deut. 27:20 in *Or Torah*, Lonzano pointed out that logic was with Meiri, but that in these matters tradition and not logic was of prime importance. Lonzano was bothered by the fact that he could not simply dismiss Meiri's evidence as a late opinion. He noted that three old Torah Scrolls had a

<sup>75</sup> *Iggereth Ha-Sofer, Ha-Segullah* no. 53 p. 4, no. 54 pp. 6,7 = *Sefunot* 11, pp. 211, 215, 216.

<sup>76</sup> *Ib.*, p. 6 = *Sefunot* 11, p. 215. ולפי דעת הרמב"ם ז"ל... בהעתיקות המרוקקות אינם אלא י"א (=ארורים המתחילים פרשיות), ובעבור הכלל אשר בידינו אנו עדת הספרדים כלנו, שמזמנו (=הרמב"ם) והלאה לא נטינו מסברתו והכרעתו וכ"ש ערותו... וכפי מה שראיתי אני לגדולי עולם בספריהם שככה הם מעידים... יראה מעלת תורתך... אם חייבים אנהנו לחקך כל הספרים כדברי הרב הגדול וכפי רוב הספרים, וכ"ש שכל דבריו הן גזרה וחובה עלינו לקבל בזה... Note that by mentioning that the accurate copies of Maimonides' Code had no Section at Deut. 27:20 and by further supporting this with testimony from Meiri (*ib.*, p.7 = *ib.*, p.216), Ḥasan apparently implied that he had seen other copies of the Code with a variant reading, i.e. with a Section at Deut. 27:20.

<sup>77</sup> *Ib.*, p. 7 = *Sefunot* 11, p. 216.

Section at Deut. 27:20. However, he decided on the basis of Sefardi Scrolls and Meiri's own testimony that Maimonides required no Section at Deut. 27:20. Unlike Meiri, Lonzano accepted the opinion of Maimonides (and that of Abulafia who followed him), and thus the Ben Asher Codex, as representing the correct tradition of sectional divisions.<sup>78</sup>

Evidence from Spain, France, Prague, and Salonika from the thirteenth to sixteenth centuries, distilled from an analysis of pertinent literature, has shown that Maimonides' original decision required no Section at Deut. 27:20. Some copies of the Code, however, exhibited a variant, requiring a Section there.

This result is borne out by an examination of the mss of the Code: M<sup>1</sup>M<sup>2</sup>M<sup>3</sup>M<sup>4</sup>M<sup>6</sup> have no Section at Deut. 27:20, thirteen catchphrases and the total of thirteen. M<sup>5</sup> also has no Section at Deut. 27:20, and accordingly has thirteen catchphrases and the total of thirteen. However, just as in example one, we find a correction in this ms which changes the original reading both with respect to the catchphrases and the total. In the margin of M<sup>5</sup> the catchphrase of Deut. 27:20 was added -- ארור שוכב עם אשתו, and in the text the total was corrected accordingly from thirteen to fourteen: עשרה ארבע עשר.

Once again we see that R. Elijah and Lonzano were correct. Deut. 27:20 originally was not included in Maimonides' list. Various copies of the Code were, however, corrected according to Biblical mss of the type quoted by Lonzano, Meiri, and Hasan

<sup>78</sup> Curiously enough, Lonzano disregarded his own pronouncement, and, on the basis of logic, decided in Deut. 32 against the opinion of Maimonides, that the word ואילים should begin the 23rd hemistich and not end the 22nd hemistich (*Or Torah*, p. 25a).



to include Deut. 27:20, and accordingly to give the total of fourteen. This latter variant entered printed editions of Maimonides' *Code*, and was also to be found in Jacob ben Ḥayyim's Rabbinic Bible.

It follows that the apparent contradiction between Maimonides and A was in fact no contradiction at all. A closer reading of R. Elijah's responsum established that there was no Section in A at Deut. 27:20, and an examination of the halakhic literature and the mss of the *Code* proved that Maimonides' original decision agreed with that.

In all three examples discussed, Maimonides' list and A's sectional division concur. In other words, A *could* have been the source for Maimonides' list.

In fact, example three takes us one step further. Its full significance becomes apparent when we summarize our discussion. We have shown that according to Maimonides' decision based on a BA Codex, there is no Section at Deut. 27:20. Yet, in all the BA type mss known, LL<sup>1</sup>L<sup>3</sup>L<sup>9</sup>L<sup>16</sup>SS<sup>1</sup>, Deut. 27:20 begins a Section. There was, however, extant one and only one BA manuscript which did not have a Section here, against logical considerations, namely A, as testified to by eyewitnesses in the sixteenth century. This unique correspondence proves that the BA manuscripts upon which Maimonides relied for his Section list was the Aleppo Codex.

IV Lev. 7:22-23 (כל חלב שור)... אל משה לאמר. וידבר ה' אל משה לאמר

Seventy-one verses in the Pentateuch begin with the words "וידבר ה' אל משה לאמר".<sup>79</sup> One more of this category is found in Deut. 32:48 - וידבר ה' אל משה בעצם היום הזה לאמר. Seventy-one, including Deut. 32:48, begin a Section. One would logically expect that the remaining verse would also begin a Section.<sup>80</sup> This is indeed the case in the BA type mss. BLL L<sup>1</sup> L<sup>3</sup> L<sup>16</sup> SS<sup>1</sup>.<sup>81</sup> We have no direct evidence pertaining to A on this verse, but an analysis of Maimonides' decision here will prove to be of help.

From Meiri we learn that one of six consecutive catchphrases in Maimonides' list indicating Open Sections was applicable to either Lev. 7:22 or 7:28,<sup>82</sup> and that Abulafia applied it to

<sup>79</sup> Cp. Mandelkern's *Concordance*, eighth ed. (Jerusalem - Tel Aviv 1969) p. 281c, Exodus - 11x, Leviticus - 28x, and Numbers - 32x.

<sup>80</sup> If we were to rely on the majority in Maimonides' *Code*, we would expect an Open Section. For in the *Code*, 62 of the 71 cases begin Open Sections, with only 9 beginning Closed Sections (Ex. 6:29, 31:1, Lev. 5:14, 22:26, 23:26, Num. 8:23, 16:23, 17:1, 17:9).

<sup>81</sup> In all, Lev. 7:22 begins an Open Section, except for L<sup>3</sup> in which it begins a Closed Section. However, in B, a sixteenth century corrector changed the Open Section to no Section by adding the word מישור in the space between the Sections. Cp. above example two, n. 44.

<sup>82</sup> Cp. Meiri, *Kiryath Sefer* II, pp. 63a, b, in particular his comments on פ'רשה ז'. He says that Lev. 7:22 appears to have no Section according to Maimonides' *Code*, but is rather the continuation of the preceding Section. Meiri adds that perhaps it is the beginning of the Section which includes Lev. 7:28.

Lev. 7:28.<sup>83</sup> In other words, Meiri found no Section at Lev. 7:22 in Abulafia's Torah Scroll. He, nevertheless, states that all the *Tikkunim* had an Open Section there. As in example three, Meiri again rejected the witness of Abulafia's Torah Scroll and of Maimonides' Code on the basis of logic and, backed by mss evidence, decided in favor of an Open Section both at Lev. 7:22 and at Lev. 7:28. Discussing the ambiguous catchphrase in Maimonides' list, Meiri writes in *Kiryath Sefer ad Lev. 7:22*:

Perhaps it is a *Parshah Sedurah*,<sup>84</sup> for it is not reasonable to say that a paragraph that begins with a divine address to Moses should not be preceded by a Section space, whether of an Open or a Closed Section, or a *Sedurah*. In any event, I have found (that Lev. 7:22 begins) an Open Section in all the *Tikkunim*, and I have ruled that it should so be written in my Torah Scroll.

<sup>83</sup> These cases of ambiguous catchphrases in Maimonides' Code were no doubt solved by Abulafia according to the Bible mss available to him. We note that the Yemenite *Tikkun Soferim* published by Gaster, or its source, misinterpreted this ambiguous catchphrase. That *Tikkun* has no Section at Lev. 7:28, but has a Section at Lev. 7:22. The marginal notes, however, point out that this order is to be reversed (Gaster, *The Titled Bible*, p. 224; see n. 44).

<sup>84</sup> ואולי היא פרשה סדורה כי אין ראוי לומר בפרשה המתחלת בדבור השם למשה שלא יהא בו ריוח פרשה אם סתומה אם פתוחה אם סדורה - ומכל מקום בכל התיקונים מצאתיה פרשה פתוחה וכן צויתי לכתבה בספר K.S. II, p. 63a. According to Meiri's definition in *Kiryath Sefer I*, p. 51, פרשה סדורה refers to a Section which was preceded by a space similar in form to the space preceding an Open or Closed Section, as defined by Maimonides, but whose size was less than the minimum number of letters required for the space preceding an Open or Closed Section. According to Meiri, a space of nine letters was required before both an Open and a Closed Section. Meiri even required a space of nine letters at the beginning of a line preceding a Closed Section which was anteceded by a space in the form \_\_\_\_\_

This manuscript situation described by Meiri is corroborated by one of his contemporaries, R. Meir Ha-Kohen (latter half of the thirteenth century), a pupil of R. Meir of Rothenburg and the author of *Hagahoth Maimunioth* (=HM), notes on Maimonides' Code. On the catchphrase in Maimonides' list which could refer either to Lev. 7:22 or Lev. 7:28, HM comments:

There are two of them and I have checked all the exemplary codices, and I found that both are Open Sections. (Therefore) I am of the opinion that we have here (in Maimonides' list) a scribal error. Even though the totals agree perhaps they were adjusted to the error. Indeed I found in the *Tikkun Sefer Torah* written by the expert R. Joseph Nakdan who copied from Maimonides' list, that both Lev. 7:22 and 7:28 are included as Open Sections, and that in the total(s) at the end of the Pentateuch he added (accordingly) one more Open Section. However, he also added one Closed Section, and I have not checked to which Section it referred.<sup>84a</sup>

It appears that at least in some cases a פרשה סדורה, as defined by Meiri, resulted from an attempt to harmonize conflicting Section-division traditions; cp. *Kiryath Sefer* II, p. 27b, where Meiri notes that he found in French and German *Tikkunim* and in an accurate book, that Gen. 7:1 began a Section, contrary to Maimonides' opinion and Abulafia's Torah Scroll (no Section). He then suggests: פרשה סדורה ואינה מן המניין ולכן אני אומר שיהא שם קצת ריוח כדין. "Therefore I am of the opinion that there should be a small space (preceding Gen. 7:1) as required for a *Sedurah* Section. And it is not to be reckoned [among the Open and Closed Sections]"; similarly ad Gen. 39:7, K.S. II, p. 39a. On *Sedurah*, see further Goshen-Gottstein, *Textus* I (1960) p. 56 n. 108, I. Yeivin, *Textus* VII (1969) 93-94.

<sup>84a</sup> ב' יש מהן ובדקתי ודרשתי בכל הספרים הטובים אשר מצאתי ומצאתי שתייהם פתוחות וסברוני שטעות סופר יש כאן ואע"פ שהחשבון מכוון מכל צד שמא גם הוא נכתב לפי הטעות וכן מצאתי שוב בתיקון ספר תורה אשר עשה הה"ר יוסף נקדן המומחה והעתיקו מן המיימוני ז"ל דבר כל חלב פ' (Lev. 7:22) דבר המקריב פ' (Lev. 7:28) ובסכום החשבון סוף החומש הוסיף פ' אחת אמנם גם ס' אחת הוסיף ולא דקדקתי אחריה.

Thus, HM notes that even though there is only one catchphrase, referring either to Lev. 7:22 or to Lev. 7:28, one should in fact make Sections in both instances, as found in the accurate books which he examined and in the *Tikkun* of R. Joseph the Nakdan. HM's decision clearly contradicted the very ms of Maimonides' list on which he based his comment. However, assuming that those Biblical mss and Joseph Nakdan's *Tikkun* preserved Maimonides' original decision, HM concluded that his ms of the Code was mistaken. Therefore, one was to correct it on the basis of the accurate Biblical mss which no doubt reflected Maimonides' original opinion.

In our case, HM actually suggests that what he considered to be a mistake in Maimonides' list simply resulted from a scribal error, viz. haplography. Some scribe by mistake, had omitted one of the two identical catchphrases (Lev. 7:22, 28). HM further had to assume that the consecutive Section total of six had been adjusted to the omission, and that the final totals of Open and of Closed Sections at the end of Leviticus and the Pentateuch had also been adjusted. In order to show that the assumption of such methodical harmonization was not sheer hypothesis, HM quoted R. Joseph Nakdan's *Tikkun* which had both catchphrases and whose final totals agreed with the "original" reading.

However, others who dealt with Maimonides' list were not satisfied with HM's approach. Discussing this problematic catchphrase and HM's opinion and reasoning, Lipman-Muelhausen remarked in his *Tikkun* that it is not logical to assume (even if there had been an omission due to haplography) that the subsequent

harmonization had been as methodical as HM thought.<sup>85</sup> Furthermore, since all the old and reliable mss of the *Code* which Lipman himself had collected concurred in the number of six consecutive catchphrases and the total of six, including either Lev. 7:22 or 7:28, it was unlikely, Lipman reasoned, that haplography and subsequent harmonization would have occurred independently in so many witnesses.<sup>86</sup>

Concluding that originally there were only six catchphrases, Lipman proceeded in the opposite direction of HM and explained why R. Joseph Nakdan had included both Lev. 7:22 and 7:28 in his *Tikkun*.<sup>87</sup> R. Joseph found that one of the original six catchphrases in Maimonides' list was ambiguous. Therefore, he turned to the Bible mss to determine whether Lev. 7:22 or 7:28 was intended. However, the mss were only a source of perplexity since they had (Open) Sections in both instances. Unable to decide which of the two was meant, R. Joseph included both. We may add parenthetically that such reasoning could hardly explain the variant in our first example where later lists omitted one catchphrase. However, basically Lipman's reasoning was correct. The text of Maimonides' Section list had been changed in some places, in agreement with Bible mss which conflicted with it.

<sup>85</sup> והנה דברי' אילו אין הדעת סובלת שיהא המניין שכתב שש פתוחות וכלל המניין שבסוף ספר ויקרא וכן הכלל בסוף כל התורה כולה יהא וכלל המניין שבסוף ספר ויקרא וכן הכלל בסוף כל התורה כולה יהא טעות. See note 11: "תיקון ספר תורה", *Sinai LX* (1967) 255.

<sup>86</sup> ואיך יעלה על הדעת שיהא טעות סופר בכולן (*ib.*). Similar reasoning was later used by Lonzano, as we shall see further on, and by R. Shabbethai Ha-Kohen, *Sifthei Kohen* (*infra* n. 119).

<sup>87</sup> "תיקון ספר תורה", p. 255.

The tradition of the Bible mss with seven Sections, i.e. including both Lev. 7:22 and Lev. 7:28, entered various mss of Maimonides' list and continued to be transmitted, as can be seen from Karo's comments in *Kesef Mishneh*. He notes that the text of the list has seven catchphrases and the total of seven and that this agrees with HM. However, in accord with a corrected copy of the Code, Karo instructs the reader to remove the fifth (Lev. 7:22), thereby leaving six catchphrases, and to change accordingly the total to six. Thus, Karo's opinion of the original text of Maimonides' list and the subsequent development was the exact opposite of HM's hypothesis.

Lonzano who followed Maimonides' opinion even against logic, as we saw in example three, here too polemicized against Meiri and HM. Meiri was taken to task because he dismissed Maimonides' decision on the basis of logical considerations, backed, though, by mss evidence.<sup>88</sup> HM was censured because he corrected the text of Maimonides' decision on the basis of his own reasoning, again backed by mss.

<sup>88</sup> Cp. Lonzano's rather lengthy discussion in *Or Torah*, ad Lev. 7:22. Norzi, *Minhat Shai*, ad loc., brings the facts in succinct form and notes ואור תורה האריך ע"ש. The first part of Lonzano's remarks is devoted to HM (pp. 14a, 14b top); the second to Meiri (pp. 14b bottom, 15a top).

In reference to Meiri's opinion Lonzano remarked that logic was not the decisive factor in these matters (pp. 14b, 15a): וכי הפתוחות והסתומות מסברתנו הן עשויות לשנאמר זה ראוי לומר וזה אם הש"י לא רצה לעשות כאן פיסקא מי אין ראוי לומר וכי תעשה. To this Meiri no doubt would have replied ב"א שליחו של הש"י. Lonzano attempted to show on the basis of logic that Meiri was inconsistent in his reasoning. Lonzano argues that ואמר also begins an אמירה, and that Meiri agreed that (against logic) Ex. 8:1 does not begin a Section; why then, according to Meiri, should וידבר ה' of Lev. 7:22 necessarily

Lonzano realized that our verse presented a problem and that Maimonides' decision was not so clear. On the one hand, Meiri's text of the *Code*, Abulafia's *Torah Scroll*, the ms upon which HM commented, and Karo's corrected copy of the *Code* gave evidence that Maimonides' decision was - no Section at Lev. 7:22; this was corroborated by ten Sefardi Scrolls which Lonzano took to represent Maimonides' rulings. On the other hand, it was possible that the Bible mss which had a Section at Lev. 7:22 (and Lev. 7:28) and which could not simply be dismissed as late, preserved Maimonides' original decision. Lonzano cited three accurate Torah Scrolls, the Hilleli, Egyptian and Jerusalem mss, Meiri's *Tikkunim*, and the scrolls of HM all of which had a Section at Lev. 7:22 (and Lev. 7:28). This was corroborated by two mss of the *Code* which Lonzano owned, and the text of Karo's copy of the *Code*, before correction.

Lonzano reasoned that the original text had six Sections, omitting Lev. 7:22. He assumed that the Sefardi mss represented the tradition of Maimonides who had relied on one BA manuscript. Contradictory evidence from other Torah Scrolls, therefore, was

begin a Section? We note, however, that verses which open with 'וַיֹּאמֶר ה' do not follow the same consistency as those opening with 'וַיְדַבֵּר ה' in respect to beginning new Sections.

Lonzano's query (p. 14b), why Meiri rejected Maimonides' opinion on Lev. 7:22, but accepted it on Lev. 25:35 (וְכִי יִמּוֹךְ) despite contradictory evidence, (cp. *Kiryath Sefer* II, p. 70), has a simple answer. Meiri followed Maimonides where logic led him. Since Lev. 25:25 and Lev. 25:39 open with וְכִי יִמּוֹךְ (1) and begin Sections, one would expect also Lev. 25:35 which opens with וְכִי יִמּוֹךְ to begin a Section.



of no account in determining Maimonides' opinion.<sup>89</sup> Lonzano realized that under certain conditions the authenticity of conflicting texts of the Code could be checked. In the case under review, he found that both his mss which had seven catchphrases and the immediate consecutive total of seven (Section at Lev. 7:22), had the same final totals in Leviticus and in the whole Pentateuch as the mss of the Code with six catchphrases and the total of six. As these final totals were consistent with the six catchphrases, it was clear that seven was the secondary reading. (We recall that this type of argument was used earlier by Lipman against HM.) The scribe who harmonized the immediate total with the new number of catchphrases did not bother with the final totals. HM indeed had made one assumption too many.

An examination of the mss of the Code shows that the reasoning of Lipman-Lonzano and their decision were correct. Mss M<sup>1</sup>M<sup>2</sup>M<sup>3</sup>M<sup>4</sup> have six catchphrases and the total of six, with the fifth catchphrase phrased ambiguously -- וידבר וכו' דבר אל בני ישראל,<sup>90</sup> referring either to Lev. 7:22 or 7:28. Though reflecting an original text of six catchphrases, M<sup>6</sup> displays the

<sup>89</sup> ומ"ש שכ"מ (=ומה שכתב שכן מצא) בחקון ס"ת של הה"ר יוסף נקדון, גם אני ידעתי שבלבולים כאלה ימצאו בספרי אשכנז ובדברי סופריהם, ואנו אין לנו אלא ס"ס (=ספרי ספרד) רמתחזקי בדיוקא... ורואה אני שבעל ההגהות רוצה להפיל את רמב"ם במה שכתב ממנו, כי הוא כבר אמ' שאין לסמוך על כל ספר שיזדמן, וכי הוא לא סמך רק על הספר הנורא מאד הקדמון שהגיהו בן אשר הנודע בשערים, וזה מביא לו ראיה מספרו (*Or Torah*, p. 14b). For this reason Lonzano also attempted to show that the mss which HM used here were not of Sefardi origin (*ib.*, pp. 14a, b).

<sup>90</sup> With inconsequential differences: M<sup>2</sup> בני ישׁ, M<sup>4</sup> וידבר דבר.

M<sup>5</sup>, like M<sup>1</sup>M<sup>2</sup>M<sup>3</sup>M<sup>4</sup> and the Vorlage of M<sup>6</sup>, also has six catchphrases: and the ambiguous fifth catchphrase now reads:

The scribe of M<sup>6</sup> was in general (and not only in examples two and four) careless in transcribing Maimonides' Section list. E.g., he listed the eight catchphrases Num. 29:7, 12, 17, 20, 23, 26, 29, 32, and then concluded: ובליום השמיני כולן ס' ומקנו, thus including the ninth catchphrase Num. 29:35. However, under the influence of the above eight catchphrases, in particular the latter six (cp. also the beginnings of the five catchphrases before these eight), he read ובליום, prefixing a waw to MT ביום. He also left out the total nine, and simply wrote - כולן ס'. The catchphrase which follows these nine in M<sup>6</sup> is Num. 32:1, also written erroneously - ומקנו instead of ומקנה. Finally, a check with Maimonides' list shows that the scribe skipped no less than five catchphrases: two Open (Num. 30:2, 31:1), and three Closed Sections (Num. 31:13, 21, 25). All these errors (except ובליום) were later corrected in a note in the margin of M<sup>6</sup>, opposite the sign which the corrector placed in the text: והן תשע וידבר משה (Num. 30:2) וידבר ה' (31:1) שתיקה; פתוחות ויצאו משה ואלעזר (31:13) ויאמר אלעזר (31:21) ויאמר דשא (31:25) ג'ס'. ומלנה

וידבר דהמקריב אל בני ישראל which can only refer to Lev. 7:28. However, we find a correction in this ms which changes the original reading both with respect to the catchphrases and the total (as in examples one and three). In the margin of  $M^5$ , a catchphrase was added, no doubt of Lev. 7:22, perhaps reading  $\text{וידבר דכל חלב}$ ,<sup>91a</sup> and in the text the total was corrected accordingly from six to seven:  $\text{ש(ש) < ש[בע]}$ .

It is to be noted that although the corrector of  $M^5$  harmonized the immediate consecutive total according to the change in catchphrases, he did not alter the totals at the end of Leviticus, nor at the end of the Pentateuch.<sup>92</sup> Due to a ms of this type, Lonzano found mss of the *Code* whose text had seven catchphrases and an immediate total of seven, yet whose final totals assumed a text of six catchphrases.

<sup>91a</sup> A recent re-checking of the  $M^5$  microfilm (on a new machine) shows that the scribal note is indeed the catchphrase of Lev. 7:22. The exact phrase, a bit different than my earlier suggestion, reads:  $\text{וידבר דבר אל בני}$ .

<sup>92</sup>  $M^1 M^2 M^3 M^4 M^5 M^6$  agree on the number of Open and of Closed Sections, and their total in each pentateuchial book ( $M^4$  no longer preserves the totals at the end of Genesis). Similarly, they all agree on the number of Open and of Closed Sections, and their total in the entire Pentateuch. In particular,  $M^5$  and  $M^6$  agree with  $M^1 M^2 M^3 M^4$  with respect to all these 18 sums;  $M^5$  has not harmonized the final sums for any given book, nor for the entire Pentateuch.

The correct 18 figures are as follows:

	<i>Open</i>	<i>Closed</i>	<i>Total</i>
Gen.	43	48	91
Ex.	69	95	164
Lev.	52	46	98
Num.	92	66	158
Deut.	34	124	158
Pent.	290	379	669

[59]

We once again see that Lonzano's decision was correct. There were only six catchphrases and the total of six. Lev. 7:22 was not included in Maimonides' original list. However, due to the influence of Bible mss such as quoted by HM, and of *Tikkunim* of the type adduced by Meiri which conflicted with Maimonides' decision, the texts of various mss of the *Code* were corrected to include Lev. 7:22 with the resulting total of seven. Unlike our first three examples, the secondary reading did not enter the printed editions, nor did the Bomberg Rabbinic Bible have a Section at Lev. 7:22.

Maimonides' decision not to have a Section at Lev. 7:22 stands alone, against logic and against the testimony of the BA type Mss.  $BLL^1 L^3 L^{16} SS^1$ . It appears that it was solely the ms of BA himself upon which Maimonides based his Section list.

We suggest that as in example three (Deut. 27:20), the Aleppo Codex no longer extant for Lev., here too, was the source of Maimonides' unique decision. Although all the BA type mss exhibited a Section which agreed with logical considerations, only Maimonides required no Section here, like there, concurring exclusively with the Aleppo Codex.

To sum up; the apparent contradictions between Maimonides and the Aleppo Codex, with respect to sectional divisions in the Pentateuch, in fact are no contradictions. They arose from

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There are five exceptions to these figures in  $M^1-M^6$ , all of which are scribal errors:

$M^4$ has at the end of the Pentateuch:	290 Open + 399 Closed	=669.
$M^5$ has at the end of the Pentateuch:	290 Open + 379 Closed	=666.
$M^2$ has at the end of Exodus	: 69 Open + 95 Closed	=160.
$M^6$ has at the end of Exodus	: 69 Open + _____ Closed	=164.
$M^6$ has at the end of Numbers	: 92 Open + 96 Closed	=158.

[60]

incorrect information about Maimonides' original decision<sup>93</sup> or about the Aleppo Codex. Furthermore, Maimonides' list contained at least two unique sectional divisions. In both, and against logical expectations, Maimonides did not require a Section whereas the BA type mss known to us had it. According to eye-witness reports, one decision concurs with the Aleppo Codex. Although lacking corroborative reports for the other decision, we suggest that it too points to the Aleppo Codex. In the absence of contradictory evidence, we conclude that the Ben Asher manuscript which was the basis of Maimonides' Section list was the Aleppo Codex.<sup>94</sup> This conclusion tallies with Goshen-Gottstein's studies concerning Maimonides' decision with respect to the Song of Moses (Deut. 32). Maimonides' layout contrasts with all the known BA type mss, and uniquely agrees with the Aleppo Codex. Therefore, only A could have served as the basis for Maimonides' decision.

<sup>93</sup> In the light of our study, Cassuto's doubts that the Aleppo Codex served as Maimonides' source -- doubts which were based particularly on contradictions between A and the *Code with respect to the Open and the Closed Sections* -- can similarly be dealt with. Cassuto's information was inaccurate, being probably based on printed editions of the *Code* which did not always preserve Maimonides' original Section decision, as was already suggested by S.D. Goitein, *Homenaje a Millás-Vallicrosa I* (Barcelona 1954) p. 716 n. 23. Cp. also Goshen-Gottstein, *Biblical Archeologist* 42 (1979) 156 c.

<sup>94</sup> For n. 94, see pp. 124-125.

## APPENDIX A

The *Tikkun Soferim* (TS) in Cracow and R. Joseph Karo

Weisman stated in his second report on the origin of the TS that, according to 'tradition', it was R. Joseph Karo who sent the TS (in 1570) to R. Moses Isserlis.<sup>95</sup> This 'tradition' with the detail about Karo became 'actual fact' in subsequent literature.<sup>96</sup> When reviewing the episode about Isserlis and the TS four years later, Weisman himself wrote in *המבשר* of 24 October 1861: אשר קנה מצפת ע"י הגאון מהר"ק ז"ל. No longer do we find the qualifying *הקבלה*. It can be shown, however, that Karo did not send the TS to Isserlis:

1. Karo would have sent the TS to serve as a model only if he considered it to be authoritative, reasoning that since it had the colophon of BA, it either was the BA codex or a copy of it,

<sup>95</sup> הגאון רשכג"ה [י.פ., צ"ל: רשכ"ג = ראש כנסת הגולה] מוהר"ר יוסף קארו ז"ל אשר הוא - כפי הקבלה - שלח את התיקון ההוא להרמ"א *Ha-Maggid* I (1857) no. 54, p. 215b, n. 3. The detail about Karo was left out in Weisman's first report (cp. n. 52). Weisman was well aware of the problem of verifying facts, as can be seen from his remarks in *Ha-Maggid* I, no. 48, p. 190 b, p. 191b n. 2, and in *המבשר* I (Lemberg 1861) no. 16, p. 122a, first note. In the second report on the origin of the TS, he nevertheless quoted the detail about Karo, because the names in the colophon (cp. *Ha-Maggid* I, 1857, no. 54, p. 215a, and above n. 60) caused the TS now to be connected with Karaites.

<sup>96</sup> Cp. e.g. J. Sapir, *Even Sapir* I (Lyck 1866) p. 13a; P. Kahle, *Masoreten des Westens* I (1967, photocopy of ed. 1927); I. Ben-Zvi, *Textus* I (1960) 12, (cp. however Goshen-Gottstein's phraseology, *Textus* I, p. 25); A. Dotan, *Tarbiz* 34 (1965) 151; A. Siev, *Responsa of R. Moses Isserlis* (Jerusalem 1971) introduction, p. 12; M. Benayahu, *Ha-Universitah* 15 (1970) 59; *EJ* (2 1973) IX: 1082; N. Allony, *Beith Mikra* 24 (1979) 195-196.

mentioned in *Hilkhoth Sefer Torah* 8:4 by Maimonides whom one was to follow in writing a halakhically correct Torah Scroll.

2. There is no mention of such a *Tikkun* in any of Karo's halakhic works - *Beth Yosef* (1550-1, 1553-9), *Shulhan 'Arukh* (1565), *Kesef Mishneh* (1574,5) - or in his responsa. Had Karo known of the TS and had he deemed it to be authoritative, he certainly would have made reference to it.<sup>97</sup>

3. Karo does not even allude to the TS in *Kesef Mishneh* (1574-75), his commentary on Maimonides' Code. Yet only four years earlier, in 1570, he allegedly sent the TS to Isserlis because its colophon implied that it was the source (or a copy of it) upon which Maimonides relied.

4. Weisman reported two of the *Tikkun* decisions: a sectional division at Ex. 8:1, and no Section at Ex. 20:14b. Karo has no explicit comment on the latter in *Kesef Mishneh*, even though Maimonides' list had a variant here (example one). Since the printed editions also had no Section, we may assume that Karo agreed here with the TS. Karo has, though, a comment on the former. Against the correction of the *מלגה* 'ס which he followed in two other cases (examples three and four), he surprisingly sided with the reading which required a Section at Ex. 8:1. Thus both of his decisions were in agreement with the TS. Yet, as the basis for his explicit ruling on Ex. 8:1, he cites a printed edition of the Pentateuch<sup>98</sup> and not the TS. Had Karo sent the TS to Isserlis to be used as a model copy, he surely

<sup>97</sup> Cp. Dotan, *Tarbiz* 34 (1965) 152, but see our remarks at the end of Appendix B.

<sup>98</sup> Cp. n. 48 for Lonzano's comment.

would have cited the TS and not a printed edition as proof of Maimonides' decision.

We conclude that Karo never sent the TS which served as a model copy for scribes - and which in 1857 was in the Isserlis Synagogue in Cracow.



## APPENDIX B

The *Tikkun* and Safed

In the first report about the TS, Weisman simply stated that the *Tikkun* was bought by Isserlis from Safed in 1570,<sup>99</sup> without referring to Karo. We shall now proceed to show that the TS could well have been in Safed in the sixteenth century.

The route Constantinople-Aleppo-Safed was known to Jews in the sixteenth century. In particular it was travelled by Jews who were expelled from Spain, and by Jews who lived in the Land of Israel and Turkey, as is evidenced by the following facts:

1. R. Samuel Ibn Benvenisti ben Yohai, a Safed scribe, and apparently the official emissary of the Yeshivoth of Safed, in 1504 went on his first trip on their behalf to Aleppo and the surrounding territories.<sup>100</sup> On his second trip, he went to Turkey.
2. R. Levi Ibn Habib, the famous opponent of R. Jacob Beirav of Safed,<sup>101</sup> arrived in 1522, via Constantinople, in Aleppo where he studied for some time with learned Jews.<sup>102</sup> Later he

<sup>99</sup> Cp. n. 52.

<sup>100</sup> Cp. D. Tamar, "צפת ערב בואו של מרן", in קובץ, קארן, קובץ, ed. Y. Raphael (Jerusalem 1969) 14, who cites Gottheil-Worrell, *Fragments from the Cairo Geniza* (1927) 252.

<sup>101</sup> Cp. S. Rosanes, קורות היהודים בתורקיה וארצות הקדם, vol. 2 (Sofia 1938) 157, who cites *Responsa of R. Levi Ibn Habib* (שו"ת מהרלב"ח), (Lemberg 1865) no. 105 (= p. 54 column a).

<sup>102</sup> Cp. Rosanes, *ib.*, p. 146, citing *Responsa of R.L.b.H.*, no. 45 (= p. 33, col. b). I am following Rosanes, *ib.*, p. 157 and p. 173 n. 100 as to the date רפ"ב for R. Levi leaving Salonika, reaching Constantinople and later Aleppo. (On p. 146, Rosanes gave רפ"ד as the date of R. Levi's departure from Salonika.)

went to the Holy Land, spent a short time in Safed and then settled in Jerusalem.<sup>103</sup>

3. A contemporary of Ibn Ḥabib, R. Shlomo Ḥazan who had converted because of the persecutions, returned to Judaism when staying in Turkey. Later he travelled to Aleppo and from there proceeded to Safed. During the *Semikhah* Controversy, Beirav sent Ḥazan to Ibn Ḥabib in Jerusalem.<sup>104</sup>

4. In the sixteenth century, Jewish merchants from Constantinople passed through Safed where they sold their goods or exchanged them for wares which they then sold in Aleppo and Egypt.<sup>105</sup>

5. In the sixteenth century, there was in Aleppo an older Jewish community of *Must'arabim*, Arabized Jewish settlers of the Middle East, and a separate community of Jews expelled from Spain.<sup>106</sup>

Therefore, it is not surprising that in sixteenth century Constantinople, R. Elijah b. Ḥayyim reports information concerning the Aleppo Codex from eyewitnesses who actually had

<sup>103</sup> According to Rosanes (*ib.*, pp. 157-8), Ibn Ḥabib was in Jerusalem first in רפ"ב and then in רפ"ד. He cites (*ib.*) the *Responsa of R.L.b.H.*, no. 124 (= p. 25 (second pagination) col. d), assuming that its date was רפ"ז (cp. the date in responsum no. 95, p. 48b). Rosanes (*ib.*) suggests that Ibn Ḥabib stayed at Safed (רפ"ב), then in Jerusalem, and again in Jerusalem (רפ"ד). However, on p. 174, the order is -- Jerusalem, Safed (רפ"ד), Jerusalem.

<sup>104</sup> Cp. Rosanes, *ib.*, p. 205, citing among other sources the *Responsa of R.L.b.H.*, no. 92 (= p. 48 column a), where Ibn Ḥabib refers to Ḥazan as החכם המעולה (middle of column a).

<sup>105</sup> Cp. Rosanes, *ib.*, p. 172, who quotes *Responsa of R. Samuel de Modena* (שו"ת מהרשד"ם), *Hoshen Mishpat* (Lemberg 1862) no. 219.

<sup>106</sup> Cp. Rosanes, *ib.*, p. 146.

seen it in Aleppo.<sup>107</sup> Similarly, when R. Joseph Ashkenazi who arrived in Safed no later than 1572 states that he saw the Codex upon which Maimonides relied in composing his Section list and then proceeds to paraphrase part of the colophon of the Aleppo Codex,<sup>108</sup> we may assume that he had been in Aleppo and had seen the Codex there. In an analogous manner, we explain the origin of the colophon of the Aleppo Codex which was attached to the *Tikkun Soferim* of Cracow. Someone who owned a *Tikkun Soferim* saw the Aleppo Codex in Aleppo in the sixteenth century, like the eyewitnesses quoted by R. Elijah b. Hayyim and like R. Joseph Ashkenazi. Noting that the Sections of his *Tikkun* were at variance with other *Tikkunim* or Torah Scrolls, and having heard of the importance of the Aleppo Codex and of its identification as Maimonides' source, the owner copied the colophon of the Aleppo Codex into his *Tikkun* to show that it preserved the proper Section arrangement as required by Maimonides. Then this *Tikkun*, with the colophon, was ready for its next stage on the much travelled route to Safed.

A. Dotan alternatively suggested that "a ms attributed to BA with a colophon similar to that of A" existed in Safed, that it had been seen by R. Joseph Ashkenazi, and that from it orig-

<sup>107</sup> *Responsa of R. Elijah b. Hayyim*, no. 78, subsection 7 ("...פ"ש שכל"פ"). Cp. example three above.

<sup>108</sup> G. Scholem, "ידיעות חדשות על ר' יוסף אשכנזי ה'תנא' מצפת", *Tarbiz* 28 (1959) 79, (and see p. 65), cited by I. Ben-Zvi, *Textus I* (1960) 9, and A. Dotan, *Tarbiz* 34 (1965) 150. I have checked the photostat copy of Ms. Neubauer 1664, fol. 123b cited by Scholem at the Institute of Microfilms of Hebrew Manuscripts, Jerusalem.

inated the colophon of the TS sent from Safed by R. Joseph Karo.<sup>109</sup> However, we do not know of any reference in the halakhic literature to a twin of A, nor do we know of any two Bible mss which are identical with respect to all of the minute details in plene-defective spelling, Sections, vocalization and accentuation and massoretic notes. Also, the TS itself is witness to the fact that the ms from which it was copied could not have been an identical twin of A. As we have shown above, the TS (and thus its source) disagrees with A with respect to at least two plene-defective spellings (one of which Dotan himself noted) and two Sections. Furthermore, we do not know of any manuscript which claimed to be a copy of BA's system and which simply copied the colophon of A.<sup>110</sup> Our explanation fits the historical possibilities and therefore is to be preferred to Dotan's.

We add the following observations: In advancing his theory, Dotan argued that we cannot assume that Karo would have had a TS copied from A (with its colophon) in Aleppo and then have it sent to Isserlis without mentioning this fact in his halakhic work *Shulhan 'Arukh*.<sup>111</sup> Thus Dotan's own reasoning suggests that Karo never sent a TS from Safed. We, therefore, remain with Weisman's first report that the TS was sent from Safed (without the detail about Karo) in 1570. We have attempted to show that this tradition concerning the period and the location of the TS is plausible in the light of the ascertainable historical facts.

<sup>109</sup> A. Dotan, "האמנם ננקד כתר חלב בידי אהרן בן-אשר?", *Tarbiz* 34 (1965) 151, 152 and n. 79.

<sup>110</sup> Cp. n. 68.

<sup>111</sup> Dotan, *ib.*, p. 152.

APPENDIX CThe *Tikkun* and R. Moses Isserlis

After presumably having been kept in Safed, the *Tikkun* found its way to Cracow. In his report of 1857, Weisman maintained that the *Tikkun* arrived in Cracow in 1570 during the lifetime of Isserlis, and that Isserlis used it as the basis for writing a Torah Scroll.<sup>112</sup> However, Isserlis never wrote a Torah Scroll, and seventy-five years after his death the *Tikkun* was still not in Cracow:

1. Isserlis would only have bought and used the *Tikkun* if he thought that it was authoritative, and could be used as a model in writing a Torah Scroll.
2. Had he indeed used the TS, he surely would have referred to it. However, he makes no mention of the *Tikkun* (allegedly sent in 1570) in his halakhic works, *Darkhei Moshe* (annotations on Karo's *Beth Yosef*) and his notes on Karo's *Shulhan 'Arukh* (Cracow, 1570, 1571), in particular, when he discusses Open and Closed Sections, nor in his responsa.
3. In his notes on *Shulhan 'Arukh*,<sup>113</sup> Isserlis points out that scribes customarily arrange the lines before and after the Songs in Ex. 15 and Deut. 32 in a specific manner (the source is Maimonides' *Code*, *Hilkhoth Sefer Torah* 7:10). To safeguard this arrangement, the first word of each line was recorded by Maimonides, and Isserlis supposedly followed him.

<sup>112</sup> Cp. n. 52, and n. 96.

<sup>113</sup> *Yoreh De'ah*, section 275, par. 6.

However, already in the seventeenth century, two scholars pointed out that Isserlis does not quote these guide words exactly as found in Maimonides' *Code*. R. Yom-Tov Lipmann Heller (1579-1654), who served as rabbi in Cracow from 1643 and in 1647 became head of the local Yeshiva, noted in his *Ma'adanei Melekh* (Prague 1628)<sup>114</sup> that Isserlis' variants of these guide words for the lines after the Song in Deut. 32 are, in fact, a copy of the same variants found earlier in R. Jacob b. Asher's *Tur* which were clearly scribal errors (and not a variant tradition). Heller was amazed that Isserlis simply copied the incorrect guide words without verifying them.<sup>115</sup> R. Shabbethai b. Meir Ha-Kohen (1621-1662) quoted Heller's above comment<sup>116</sup> in *Sifthei Kohen* (Cracow 1647), his commentary on Karo's *Shulḥan 'Arukh*, section *Yoreh De'ah* and Isserlis' notes thereon. He expressed his surprise that Heller had not noted that a similar situation obtained with respect to the guide words for the lines after the Song in Ex. 15, where Isserlis also differed from Maimonides. Once again, his variants were merely a copy of the obviously erroneous text in the *Tur*.<sup>117</sup>

<sup>114</sup> The name of this commentary on some tractates of R. Asher b. Yeḥiel's (ש"א) Talmudic commentary, and on his *Halakhoth Ketanoth* was later changed to *Ma'adanei Yom Tov*. We refer to Heller's observation in *Ma'adanei Melekh* to *Hilkhoth Sefer Torah*, after he noted down the Sections of the Pentateuch according to Maimonides' list. R. Asher's *Hil. S.T.* and Heller's commentary are printed in the standard editions of the Bab. Talmud at the end of the volume containing *Zevahim* and *Menaḥoth*.

<sup>115</sup> For n. 115, see pp. 125-126.

<sup>116</sup> *Sifthei Kohen* on *Shulḥan 'Arukh*, *Yoreh De'ah*, section 275, par. 6, R. Shabbethai's n. 8, וְכִי בִסְפָר מַעֲמֵם (=מַעֲדוֹנֵי מֶלֶךְ) דָּף פ"א ע"ד.

<sup>117</sup> For n. 117, see pp. 127-128.

Had Isserlis written a Torah Scroll based on the *Tikkun*, he would have correctly detailed the layout of the lines preceding and succeeding the "Songs". The above analysis, therefore, proves that Isserlis never used the Cracow TS and never wrote a Torah Scroll based on it. Having seen in Cracow the Torah Scroll ascribed to Isserlis, Y.M. Zunz commented on Weisman's report that the Scroll contained many new sheets of parchment which did not come from the hand of Isserlis.<sup>118</sup>

4. R. Shabbethai quotes a responsum which he addressed to his contemporary R. Eliezer concerning the synagogal use of a Torah Scroll with no Section at Lev. 7:22 which thereby contradicted the scrolls that began an (Open) Section there.<sup>119</sup>

R. Shabbethai determined that also Maimonides was of the opinion that there was no Section at Lev. 7:22. Therefore the scroll was fit for use. In ascertaining Maimonides' opinion, he cites Heller's list of Maimonides' Sections in *Ma'adanei Melekh*, and the Sections in the *Tikkunim* printed in Amsterdam.<sup>120</sup>

<sup>118</sup> Y.M. Zunz, *עיר העדק* (Tel Aviv 1971, photocopy of ed. Lvov 1874) notes, p. 25 n. 23: ונכתבו ממנו, ונכתבו רבות ממנו, וכבר נתקלקלו יריעות רבות ממנו, ונכתבו רבות ממנו. On similar types of verification-results concerning Biblical mss, cp. Loewinger-Kupfer, *Sinai LX* (1967) 245, 246 and n. 38 (re Lon-zano), and *Even Sapir I*, pp. 11b, 12a.

<sup>119</sup> *Sifthei Kohen, Yoreh De'ah*, section 275, par. 2, end of R. Shabbethai's n. 6. The addressee is perhaps R. Eliezer b. Menahem Sternburg who revised *עין יעקב* in 1619, and had his *פתח עינים* published in Cracow in 1647. Cp. *J.E.* V: 118a.

<sup>120</sup> *Ib.*: וכן בספר מע"מ העתיק לשון הרמב"ם כמ"ש... וכן בחיקונים... שנדפסו באמסטרדם הסתומות והפתוחות ע"פ דברי הרמב"ם אין שם פתוחה.

Had the Torah Scroll - allegedly copied by Isserlis - and the TS been in Cracow in 1570, R. Shabbethai would surely have cited both in support of Maimonides' decision.<sup>121</sup> We therefore conclude that the *Tikkun* was not yet in Cracow in 1647 (the date and place of the first edition of *Sifthei Kohen*),<sup>122</sup> and that Isserlis who died in 1572, never saw the *Tikkun*, nor did he copy a Torah Scroll from it.<sup>123</sup>

<sup>121</sup> For n. 121, see p. 128.

<sup>122</sup> Note that R. Shabbethai was silent about the *Tikkun* not only when he determined the Section division at Lev. 7:22, but also when he quoted Heller's remark about Isserlis (above n. 116), and then added his own comment about similar errors in Isserlis' note (n. 117). Had the *Tikkun* been in Cracow and had its purchase been ascribed to Isserlis - R. Shabbethai surely would have remarked on the paradox in Isserlis' buying a TS for writing a Torah Scroll, and then in his halakhic notes merely to copy errors from printed editions of *Tur* when dealing with details concerning the writing of a Torah Scroll.

<sup>123</sup> I have since found two other cases similar in type to the ascription of the Torah Scroll in the Isserlis synagogue to Isserlis himself: 1) The eighteenth century ascription of the Torah Scroll in the Worms Synagogue to R. Meir of Rothenburg, (who was born and buried in Worms). Cp. A. Epstein, *MGWJ* 48 (1904) 604-606 (= כתבי ר' מנחם מפשטק, vol. 2, Jerusalem 1957, pp. 266-267, Heb. trans. by A. Haberman), who proves that R. Meir of Rothenburg did not write that scroll. 2) The ascription of the [Torah] Scroll in (or near) the Ezekiel Synagogue, in Babylonia, to Ezekiel himself (!). This is mentioned by Benjamin of Tudela (twelfth century, second half), ספר מסעות של ר' בנימין, M.N. Adler ed., London 1907, pp. 43-44 (both Heb. and Eng. paginations) = A. Asher ed., N.Y. n.d., photocopy of ed. London 1840, pp. 66-67 (Heb.), pp. 108-109 (Eng.).



EXTENDED NOTES

<sup>6</sup> *Id.*, *Textus I*, pp. 33-43, *Textus V*, p. 57, nn. 21, 23. In addition to the BA type mss already noted by Goshen-Gottstein, whose layout of *Ha'azinu* differs from that found in the Aleppo Codex, i.e. L (*Textus I*, p. 27 n. 30, p. 41 n. 45), L<sup>1</sup> (in the microfilm of L<sup>1</sup> now available at the Institute of Microfilms of Hebrew Manuscripts, Jerusalem (see n. 12), all of *Ha'azinu* is preserved and is written in seventy lines; cp. *Textus V*, p. 57 n. 21), and L<sup>3</sup> (*Textus V*, p. 57 n. 23), we are now able to add S (seventy lines), S<sup>1</sup> (seventy-three lines in a peculiar format), L<sup>9</sup> (almost seventy lines!; since line sixty-nine completed the end of a page in L<sup>9</sup>, the scribe began the new page with line seventy, but did not write that line in the Song form), and L<sup>16</sup> (though a number of lines can no longer be read, it is apparent that L<sup>16</sup> follows the seventy line pattern). Thus all the known BA type mss differ from the arrangement of *Ha'azinu* found in the Aleppo Codex. They also differ from the layout of the lines after *Ha'azinu*, with L<sup>1</sup> and L<sup>3</sup> being in accord with Abulafia's arrangement of these lines (cp. *Textus I*, p. 43). On the mss cited above, see the introduction to our study.

Goshen-Gottstein pointed out that the unique agreement between Maimonides and the Aleppo Codex, as testified by the mss of the *Code*, and in particular Ms. Ox. Hunt. 80, was later changed. All the printed editions of the *Code* require seventy lines (and not sixty-seven). It was also noted that Menaḥem de Lonzano stated that a Torah Scroll cannot be considered to be in accord with the *Halakhah* if written according to Maimonides' arrangement of sixty-seven lines and the layout of the lines preceding and following *Ha'azinu*. However, we note, as already mentioned there in the name of Abulafia, that according to the *Code* (*Hil. S.T.* 7:10), the lines before and after are only a preferable condition, and therefore not binding. Thus, Abulafia's solution of retaining the arrangement in sixty-seven lines and changing the lines after the Song is in keeping with Maimonides' requirements (*Textus I*, p. 44 and n. 84). Lonzano's changing sixty-seven to seventy lines contradicts Maimonides' ruling.

What Maimonides had in mind with his arrangement of 6 lines before, and 5 lines after the Song of Moses written in 67 lines, (= Aleppo Codex, but there the lines before *Ha'azinu* are written with the use of "fill-in" marks) has been a puzzle. The basic problem is: assuming that the Song is to be written in sixty-seven lines, three of which have to include about twice the number of words contained in the rest; leaving a space the size of a space preceding a Closed Section in the middle of each line so as to preserve the Song form (each line must have the width of the longest line - about fourteen words including the space) -- how is one to write the six short lines before the Song (about eight words a line)? Lonzano noted three possibilities for writing these six lines, but added that all result in new Sections and therefore render such a scroll unfit for use in the synagogue (cp. *Textus I*, pp. 48, 49, and note that *L<sup>3</sup>* is in accord with the third possibility). Nevertheless, in a responsum dealing with the first format (though with respect to two passages in Num. and not the six lines before *Ha'azinu*), R. Moses Ḥalawah (fourteenth century) determines (and apparently this was also the opinion of his teacher) that such a Torah Scroll is not invalidated *ex post facto* (vs. his contemporary R. Nissim Gerondi, who had required that the spaces to the left of the lines in question be filled out by elongating the letters): *we may infer that some halakhic authorities (and perhaps so too Maimonides) consider a scroll written in accord with Lonzano's first format as fit for use in the synagogue.* R. Moses's responsum was published by S. Asaf, *על ספרי התורה*, "העתיקים בברצילונה", *Sinai* 12 (1943) 334-337. The following is R. Moses' reasoning (p. 337): *גם אם נכתבו חלחון בראשי שיטין ומסימין: הפסוקים באמצע שיטין בלתי הפסק ובלתי צורת שירה, אין לפוסלו בכך בדיעבד אעפ"י שרוחב הדף מתקצר באותן השיטין, אחר שאין שם לא צורת שירה ולא צורת פרשה שהם לצורך ענין שנוי הדף, בקצור מקצת רחבו אינו מעכב... וכמדומה אני בחלחל שימושי לפני מורי הרב נאשתרוק שלמה ז"ל נתעוררו על ספר התמיד הנז' על אותה פרשה ולא הוציאוהו מחזקתו ולא הורידוהו מקדושתו.*

In the meantime I have found a responsum that deals *directly* with the halakhic problem noted above, i.e. the layout of 6 lines, 67 lines, 5 lines in Deut. This responsum was authored by R. Yeshu'ah Shababu Yedi'a Zain (Egypt, beg. eighteenth century; cp. Azulai, *Shem Ha-Gedolim*, and cp. A. Ya'ari, *Ha-Defus Ha-Ivri Be-Kushta* (Jerusalem 1967) numbers 288, 311, 335), and was quoted in toto by R. Meyuhās b. Samuel (Chief Rabbi in Jerusalem from 1756; cp. *EJ* IX: 1470-71), *Peri Ha-Adamah* I (Salo-

nika 1752-57), responsum number 3, pp. 21b-22d. R. Yeshu'ah comes to the conclusion (see especially pp. 22c-d) that a Torah Scroll written according to the third format mentioned by Lonzano - i.e. the 6 lines preceding the Song indented on both sides - is fit for use in the synagogue in spite of Lonzano's censures. R. Yeshu'ah found in Egypt Torah Scrolls written by R. Abraham Monzon (Egypt, d. after 1603; cp. Azulai, *Shem Ha-Gedolim*, who also saw Torah Scrolls in Egypt written by Monzon, and cp. *EJ* XII: 289) and many other old and new scrolls which exhibited the above format (see *Peri Ha-Adamah*, pp. 21d, 22d). Note that R. Yeshu'ah's reasoning (pp. 22c-d) is similar to that of R. Moses Halawah cited above (on R. Moses, cp. M. Hirschman, *R. Isaac b. Sheshet Perfet* (N.Y. 1943) pp. 200-201, and B. Cohen, *Kuntres Ha-Teshuvot* (Jerusalem 1970, photocopy of ed. Budapest 1930) p. 39, no. 23, p. 50, no. 170):

מכל מקום הנה מקו' אתי להכשיר בנדון דידן, והטעם דעד כאן לא הוי כצורת פרשה ופוסל אלא כשהניח ריוח באמצע השיטה או בתחלתה וסופ' [ה] וכתוב בשיטה שתחתיה, שאז הוא נראה צורת פרשה, אבל כל שהשיטות שוות בכתיבה זה תחת זה, ואין שם ריוח באמצע שיטה אלא בגליון שיש בסוף השיטה ובתחלתה (sic), אין זה צורת פרשה כלל ולא מפסיל... ובפרט מעשה רב שעשה מהר"א מונסון ז"ל בספר [י.פ. צ"ל: בספרי] תורה שכתב (Shortly after the publication of *Peri Ha-Adamah* (1752-57), a summary of R. Yeshu'ah's opinion was given in R. Jacob Algazi's (1680-1756; cp. *EJ* II: 609-610) *Emeth Le-Ya'akov* (Constantinople 1764) pp. 109a-b, section 6, on Open and Closed Sections. Shortly thereafter R. Hayyim Azulai, *Le-David Emeth* (Livorno 1786, 21796) pp. 45b-46a, section 16, paragraph 6, summarized Algazi's decision (without bringing Algazi's source). In short, the decisors R. Yeshu'ah Shebabu, R. Meyuhas b. Samuel, R. Ya'akov Algazi, and R. Hayyim Azulai, as well as various scribes including the learned R. Abraham Monzon, all agree that a Torah Scroll written according to the third format mentioned by Lonzano (6 lines indented on both sides, 67 lines, 5 lines) is valid for synagogue use. This, we now suggest, probably was the format which Maimonides had in mind. For an example of a massoretic codex written according to the above mentioned format, see the fifteenth century Yemenite Codex B.M.Or. 2348 (1469 C.E.). (Yemenite mss are known for their reliance on Maimonides). A photo of its Song layout (beg.) may be found in *EJ* XVI: opposite p. 744, and similarly in *The Hebrew Book* (Jerusalem 1975) plate 3, after p. 6. Finally, we take note that S.Z. Havlin has recently adduced Azulai's *Emeth Le-Ya'akov* to solve the

halakhic problem discussed here. However, Havlin has apparently overlooked Azulai's sources. Cp. Introduction to *Facsimile Ed. of Mishne Torah of Maimonides*, Moses b. Shealtiel Edition, Spain or Portugal before 1492 or 1497 (Jerusalem 1975) p. [6] n. 31.

I have now come across another responsum which also deals with the halakhic problem of a Torah Scroll in which the lines preceding *Ha'azinu* are written indented on both sides. This responsum by R. Hayyim Benveniste (d. 1673; cp. *EJ* IV: 559-561) was written before that of R. Yeshu'ah Shababu Zain (early eighteenth century) discussed above, but was printed only in 1788, after that of R. Zain (1752-57) and even after the other sources noted above, including Azulai (1786). Cp. R. Hayyim Benveniste, *Ba'ei Hayyei*, vol. 3, Responsa on *Yoreh De'ah* (Salonika 1788) no. 234, pp. 171a-c, esp. p. 171b, end - p. 171c.

R. Hayyim does not mention explicitly the 67 line format of *Ha'azinu*. However, it is implied by the indented format of the 6 (or 7) lines preceding *Ha'azinu* discussed by him (a 70 line *Ha'azinu* does not necessitate an indented format of the lines preceding it). Strangely enough, he did not refer to the halakhic problem of the indented format from the perspective of Open and Closed Sections, but rather from another perspective (cp. *ib.*, pp. 171b, end - 171c). He concluded that a Torah Scroll with the indented format is perfectly valid for synagogue use. He noted that he had discussed the indented format with (the local) scribes, and was informed by them that:

1. the majority of old Torah Scrolls from Constantinople were so written; 2. the late learned scribe, R. Zerahiah of Leiria (cp. R. Hayyim b. Menahem Algazi - d. ca. 1710, cp. *EJ* II: 608-*Benei Hayyei*, Ortaköy, Turkey 1712, Responsa on *Yoreh De'ah*, no. 279, p. 62a) permitted such Torah Scrolls *a priori* - מלכתחילה, and not just *ex post facto*; 3. the majority of Palestinian books (=Torah Scrolls) were so written.

In short, we learn from R. Hayyim Benveniste's and R. Zain's responsa, and from the other sources noted above that, although the 70 line *Ha'azinu* format was found in Torah Scrolls, Maimonides' authentic *Ha'azinu* decision of 67 lines and 6 preceding lines was nevertheless found in Torah Scrolls in Egypt, Palestine, and Turkey written in the sixteenth through the eighteenth centuries -- with the 6 lines indented on both sides -- and that it was considered halakhically valid *a priori* by various decisors and learned scribes. We suggest, as noted above, that this double indentation is the format that Maimonides had in mind.

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<sup>19</sup> As is well known, the Ten Commandments have two sets of accents. One, טעם החתחון, is based on verses and has a final pause at the end of every verse, even if the verse is not the end of a commandment. The other, טעם העליון, has a final pause only at the end of a commandment. Thus, for example, טעם העליון has its first final pause at the end of Ex. 20:6 (the end of the first Section in L), whereas טעם החתחון has its final pause at the end of Ex. 20:2, and likewise at the end of vv. 3, 4, 5, 6. For other differences in vocalization and accents cp. Lonzano, *Or Torah* and Norzi, *Minhat Shai*, *ad loc.* An even earlier source which lists each set of accents separately is the Geniza fragment, Cambridge T.S. D I, 46 as reported by Yeivin, *כתר*, p. 107. Also cp. *ib.*, p. 106 and n. 19 as to BA changing his mind with respect to a *ga'aya* in the word יהיה (Ex. 20:3), and the significance of this fact.

It should be noted that Lonzano reported in the name of R. Jacob Ibn Habib that טעם העליון was used in public reading and טעם החתחון in private reading. But Norzi quoted another tradition, in the name of Hizzekuni (= R. Hezekiah b. Manoah, 13th century), which used טעם החתחון even in public reading. According to this tradition, only on the festival of *Shavu'oth*, which was associated with the Revelation at Sinai, was טעם העליון used in public reading.

An even earlier source concerning the public reading of the commandments is the Geniza fragment Cambridge T.S. G 2s published by S. Asaf, *משניות הגאונים* (Jerusalem 1942) p. 100. In this responsum, (which Asaf attributes to R. Hai Gaon), we learn (as kindly clarified by Prof. S. Abramson) that it was the custom in Palestine, to have one reader read Ex. 20:13 (and similarly re Deut. 5:19) according to טעם העליון, and another read it according to טעם החתחון. In Babylonia however there was only one reader, and he read according to טעם העליון. This appears to corroborate S. Pinsker, *ליקוטי קדמוניות* (Vienna 1860) pp. לז-לה. *מבוא לניקוד האשורי*, (Vienna 1863) p. 46 ff., and following him W. Wickes, *טעמי כ"א ספרים* (1887; republished with a Prolegomenon by A. Dotan, N.Y. 1970) pp. 130-131 and nn. 4, 5, who credit מדינחאי (Babylonians) with טעם העליון, and מערבאי (Palestinians) with טעם החתחון.

Further corroboration of Pinsker's suggestion seems to be contained in the following massoretic note, Ms. Michigan 88, fol. 100b (cp. E. Birnbaum, *VT* 17, 1967, 394 n. 1; I cite from the H.U.B.P. microfilm): לא ווי ולא יוד: לב פטוק לית בהו[ן] ... פסו למער. In other words, the

Palestinians considered Ex. 20:13 (...לא תרצח לא תנאף...) as one verse, i.e. according to טעם התחתון. Cp. the similar massoretic note (which lacked, however, the explicit "וזהו פסוק למען"), cited by Pinsker, מבוא לניקוד האשורי, p. 123 n. 2, and S. Frensdorff, *Die Massorah Magna* (N.Y. 1968, photo ed. of 1876) p. 376 and n. 4. Interestingly enough, Ms. Michigan 88, fol. 99b contains a variant of the above massoretic note (cp. Birnbaum, *ib.*), which reflects the alternate טעם העליון, i.e. the division of Ex. 20:13 into four verses: עשרין וחד פסוק בקריה לית בהון לא יוד ולא ואו וסימנהון לא תרצח לא וכו' ו פסוק... Parallel versions of this latter note, however, do not always reflect the טעם העליון. Thus, we find in L, *m.m.* to Num. 7:68 (even though *m.p.* consistently reads in L: ...כֹּךְ פסוק): ...לא פסוק בך דלית בהון לא ו ולא יוד לא תקטל... טעם התחתון.

I have recently examined the Geniza Mss. T.S. D 1,46, and T.S. Or. 1081, Box 2,12; both list each set of accents separately. I have checked these mss in photographs belonging to Prof. I. Yeivin, whom I thank also for bringing to my attention the latter ms. In the light of these mss, my earlier remarks concerning טעם העליון and טעם התחתון, which were based on the commonly accepted interpretation of these sets of accents, require the following revision:

Although טעם העליון and טעם התחתון respectively divide the commandments into commandments and into verses, nevertheless, in contrast to the accepted interpretation (expressed e.g. by Lonzano), טעם העליון does not have its first final pause at the end of Ex. 20:6, (i.e. after אנכי and יהיה), but rather at the end of Ex. 20:2 (end of אנכי), with the next final pause at the end of Ex. 20:6. That is, טעם העליון - called in the above mss טעם תנינא (D 1,46) and similarly, in Arabic, אלחן (Or. 1081) - considers אנכי and לא יהיה as two commandments, in agreement with the commonly accepted division.

Thus, Heidenheim's suggestion concerning טעם העליון, though not re טעם התחתון, in his discussion on the accents of the Ten Commandments, (*חומש עין הסופר*, Roedelheim 1818, vol. 2, Exodus, towards the end) was correct.

On the other hand, טעם התחתון - called in the above mss קדם טעם (D 1,46), and in Arabic, אלחן אלאול (Or. 1081) - though it divides the commandments into verses, in contrast to the accepted interpretation, does not have its first final pause at the end of Ex. 20:2, but rather at the end of Ex. 20:3 (with an אתנחתא at the end of v. 2), continuing with final pauses at the end of vv. 4, 5, 6. That is, טעם התחתון quite unexpectedly combines vv. 2 and 3 into one verse.

The above interpretation of טעם ההחלוקה and טעם העליון, based on a different argumentation, was recently advanced by M.B. Cohen and D.B. Freedman, "The Dual Accentuation of the Ten Commandments", 1972 and 1973 Proceedings IOMS, *Masoretic Studies* 1 (1974) pp. 7-18 (19), esp. pp. 16 bottom - 18. Independently, and in more detail, M. Breuer presented the same view, *כתר ארם צונה* (Dec. 1976) pp. 56-66, esp. pp. 58 bottom - 60. Note that his second argument (p. 59), based on marginal comments in S, (which note טעם קדש on vv. 2, 4, 5, 6 - but not on v. 3), is now explicitly corroborated by the above two Geniza lists.

<sup>22</sup> See n. 11. This was recently pointed out by I. Ta-Shema, "יצירתו הספרותית של ר' מאיר הלוי אבולעפיה", *Kiryath Sefer* 45 (1969/70) p. 122 n. 11, who also dealt there with the relevant literature concerning Maimonides' decision in this case.

I have since found that R. Elijah's responsum no. 78 was previously noted in three sources. However, unlike Ta-Shema, none made the explicit connection with the Aleppo Codex. In fact, at least one author (or printer) misunderstood the place name Aleppo, mentioned in R. Elijah's responsum. The sources are: 1) R. Isaac b. Abraham Yeshurun, *Panim Hadashot*, on *Yoreh De'ah*, *Hilkhot Sefer Torah*, section 275, (Venice 1651); now included in *Shulhan 'Arukh*, *Yoreh De'ah*, vol. 4 (Jerusalem: *Pe'er Ha-Torah* 1958) p. קי"ד. 2) R. Joseph b. David (cp. *EJ* X: 239), *Beith David* I (Salonika 1740) *Yoreh De'ah*, responsum no. 134, p. 87a-b (= second pagination), who cites R. Elijah's information concerning the Ben Asher Codex. But he (or the printer) mistakenly quotes "...מספר בן אשר שהחליף", instead of "שנחל" (= Aleppo)! (see *infra* n. 25). 3) R. Jacob Algazi, *Emeth Le-Ya'akov* (Constantinople 1764) p. 110b, following *Beith David*. Note, however, that Algazi (paragraph 2) omits *Beith David*'s mistaken "שהחליף".

To the above three sources, who had noted R. Elijah's responsum prior to Ta-Shema, we now add four more. Three of these (no. 5-7), take note of מספר בן אשר שנחל"פ as quoted by R. Elijah b. Hayyim, i.e. the reference is to the Codex which is in Aleppo. This was especially emphasized in no. 7. The sources are: 4) R. Hayyim Benveniste, *Sheyarei Keneset Ha-Gedolah*, on *Tur*, *Yoreh De'ah*, (Constantinople 1717), section 275, p. 115c, par. 11, 12, 13. 5) R. Mas'ud Rakah, "Responsum", in his *Ma'aseh Rakah* (Venice (1742)[1743], photocopy Jerusalem 1976), *Hil. Sefer Torah* 8:4, p. (105)[108] v. Rakah is the

first to emphasize that (a) R. Elijah b. Hayyim, in his responsum no. 78, cites evidence which derives from ספר בן אשר שבת"ל<sup>25</sup>, (b) this is the very ms on which Maimonides relied, when he wrote (in *Hil. S.T.* 8:4): "וְסֵפֶר שְׁמֹכְנוּ עָלָיו... הוּא" 6) R. Ephraim Zalman Margoliot, *Sha'arei Efrayim*, (Dubno 1820), in the section *Pithei She'arim*, section 6, par. 21, p. 8, col. a-b, second pagination of the book. Margoliot, noting Benveniste (no. 4) and Rakaḥ (no. 5), reiterates Rakaḥ's above emphases. Writing "מספר בן אשר בהאלב", Margoliot shows that R. Elijah b. Hayyim's phrase "מספר בן אשר שבת"ל" referred to the Ben Asher Codex in Aleppo. 7) R. Naphtali Jacob Ha-Cohen, *Oẓar Ha-Gedolim Alufei Ya'akov*, vol. 2, (Haifa 1967) p. 140b, following Margoliot (no. 6). Ha-Cohen was aware of some of the modern literature on the Aleppo Codex as cited by Sapir in *Even Sapir* (cp. our n. 59 beg.). However, he was unaware of Textus I, and thus thought (p. 140a top) that the Codex was still in Aleppo. He is the first to emphasize that R. Elijah cited evidence which derived from the Aleppo Codex: he paraphrases R. Elijah's phrase as "מספר בן אשר" adding "וְיִדְוֹעַ דְּחָלָב הוּא אֲרֵם צוּבָה", "אשר הוא בעיר חלב".

אך יש בידי ספר מוגה הגהתי על פי ספר שהיה ביד איש חכם אשר הגיהו מספר בן אשר שבת"ל<sup>25</sup> וכתב דלא תחמוד אשת רעך פרשה סתומ'  
 "But I possess a corrected book which I corrected in accord with a book which belonged to a scholar who corrected it by the book of BA in Aleppo. And he wrote that לא תחמוד אשת רעך is (= begins) a Closed Section." I would suggest that both corrected copies were Pentateuchial texts. Possibly both were printed Bibles with the respective corrections.

Another case of correcting a Bible -- especially in matters of a halakhic nature -- according to the Aleppo Codex, occurred in the second half of the nineteenth century. Moshe Yehoshua Kimḥi, son-in-law of the scribe R. Shalom Shakhna Yellin (1790-1874; came to Jerusalem in 1858; cp. D. Tidhar, *Enziklopedya Le-Haluẓei Ha-Yishuv U-Vonav*, 5, 1952, p. 2182), replacing his father-in-law, went to Aleppo on behalf of the Jerusalem rabbinate (Tidhar, *ib.*; Y. Yellin, *אבותינו*, Jerusalem 1966, pp. 359 ff. - S. Yellin's emissary letter), with a Bible prepared by the knowledgeable Yellin, in order to revise according to the Aleppo Codex those places which Yellin considered problematic, including the layout of the Hagiographa in Song form, and Open and Closed Sections (cp. R. Shmuel Shelomo b. Moshe Meir Boyarsky, *Amudei Shesh*, Jerusalem 1892, II, 3a). This corrected Bible [1] was then returned to Jerusalem and kept

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under the supervision of R. Samuel Salant (Boyarsky, *ib.*). R. Shmuel Boyarsky, who came to Jerusalem in 1857 (*ib.*, I, 1b), and who relays most of the above information, further informs us that he himself wrote a complete Bible on parchment [2], based on the copy from the Aleppo Codex, according to *Halakhah*, i.e. with special attention to layout, without vocalization כחבתי גם ס'ת ונביאים וכתובים בקלף כהלכתן ע"פ ההעתק מכתר תורה [שבארם צובא] (=שנאר"צ) (*ib.*, II, 2b). In other words, Boyarsky's Bible was based on Kimhi's copy. Boyarsky also wrote two copies of the Psalms on parchment [3]-[4], according to *Halakhah* (as above), one of which remained in Jerusalem. The other he sent to his brother in Brisk, Lithuania, to give it to the local Great Synagogue in order to be read there in public, together with the blessing mentioned in *Soferim* (14:4 = 14:1 ed. Higger), as formerly was done with the copy in Jerusalem (*ib.*, II, 1a). Boyarsky also mentions a copy of the Hagiographa [5] which he wrote on parchment according to *Halakhah*, based upon the Song layout which his emissary had copied at his request from the Aleppo Codex. Boyarsky deposited this parchment copy of the Hagiographa in the R. Judah Ha-Hasid synagogue in Jerusalem (*ib.*, I, 1b; II, 1a). It seems likely that this copy is identical with the Hagiographa part of the above mentioned Bible [2].

On these 4 or 5 copies, see N. Allony, *Beith Mikra* 24 (1979) 193-204, whose description, especially p. 195, should be revised according to the above.

<sup>62</sup> *ib.*, p. 62a. והנה בת"ס (=בתיקון סופרים) הזה וגם בהס"ת אשר כתב הרמ"א ז"ל על פיו, נמצאים י"ד שינויים נגד כל ס"ת בקהלות ישראל בארצות הללו, הנכתבים כפי דעת בעל אור תורה, וכפי הקבלה נמשכו בעל הת"ס ורבינו ז"ל אחר שיטת בעל נחלת יעקב (הספר ההוא בקשתי ואיננו), ושמעתי כי על פי השיטה הזאת יכתבו גם הספרדים את ספריהם. והשינויים המה:

(Gen. 4:13)	א' בראשית	ד'	י"ג	מנשא חסר ו'
(Gen. 7:11)	ב' נח	ז'	י"א	מעינת ח"ו
(Gen. 9:29)	ג' שם	ט'	כ"ט	ויהיו מלא ו'
(Gen. 36:15)	ד' וישלח	ל"ו	ט"ו	תומן בוא"ו תמורת יו"ד
(Gen. 39:22)	ה' וישב	ל"ט	כ"ב	האסורם בוא"ו
(Gen. 41:14)	ו' מקץ	מ"א	י"ד	וירצחו ח"י
(Gen. 46:6)	ז' ויגש	מ"ו	ו'	מקנתם ח"י
(Ex. 10:9)	ח' בא	י'	ט'	ובזקננו ח"י
(Ex. 28:26)	ט' תצוה	כ"ח	כ"ו	האפד ח"י
(Ex. 29:15)	י' שם	כ"ט	ט"ו	אהרון מ"ו
(Num. 1:17)	יא' במדבר	א'	י"ז	בשמת ח"ו
(Deut. 13:12)	יב' ראה	י"ג	י"ב	ויראין מלא י'

[י.פ. צ"ל: וייראון]

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(Deut. 23:2)                      כ"ג ב' דכא בא' תמורת ה' יג) תצא  
 (Deut. 32:34)                      ל"ב ל"ד הלוא מלא וא"ו יד) האזינו ל"ב

This list was copied by Sapir (*Even Sapir* I, pp. 13b, 14a). He changed the twelfth variant to ו'יראון מלא ו' and remarked -- (!) כן הוא בכל הספרים ואין חידוש. Also Sapir's spelling of the fifth variant is incorrect (האסורִים). The list was later copied by E. Gartenhaus, *אשל הגדולים*, vol. 3 of (= notes on) שט הגדולים השלם, New York 1958, p. 220 (cp. A. Siev, *Responsa of R. Moses Isserlis*, Jerusalem 1971, p. 12 n. 24). Though Gartenhaus left the twelfth variant as it appeared in *Ha-Maggid*, his list contains two printing errors, in the third -- ויהן מלא ואו and in the fourteenth variant -- הלא מלא ואו. Gartenhaus (*ib.*, p. 219) also copied from *Ha-Maggid* the introductory lines to the list (with minor variations).

Sapir was correct in assuming a printing error in the twelfth variant in *Ha-Maggid*; however, his reconstruction is clearly wrong, as his own note shows. His reconstruction does not result in a "variant" reading, but rather in one found in all the books -- hardly a cause for Weisman to list it. In L for example, the word is vocalized וִירְאוּן. Had Weisman intended the reading -- וִירְאוּן (as printed in *Ha-Maggid*), he would have written ביו"ד תמורת וא"ו (cp. his fourth variant). His comment -- מלא י' indicates that the variant could only have been וִירְאוּן.

<sup>64</sup> It contained Weisman's examples no. 1, 8, 11, 13 (מאורות נחן, *ad loc.*). Nos. 1, 8 were printed in the partial list in הלכנון, and in *Even Sapir* I, p. 13b nn., Sapir refers to nos. 8, 11. Strangely enough, he says that בשמח (no. 11) is not in his list, yet it appears in מאורות נחן (cp. Goshen-Gottstein, *Textus* II, p. 54 n. 5). In fact, the comment in מאורות נחן, which was in reply to the question whether the word was to be spelled plene, was explicitly -- לא אלא חסר ואו. This agrees with the *Tikkun*.

It is to be noted that in *Even Sapir* Sapir did not discuss the other two (1, 13) of these four cases. The reason is that the readings in the Aleppo Codex agreed there with the TS. In his comments to Weisman's list, Sapir noted only that information which he felt contradicted the assumption that Weisman's list reflected the text of the Aleppo Codex (cp. Goshen-Gottstein, *Textus* II, 1962, p. 56 n. 16, but read there *Ha-Maggid* II, 1858, no. 16). Thus he thought that nos. 4 and 14 were only scribal errors. His other suggestion on no. 14 (הלוא) that it

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referred actually to Deut. 32:6 must be dismissed with the same type of comment which he noted on *his* reading of the twelfth example (cp. n. 62): if Deut. 32:6 were involved, it would not have been an unusual reading, since all the books which followed Lonzano agreed with it.

Sapir remarked on nos. 7, 10, 14 that they are not in his list. This agrees with their absence in *מאורות נתן* and *הלכנון*. However, even though these comments were meant to question the validity of Weisman's list, Sapir's silence can hardly be construed as evidence for the text of the Aleppo Codex. One must remember that his list was made up of words he chose, most of which were not cases of plene-defective readings. Furthermore, his list did not include all the problematic readings which were known even from Lonzano and Norzi (cp. *Textus II*, p. 54 and p. 57 n. 23). *E.g.*, his list does not include the well known problematic no. 3 of Weisman's.

In looking for possible contradictions between A and Weisman's list, and assuming that Maimonides used A (cp. *Even Sapir I*, p. 11b, p. 13b n.), Sapir searched for possible evidence of Maimonides' testimony with respect to plene-defective readings (and the Sections) in Weisman's list. A contradiction between the TS and Maimonides would then imply that we had a contradiction between the TS and A. It is for this reason that Sapir quoted from the Guenzburg ms of Meiri's *Kiryath Sefer*, which he saw in Paris in 1865 (*Even Sapir I*, p. 61b, n.). Noting that Meiri said that one of the sources for his K.S. was a copy of Abulafia's Torah Scroll (*Even Sapir I*, p. 62a n.), and taking into account Abulafia's responsum (which Meiri copied in K.S.), which showed that in writing his Torah Scroll Abulafia used Maimonides' Code as his source for the Sections, Sapir assumed that by quoting Abulafia's Torah Scroll, Meiri was in fact quoting Maimonides. There was however a mistake in Sapir's reasoning. He assumed that Meiri reflected Maimonides not only for Sections, but also for plene-defective readings (in *Even Sapir I*, p. 13 he says that in K.S. Meiri adduced testimony from Abulafia's Torah Scroll, in which Abulafia had copied *plene-defective readings* from the ms of Maimonides, whose source was the Aleppo Codex). However, in his responsum Abulafia only claimed to have used the Section list and the Song form of Maimonides' Code, which indeed was all that Maimonides had quoted there in the name of the Ben Asher Codex. The basis for Abulafia's plene-defective readings was another matter (see above n. 3). Therefore, the evidence of plene-defective readings in Abulafia's Torah Scroll, quoted by Meiri, does not constitute

evidence with respect to Maimonides, and certainly not to the Codex upon which he based his Section list. It follows that Sapir's comments on nos. 7, 8 and nos. 10, 11, 14, based on Meiri, tell us nothing about the Aleppo Codex (even according to his assumption that Maimonides used A).

As a result of his incorrect deduction, Sapir commented on no. 8 (and not on no. 7, see below n. 65a): **וכן כותב שם המאירי: שבספר הרמב"ם שהועתק במצרים הוא מ"י** (cp. K.S. II, p. 47b, top), referring to Abulafia's Torah Scroll (cp. K.S. I, p. 49 and n. 31 above). Equating Abulafia's Scroll with the ms of Maimonides which Abulafia had received from Ibn Tibbon (cp. K.S. I, p. 46), Sapir incorrectly assumed that this equation pertains also to plene-defective readings, while in fact, it pertains only to the Sections.

<sup>65</sup> a) **וברשמתי מאר"צ מפורש מ"י**. Sapir's footnote, marked with a double asterisk in *Even Sapir* I, p. 13b, has no corresponding mark in the text. There, some sort of double asterisk is mistakenly attached to variant no. 7 (מקנהם), instead of to no. 8 (ובזקנינו). That this is a printer's error can be seen from Sapir's note on p. 13b (marked with one asterisk), where he explicitly says that his list (culled from the Aleppo Codex) contains no note on מקנהם (no. 7). We add that Sapir's list, both in **מאורות נתן** and **הלבנון**, corroborates the fact that the double asterisked note refers to no. 8.

b) In this case, unlike in some others, Sapir's list was explicit on the spelling of the word. **"ובזקנינו חד יוד כן"** (מאורות, *ad loc.*), leaves no doubt that this spelling contradicted the TS. Sapir listed problematic readings in the right-hand column and the corresponding decisions from the Aleppo Codex in the left. If there was agreement, the left column would read 'yes' - כן; if the Aleppo Codex disagreed, the column would read 'not so' -- לא כן = ל"כ, with the proper reading added ...אלא. Cp. the photo of the ms of the list in *Textus* II, after p. 58.

c) Sapir implied that there was another contradiction between the TS and A. His reasoning was as follows: Weisman's list included all readings which were unique with respect to Lonzano's *Or Torah*. Therefore, if one were to find that Lonzano discussed and decided on a problematic reading, and that Weisman did not list a TS reading which contradicted Lonzano, one could assume that the TS agreed with Lonzano's decision.

Such was the case with Ex. 25:31. Citing among others Ibn Ezra on Ex. 25:31, Lonzano deliberates at length whether the reading is תיעשה or תעשה, and decides in favor of the former. Surely, if the TS read תעשה, Weisman would have mentioned it. But תיעשה is not in Weisman's list; therefore one must conclude that the TS had תיעשה. We now understand Sapir's comment that his list of readings in the Aleppo Codex had תעשה at Ex. 25:31 (Even Sapir I, 14a n. 9 - corroborated by מאורות נתן and הלכנון; correct Sapir's note (*ib.*): "מרשימתי... באר"ג" to "ברשימתי... מאר"צ"). In short, the Aleppo Codex with תעשה at Ex. 25:31 contradicted the TS which apparently read תיעשה, in agreement with Lonzano. תעשה is also the reading of the BA type Mss. BLL<sup>1</sup>SS<sup>1</sup>. Cp. also Norzi, *Minhat Shai*, *ad loc.*

<sup>68</sup> Though this TS had two types of predecessors (cp. Goshen-Gottstein, *Textus II*, p. 50, n. 24), it is unique. The first type consisted of mss whose colophons state that they are copies of BA's work: כתב ונקד ומסר... מן הספרים המוגהים... אשר... עשה המלמד אהרן בן אשר נוחו בגן עדן... L (complete Bible, 1009) cp. Baer-Strack, *Diqduque Hat'amim* (Jerusalem 1970, photocopy of ed. Leipzig 1879) p. IX n. 6; P. Kahle, *Masoreten des Westens I* (Hildesheim 1967, photocopy of ed. Stuttgart 1927) p. 67 top; Yeivin, *כתר* (1968), pp. 357-358; L<sup>5</sup> = Firk. B, 39 = T43 (Prophets, 989), cp. Baer-Strack, *Diqduque*, p. XXXVII; Kahle, *MdW I*, p. 65; Yeivin, *כתר*, p. 368; L<sup>14</sup> = Firk. B, 144 = T paper 1 (originally complete Bible, 1122), cp. Baer-Strack, p. XXXI, Kahle, p. 77. The colophon of L<sup>14</sup> was first reproduced by D. Oppenheim in Geiger's *JZfWL* 11 (1875) pp. 80 ff.

The second type consisted of mss of Yemenite origin, whose colophons include the following type of note: הכל על תיקון הספר שהיה במצרים שהגיהו בן אשר ודקדק בו שנים רבות כמו שהעתיקו e.g., Mss. B.M. Or. 2349, Or. 2350, Or. 2364, Or. 2365, Or. 1379 (cp. Ginsburg, *Introduction*, p. 87 and n. 1). Similarly, Ms. Adler 1701 (cp. A. Sperber, *HUCA* 17, 1943, 380), Mss. JTS 62, JTS 136 (cp. Goshen-Gottstein, *Textus II*, p. 48), and the ms of the Pentateuch dated 1508, described by M. Nadav in *Ha-Universitah* 14 (1968) 22. These Yemenite codices, however, are not copies of the Aleppo Codex. Cp. Goshen-Gottstein, *Textus II*, p. 49.

The first type is a ms whose colophon claims it to be a copy of BA's vocalization and accents; whereas, the second is a ms whose note (based on Maimonides, *Hil. S.T.* 8:4) claims that it is a copy of BA's Codex, obviously referring to its sectional division. The *Tikkun*'s colophon is meant to align it

with the second type. However, it was unique, insofar as whoever attached to it the colophon of the Aleppo Codex, meant it to be taken not as a copy of A, but rather as the Codex itself!

In the nineteenth century, the long colophon of the Aleppo Codex was once again copied in its entirety (with a number of deliberate changes) into a fifteenth century codex of the Bible with vocalization, accents, and Massorah, which was kept in the Karaite synagogue in Jerusalem. However, in distinction from the TS, here the copyist prefaced the colophon with the words *אמרתי להעתיק*, viz. he informed us that he was copying the colophon. For the text of this "changed" colophon, see R. Gottheil, "Some Hebrew Manuscripts in Cairo", *JQR* 17 (1905) 650-651. For the date of the codex, see *ib.*, p. 649. As Kahle pointed out, *MdW* I p. 3, the colophon was the work of Firkowitsch. This can easily be seen by a comparison of the text which Gottheil transcribed, and the "variant" readings of the colophon of A which Sapir brought in *Even Sapir* I, pp. 12b-13a, in the name of Firkowitsch (who had obtained a copy of the colophon of A, cp. *Even Sapir*, p. 12b, n. 2). In particular, Sapir notes that Firkowitsch wrote *שלמה הנווד בן שלמה בן ירוחם* in place of *שלמה הנווד בן שלמה בן ירוחם*. Sapir noted (*ib.*, and p. 19b) that this was obviously a deliberate change on the part of Firkowitsch, so as to "karaize" the colophon, since the name *שלמה בן ירוחם* was that of a known Karaite opponent of Sa'adya Gaon. Checking Gottheil's transcription (p. 650), we find that *שלמה בן ירוחם* is precisely the name found in the colophon copied into the Codex of the Karaite synagogue in Jerusalem (cp. I. Ben-Zvi, *KS* 32, 1957, 368 and *Textus* I, 1960, 12-13). It follows that this "changed" colophon also was the work of Firkowitsch.

In sum, the TS was the only text into which the full colophon of A was copied unchanged, without mentioning its source, and for the purpose of indicating that its Sections were in accordance with Maimonides' Code.

<sup>94</sup> a) We add the supporting evidence that the entire sectional division of the part of the Aleppo Codex that remains in ms, or in photo, agrees with Maimonides' Section list. Cp. Goshen-Gottstein, *Textus* V, p. 55, *Textus* I, p. 27.

b) We also take note, as has already been pointed out, that BH<sup>3</sup> is not always reliable in its transcription of L. In two of our four examples, BH<sup>3</sup> has an incorrect sectional division. Thus, in Ex. 20:14b (= Ex. 20:17b; cp. above n. 16) and Deut. 27:20 BH<sup>3</sup> has no Section, whereas L has a Closed Section.

c) With respect to all of our four examples, certain Bible codices (e.g. those cited in n. 51) had a sectional division which is the exact opposite of Maimonides.

d) Interestingly enough, we found two sources which brought together the same four problematic examples that we have analyzed: 1) Abraham Porteleone (שלטי הגיבורים, Jerusalem 1970, photocopy of ed. Mantua 1612, p. 179 c-d) quotes the comments of the scribe R. Meir of Padua, (cp. D. Kaufmann, "Meir ben Ephraim of Padua, Scroll Writer and Printer in Mantua", *JQR* 11, 1898/99, 266-290) on these cases. R. Meir raised the problem of these Sections in the printed editions of Maimonides' *Code* and the Torah Scrolls which contradicted them. His decisions agreed with Maimonides' original decisions, although he did not phrase it that way; 2) R. Raphael Meldola (שו"ת מים רבים, Amsterdam 1737, responsum no. 55, pp. 49d-50a) adduced the four examples from Lonzano's *Or Torah* to show that even in Maimonides' Section list scribal errors occurred. However, we have shown that the changes did not result from scribal errors; 3) Recently, S.Z. Havlin (Introduction, 1975, pp. [6-11], see above n. 6) discussed the problem of the above Sections in the light of Kesef Mishneh, Lonzano, and M<sup>1</sup>. Havlin noted that Moses b. Shealtiel's edition of the *Code* preserved the original text (as exhibited in M<sup>1</sup>) with respect to the above four cases, as well as to the sixty-seven line format of the Song of Moses (Deut. 32). Havlin (following Goshen-Gottstein) discussed the unique correspondence between Maimonides and the Aleppo Codex concerning the format of the Song of Moses, but not their relationship regarding the Sections. However, in additions to his Introduction, Havlin briefly took note of Ta-Shema's remarks and query concerning the testimony of A's Sections (cp. n. 71).

<sup>115</sup> ובטור הועתק זה בשיבוש, ונפלאתי על רמ"א ורמ"י (= ר' מרדכי יפה בספרו לבוש עטרת זהב (וקניציה ש"פ)), שהאמינו למדפיסים ולא דקדקו אחריהם, והעתיקום כמו שהוא בדפוסי הטורים. Some printed editions of the *Shulhan 'Arukh* simply add at the end of Isserlis' note that his source was the *Tur*. Checking the sources, we found that:

- a) Maimonides (*Hil. S.T.*) lists the guide words for the lines after the Song in Deut. 32 as ויבא-לדבר-אשר-הזאת-אשר (this is exactly what is found in the Aleppo Codex, cp. the photo in *Textus I*).
- b) However, *Tur*, *Yoreh De'ah*, section 275, in the editions prior to 1628 when Heller published his observation in

*Ma'adanei Melekh* (e.g. Piove di Sacco 1475, Ixar 1487, Soncino 1490, Constantinople 1494, Venice 1522, 1551), lists these words in the name of Maimonides as ויבא-וידבר-לדבר-אשר-הזאת.

- c) In the early editions of the *Shulhan 'Arukh* which contained his notes on *Yoreh De'ah*, certainly those before 1628 (e.g. Cracow 1578, = 1583, 1607, 1618; Hanau 1627), Isserlis lists these guide words as ויבא-וידבר-דבר-אשר-הזאת. The later editions of Wilhelmsdorf (1677) and Prague (1694) print the same guide words. However, the Amsterdam (1711) edition corrects: [אשר]-אשר-הזאת-ויבא-וידבר.

A simple check of the lines following the Song in Deut. 32 and *Tur*'s guide words shows that the variants in *Tur* concerning Maimonides' guide words result from an error, and not from a variant tradition (cp. e.g. *Textus I*, p. 43 for Abulafia's variant tradition of arranging these lines). Instead of Maimonides' ויבא-לדבר, *Tur* has ויבא-וידבר-לדבר. *Tur*'s second guide word (וידבר) apparently is a miswritten variant of Maimonides' לדבר, under the influence of the first guide word -- ויבא. Thus, Maimonides has a sixteen-word first line (ויבא-לדבר, whereas *Tur* has a two-word first line (ויבא-וידבר) followed by a fourteen-word second line (וידבר-לדבר). *Tur*'s arrangement is clearly impossible, since it entails an enormous break in the first line, indicating a non-prescribed Section which would render such a Torah Scroll unfit for use in the synagogue. Once the error occurred, and *Tur* had three guide words (ויבא-לדבר-וידבר) in place of two (ויבא-לדבר), Maimonides' last guide word (אשר) was eliminated so that also *Tur* would have a total of five as recommended by Maimonides. This same double error is found in Isserlis' notes, certainly not a coincidence. As Heller remarked, Isserlis simply copied the incorrect guide words found in *Tur* (In the process, *Tur*'s third guide word, לדבר became דבר in Isserlis' notes, probably under the influence of such *Tur* editions as Piove di Sacco 1475, Soncino 1490, Const. 1494, and Venice 1522, which have לדבר as the third guide word). The mistakes did not originate with these *Tur* editions. Lipman-Muelhausen (*Tikkun*, p. 255) quotes a ms of the Code which had this reading ויבא-וידבר-לדבר (אשר-הזאת) and which could have caused the error in *Tur*.



וְתִמְאָ אִמָּאִי לֹא קָשִׁיָא לִיָּה נָמִי הָכִי בְרִישָׁא בְשִׁירָת הַיָּם, שִׁכְתָּבוּ *ib.*: 117  
 לַמַּטָּה מִהַשִּׁירָה חֲמֵשֶׁה שִׁיטִּין, וְהַחֲחֵלְתָן וְתַקַּח סוּס וַיֵּצְאוּ [י.פ. + וַיָּבֹאוּ]  
 וַיְהִיו, וְהַדְבַּר פָּשׁוּט שֶׁהוּא טָעוּי, דְּאִין שֶׁם תִּיבַת וַיְהִיו כָּלֵל בְּמִקְרָא, גַּם  
 אִ"א לְכוּן כֶּךָ הַשּׁוּרוֹת בְּמִקְרָא ע"ש, וּבִרְמַב"ם אֵיתָא וְתַקַּח אַחֲרֵיהֶם [י.פ.  
 צ"ל: אַחֲרֵיהֶם] סוּס וַיֵּצְאוּ וַיָּבֹאוּ ע"ש

Checking the sources, we found that:

- a) Maimonides (*Hil. S.T.* 7:10) lists the guide words for the lines after the Song in Ex. 15: וְתַקַּח-אַחֲרֵיהֶם-סוּס-וַיֵּצְאוּ-וַיָּבֹאוּ.
- b) The early editions of *Tur* (cp. above n. 115) list them in the name of Maimonides: וְתַקַּח-סוּס-וַיֵּצְאוּ-וַיָּבֹאוּ-וַיְהִיו, and likewise the later editions of Wilhelmsdorf (1677) and Prague (1694). The Amsterdam edition of 1711 corrects: וְתַקַּח-[אַחֲרֵיהֶם]-סוּס-וַיֵּצְאוּ-וַיָּבֹאוּ.
- c) In the early editions of the *Shulḥan 'Arukh* containing his notes (cp. n. 115), Isserlis lists these guide words: וְתַקַּח-סוּס-וַיֵּצְאוּ-וַיָּבֹאוּ-וַיְהִיו.

Again, a simple check shows that the variants in *Tur* result from an error, and are not a variant tradition: *Tur*'s last guide word - וַיְהִיו simply does not occur in the passage after the Song in Ex. 15 (the next וַיְהִיו occurs at Ex. 37:9!); *Tur* begins the list with וְתַקַּח-סוּס in place of Maimonides' וְתַקַּח-אַחֲרֵיהֶם, but continues nevertheless like Maimonides with וַיֵּצְאוּ-וַיָּבֹאוּ. Whereas Maimonides has an eleven-word first line (וְתַקַּח-אַחֲרֵיהֶם) and an eleven-word second line (אַחֲרֵיהֶם-סוּס), *Tur* has a twenty-two word first line (וְתַקַּח-סוּס) followed by a ten-word second line, including a Section space (סוּס-וַיֵּצְאוּ), followed by an eleven-word third line (וַיֵּצְאוּ-וַיָּבֹאוּ). *Tur*'s arrangement is impossible, unless there are large breaks in the second and third line. Such breaks however are non-prescribed Sections, and would therefore render a Torah Scroll unfit for synagogal use. The cause of the error in *Tur* was explained by the author of *חידושי הגהות על הטור*, *ad loc.*, n. 4: חֲשַׁבְנוּ הֵךְ תִּיבַת "וַיְהִיו" שֶׁבִּרְמַב"ם שִׁינְךָ אֲלֻמְעֵלָה, לְחַשְׁבֵּנוּ בְּמִנְיֵן הַרְאֵשִׁי שִׁיטוֹת, וְלִכְן חֲסְרוּ ג"כ תִּיבַת "אַחֲרֵיהֶם", וְטָעוּת הוּא בִּידָם. The error arose from a misreading of Maimonides *Hil. S.T.* 7:10, the source upon which *Tur* explicitly had based himself (cp. *Tur*, *Yoreh De'ah*, latter part of section 275: וַיֵּשׁ עוֹר: כֶּתֶב הַרְמַב"ם וַיֵּשׁ עוֹר: וְעוֹד נִהְגוּ בְּרָאשֵׁי הַשִּׁיטִּין לְמַעַלְה מִשִּׁירָת... (הֵי.ס. וְלַמַּטָּה מִהַשִּׁירָה ה' שִׁיטִּין... In *Hil. S.T.* the word following the five guide words for the lines after the Song in Ex. 15 belongs, in fact, to the next phrase in the *Code* סוּס... וַיֵּצְאוּ וַיָּבֹאוּ, וַיְהִיָּה בְּרָאשֵׁי הַשִּׁיטִּין לְמַעַלְה מִשִּׁירָת הַזִּיכָּרוֹ... The printers mistook it as one of the guide words of the preceding

phrase (...ויהיו סוס ויצאו ויבאו ויהיה, בראשי...), writing ויהיו, probably under the influence of the forms of the last two guide words (וילצאו, ויבאו). And in order to remain with five guide words, they eliminated the second guide word אחריה (no doubt interpreting "ותקח אחריה סוס ויצאו", as "ותקח" and [the lines] after that [begin with] סוס, and then וילצאו...). The same double error (ויהיו, elimination of אחריה) is found in Isserlis' notes; certainly not a coincidence. Curiously enough, even R. Shabbethai, who pointed out Isserlis' errors has a mistake in his text with respect to the guide words. Already in the early editions of *Sifthei Kohen*, together with *Shulḥan 'Arukh* (Wilhelmsdorf 1677, Prague 1694, Amsterdam 1711), R. Shabbethai (allegedly) quotes Maimonides' second guide word as אחריהם and simply omits Isserlis' fourth guide word ויבאו.

<sup>121</sup>

a) That the TS had no Section at Lev. 7:22 can be inferred from Weisman's silence in *Ha-Maggid* (cp. n. 61). We recall that Weisman listed only those Sections in the TS which were unique, i.e. which differed from Lonzano, (cp. n. 61, and nn. 62 beg., 65c). Since Lonzano discussed Lev. 7:22 at length, and concluded that Maimonides had no Section there (see example four), and since Weisman did not list Lev. 7:22 as a Section unique to the TS, it follows that the TS was in agreement there with Lonzano.

b) Even if R. Shabbethai did not assume that on the basis of its colophon, the TS was a copy of the BA source of Maimonides' Section list, surely the TS - had it been in Cracow in 1570 and 1647 - would have been well enough known to be adduced by him in support of Maimonides' opinion. After all, it should have been as least as good as the evidence he brought from various printed editions of the Pentateuch: וּכְנָן בְּדִקְתִּי בְּכָל הַחוּמָּשִׁים: וְכֵן בְּחֻמָּשִׁים עִם הַמְּסֹרֶת, הַיְּשָׁנִים וְהַחֲדָשִׁים וּבְכֹל אֵין שֵׁם פְּתוּחָה... וְכֵן בְּהִרְבֵּה סִפְרִים...

c) Had the responsum originally been written before R. Shabbethai's return to Cracow in 1646, i.e. before he had seen the TS, and this is supposed to account for the absence of a reference to the TS in his responsum, upon his return he surely would have checked the TS which Isserlis allegedly used in writing a Torah Scroll - had it been in Cracow and had its purchase been ascribed to Isserlis - before publishing the responsum in *Sifthei Kohen* (Cracow 1647). After all, his *Sifthei Kohen* was a commentary on Karo's *Shulḥan 'Arukh* and Isserlis' notes thereon.

[90]