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and Rivka Ulmer

Recent Developments in Midrash Research

**Recent Developments in
Midrash Research**
**Proceedings of the 2002 and
2003 SBL Consultation on
Midrash**

**LIEVE M. TEUGELS AND RIVKA ULMER,
EDITORS**



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FOREWORD. THE CONSULTATION ON MIDRASH OF THE SOCIETY OF BIBLICAL LITERATURE

“... but the apple tree produces its fruit first and afterwards its leaves” (Shir Ha-Shirim Rabbah)

We are privileged to publish in this volume a selection of the papers that were presented in the sessions of the first two years of the Society of Biblical Literature Midrash Consultation. Since the field of midrash had not been represented in a unit of its own at the Annual Meetings of the Society of Biblical Literature, we established a new program unit to serve as a forum at the SBL Annual Meeting to explore the various aspects of midrash. At a time when many midrashic works are edited in scientific editions and new methods and issues continue to be applied to the study of ancient texts, including midrash, we perceive the Midrash Consultation as an academic venue to present ongoing research projects and new approaches by midrash specialists and scholars from other related disciplines.

Midrash has recently become part of the curriculum at many universities, colleges and schools of theology and is studied outside the rabbinical seminaries. Presently, one may notice a surge in midrash studies. Additionally, many innovative scholarly approaches to midrashic texts are in the planning stages. The Consultation on Midrash provides an opportunity to scholars to focus on midrash and advance hermeneutic reflections on the similarities/differences between the interpretations of the Bible.

The first session (Toronto, 2002) of the midrash program unit presented an introduction to midrash and the exploration of the limits of midrash. The articles by Yaakov Elman, John Townsend and Willem Smelik address this recurring question by focusing on

various 'limiting' factors such as chronology, sociology, genre, content, form, method and hermeneutics.

The second year (Atlanta, 2003) dealt with the question "Where do we stand in midrashic text editions and translations?" There is a continued interest in midrashic texts that, after all, are the foundation of any discussion about midrash. Many major and minor midrashic works as well as hitherto unknown midrashic texts were hidden in manuscript collections. At the same time numerous midrashim are translated into English. In fact, midrashic works are often first edited in an English translation. The article by Vered Noam describes her text edition of *Megillat Taanit*. David Nelson analyses the problems of preparing a translation of the *Mekhilta de-RashBY*. Rivka Ulmer discusses some problems in respect to the preparation of a critical edition of *Pesikta Rabbati*. Lieve Teugels treats the possibilities and the problems related to the making of an edition of the late rabbinic midrash *Aggadat Bereshit*.¹ Finally, Burt Visotzky's response to these papers tackles the various ways critical editions of Midrashim have been realized in the past and more recently.

The 2004 session (San Antonio) will be dedicated to the topic of Jewish and Christian hermeneutics. Our hope and our goal is to continue the contemplation of midrash and its phenomena at the highest academic level. Gorgias Press expects to publish also the papers to be presented at the future sessions of the Midrash Consultation in its 'Judaism in Context' series.

Rivka Ulmer and Lieve Teugels, editors
Rosh ha-Shana 5765/2004

¹ This paper was not presented at the SBL Annual Meeting, due to the unforeseen absence of the author, but was added to this volume because of its relevance for the subject.

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PART I. THE DEFINITION AND
THE LIMITS OF MIDRASH

MIDRASH HALAKHAH IN ITS CLASSIC FORMULATION

By Yaakov Elman
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Aside from an elementary concern for the meaning of obscure or obsolete words, rabbinic exegetical efforts concentrated on reading the Bible as a code in both senses of the term: as a guide for life and as a text with many levels of meaning beyond the straightforward “plain sense of the text.” I will return to the parameters of this rabbinic reading below.

The following sketch will concentrate on the rabbinic system in its classical formulation, the legal interpretations of biblical texts contained in the two talmuds, the earlier one (fourth century) originating in the land of Israel (the Palestinian Talmud) and the later one in Babylonia (sixth century). Though the talmuds are not the latest of these texts of late antiquity, in significant ways they represent the *summum bonum* of the Rabbinic Judaism of that time. Moreover, they differ from the earlier collections in one major respect: aside from containing exegetical and homiletic comments, they contain some of the most detailed considerations of the earlier midrashic literature available to us from late antiquity. Nowhere is this self-conscious focus on meaning and method more prevalent than in the Babylonian Talmud. Finally, the immense influence of the Babylonian Talmud on medieval Jewish thought makes an examination of its approach a prerequisite for the proper understanding of medieval and traditionalist modern biblical exegesis. For these reasons, the emphasis in the following comments will be on the Babylonian Talmud.

Broadly speaking, midrashic exegesis may be explained in three ways: historically, phenomenologically and functionally. Overlaps among these approaches exist, but each singles out one

or two aspects of midrashic literature as its primary concern. The historical approach concentrates on those aspects of midrash that have *changed* over time. This approach may at times be coupled with an attention to the factors that promoted such changes, and thus converges on the functional approach, which seeks to understand the *purposes* of midrash. Finally, the phenomenological approach studies the *methods* that midrashists have employed. Since these methods tended to change over time, this way of studying midrash may incorporate elements of the historical approach. In the sketch below, we will attempt to use all three approaches to understand the methods, purpose and history of midrashic interpretation.

Commonly, rabbinic midrash was directed at interpreting biblical passages, formulated for an ancient Near Eastern cultural background, in terms that were more understandable or palatable to their contemporaries, and to provide exact definitions and interpretations for biblical verses that had legal or ritual significance. As to the first, note the rabbinic dispute over whether the case of a “rebellious son” of Deut. 21:18-21 ever occurred, or whether it was presented as part of the deuteronomic legislation merely as an object lesson.

R. Judah said: If [the ‘stubborn and rebellious’ son’s] mother is not like his father in voice, appearance and stature, he does not become a stubborn and rebellious son [and thus subject to the death penalty]. Why so? Scripture said: “he will not obey our voice” (Deut. 21:20), and since they must be identical in voice, they must also be [identical] in appearance and stature... There never has been a ‘stubborn and rebellious son, and never will be. Why then was the law written? That you may expound it and receive reward...

[This may agree with R. Simeon, who said]: Because one [=the son] eats a *tartemar* of meat and drinks half a *log* of Italian wine, shall his father and mother have him stoned? But it never happened and never will happen. Why then was the law written? That you may expound it and receive reward... (BT *Sanhedrin* 71a)

R. Judah interprets the biblical description of the parents’ complaint that their son does “not obey *our* voice” as mandating that their *voices* be identical, and the Talmud takes this as an impossible condition. How often will a father and mother have the same

“voice, appearance and stature”? However, the technique employed, that of interpreting a grammatical element as exceedingly precise and prescriptive, is commonly used in rabbinic literature for the interpretation of legal or ritual texts which are intended to be carried out. Indeed, in other cases, the requirement that two elements of the ritual or legal act be identical is not viewed absolute. Thus, in regard to the sin offerings brought on the Day of Atonement, the *Mishnah* prescribes that they be alike, but that requirement may be waived.

The two he-goats of the Day of Atonement must be alike in appearance, in size and in value...but even if they are not alike they are valid...

Our Rabbis taught: “And he shall take...two he-goats” (Lev. 16:5). Now, the minimum of [the plural noun] ‘he-goats’ is two; why then is ‘two’ mentioned? To teach that the two must be alike. Whence do we know that even if the two are not alike they are [still] valid [as offerings]? The text reads: “he goat...he goat” (*ibid.*, 9, 10), which widens the scope.¹

The talmudic passage continues with a number of other cases in which a pair of sacrificial animals must *ab initio* be identical, but where the offering is still valid even if they are not. In these cases it is the apparently superfluous use of the word ‘two’ which prompted the rabbinic requirement that the two be identical, and the repetition of the animal involved that eases that requirement.

However, in the case of the rebellious son, the parents’ ‘voice’ is also mentioned a second time: “He does not obey the voice of his father and the voice of his mother.” In other such cases, such an inconsistency is discussed in the Babylonian Talmud, and a technical reconciliation is offered. In our case, the Talmud does not offer one. The entire passage is devoted to biblical commands which in practice may never have been carried out (the rebellious son, the condemned city [Deut. 13:13-19], the leprous house [14:33-53]), and the reasons for that.

Beyond the technical need for consistency in midrash, however, it is clear that the imperatives of the two cases are different.

¹ The first paragraph is from *Mishnah Yoma* 6:1; the entire passage is in BT *Yoma* 62 a-b.

Sacrifices must be offered, but executing a rebellious son for being a glutton and a drunkard seemed excessive to R. Simeon.

Nevertheless, the need to account for every turn of phrase in legal or ritual terms is sometimes the sole motivation for such exegetical legerdemain. The Babylonian Talmud contains another such example, this one dealing with Lev. 16:8: “And Aaron shall cast lots upon the two goats, one lot for the Lord and the other lot for Azazel.”

Our Rabbis taught: “And Aaron shall cast lots upon the two goats”—“lots,” that is, made of any material. One might have assumed that he should cast two lots on the head of each, therefore [Scripture repeats]: “One lot for the Lord and the other lot for Azazel”—that is, there is but one lot “for the Lord” and there is but one lot “for Azazel.” One might have assumed that he shall place upon the head of *each* a lot “for the Lord” and “for Azazel,” therefore Scripture says: “One lot for the Lord,” that is, there is [overall] but one lot “for the Lord” and but one lot “for Azazel.” Why then does Scripture say: “[He shall cast] lots”? [That means to say] that they must be alike: he must not make one of gold and the other of silver, one large, the other small; [furthermore,] “lots” means they may be of any material [so long as they are made uniform] (BT *Yoma* 37a).

This insistence on the exactitude of biblical expressions is typical of rabbinic interpretation of biblical texts, even when there is no apparent cultural disparity between the biblical and rabbinic worlds. It is bound up with the rabbinic view of Scripture’s exceedingly precise mode of expression.

While it was in all likelihood Scripture’s divine origin that allowed such a mode of interpretation to gain sway, once established, this mode was adopted for rabbinic texts as well, and we find fourth- and fifth-century rabbis applying similar modes of interpretation to the Mishnah and other rabbinic texts, and later authorities doing the same to the Talmuds and later texts. One example of such an interpretation of a Mishnah text will be presented below.

OMNISIGNIFICANCE

Recently James Kugel has proposed the term “omniscificance” to describe the essential stance of the rabbinic exegesis of Scripture. According to him, “omniscificance” constitutes

the basic assumption underlying all of rabbinic exegesis that the slightest details of the biblical text have a meaning that is both comprehensible and significant. Nothing in the Bible...ought to be explained as the product of chance, or, for that matter, as an emphatic or rhetorical form, or anything similar, nor ought its reasons to be assigned to the realm of Divine unknowables. Every detail is put there to reach something new and important, and it is capable of being discovered by careful analysis.

If we equate Kugel’s “something new and important” with aggadic (homiletical interpretation—theological, ethical or moral) or halakhic (legal or ritual exegesis) truths, his definition is a restatement of the rabbinic interpretation of Deut. 32:47— “For it is not an empty thing for you, it is your very life, and if [it appears] devoid [of moral or halakhic meaning]—it is you [who have not worked out its moral or legal significance].”² Kugel’s “meaning that is both comprehensible and significant” thus in rabbinic terms has a sharply limited and highly focused range of admissible interpretation; omniscificance is restricted to interpretations which give the text a moral or legal dimension.

A rabbinic comment attributed to the mid-third century Palestinian scholar, R. Simeon ben Lakish, will illustrate this focusing. “There are verses which are worthy of being burnt, but they are [after all, when properly understood,] essential components of ‘Torah’” (BT *Hullin* 60b). R. Simeon ben Lakish then attempts to tease moral significance from the geographical and historical data recorded in Deut. 2:23 and Num. 21:26, which are explained as demonstrating how God arranged matters so that Israel could conquer Philistine and Moabite land while still maintaining the oath which Abraham swore to Abimelekh (Gen. 21:23) and the prohibition of “vexing Moab” at Deut. 2:9.

² PT [=Palestinian Talmud] *Ketuvot* 8:11 (32c), based on Deut. 32:47.

It is written, “The Avvites dwelt in villages as far as Gaza.” What difference does this [geographical fact] make to us? [However,] since Abimelech made Abraham swear “You will not deal falsely with me, nor with my son, nor with my son’s son,” the Holy One, blessed be He, said, Let the Kaphtorites come and take away the land from the Avvites, who are Philistines, and then Israel may come and take it away from the Kaphtorites.

Thus, an arcane, and, to rabbinic eyes, an irrelevant piece of historical geography was converted into a lesson in historiography (the principles by which God orders historical events), theology (God’s concern for Israel, both in terms of its historical destiny to conquer the holy land, and its rectitude, to do so in an ethical manner), and ethics (the importance of keeping promises or treaties, even after hundreds of years).

Thus, “omnificance” describes not only a fundamental assumption of the rabbinic view of Scripture, it also serves to guide rabbinic interpretation into certain fairly well-defined channels, and establishes a hierarchy of preference in regard to exegetical alternatives.

It also presents a challenge. Having claimed such profundity for *all* of Scripture, the rabbinic program may be expected to deliver on its promise. But the Hebrew Bible contains a great deal of material which, by rabbinic standards, did not provide information that was particularly useful, that is, it is not at first glance legal, ritual, moral, ethical, or theological in nature. It contains stories of Israelite ancestors, genealogies, poetry—not all of it religious in tone—census lists, geographical and dynastic information of dubious interest to a legal scholar (e.g., the lists of the kings and rulers of Edom in Gen. 36). As an indication of this lack of completeness, note that the *Mekhilta* to Exodus runs only from Exod. 12:1 to 35:3, and also skips the long passages relating to the construction of the Tabernacle in Exod. 25-40, except for brief sections relating to 31:12-17 and 35:1-3. Beyond that, of course, there is no halakhic midrash on the book of Genesis at all. A truly omnificent program would cover the entire Pentateuch. In order to fulfill that program, all the non-legal and non-edificatory passages would have to be fit into the omnificent categories of legal, ritual, theological, moral and ethical instruction.

The reverse is also true; the Torah lacks explicit mention of matters that the rabbis—and most believers—would consider essen-

tial, such as the obligation to pray regularly. True, Abraham, Isaac and Jacob pray, Moses prays, Joshua prays, but regular prayer is not mandated, nor is its structure laid down. The rabbis settled on Deut. 11:3, “and you shall serve him with all your heart” as referring to prayer, which is, “the service of the heart” (BT *Taanit* 2a), but this reference is vague enough to have set off a well-known debate between Maimonides and Nahmanides as to whether regular, institutionalized prayer is a biblical requirement or not.

Thus, for reasons having to do with the problematics of the concept of omnisignificance, and certain historical developments, that omnisignificant promise was never totally fulfilled. Historically, omnisignificance reflects a rabbinic view of Scripture rather than a complete exegetical program. It describes an ideal which was never actually realized. Not every scriptural text has been interpreted as a strictly “religious” text in the manner set forth above. The available collections of classic rabbinic texts do not constitute an omnisignificant corpus; not only do they fail to deal with many verses, and even whole biblical chapters, but features which are considered significant—legally or morally—in one context are ignored in others. The rabbinic program or programs do not even attempt to provide a complete commentary, in whatever mode, to any biblical book, chapter, or passage, though in some heavily halakhic chapters in Leviticus something resembling a complete commentary could be composed. Indeed, the statement quoted above, “if [it appears] devoid [of moral or halakhic meaning]—it is you [who have not worked out its moral or legal significance],” which is reported in the name of the fifth-generation Palestinian authority, R. Mana, is an admission of this failure and rebuke to his colleagues and/or disciples.

There is another aspect to this problem. The doctrine of omnisignificance assumes a uniform narrative or expository density in Scripture; the biblical text is presumed to be uniformly informative on some level. However, the preserved rabbinic exegetical material available to us does not bear out this assumption. For example, while the phrases *‘ish ‘ish*, “every man,”³ and *‘ish*, “a man,”⁴ are sometimes interpreted as including women,⁵ at other times this is

³ See Lev. 15:2, 17:3, 8, 10, 13, 18:6, 20:2, 9, 22:4, 18, 24:15, Num. 1:4, 4:19, 49, 5:12, 9:10, and the respective *Sifra* and *Sifrei* passages.

⁴ As in Lev. 19:20.

⁵ See *Zevahim* 108b, where the word *betokham* in Lev. 17:8 is inter-

unnecessary, since the verse itself includes them within its purview when it employs the phrase, *‘ish o ‘ishah*, “a man or a woman.”⁶ Why does Scripture employ these variations? The impression one receives is that rabbinic exegesis reflects a concerted effort to harmonize such expressions and level their applications. Women are included in the expression “every man,” as they are in the expression “a man,” and of course explicitly in the expression “a man or a woman.” The Rabbis never explain these departures from the theory of omnisignificance, or raise these questions in a systematic way.

One reason for this heterogeneity may lie in the history of these texts, all of which are to one degree or another—and frequently to a great degree—collections of material originating in various schools and following different views of the proper methods of carrying out the omnisignificant program, and, perhaps, even different views of the omnisignificant itself. For example, it is clear that R. Akiva, the great second-century authority, was far more thoroughgoing in his midrashic approach than others of his contemporaries, at least in the memory of his successors. A classic case which illustrates this point is the following. R. Yosi ha-Galili protests R. Akiva’s extension of Lev. 6:23, which specifies “all sin offerings” which may not be eaten when their blood was sprinkled within the Tabernacle—to all sacrifices of higher sanctity, including, for example, burnt-offerings. “Akiva, though you extend [the phrase] ‘all sin offerings’ all day long, there is nothing there but sin offerings!” (*Sifra Tzav* 8:1 [ed. Weiss, 33a]).

It is worth pausing for a moment to examine R. Akiva’s exegetical move. “All” is the basis for his extension of “sin-offerings” to “burnt-offering,” and R. Yosi ha-Galili protests the inclusion of another type of sacrifice within the parameters of the phrase “all sin-offerings.” However, it should be noted that R. Akiva’s analogous extension has a limit; sacrifices of lower sanctity are not included within this prohibition. In part, this is due to the fact that the sprinkling of blood within the Holy of Holies occurs only in regard to certain sacrifices of higher sanctity. But an examination of other extensions of this type, no matter what its basis in the verse, indicates that extensions always operate by analogical reasoning

preted as including women and slaves, as in *Sifra Abarei* 10:1, ed. Weiss, 84a on 17:10.

⁶ As in Lev. 13:29, 38.

that produces a result that is of the same level of abstraction and usually supplementary to the biblical term involved. Thus, if the verse speaks of the morning perpetual offering, the *tamid shel shahar*, the extension will include the afternoon *tamid*, the *tamid shel bein ha-arba'im* (BT *Yoma* 26a). Day—night, man—woman, altar—altar ramp are all examples of such extensions. Thus, the very method of analogical reasoning employed serves to *limit* the result.

This form of analogical reasoning underlies many of the rabbinic exegetical methods, including *mi'utim* (exclusions), arguments *ad minor ad maius* and the reverse, *gezerah shavah*, *kelal u-ferat* and the reverse, generalization and particular, particular and generalization, *binyan av*, and many more are simply the use of analogical reasoning in specific exegetical situations. Thus, by its nature, the rabbinic system of legal exegesis is self-limiting, even without specific counter-principles.

To return to R. Akiva and R. Yosi, it should be noted that R. Yosi ha-Galili is himself not a “strict constructionist,” and elsewhere R. Ishmael can be seen as protesting R. Yosi’s extension of a midrashically derived rule already derived from another such exposition.⁷ And, of course, there was the time-honored principle that “the Torah speaks in human idiom,” which theoretically serves as a “cap” to midrashic exposition. And yet R. Ishmael himself is reliably reported to have expounded the repetition of the word *we-ne'elam* (“and was hidden”) in Lev. 5:2-3 as an extension (Mishnah *Shevu'ot* 2:5). It would seem that each of these scholars drew the omnisignificant line differently, though it is of course also possible that the inconsistencies reflect the views of different sources.

The omnisignificant imperative proceeds directly from the view of the Pentateuch and the Hebrew Bible as divine revelation; it serves to justify midrashic approaches to biblical texts. Nevertheless, as noted, in practice (though certainly not in theory) use of this principle was not universally applied to all biblical texts nor was the meaning restricted to narrow halakhic or moral categories. Indeed, plain-sense interpretations are not excluded, so long as they have legal, ritual, or edificatory value. At times, then, the “midrashic” interpretation borders on what we would consider the plain sense of the text, so long as it has omnisignificant ramifications.

⁷ See *Sifrei Numbers, Korah* 118, ed. Horovitz, 140-41.

Of particular concern to the rabbis were two challenges to the omnisignificant view: duplications and contradictions. How could an omnisignificant text tolerate either of these departures from the precision posited of it? If every letter were weighed, how could Scripture seemingly contradict itself, repeat itself, or deal with matters that seemed not terribly significant to the rabbis? We have already seen something of how the rabbis dealt with the last problem. We will now examine their methods for dealing with duplications, which probably concerned them as much as contradictions did, if only because, from their point of view, there were so many of them in the Pentateuch, from the repetitive description or mention of particular events or laws, to the repetitive nature of much of biblical style or even of the syntactic forms of Biblical Hebrew, such as the repetition of certain verbal forms for emphasis. All of these were grist for the rabbinic mill.

DUPLICATIONS AND REDUNDANCIES

Generally speaking, when possible, redundancies and duplications are interpreted casuistically, so as to draw distinctions between apparently similar, identical or contradictory phrases, verses or passages.⁸ While the Babylonian Talmud states this principle only in regard to legal texts (as in BT *Bekhorot* 6b), it clearly applies, though with the application of different midrashic methods, to non-legal passages as well. This method of dealing with redundancies has been expanded to include all sorts of midrashic interpretation, and has become typical of the traditional approach to most of the problems outlined above. As the medieval Tosafists noted long ago, only when midrashic methods fail do we fall back on plain-sense interpretation.⁹

Indeed, the history of “normative” Jewish biblical exegesis may be seen from the perspective of the rise of omnisignificance in the tannaitic era, and its transmutation, through both an increasing use of certain methods and a dropping of others, during the succeeding centuries, until authoritative midrashic methods ceased to

⁸ Unless, as noted above (nn. 10, 12), they are interpreted “juridically” as pointing to multiple prohibitions for the same act. At any rate, the casuistic tendency applies to both biblical and rabbinic texts; for the latter see I.H. Weiss, *Dor Dor ve-Doresbav* III (Berlin, 1911), 9-14, and my “Prospective *Derash* and Retrospective *Peshat*,” section I.

⁹ See *Tosafot Sotah* 3a, s.v. *lo*.

be employed for all practical purposes in the gaonic period, probably under Karaite pressure.

In its heyday, however, during the classic rabbinic period, some rules originally intended to limit midrashic interpretation were forced into omnisignificant service. The rule that “every passage (*parashah*) which is said and repeated is repeated *only* for the innovation (*biddush*) it contains,” became instead, at least in one passage in the Babylonian Talmud, another omnisignificant midrashic exegetical device.¹⁰ Thus, originally, when employed in the second century,¹¹ the rule served the purposes of what we may term “plain-sense interpretation.” By its use in reference to whole passages, its thrust was to limit midrashic interpretation of each feature of each repetitive *parashah*. It focused attention on the *differences* between the two rather than their similarities, and thus narrowed the scope of midrashic interpretation.¹² It was only the former that could serve the program of rabbinic midrash. In the passage at hand, this was inverted; with the term “*parashah*” referring even to any phrase repeated in a verse or a succession of verses, the limitation on chapter-explication became a license for providing *any* repetition within a verse—a word, phrase or clause—with midrashic import.¹³

For lack of time, I will give one example of the wider use of this technique, one that actually dates from before the Babylonian Talmud.

What do the rabbis do when the repetition or repetitions are identical? Such a problem is posed by the three-fold appearance of the prohibition of seething a kid in its mother’s milk in Exod. 23:19, 34:26, and Deut. 14:21.

¹⁰ See, for example, its use in BT *Sotah* 3a-b, which both limited the meaning of “*parashah*” to the repetition of a word or clause within a verse, and was eventually employed when no verbal repetition was involved. Beyond that, the rule was taken to mean the opposite of its original intent: that every such repetition, verbal or conceptual, implied a *biddush*.

¹¹ See *Sifrei Numbers, Naso* 2, ed. Horovitz, 4-5, where this is cited in a somewhat different form (“*kol parashah she-ne'emrah be-makom ehad ve-bazur u-shena'ah be-makom aber, lo shena'ah ela 'al she-bizger bab davar ehad*”). See D. Z. Hoffmann, et. al., *Mesillot le-Torat ha-Tanna'im*, transl. A. S. Rabinowitz (Tel Aviv, 5688; repr. Jerusalem, 5730), 7-9.

¹² See D. Z. Hoffmann, “Le-Midreshei ha-Tanna'im,” in *Mesillot le-Torat ha-Tanna'im*, 7-8.

¹³ See the examples provided in BT *Sotah* 3a-b.

Why is this law stated in three places? To correspond to the three covenants which the Holy One, blessed be He, made with Israel: One at Horeb (Exod. 24:7-8), one in the plains of Moab (Deut. 29:11), and one on Mount Gerizim and Mount Ebal (ibid. 28:69)...

R. Jonathan says: Why is this law stated in three places? Once to apply to domestic animals, once to apply to wild animals, and once to apply to fowl.

Abba Hanin states in the name of R. Eliezer: Why is this law stated in three places? Once to apply to large cattle, once to apply to goats, and once to apply to sheep.

R. Simeon b. Eleazar says: Why is this law stated in three places? Once to apply to large cattle, once to apply to small cattle, and once to apply to wild animals.

R. Simeon b. Yohai says: Why is this law stated in three places? One is a prohibition against eating it, one is a prohibition against deriving any benefit from it, and one is a prohibition against the mere cooking of it.

Here the three-fold mention is interpreted by means of standard matrices involving three classes, either of animals or of prohibited actions (eating, drinking or deriving benefit). In the nature of things, as we might expect, not all of these matrices are equally compelling. In rabbinic literature, the animal world is regularly divided into domestic animals, wild animals and fowl, and domestic animals in turn are subdivided into large and small cattle, so that R. Simeon b. Eleazar's division into large and small cattle, and wild animals, while somewhat unusual, is certainly in line with convention.

However, Abba Hanin's statement (in the name of R. Eliezer), which divides the animal world into large and small cattle, and then further subdivides the latter into goats and sheep, would seem to have been divided in this manner simply to make use of the three verses for which it was necessary to account, since it mixes two levels of categorization.

Thus, rabbinic exegesis combines the attempt to relate scriptural texts with rabbinic categories (which are often based on Scrip-

ture in any case)¹⁴ with the modification of those categories to fit a particular distribution of verses. This can often result in an elaborate series of arguments designed to demonstrate that each verse, though seemingly redundant, is intended to counter a particular hypothetical argument. Time does not permit reproduction of one of the best examples of this, a long discussion of Num. 32 in BT *Ketubot* 37a-38a; the interested reader is directed there for a case in which each verse is so interpreted so as to be seen as rejecting a rabbinic exegetical possibility, some of which seem to have been created specifically for this function.

¹⁴ For domestic and wild animals and fowl, see Gen. 2:20.

THE SIGNIFICANCE OF MIDRASH

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There are various ways of introducing Midrash, but this essay briefly discusses four aspects of the form. These are the following:

1. A definition of the genre,
2. The significance of midrash for Christian scholars,
3. Interesting sidelights, and
4. Difficulties in translation.

I: GENRE

Regarding genre, we could define midrash from the meaning of the Hebrew word. “Midrash” can mean “sermon.” Such a definition suggests a genre providing sermon material on various books of the Bible, but this material does not read like finished sermons. The various sections are simply too sketchy. More descriptively, midrash takes two forms. One more or less follows that of a commentary, and goes through a biblical book verse by verse. A more common form, however, is one that follows the weekly scripture readings (on a three-year cycle) and arranges all the material around the first verse or two of the several readings.

We can also look at midrash in social terms, and indeed Daniel Boyarin is quite correct in seeing midrash as “trying to understand how a committed reading of the holy and authoritative text works in the rabbinic culture.”¹ Such social readings can let us in on even minor points of social behavior. For example in the *Tanhuma* (Buber), Num. 1:4,² we are told that the rabbinic practice was to mix one part wine with two parts water. By comparison

¹ Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Bloomington and Indianapolis: Indiana Univ., 1990), p. 15.

² Also *Numbers Rabbah* 1:4.

about c. 200 CE, the Egyptian Athenaeus reported a saying that a proper mixture would be one or two parts wine to five parts of water.³

Another way of defining midrash is to compare midrash with talmudic literature. On the one hand, the Mishnah and the Talmuds (i.e., the Oral Law) deal largely with the way one is to behave. Similarly the earlier, halakhic (i.e., legal) midrashim largely concern behavior. On the other hand, most midrashim deal with aggadic (i.e., nonlegal) subjects. It is in these later aggadic midrashim we see the lighter side of Rabbinic Judaism. While talmudic literature represents the Rabbinic scholarship in a more serious vein, in midrash (at least in aggadic midrash) we see the Rabbis at play, a picture not so different from Isaac Heinemann's definition as "creative interpretation of Scripture."

One example shows both the play and the social aspects of midrash. In discussing the beginning of Genesis, the Buber *Tanbuma* (Gen. 1:4) brings up Ps. 18:36 (= II Sam. 22:36), which in reference to the Divine reads, "And your humility has magnified me."⁴ Then the play begins. The midrash portrays six rabbis each trying to outdo the others in showing how humble the Divine really is. The picture that comes to mind is a joke session, but we should not forget the social aspect mentioned by Boyarin. The examples all reflect the world of the rabbinic scholar, the world of teaching in a world of kingship. According to the first Rabbi, Simeon ben Zera, a master would tell a student to wait for him in such and such a place; but in the case of Ezekiel (3:22), when the Divine told him to go out onto the plain, he arrived there to find the Divine waiting for him. Next, to outdo him, R. Julianus ben Tiberinus said in the

³ *Deipnosophistai* ("Learned Banquet"), bk. 10, 426, but this rule may well have been the exception, since many other possibilities occur throughout the work, including the present section. Cf. e.g., bk. 11, 782, which mentions three parts water to four parts wine Cf. also Homer, *Odyssey*, Book 4, ll. 218-219, which mentions a mixture of 20 parts water to one part wine. See also Pliny the Elder's *Natural History*, 8:89-91, according to which in very ancient Rome women were forbidden to drink wine at all and which goes on to mention two instances of women being killed by family members in connection with this ban plus another instance in which a judge a made drunken woman forfeit her dowry.

⁴ For similar accounts, see the traditional *Tanbuma* Exod. 9:15; *Exod. R.* 41:4; *Midr. Pss.* 18:28f.

name of R. Isaac that, while the student should not initiate a conversation with his master, in the case of Moses (in Exod. 19:19): “Moses spoke, and God answered him out loud.” And so it goes through all six examples.

II : SIGNIFICANCE FOR CHRISTIAN SCHOLARS

In regard to the second point, significance of midrash for a Christian, it is in midrash that we can sometimes find the Jewish side of Christian theological arguments. These arguments are delicately phrased, but they are there none the less. It is easy to see Christians and Jews debating over the doctrine of the Trinity. In fact, one can picture such a debate in the opening sections of the *Tanhuma* Buber. First the question comes up,

“When did the Holy One create heaven and earth?”

Various views are expressed, but there is agreement that the earth existed before any angelic beings,

“lest the heretics (read Christians) say: Michael was standing in the north with Gabriel in the south (read Son and Holy Spirit) and together with the Holy One they spread out the heavens and the earth. So who did create them, the Holy One alone, as stated (in Gen. 1:1): In the beginning God created...”

Then a few sections later (1:12) the argument is repeated that the angels had to be created after the world lest people say,

“They assisted me with my world. The Holy One said: ‘I created my world by myself...’”⁵

Of course, the fact that the “God” (*elohim*) is plural in Hebrew was something that Christian opponents seem to have cited to prove the Divine plurality, but in the *Tanhuma* (Buber) Gen. 1:7 the Rabbis had a ready answer, that *elohim* takes a singular verb. However, the proponents of a plural Godhead in the same section point

⁵ See *Gen. R.* 1:3: 3:8; *Midr. Pss.* 24:4; 86:4; also *Pirke Rabbi Eliezer* 1:3. For a similar approach, see Isaac Kalimi, “Midrash Psalms Shocher-Tov: Some Theological Methodological Features and a Case Study: the View of God,” in *God’s Word for our World: Theological and Cultural Studies in Honor of Simon John De Vries*, ed. J.H. Ellens, D.L. Ellens, R.P. Knierim and I. Kalimi (Sheffield: Continuum and T. & T. Clark, 2004, pp. 64-77).

out the *elohim* was modified by a plural adjective (“holy”) in Josh. 24:19. To this the Jewish answer is that the plural adjective is there because the Holy One is holy in all categories, and lists seven of them with appropriate proof texts.

The next section continues with another argument against a Trinitarian creation. R. Ishmael (d. 135) argued the optional sign of the accusative in Hebrew (*’et*) is a necessary clarification in Gen. 1:1, because without this sign, Heaven and Earth could form a compound subject, which in this case could have a singular verb. Thus Gen. 1:1 could be read, “In the beginning (a trinity of) God, Heaven, and Earth created.” R. Aqiva goes further and argues that this sign of the accusative before Heaven and Earth, must have a fuller meaning, since another meaning for the accusative sign can be “with.” Thus he interprets the verse to mean that in the beginning on the first day the Holy One created, Heaven, Earth, and everything else along with them. Incidentally this is the interpretation that Aqiva’s student, Aquila, used when he translated the Bible into Greek.

Now it is important to remember that interpretation is often in the eye of the reader. These arguments may have had their origins in response to other groups beside Christians. Alan F. Segal makes a good case that such arguments may not have originally had Christians in mind. He maintains that such arguments “indicate that “proto-gnostic interpretations of angelic mediation originated in a thoroughly Hellenized kind of Judaism or among gentiles (including Christians) attracted to Synagogue services.”⁶ Still traditions take on new meanings in various settings. Indeed, even in later times it is easy to see these arguments being used against certain types of Kabbalistic mystical Judaism. Jewish preachers under Christian rulers, however, faced aggressive Christian missionizing along with the threat and practice of persecution. The heretics with whom they had to deal were Christians, and for such preachers these arguments for the unity of the Divine provided credible responses.⁷

⁶ *Two Powers in Heaven: Early Rabbinic Reports about Christianity and Gnosticism* (Leiden: Brill, 1977), p. 264, et passim.

⁷ See Isaac Kalimi, “Die Auseinandersetzung mit den internen und äusseren Opponenten in mittelalterlicher-jüdischer Schriftauslegung,” *ZAW* 115(2003), pp. 73-85.

Related to the subject of the Christian Trinity is the fact that until the Arian controversy of the fourth century, very few of the traditional Church writers made Jesus fully equal to God. Johannes Quasten in the first two volumes of his *Patrology* can find only a couple of relatively minor writers (e.g., Athenagoras and Peter of Antioch)⁸ whom he feels specifically regard the Son fully the equal of the Father God.⁹ Now while many of these writers glorify Christ more than Rabbinic literature might glorify a human being, the idea of the Holy One so sharing his glory is not unheard of. According to the *Tanbuma* (Buber) Num. 3:15¹⁰ (cf. above 2:34), the Holy One shares his glory with Moses, Elijah, and the Messianic King: with Moses by sharing his name (*elohim* in Exod. 7:1); with Elijah who caused the dead to live (I Kings 17:23), and with the Messianic King by having him share his clothing (Ps. 21:6 [5]).

A much earlier example of Christian views reflected in Rabbinic literature involves the New Testament and the schools of Hillel and Shammai. Christians commonly compare Jesus with the Pharisees. There are only two problems here in this comparison. We can agree on little concerning the historical Jesus, and it is difficult to give an exact definition of "Pharisee." Still it seems that the two schools do represent types of Pharisaism, and we certainly do know in general what comprises the New Testament. Let me summarize the results of a study that I have recently completed, which compares the two.¹¹ Leaving aside incorrect assumptions about the two schools, i.e., the so-called exegetical rules associated with Hillel¹² and the common practice of summing up all Torah in

⁸ Vol. I: *The Beginnings of Patristic Literature* (Utrecht/Antwerp: Spectrum, 1950); Vol. II: *The Anti-Nicene Literature after Irenaeus* (Utrecht/Antwerp: Spectrum, 1953), Athenagoras (I: 232); Peter of Alexandria (II: 114).

⁹ Among those in whom Quasten finds such subordinationism are Justin Martyr (I, 209); Origen (II: 67, 77); Theophilus of Antioch (I: 240-241, II: 228); Hippolytus of Rome (II:164, 198, 228); Novatian (II: 228); Tertullian (II, 228, 286, 326). Others like Irenaeus (I: 294-295) do not discuss subordinationism.

¹⁰ Above 3:34; *Tanbuma* Numb. 2:9; *Numb. R.* 13; see *PRK* 32:9 (= *Suppl.* 1:9); *Midr. Pss.* 90:.

¹¹ To appear in the forthcoming Saldarini memorial volume, as "The New Testament and the House of Shammai," *When Judaism and Christianity Began* (JSJ Sup, 85; Leiden: Brill, 2004), pp. 409-423.

¹² In general the New Testament follows general Greek customs of exegesis and not the stricter application of such rules in Rabbinic literature.

one commandment, I have found ten specific points in the New Testament that correspond to situations over which the two schools differ. Of these, seven favored the school of Shammai, and only two favored the often more “liberal” school of Hillel. These two Hillelite points were a generally more liberal attitude regarding the Sabbath and the question of cup purity. In a tenth area, namely attitudes toward welcoming gentiles, the New Testament seems to represent a divided Church. It is quite likely that Hillelites were generally more open to righteous non-Jews having a place in the world to come, while there are hints that Shammaites gave them no such standing. Similarly among the followers of Jesus, many like Paul welcomed non-Jews into the churches, while others like James insisted that such converts had to become Jews. Thus the final score is Shammaites seven, Hillelites two, and one split decision.

One last point on this matter: In recent years Tal Ilan has presented a convincing case that the Pharisees were generally more favorable to women than were other groups.¹³ She also argues that Shammaite rulings generally favored women more than those of the school of Hillel. Unfortunately the situation seems to have changed after 70 CE. In any case, Rabbinic Judaism as represented in the Mishnah came to favor decisions of the less pro-women Hillelites. Similarly within the New Testament, those teachings that seem to represent Jesus or Paul (in his genuine epistles) are relatively more favorably disposed to women than later writings, e.g., those attributed to Paul after the fall of Jerusalem.

III: INTERESTING SIDELIGHTS

In regard to the fact that midrash can be play, let me give just two short examples. In the relatively late *Tanbuma* Buber, Num. 1:2, and

One such rule is *gezera shewa*, which interprets two widely-separated verses together because both contain a common word. Various exegetes find *gezera shewa* commonly used in the New Testament, wherever there occurs a *Stückwort*, i.e., a conscious repetition of the same Greek root. In the case of a *gezera shewa*, however, the exact same word must be repeated in the exact same form, and it is usually labeled as a *gezera shewa*. Moreover, there is a Rabbinic warning against using a *gezera shewa* without a specific tradition for doing so.

¹³ Tal Ilan, *Integrating Women into Second Temple History* (Tübingen: Mohr Siebeck, 1999), 11-81.

elsewhere¹⁴ we read about Miriam's magic well from which the Israelites drank in the desert. Since Moses drew water from a rock in more than one place,¹⁵ the assumption was that the well/rock followed them. The story is very old, and Paul refers to it in the New Testament (I Cor. 10:4), where he says of Israel in the wilderness: "For they all drank from the same spiritual rock that followed them."

The other example concerns David's alarm clock. According to *Tanbuma* Buber (Num. 3:19) and elsewhere,¹⁶ a harp was hanging above his headrest. At midnight a north wind would blow upon it, and it would play of its own accord for David and the students, to arise to occupy themselves with the Torah.

IV: TRANSLATION DIFFICULTIES

Finally there is the matter of translation difficulties. I have already mentioned the problems regarding a proper translation of the optional sign of the accusative in the Hebrew of Gen. 1:1, but there are many other difficulties. Very common are situations where the Hebrew Bible can be understood in two ways, and there is no English equivalent with the same two meanings. Often the midrash will include both of them. At other times the meaning may depend on whether an optional vowel letter has been included or omitted in the spelling of a word. The simplest way to treat such cases is to add the Hebrew word or root in parenthesis after each interpretation, but sometimes the situations become more complicated. For example the midrash will arrive at its own meaning by reversing a couple of letters in a word. To one reading silently such usage may sound arbitrary, but read aloud, as the ancients normally did, even when alone, the two meanings may sound very much alike.

A good example is in Gen. 2:4, which reads, "These are the generations of the heavens and the earth when they were created."

¹⁴ See *Tanb.* Buber, Lev. 7:7; traditional *Tanb.* Numb. 6:35, 47-50; *Tanb.* Numb. 1:2; *Numb.* R. 1:2; 9:14; 13:20; 19:26; *Seder `Olam Rabbah* 5, 9-10; *TSuk.* 3:11-13; *Pseudo-Philo* 10:7; 11:15; also *Tosefta Sot.* 11:1; *Mekhilta de Rabbi Ishmael, Wayassa`* 6; *Sifre* Deut. 32:14 (305); *BT Shab.* 35a; *BT Ta`an.* 9a; *Ecl.* R. 1:2; *Midr. Prov.* 14; the various Targums to Numb. 21:16-20; and I Corinthians 10:4

¹⁵ *Exod.* 17:6; *Numb.* 20:7-11.

¹⁶ *Tanb.* Numb. 3:10; *Numb.* R. 15:16; *PT Ber.* 1:1 (2d); *BT Ber.* 3b; *PRK* 7:4; *PR* 17:3; *Midr. Pss.* 22:8; *Ruth* R. 6:1; *Lam* R. 2:19.

“When they were created” in Hebrew is one word, spelled “BHBR’M.” By reversing two letters we get “B’BRHM,” which changes the verse to mean that it was “by means of Abraham” that the heavens and the earth were created. In written form the interpretation sounds arbitrary; but aloud, “*bebibbaram*” (= “when they were created”) does sound like “*beabraham*” (“by means of Abraham”). Try saying the two words aloud to yourself: “*Bebibbaram*” / “*beabraham*” ... “*bebibbaram*” / “*beabraham*.”¹⁷

¹⁷ *Tanh.* Buber, Gen. 1:16; *Gen. R.* 12:10; *PR* 21:21; *Otiyot de R. Aqiva* 5; See *PT Hag.* 2:1 (77c).

TRANSLATION AS INNOVATION IN BT MEG. 3A¹

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Many questions about the status of the early Bible translations among rabbinic leaders in Late Antiquity remain. It is known that the rabbis acted to deprive any Bible translation the status accorded to the Hebrew original by a series of rules about proper recitation of the translation *vis à vis* the Hebrew original, but the limits of their status in rabbinic instruction, or even their desirability, are still

¹ I am grateful for the generous support of the Lady Davis Fellowship Trust in the late summer of 2003. I am indebted to Prof. Robert Brody for many valuable remarks on an earlier draft of the present article, and I would like to thank Profs. Avigdor Shinan, Marc Bregman, Theodore Kwasman and Moshe Bernstein for their helpful suggestions.

Selected variant readings (compared to the Romm edn) offered in this study are taken from the following textual sources: C = Columbia X893, Columbia College, New York; H = Harley 5508, British Library, London; M1 = Munich 140, Bayerische Staatsbibliothek, Munich; M2 = Munich 95, Bayerische Staatsbibliothek, Munich; O = Opp. Add. Föl. 23, Bodleian Library, Oxford; G = Göttingen 3; V = Vatican 134, Biblioteca Apostolica Vaticana; P = Pisarro edition (ca. 1510); CG1 = T.-S NS 219.40 (Cambridge Genizah Collections); CG2 = T.-S NS 258.144 (Cambridge Genizah Collections). An asterisk indicates the first hand; a lower case 'm' a marginal, or interlinear, correction or alternative reading. On the Cairo Genizah fragments, see R. Brody and E.J. Wiesenber, *Post-Talmudic rabbinic manuscripts in the Cambridge Genizah Collections Vol.1: Taylor-Schechter New Series* (Cambridge University Library Genizah series, 5; Cambridge: Cambridge University Press, 1998) and especially E. Segal, *מסורות מגילה הנוסח של בבלי מגילה* (*The Textual Traditions of Tractate Megillah in the Babylonian Talmud*) (unpublished PhD thesis, Jerusalem 1981), whose collation is cited in case of additional Genizah fragments (under his sigla, p. ה).

unclear. The feeling that Bible translations were tolerated rather than advocated emerges from several discussions in rabbinic literature, most notably in the Babylonian Talmud. Although many of these translations share rabbinic reading assumptions with midrashic literature, their status as sources in their own right, and in relation to Midrash and Talmud, does not appear to have been unchallenged. To what extent was translational activity justified? What does this imply for the part, if any, translations played in the rabbinic religious programs?² In this article I will touch on one aspect of these questions by examining one well-known passage in the Babylonian Talmud, which sheds light on the controversial status of Bible translations.

There is little evidence to indicate the kind of translations, either oral or written, which may have been used in liturgical settings before the second century CE. And while the multilingual society of the Hasmonaean kingdom and first-century Palestine naturally favored the use of Bible translations, their origin should probably be sought in educational settings rather than liturgical ones.³ The first reference to biblical translation occurs when the rabbinic movement regulated the practice of translation, but there is little reason to assume that their stipulations were in force in earlier times, when there may have been a variety of local practices, including unauthorized Greek and Aramaic versions.⁴ The extent of rabbinic control over actual practice may have been limited during most of the Tannaitic period, which argues against an easy identification of rabbinic ideals and local realities.

² In this connection, see S.D. Fraade, 'Scripture, Targum, and Talmud as Instruction: A Complex Textual Story from the *Sifra*', in J. Magness and S. Gitin (eds.), *Hesed Ve-Emet: Studies in Honor of Ernest S. Frerichs* (Atlanta: Scholars Press, 1998), pp. 109-22.

³ Cf. A. Pietersma, 'A New Paradigm Addressing Old Questions: The Relevance of the Interlinear Model for the Study of the Septuagint', in J. Cook (ed.), *Bible And Computer. The Stellenbosch AIBI-6 Conference: Proceedings of the Association Internationale Bible et Informatique 'From Alpha to Byte', University of Stellenbosch 17-21 July 2000* (Leiden: E.J. Brill, 2002), pp. 337-64; A. van der Kooij, 'The Origin and Purpose of Bible Translations in Ancient Judaism: Some Comments', *Archiv für Religionsgeschichte* 1 (1999), pp. 204-14.

⁴ See W.F. Smelik, *The Targum of Judges* (OTS, 36; Leiden: E.J. Brill, 1995), pp. 24-41; cf. 180-88, 634-38 and 656.

Eventually, a corpus of Bible translations emerged which reflect rabbinic concerns for proper interpretation and practice of translation. These include Aquila's Greek version and the Aramaic translation known as Targum Onqelos. The Bavli mentions both Targum Onqelos and Jonathan once only, in BT *Meg.* 3a. Since we assume, on the basis of extant manuscripts and literary references, that these Targums were cultivated in Babylon, modern scholarship usually does not attach much significance to the attribution of both translations to the Palestinian Tannaim Onqelos and Jonathan beyond the obvious recognition, that these attributions claim a certain antiquity, hence authority, for the translations under discussion.

The Bavli mentions both Targum Onqelos and Jonathan once only, in BT *Meg.* 3a.⁵ Since we assume, on the basis of extant manuscripts and literary references, that these Targums were cultivated in Babylon, modern scholarship usually does not attach much significance to the attribution of both translations to the Palestinian Tannaim Onqelos and Jonathan beyond the obvious recognition, that these attributions claim a certain antiquity, hence authority, for the translations under discussion.

Even the single occurrence of Targum Onqelos and Jonathan by name in BT *Meg.* 3a is casual, or so it seems. It occurs in the wake of a discussion about the definition of a city, in relation to the way Purim is to be celebrated in different places. Part of the answer contains an unclear attribution to either R. Jeremiah or, as others said, R. Hiyya bar Abba. Enter three additional traditions which are attributed to either R. Jeremiah or R. Hiyya bar Abba: one about final letter forms, one about translation, and one about the relative standing of Daniel in comparison to the Prophets. Stringing seemingly random traditions together in this way is something which the Talmud often does; the three traditions linked to the first bear no relationship to the main question, which is the extent to which a village counts as part of a nearby city; the only common denominator is the questioned attribution. From the peripheral appearance of Onqelos and Jonathan in the third of these four traditions they do not appear to carry much topical weight.

⁵ This dearth of references is remarkable, because attributions of translated passages to Rav Joseph as well as the phrase 'as we translate' occur more than a dozen times.

It is a commonplace to consider strings of loosely connected traditions as largely irrelevant to the topic under discussion, a mere byproduct of oral tradition in its current co-text.⁶ There is perhaps something irresistible in the assumption that some oral traditions were thrown in, in order to preserve them, or as an associative digression. Nonetheless, it is worth exploring the possibility that these additional traditions are an integral part of the *sugya* rather than stranded notes.⁷ The four traditions attributed to either R. Jeremiah or R. Hiyya bar Abba, who were active in Palestine in the 3rd and 4th generation of Amoraim (the first half of the 4th century CE), seem to have been transmitted en bloc in Babylon;⁸ the stereotypical introduction suggests as much.⁹ The existence of parallels for these traditions within the Bavli as well as elsewhere—with the exception of the Targum tradition, which has partial parallels outside the Bavli—allows us to evaluate their editorial features, and in particular the possibility that these four traditions were raised at this particular point in response to the drift of the argument.

Following my initial discussion of the structure of the *gemara*, I shall analyze the four traditions mentioned and their parallels, as well as their setting in the *gemara*. I will argue that however isolated this single occurrence in BT *Meg.* 3a may be, the mention of both

⁶ See, e.g., L. Jacobs, *Structure and Form in the Babylonian Talmud* (Cambridge: Cambridge University Press, 1991), p. 46: 'The linking of diverse topics solely because they have a common authorship is a frequent literary device in the Babylonian Talmud, and the attempts by commentators to find a linking theme in such instances is misguided'.

⁷ A variant reading in MS H (agreeing with Segal, *מסורות הנוסח*, p. 103, MSS ש 31ג 10ג 6ג) introduce the four traditions with the following mnemonic note: *חמתן צופים הרגום חגי סימ'*, corresponding to the first words of each of these traditions. Rabbinovicz, *דקדוקי סופרים* (16 vols; Munich: Huber, 1867-1886; vol. 16 Przemyl, 1897) reads *בנס* for *צופים*, which is incorrect.

⁸ Which does not imply that they were transmitted *en bloc* from Palestine to Babylon in their present form, which appears to be of Babylonian coinage; more on this below.

⁹ Originally, the tradition may have been transmitted by R. Jeremiah in the name of R. Hiyya bar Abba; cf. BT *Meg.* 4a; BT *Ber.* 13b. So A. Weiss, *על היצירה הספרותית של האמוראים* (*Studies in the Literature of the Amoraim*) (New York: Horeb, 1961/62), p. 206 n. 96. For the first tradition, also contrast PT *Meg.* 1.1, 70a (see below).

Targums is neither casual nor anecdotal, but plays an undervalued part in the *gemarā* on Mishnah *Meg.* 1.1 (BT. *Meg.* 2a-5a).

The Mishnah opens with a list of days on which the scroll of Esther should be read (1.1), the 11th, 12th, 13th, 14th or 15th of Adar, depending on the day of the week on which the 14th falls and whether the location is a village, large city, or a town surrounded by walls since the days of Joshua ben Nun (1.2). It then discusses how to define a village or a large city, and under which circumstances the date of Purim is shifted (1.3).¹⁰

The Bavli first dwells at length on the biblical sources relating to the dates, then continues with an examination in similar detail of the law for cities that were surrounded by a wall in the days of Joshua ben Nun. The question is how to justify the distinctions between cities and villages in the Mishnah, and how to apply these to contemporary localities. The debate centers on which localities belong to the category of cities that were walled in the days of Joshua ben Nun, and their boundaries, citing Est. 9.28. Embedded in this discussion about the limits of a city following the first of eight statements attributed to R. Joshua b. Levi, we find the four traditions introduced by the words ‘R. Jeremiah, and it was said [alternatively] R. Hiyya bar Abba, said...’. Immediately after the fourth, the prooftext Est. 9.28 is taken up again, triggering a discussion of priorities (3a-b): Temple service versus reading Esther; Torah study versus reading Esther; individual and communal reading, and, finally, tending to an unattended corpse versus reading Esther. This is followed by a repetition of R. Joshua ben Levi’s first statement and seven additional traditions attributed to him: ‘[Back to the statement] itself’ (גופה):¹¹ R. Joshua b. Levi said: A city and all

¹⁰ The distinction between the various terms for localities is often blurred; see Z. Safrai, *The Economy of Roman Palestine* (London: Routledge, 1994), pp. 17-103 (17-19). Cf. S. Applebaum, ‘Economic Life in Palestine’, in S. Safrai and M. Stern (eds.), *The Jewish People in the First Century: Historical Geography, Political History, Social, Cultural and Religious Life and Institutions* (CRINT, 1.2; Philadelphia: Fortress Press, 1976), vol. 2, pp. 641-45; M. Goodman, *State and Society in Roman Galilee, AD 132–212* (Totowa: Rowman & Allanheld, 1983), pp. 27-31. Here it is assumed that the כרך represents a walled city, the עיר a large village, and the כפר a small village.

¹¹ On this term, see W. Bacher, *Die exegetische Terminologie der jüdischen Traditionsliteratur* (repr.; Darmstadt: Wissenschaftliche Buchgesellschaft, 1965), vol. 2, p. 26; J.N. Epstein, *מבוא לנוסח המשנה* (Jerusalem: The Hebrew University Magnes Press, 2001), pp. 244, 907-908 and the literature cited

that adjoins it and all that is taken in by the eye with it is reckoned as a walled city'. The eighth tradition concludes this aspect of the Mishnah, and the *gemara* proceeds to the shifting dates for villages.

That is the linear description. However, interrelationships exist between the *gemara* and the four Jeremiah/Ḥiyya traditions. Introductory *sugyot* frequently possess unique features, which turn them into a framework for the subsequent *sugya* or *sugyot*.¹² Such stammatitic features are evident here too. The start of the *gemara* is marked by an immediate retraction from the initial (and sensible) question as to how the Mishnah arrives at its dates. These dates come as something of a surprise. The Book of Esther only specifies the 14th and 15th of Adar, and makes no mention of the 11th, 12th or 13th.¹³ The additional dates follow from the fact that in villages the reading of Esther is held on the market day. The Bavli opens as follows:

From where [do we know that the Megillah is read] on the 11th?

From where?¹⁴

As we will seek to state below,¹⁵ the Sages were lenient with the small villages [and allowed them] to advance [the day of reading] to the market day, so that they will provide water and food for their brothers in the walled cities [on the 14th of Adar].

This passage is remarkable for several reasons. The initial solution—that villagers may provide water and food to the cities on Purim—is proleptic, and only receives full treatment on ff. 4a-b and 19a¹⁶ where, attributed to the first generation Palestinian

versity Magnes Press, 2001), pp. 244, 907-908 and the literature cited there.

¹² A. Weiss, על היצירה של הסבוראים [The Literary Activities of the Saboraim] (Jerusalem: Magnes Press, 1953), pp. 8-11, 16; A. Cohen, *Rereading Talmud: Gender, Law and the Poetics of Sugyot* (Atlanta: Scholars Press, 1998), p. 164.

¹³ The *gemara* identifies "hints" as prooftexts for these additional dates further on.

¹⁴ The repetition of מנלן is absent in MSS C G* M1*.

¹⁵ At his point MS C adds: דאיתמר אמר ר' חנינה, a reference to BT *Meg.* 4a. It does not repeat the relevant clause of the *mishnah*, מגילה נקראת באחד עשר.

¹⁶ D. Weiss Halivni, מקורות ומסורות: ביאורים בתלמוד לסדר מועד מיומא עד חגיגה [Sources and Traditions: A Source-Critical Study on the Talmud Seder Moed from

Amora R. Hanina, this formulation of the solution is rejected, and slightly reformulated (4a/b),¹⁷ although it agrees with PT *Meg.* 1.1, 70b. There is reason to assume that the proleptic reference is an editorial interjection. The phrase מנולן usually introduces a biblical verse, or a *baraita*.¹⁸ Before a direct answer is provided, this editorial insertion gives rise to a reformulation of the original question:

This is what we really mean to say: Now, all [dates] have been ordained by the Men of the Great Assembly. So, if you should think that they ordained the 14th and the 15th¹⁹ but the Rabbis came and revised the ordinance which the Men of the Great Synagogue instituted [by adding the additional dates], we have learned: One court cannot overrule the decisions of another court unless it is greater in wisdom and numbers.²⁰

At the very outset the *gemara* thus highlights the question of rabbinic authority, and reinterprets the question ‘from where’ to be a question about a hint in the scroll of Esther itself for the dates instituted by the Men of the Great Assembly. The text continues as follows:

Obviously, however, all these [dates] must have been laid down by the Men of the Great Assembly, [so] where are they hinted at [in the Book of Esther]?

Yoma to Hagigab] (Jerusalem: The Jewish Theological Seminary of America, 1975), p. תסג n. 1 suggests that whoever added these words here did not know R. Hanina’s words, following the Tosafot. However, the point may well be different, namely to address the theme of authority, even if the statement used is to be qualified later on (somewhat akin to ‘writing under erasure’). Cf. Segal, מסורות הנוסח, p. 132-33.

¹⁷ It is accepted under special circumstances in BT *Meg.* 19a. In PT *Meg.* 1.1, 70b it is attributed to the Tanna R. Samuel.

¹⁸ Cf. Halivni, מקורות ומסורות, p. תסג. The מסורת הש”ס refer to Tosefta *Zeb.* 89a. Cf. Segal, מסורות הנוסח, p. 131, who suggests editorial touches in BT *Zeb.* 89a.

¹⁹ MS H supplements: לאו כולהו תקון אלא.

²⁰ The quotation is from Mishnah *Edu.* 1.5. The silent assumption is that the Men of the Great Synagogue were the ones who established the festival of Purim in the first place. For the quoted *mishnah*, see also PT *Sheb.* 1.1, 33a; PT *Shab.* 1.4., 3d; PT *ʿAvod. Zar.* 2.8, 41d; BT *M. Qat.* 3b; BT *Git.* 36b; BT *ʿAvod. Zar.* 36a. Note, however, the commentary of Ritva at this point.

Following Rashi, the words **היכא רמיזא** ('where are they hinted at') are the answer to the initial question, **מנלן**.

Neither the Mishnah, nor the Tosefta or the Yerushalmi make this point about authority, and while the Yerushalmi refers to the same sources, it also explicitly refers to a contradictory opinion: 'R. Jose says: These are the dates which the Sages established for them'.²¹ The question of authority, and legitimate sources for halakhic decisions, is taken up in the four traditions we are most concerned with here.

The first of the Jeremiah/Ḥiyya traditions is clearly relevant to the most immediate question, what counts as a city. There is no doubt that this tradition belongs here; its parallel in BT *Pes.* 46a is not exact, and has not been attributed to the same masters,²² while its relevance is most notable at this junction:

R. Joshua ben Levi said, A walled city and all that is near to it, and everything that can be seen with it, is considered a walled city.

How far?

R. Jeremiah said, or some say R. Ḥiyya bar Abba, From Ḥamthan to Tiberias, a mile.

Then let him say a mile?

This teaches us that the standard of a mile is as [the distance] between Ḥamthan and Tiberias.

The discussion implies that Ḥamthan is assigned the same status as Tiberias; the two places were considered as one.²³ R. Joshua ben Levi's statement is a *baraita* in Tos. *Meg.* 1.1 and PT

²¹ PT *Meg.* 1.1, 69d-70a; cf. Tos. *Meg.* 1.1-4. See esp. below, p. 14.

²² Instead, 'R. Abbahu in the name of R. Simeon b. Laqish'. It concerns a similar reasoning about the distance between Tiberias and Midgdal Nunya as one mile. The distance between Hamthan and Tiberias is not mentioned elsewhere in classical rabbinic literature.

²³ Cf. Tos. 'Eruv. 5(7).2 (עכשיו בני טבריה ובני חמתה חזרו להיות עיר אחת); PT 'Eruv. 5.1, 22d; PT *Meg.* 1.1, 70a; BT *Meg.* 5b-6a. See further G. Reeg, *Die Ortsnamen Israels nach der rabbinischen Literatur* (Wiesbaden: Dr Ludwig Reichert Verlag, 1989), pp. 254-55, 256. Archaeologically, the two places are distinct; see G. Foerster, in M. Avi-Yonah and E. Stern, *Encyclopedia of Archaeological Excavations* (Jerusalem: Israel Exploration Society, 1975), vol. 4, p. 1173; cf. S. Lieberman, *תוספתא כפשוטה* (New York: The Jewish Theological Seminary of America, 1962), vol. 3, p. 387.

Meg. 1.1, 70a, while a further refinement of this opinion in BT *Meg.* 3b is introduced with the word תנא, as noted by Albeck; R. Joshua b. Levi, of the first generation of Palestinian Amoraim, was considered a Tanna.²⁴ In BT *Meg.* 3b the geographical and visual proximity are distinguished as separate criteria, unlike the impression given in the Tosefta and Yerushalmi.²⁵ The Yerushalmi cites Josh. 19.35 which lists Hammetha (=Hamthan) among a number of fortified cities, but the Bavli derives its proof from the previous proof-text ('family and family, province and province, city and city', Est. 9.28): 'the verse serves another teaching', namely, the duplication of terms serves to make this additional point about walled cities and places surrounding it (cf. Rashi). Thus not only has the case of Hamthan been justified, but every other similar instance as well; neither the Yerushalmi nor the Tosefta offer a biblical source in this connection.²⁶ This first of four traditions attributed to R. Jeremiah or R. Hiyya bar Abba thus appears to elaborate on a Palestinian *memra*,²⁷ and it supplies a proof-text for the opinion which is lacking elsewhere.

The issue of authority stated so explicitly at the outset of our *sgya* is taken up in the second of the four Jeremiah/Hiyya traditions, according to which the distinct forms of five Hebrew letters when concluding a word were instituted by the prophets:

And R. Jeremiah said, or some say R. Hiyya bar Abba,
[the final form of] *mem nun tsade peh kaph*, the prophets
[lit. 'seers'] instituted them.²⁸

²⁴ C. Albeck, מחקרים בברייתא ותוספתא ויחסן לתלמוד (Jerusalem: Mosad Harav Kook, 1943-1944), pp. 55, 112; Epstein, מבוא לנוסח המשנה, pp. 236-37.

²⁵ Cf. Lieberman, תוספתא כפשוטה, vol. 5, p. 1123.

²⁶ The example of Hamthan is given in PT *Meg.* 1.1, 70a, attributed to R. Aibo b. Naggari in the name of R. Hiyya bar Ba, without any reference to 'a mile'.

²⁷ A statement attributed to an Amora. Note that ואיתימא is Babylonian Aramaic, suggesting that the traditions underwent editing in Babylonian circles.

²⁸ This statement also occurs in *Gen. R.* 1.11(10) with a different attribution: 'R. Simon said in the name of R. Joshua b. Levi: *mem nun tsade peh kaph* are a Mosaic *halakhab* from Sinai. R. Jeremiah said in the name of R. Hiyya b. Abba: 'They are what the Seers instituted'; *Num. R.* 18.21 and

Some manuscripts highlight the issue with the additional words: ‘The prophets [instituted these letters], and not Moses?’³⁴ This claim is rejected, for ‘no prophet has the authority to institute anything new’; ‘these are the commandments’ (Lev. 27.34), in this precise form. In addition a tradition attributed to R. Ḥisda is cited, based on the letter *mem* already having its final form at Mount Sinai. The whole block is relevant to the discussion in BT *Shab.* 104a,³⁵ which reproduces the whole passage almost *verbatim*,³⁶ for two reasons: its co-text deals with the form of letters, unlike *Meg.* 3a, and the repetition of the proof-text, that a prophet has no authority to innovate on matters laid down in the Torah makes an additional point in *Shab.* 104a (namely, that the open and closed forms of the *mem* are of equal sanctity) whereas it merely repeats something in *Meg.* 3a: that both forms existed at the time of the giving of Torah, and that the prophets re-established them.

However, the statement attributed to Ḥisda is absent in C* and many Genizah fragments,³⁷ and there is reason to assume that this absence is original based on a crucial difference between the two passages. In BT *Shab.* 104a the co-text suggests that the Seers instituted the regular rather than the final form of these letters, whereas in *Meg.* the co-text suggests that they instituted the final forms. In both cases, the statement attributed to R. Jeremiah or R. Ḥiyya bar Abba itself leaves the question open, so that it is the elaborated form of the tradition which creates the contrast. Without R. Ḥisda’s statement in BT *Meg.* 2b-3a, however, both passages may refer to the institution of the regular forms of these letters.³⁸ Whereas in *Shab.* 104a one relevant element of the R. Jeremiah or R. Ḥiyya bar Abba traditions was added later on, in *Meg.* 3a the

³³ This statement has a parallel in PT *Suk.* 4.1, 54b; PT *Shab.* 1.4, 3d; PT *Sheb.* 1.5, 33b; PT *Peab.* 1.1, 15b; PT *Peab.* 2.4, 17a; PT *Ket.* 8.11, 32c; BT *Meg.* 18a; BT *Shab.* 104a; BT *Yom.* 80a; BT *Suk.* 44a.

³⁴ See n. 29 above.

³⁵ A less relevant parallel is BT *Yom.* 80a, where the proof-text and its inference appear, but are applied to a different case.

³⁶ It combines the same attribution, the statement on the final letters, the miracle, the proof-text, and infers the same conclusion including the impossibility of innovation, but bases it all on R. Ḥisda’s statement.

³⁷ See note 31 above.

³⁸ Segal, *מסורות הנוסח*, pp. 142-44. Note also that R. Ḥisda’s statement is taken up again in BT *Shab.* 104a with גופא.

whole block was transmitted since the focus here includes a theme that runs through all of them.

Apart from BT. *Shab.* 104a, all other parallels are only partial. The final statement is typical for the Yerushalmi: 'but they forgot them and [the prophets] reestablished them'. The two other Babylonian passages which carry this argument, BT *Yom.* 80a and BT *Suk.* 44a, likewise reflect Palestinian traditions. Since the Sages cited here are Palestinian as well, it appears that the core components of this tradition are of Palestinian provenance, although the present form has a composite character which points to a Babylonian reshaping of these traditions. Moreover, the parallel in *Gen. R.* 11.10 simply juxtaposes the view that the form of the letters goes back to Sinai with the opinion that the prophets instituted the distinction between the letter-forms,³⁹ and it does not claim that the prophets reestablished a forgotten tradition.

The Yerushalmi (PT *Meg.* 1.11[8], 71c) offers an instructive parallel: according to those who claim that the Torah was given in Assyrian [=square] script, the letter samekh is a miracle (as it is closed);⁴⁰ according to those who claim it was given in paleo-Hebrew, the 'ayin (which is closed according to this script) is a miracle. And it continues: 'R. Jeremiah in the name of R. Hiyya bar Ba and R. Simon both say: In the Torah of the earlier ones (הראשונים) neither the he nor the *mem* was closed; just the samekh was closed'.⁴¹ This discussion relates to later innovation in writing, without betraying any sensitivity to such innovation, even though the latter statement is attributed to the same rabbi as in the Bavli (with confusion as to who authored it). This difference indicates that the second Jeremiah/Hiyya-tradition was further developed in Babylonian circles. All the emphasis in the Bavli is on the authority to innovate, which is interesting, since the emphasis appears to belong to the *stam*.

The third Jeremiah/Hiyya tradition is as follows (*Meg.* 3a):

[1] And Rabbi Jeremiah said, or some say Rabbi Hiyya bar Abba, The translation of the Torah, Onqelos the

³⁹ See note 28 above.

⁴⁰ See note 32 above.

⁴¹ A closed *he* is like a *beth*; these letters were often exchanged.

Proselyte, he said it from the mouth of R. Eleazar and R. Joshua.⁴²

[2] The translation of the Prophets, Jonathan ben `Uzziel, was said from the mouth of Haggai, Zechariah and Malachi.

[3] On that hour⁴³ the land of Israel was shaken four hundred parasangs by four hundred parasangs.⁴⁴ A whisper (בת קול) went out and said: Who is the one who revealed my secrets to mankind? Jonathan ben `Uzziel arose and said, It is I who have revealed your secrets to mankind. It is fully known to you⁴⁵ that I have not done this for my own honor or for the honour of my father's house, but for your honor I have done it, that dissension may not increase in Israel.⁴⁶

[4] And he further sought to reveal the Targum of the Writings. A whisper went out and said to him: Enough for you!

[5] What was the reason? Because the date of the Messiah is in it.

[6] But did Onqelos the Proselyte say the translation of the Torah?

[7] Did not Rab Iqa bar Abin say: Rab Hananel said: Rab said: What [does it mean] when it is written: 'And they read in the book, the law of God, clearly, giving the sense, so they understood the reading' (Neh. 8:8). 'And they read in the scroll, the law of God', this is *Miqra* [Hebrew text]; 'clearly', this is the Targum; 'giving the sense', these are the verses; 'so they understood

⁴² MSS O M1m add: באותה שעה בא חשך לעולם שלשים ימים. This is not an original reading (cf. [9] which reveals a lack of knowledge about it), but reflects later speculation on, interestingly, Greek translations of the Torah. The passage has a parallel in PT *Meg.* 1.11(8), 71c.

⁴³ MSS C G H M1 O V contain the plus באותו שעה (shared by 53ג 10ג 6ג 3ג גג נפ ה; Segal, *מסורות הנוסח*, p. 35); M2: באותא שניה.

⁴⁴ See also BT Sot. 49b; BT *B. Qam.* 82b; BT *Men.* 64b.

⁴⁵ For the words גלוי וידוע לפניך שלא, MSS C M2 read ולא (in agreement with MSS ש ה ף ע 11ג; Segal, *מסורות הנוסח*, p. 35); G לא.

⁴⁶ Jonathan's words are echoed in BT *B. Mes.* 59b; *ARN A* 6 (32). In the latter source, the final (and crucial) motivation is completely different.

the reading', these are the intonations, or some say, the traditions.⁴⁷

[8] Rather,⁴⁸ they had forgotten them and now established them again.

[9] What is the difference that it was not shaken because of the Law but for the Prophets that it was shaken? Because the Law has been expressed clearly, the case of the Prophets has clearly defined words here and unqualified words there, as it is written: 'In that day the wailing in Jerusalem shall be as great as the wailing at Ḥadad-rimmon in the plain of Megiddon' (Zech. 12.11).

[10] And R. Joseph said:⁴⁹ If not for the Targum of this verse, we would not know what is really says: 'And on that day the wailing in Jerusalem will be great as the wailing for Ahab son of Omri whom Ḥadad-rimmon son of Tabrimmon had killed in Ramoth Gilead, and like the wailing for Josiah son of Amon whom Pharaoh the Lame had killed in the plain of Megiddon'.

This whole block, for convenience divided into ten parts, has no parallel in the Bavli itself and has been developed much further than any of the other Jeremiah/Ḥiyya traditions. The first part [1] has a parallel in the Yerushalmi, while [2], [3] and [4] are unique. [1] applies to Onqelos what was applied to Aquila and his Greek recension in PT *Meg.* 1.11(8), 71c; the language of translation intended here is ambiguous. The Aramaic translation of the Torah has become known as Targum Onqelos on the basis of this saying alone, but there is no co-textual confirmation that Aramaic is implied. This saying is mirrored in [2], which may or may not reflect a (Palestinian) tradition about Θεοδοσιων (= יונתן),⁵⁰ and which is just

⁴⁷ On [7], see also *Gen. R.* 36.8; PT *Meg.* 4.1, 74d; BT *Ned.* 37b and below.

⁴⁸ All MSS read אלא (C G H M1 M2 O V).

⁴⁹ For a discussion of this passage, see R.P. Gordon, *Studies in the Targum to the Twelve Prophets. From Nabum to Malachi* (VTSup, 51; Leiden: E.J. Brill, 1994), pp. 55-56. There are minor differences between the versions of TJon in BT *Meg.* 3a and BT *M. Qat.* 28b. I hope to provide a full discussion of similar 'R. Joseph passages' elsewhere.

⁵⁰ P. Kahle, *The Cairo Geniza* (2nd edn; New York: Frederick A. Praeger, 1960), pp. 195-96; D. Barthélemy, *Les dévanciers d'Aquila* (VTSup, 10; Leiden: E.J. Brill, 1963), p. 90.

as ambiguous about the language of translation, although in this case [10] suggests that it was eventually interpreted as the Aramaic translation now known as Targum Jonathan.⁵¹ This latter interpretation does not necessarily apply to the tradition of R. Jeremiah/R. Hiyya b. Abba, because [10] is obviously a later (and Babylonian) supplement to the tradition.

Together these 4 Hebrew statements form a distinct unity, with [1] and [2] attributing the translations of Torah and Prophets to established authorities, while [3] addresses the impact of the ‘publication’ of [2], and [4] provides the reason why no authorized translation of the Writings was created. The glossator of [5] then explained (in Aramaic) the prohibition against translating the Writings with a reference to its contents. Whether [3] and [4] belong to the original tradition, remains unclear. They reflect the question whether anything other than the Torah may be translated, in contrast to the Yerushalmi’s parallel to [1], which focuses on the language of translation, draws the conclusion that only Greek is appropriate, and finally praises Aquila’s Greek version.⁵² It seems likely that [2]-[4] are a distinct development of the tradition of [1], but one which may well antedate the final redaction of the Talmud. The silence regarding the language of translation in the Bavli allows the possibility that the saying applies to Aramaic, as evidenced by [10] and the later reception of this passage.

More significantly, in common with both the opening of the *gemara* and the previous Jeremiah/Hiyya tradition, the next comment [6] shares a concern regarding the authority to innovate: ‘But did Onqelos the proselyte say the translation of the Torah?’ Obviously not [7]; rather, the institution of translation is attributed to Ezra,⁵³ based on the verse of Neh. 8.8. This refutation, which has a parallel in Gen. R. 36.8 referring to a Greek translation,⁵⁴ is fol-

⁵¹ A variant reading in [10] refers explicitly to Targum Jonathan: קאמ' דהרגום יונתן בן עזאל (M2, introducing Zech. 12.11-12).

⁵² PT *Meg.* 1.11(8), 71c.

⁵³ The Ezra connection also occurs in PT *Meg.* 4.1, 74d, attributed to ‘Rab Zeira said in the name of R. Hananel’, in the co-text of oral Aramaic Bible translation. These were Babylonian Amoraim. In BT *Ned.* 37b, where the language is not obvious, the attribution is only slightly different: ‘R. Iqa ben Abin said: Rab Hananel said: Rab said’.

⁵⁴ A. van der Kooij, ‘Nehemiah 8:8 and the Question of the “Targum”-Tradition’, in: G.J. Norton and S. Pisano (eds.), *Tradition of the Text. Studies*

lowed by an exact parallel with the second Jeremiah/Ḥiyya-tradition: 'They had forgotten them and now established them again' [8].⁵⁵

The emphasis on the traditional basis of the oral-performative translation in [6-8] indicates that the Jeremiah/Ḥiyya b. Abba tradition was included not only for the sake of memorization and preservation, but also followed the drift of the argument. While the basic tradition attributed to R. Jeremiah of Ḥiyya b. Abba may have been included because it was part of a block of such traditions, later generations who discussed these traditions in the *sugya* emphasized and developed aspects of authority. The very attribution to Onqelos is called into question as it might undermine the translation's validity [6-8].⁵⁶ As a result, the Palestinian traditions are markedly different in the Babylonian version. Quite apart from loosening the connection to the Greek language, they no longer include the praise for the (Aramaic) translation which the Yerushalmi bestowed on Aquila's work and refer to oral rather than written translations.⁵⁷

The final comments [9-10] probe the significance of [2]-[4], asking why the land did not shake for Onqelos' translation. The editor's explanation [9], that the Torah is less enigmatic than the Prophets, points to a scale of revelation starting at the bottom with the plain Torah, followed by the arcane Prophets (and presumably topped by the Writings which should not be translated at all since these contain a prophecy about the messianic era [4]). Interestingly,

Offered to Dominique Barthelemy in Celebration of his 70th Birthday (OBO, 109; Freiburg & Göttingen, 1991), pp. 79-90.

⁵⁵ The same phrase occurs in BT *Shab.* 104a, the parallel to our second Jeremiah/Ḥiyyah tradition, also stammaitic; see further n. 33 above.

⁵⁶ G. Veltri, *Eine Torā für den König Talmāi* (TSAJ, 41; Tübingen: J.C.B. Mohr, 1994), p. 182, claims that the Bavli enhances the age of Onqelos *vis à vis* Jonathan, reflecting its standing. There is no justification for this assumption in the direct co-text, while the next passage [9], which he probably used to explain [6-8] in this way, is not about standing or age.

⁵⁷ In [1], [2] and [6] the word **אמר** implies an oral translation. In the Yerushalmi, the context (Mishnah *Meg.* 1.8) is the *writing* of the Torah in other languages. The verb **תרגום** applied to Aquila does not imply an oral translation in the Yerushalmi; see W.F. Smelik, 'Language, Locus and Translation Between the Talmudim', *Journal for the Aramaic Bible* 3 (2001), pp. 199-224 (201-205).

the illustration of the Prophets' recondite materials in [10] concerns a passage, Zech. 12.11-12, which at first sight may not contain revelations shocking enough to shake the earth, but was nevertheless the source of serious speculation since some believed it referred to the Messiah ben Joseph.⁵⁸

[10] also occurs in BT *Moed Qatan* 28b, where it is one of a series of consolations offered to R. Ishmael—even if it is hardly original there. R. Joseph's comment certainly was not made to R. Ishmael, and seems to be inserted in the series of four Tannaitic consolations to explain R. Aqiba's quotation of Zech. 12.11. Likewise, the translation attributed to R. Joseph hardly originates in Megillah, given that it does not explain what was so disturbing about the passage. It therefore seems to be an independent comment on the biblical verse, added in an attempt to clarify the obscure reference to Zechariah.

Elements [6-10] were added to the R. Jeremiah/R. Hiyya b. Abba tradition in Babylon as a result of the attribution to Babylonian Sages in [7] and [10]. This development suggests that later generations developed certain aspects of the Jeremiah/Hiyyah traditions.

It is worth considering the first justification of Targum Jonathan in closer detail [3]. This passage reflects a well-wrought compromise between opponents and advocates of translation. The structure of the argument is as follows:

1. Jonathan composed under prophetic guidance.
2. Heaven and earth are shocked at his revelation of divine secrets.
3. Jonathan addresses the objections with a plea for unity.

The first and last points neutralize the horror of the revelation of divine secrets in a translation. In fact, the tendency here is to abhor translations, and only the long-standing Greek translation of the Torah, which had been sanctified in Scripture by virtue of Neh. 8.8, could not be undone. The translation of the Prophets was virtually forced on heaven, whereas that of the Writings would not be allowed.

The revelation of God's secrets to humankind is reminiscent of the Christian claim to an oral tradition reaching back to Moses,

⁵⁸ See BT *Suk.* 52a. TgJon's translation identifies both an exemplary and a non-exemplary king in this verse, Josiah and Ahab; the *gemara* discusses the Messiah ben Joseph and the evil inclination.

which informed the translation of the Septuagint.⁵⁹ As Marc Bregman has recently pointed out, the Christian claim of this secret, esoteric tradition as expressed by Bishop Hilary of Poitiers (4th century CE) is mirrored in a passage found in the *Pesiqta Rabbati*,⁶⁰ where the Mishnah (in the wider sense of oral tradition) is called a *mysterium* which should not be committed to writing, lest it also be translated. It is not implausible that Theodotion's Greek translation raised similar concerns of a polemical nature; the form of address in our passage (לבני אדם) is inclusive and might therefore include non-Jewish use of these secrets. If so, the passage originally focused on a written translation. But the similarities should not perhaps be carried too far. No explicit mention is made of a rival faith in BT *Meg.* 3a; rather, reference is made to the problem of 'dissension in Israel'.⁶¹ While polemical concerns may have played a part in the original formulation of this tradition, as it stands now the text deals more directly with the privileged position of the Hebrew Bible *vis à vis* its translations.

To appreciate the need for justification implicit in Jonathan's words, we should turn to the episode of R. Eliezer ben Hyrcanus' excommunication in BT *B. Mes.* 59b. R. Eliezer refused to comply with the majority rule, citing the conservative maxim that he never issued any new decree but only transmitted the traditions he had

⁵⁹ See esp. M. Bregman, 'Mishnah and LXX as Mystery: An Example of Jewish-Christian Polemic in the Byzantine Period', in L.I. Levine (ed.), *Jews and Judaism in Byzantine-Christian Palestine* (Jerusalem: Yad Ben-Zvi Press, 2004), pp. 333-42; cf. Jaffee, *Torah in the Mouth*, pp. 144-46.

⁶⁰ *Pes.* R. 14b (edn Friedmann). On Hillary's claim, see his *Tractatus super Psalmos* 2.2-3. Bregman, 'Mishnah and LXX as Mystery', pp. 340-41 cautions against the assumption that 'one of them must necessarily have been aware of the other's position'; rather, 'they belong to the same realm of polemical discourse'. Parallels are found in *Tan.* 5 וירא; *Tan.* B. 6 וירא; *Tan.* 34 כי השא; *Tan.* B. 17 כי השא; *Exod.* R. 47.1.

⁶¹ On the relationship סתריי (*Meg.*) and (Pes. R.) מטטירין, see J.J. Petuchowski, 'Judaism as Mystery: The Hidden Agenda?', *HUCA* 52 (1981), pp. 141-52 (145); M.N.A. Bockmuehl, *Revelation and Mystery in Ancient Judaism and Pauline Christianity* (Tübingen: J.C.B. Mohr, 1990), pp. 114-23 (121-23).

received from his ancestors.⁶² The following story in BT *B. Mes.* 59b refers to his eventual excommunication:

It was taught [in a *baraita*], A great blow occurred on that day, for every place at which R. Eliezer set his eyes burnt down. And even Rabban Gamaliel, when he came in a boat, was threatened by a gale to the point of drowning. He said, it seems that this occurs only because of R. Eliezer ben Hyrcanus. He rose to his feet and said, 'Master of the Universe, It is revealed and known before you that I did not do this for my own glory, of for the glory of my parental house, but for your glory, so that disagreement may not spread in Israel.'⁶³

The very same words attributed to Jonathan in his defense of his 'innovation' in [2] above are used here to justify the excommunication of a traditionalist who would not accept any innovation, with the same explicit reference to the rise of disagreement among the Tannaim themselves. In this narrative, Gamaliel eventually pays with his life for wronging R. Eliezer.

In the light of such significant tension between heritage and innovation, the co-text of the Bavli in *Megillah* 3a assumes more relevance. Not only is the whole discussion on the Targums framed by two repetitions of the brief concluding statement, **שכחום וחזרו ויסדרום**, '(Rather,) they had forgotten them and reinstated them', but the traditions themselves are linked to the opening of the *gemara* on the issue of authority to innovate, and serious reasons would have to be given to rationalize any innovation. Tensions such as these between tradition and innovation in the realm of *halakhah* have long been noted in rabbinic literature.⁶⁴ While the na-

⁶² For that reason he was compared to a cistern that does not lose a drop, an immaculate bearer of tradition. Inevitably, his traditionalist stance was bound to clash with the principle of voting, irrespective of the credible pedigree of his own traditions.

⁶³ Cf. Tos. *Hag.* 2:9: 'R. Yossi said, Originally, there was no disagreement in Israel... but when those disciples of Shammai and Hillel who had not attended [upon their masters] sufficiently began to increase, disputes multiplied in Israel, and the Torah became as two Torah'. The last clause only appears in MS Vienna.

⁶⁴ R. Goldenberg, 'The Problem of Originality in Talmudic Thought', in J. Neusner et al. (eds.), *From Ancient Israel to Modern Judaism: Intellect in Quest of Understanding. Essays in Honor of Marvin Fox* (Atlanta: Scholars Press, 1989),

ture of the differences which prompted Jonathan to 'say' his translation are not revealed [3], the general setting of the tension and the halakhic context of the disagreements in its parallel passages noted above suggests a halakhic background for Jonathan's rationale as well. Nonetheless, it seems that the focus of the tradition is on the halakhic basis of translation as a practice.

As for the translation of the Writings, it is not entirely irrelevant that the permissibility of such activity is addressed in the opening chapter of *Megillah*. It seems that translations of Esther had always been highly popular but disparaged by the rabbis. According to a *baraita* further on in the tractate (BT *Meg.* 21b), the book of Esther was so popular that many were allowed to interpret the book during the service, up to ten people; even the resulting chaos would not prevent people from listening carefully.⁶⁵ By Gaonic times, R. Hai Gaon mentions the existence of lay translations of Esther, which vary widely and have not been authorized.⁶⁶ And while not specifically addressing Esther, Sar Shalom (9th c.)⁶⁷ distinguishes authorized and non-authorized translations:

The Targum of which the Sages speak is that which is in our hands. The other Targums have not, however, the same sanctity as this. And I have heard from the earlier sages that God has done a great deed for On-

vol. 2, pp. 19-27; M.S. Jaffee, *Torah in the Mouth: Writing and Oral Tradition in Palestinian Judaism 200 BCE-400 CE* (New York: Oxford University Press, 2001), pp. 65-83, 140-46; M. Fisch, *Rational Rabbis: Science and Talmudic Culture* (Bloomington: Indiana University Press, 1997). Cf. L. Jacobs, *The Talmudic Argument: A Study in Talmudic Reasoning and Methodology* (New York: Cambridge University Press), pp. 5-8.

⁶⁵ Rashi omits the translation by ten people (as in the parallel in BT R. *Hash.* 27a) because, he claims, there is no such translation (in which he erred); here, the absence of a written translation is taken to imply the impossibility of oral interpreting. Interestingly, the last phrase in the Bavli *ובהלל ובמגילה אפילו עשרה קורין ועשרה מתרגמין* in BT R. *Hash.* 27a (without the oral translation by ten people), is absent in Tos. *Meg.* 4(3).20 and PT *Meg.* 4.1,74d which may suggest that is not part of the *baraita*, but a later gloss.

⁶⁶ B.M. Lewin, *Otzar ha-Gaonim* (Thesaurus of the Gaonic Responsa and Commentaries: Megilla) (Jerusalem: Hebrew University Press Association, 1932) 5.5.

⁶⁷ The second source after BT *Meg.* 3a which attributes the Targum of the Torah to Onqelos.

qelos the proselyte, that the Targum was made by him.⁶⁸

The prohibition against publishing a translation of the Writings at this junction carries more weight than an anecdote recalled for mere mnemonic purposes.

The fourth Jeremiah/Ḥiyya tradition—without a parallel outside the Bavli (except Yalquot Shimoni)—begins with an abrupt change of subject, a quotation from Daniel 10.7:

‘And I, Daniel, alone saw the vision; for the men that were with me saw not the vision; but a great quaking fell upon them, and they fled to hide themselves’ (Dan. 10.7).

Who were these men?

R. Jeremiah, or some say R. Ḥiyya b. Abba, said: These were Haggai, Zechariah, and Malachi. They were superior to him [in one way], and he was superior to them [in another].

The three prophets Haggai, Zechariah, and Malachi also made an appearance as the purported teachers of Jonathan, who were the safeguards of his ‘translation’.⁶⁹ The connection with the previous traditions, or even the *sigya*, is nonetheless far from a shallow association of names which takes the focus off the subject. The verse raises the question who is a greater figure of authority, Daniel or these prophets. While Daniel was not a prophet, things were revealed to him that remained hidden from them. Likewise Jonathan revealed aspects of meaning hidden from ordinary eyes, which others would not have seen without his intervention (as Rav Joseph notes), and likewise Jonathan is associated with Haggai, Zechariah, and Malachi without being a prophet himself. While the parallel is not absolute, there is a marked similarity, even extending to the reaction of the surroundings to the event: the earth shook, Daniel’s companions trembled. Thus the fourth Jeremiah/Ḥiyya tradition supports the authority of Jonathan to introduce the previously unapproved innovation of a translation, by promoting him to a category almost on a par with the prophets themselves.

⁶⁸ Quoted after M. McNamara, *The New Testament and the Palestinian Targum to the Pentateuch* (Rome: Pontifical Biblical Institute, 1966), p. 57.

⁶⁹ Daniel may have been alluded to in the prohibition to translate the Writings (see Rashi *ad loc.*).

The parallel in BT *Sanh.* 93b-94a is instructive for the editorial form of the tradition. A link to the previous discussion, on why Nehemiah's book was not called after him,⁷⁰ introduces the same tradition quoted above, followed by the same elements which occur in BT *Meg.* 3a:

[1] But if they did not see, why were they frightened? Although they themselves did not see, their guardian angel saw.

[2] Ravina said: We learn from this that if a man is frightened though he sees nothing, [the reason is that] his guardian angel sees.

[3] What is his remedy? He should recite the shema. If he is in a place which is foul, he should move away from it four cubits. If he cannot do this, he should say this formula: 'The goat at the butcher's is fatter than I am'.

This block is quite late. Ravina is either a sixth or eighth generation Babylonian Amora,⁷¹ whose comment [2] on the fear of Daniel's companions is explained by an anonymous gloss [1], followed by instructions on how to behave in similar situations [3]. Since the whole block occurs in both places, it was probably part of a fixed tradition from the early fifth century at the earliest. Moreover, in [3] two Genizah fragments present the three prescribed performances as alternatives, without the conditions attached to the circumstances (a foul place; a foul place from which one cannot jump); these conditions were probably added much later.⁷²

Palestinian statements and their accumulation of anonymous comments by far outnumber Babylonian statements in the *gemara* so far; if we consider 'Rabbah bar bar Hannah in the name of R.

⁷⁰ 'And whence do we know that Daniel was greater than he [Nehemiah]? From the verse...' The book of Nehemiah was also known by the name of 2 Ezra.

⁷¹ There is no way to establish which one of the two is referred to here, since he is not debating with named contemporaries. This passage is not discussed in A. Cohen, רבינא וחכמי דורו: עיונים בסדר הזמנים של אמוראים (Ramat-Gan: Bar-Ilan University Press, 2001).

⁷² See E. Segal, 'עזא גני טבחא... - לגלגוליו של נוסח בתלמוד הבבלי' ['The Goat of the Slaughterhouse...']—on the Evolution of a Variant Reading in the Babylonian Talmud], *Tarbiz*, 49 (1980), pp. 43-51.

Johanen ben Nappaha' as Palestinian, too, there are only a few instances of statements attributed to named Babylonian Amoraim⁷³ before the block of eight statements by (the Palestinian Amora) R. Joshua b. Levi. Within this block, as noted above, we find the four statements of R. Jeremiah or (some say) R. Ḥiyya b. Abba. On the other hand, the parallels to these statements in the Yerushalmi do not have the same form, attribution, or composition. They therefore appear to reflect a collection of memrot, transmitted from Palestine to Babylon,⁷⁴ where they may have been reformulated and attracted further comments: the second tradition contains a statement by R. Ḥisda (which was added at a very late stage), the third by R. Joseph, and the fourth by Ravina (respectively third, third and sixth generation Babylonian Amoraim). In addition, the third tradition attributed to Jeremiah or Ḥiyya b. Abba contains the Nehemiah-verse, which is attributed to 'R. Ika bar Abin in the name of R. Hananel who had it from Rav' (respectively third/fourth, second and first generation Babylonian Amoraim). Add to these supplementary discussions the anonymous material, and it becomes clear that we have here an essentially Babylonian version of a block of Palestinian traditions.

While the theme of authority may have been the thread running through these four traditions even without the intervention of tradents and editor(s),⁷⁵ the redacted form of the *gemara* articulates

⁷³ Rabbah bar bar Hannah (in the name of R. Johanen, a Palestinian Amora [2a]), Rav Ashi and Rabbah (2b), R. Ḥisda (late addition), R. Ika bar Abin/R. Hananel /Rav and Ravina (3a).

⁷⁴ Cf. Elman, *Authority and Tradition*, p. 27. See also E. Segal, *Case Citation in the Babylonian Talmud* (Atlanta, Scholars Press, 1990), pp. 213-16.

⁷⁵ A fifth tradition, found in BT *San.* 7b, is not included here. It is embedded in a discussion about judges:

R. Eleazar said: Whence is it to be derived that a judge should not trample over the heads of the people? It is written: 'Do not ascend by steps [i.e. force thy way] upon My altar'; and this is followed by: 'And these are the rules' (Exod. 21.1).

The same verse continues: 'which thou shalt set before them'. It should have stated: which thou shalt teach them. R. Jeremiah, or according to some, R. Ḥiyya b. Aḥa, said: This refers to the instruments of the judges.

this aspect in a far more explicit way than the earlier layers of the Bavli, or the Tosefta and Yerushalmi. Although it is not implausible that the theme of ‘forgetting and re-establishing’ was a Palestinian element, this must have been added later since the parallels found in the Yerushalmi do not make it an issue at all in connection to these traditions. Elaborating this block of four traditions and linking them to the opening statement of the *sugya*, the Bavli frowns on any innovation unless a source can be cited, or special circumstances pertain (Jonathan/Daniel).

As such, the programmatic value of the *sugya* as an indication of the position of Targum in rabbinic discourse is invaluable. Translations are quoted either as biblically rooted institutions (Onqelos), or, more hesitantly, as valid innovations (Jonathan) based on prophetic traditions.⁷⁶ Jonathan enjoyed great standing among the early Tannaim. In BT *Suk.* 28a a discussion of the sukkah develops into a treatise on the master-pupil relationship, which mentions him as the greatest of Hillel the Elder’s students, most notably in comparison to Johanan ben Zakkai.⁷⁷ However, his translation is not mentioned in Mishnah, Tosefta or Yerushalmi, and even in the Bavli ‘his’ version is not cited under his name, but either associated with Rav Joseph or marked with the introduction ‘as we translate’.

In sum, the editors provided a foundation for the Targums they knew, and related them to the most trusted sources of authority, Ezra and the Prophets, who entrusted their teachings to Jonathan. To that end a block of Palestinian traditions was developed. These were originally transmitted together in their unelaborated

R. Huna, before entering the Court, used to say: Bring forth the implements of my office: the rod; the lash; the horn; and the sandal.

Interestingly, this tradition also connects the authority of judges with a biblical verse (‘These are the rules’), similar to the second tradition discussed here.

⁷⁶ As noted, there is no concrete use of the Targum for *halakhic* purposes here. Although Jonathan appears to refer to *halakhic* disagreements as the reason for his composition, it is more likely that the tradition focuses not on translation as a source of legal study but on the *halakhic* basis of translation as a practice.

⁷⁷ A catalogue of Johanan’s studies, which does not include translation), follows (except in MS JTS 1608), which also occurs in BT *B. Bat.* 133b-134a. The same tradition occurs in PT *Ned.* 5,39b.

form in Babylonian circles as statements made by either R. Jeremiah or R. Ḥiyya bar Abba, two sages who were born in Babylon but moved to Palestine as young men. It seems plausible that in this original form they were included in the *sugya*, although this cannot be claimed with certainty; a fifth tradition was not included, pointing to a process of selection either by earlier tradents or by the *stam* who developed the block even further. That the interest of the *stam* in translation reflects an older rabbinic interest, seems likely if we accept the four traditions, in their core form, as authentic. These Palestinian traditions also indicate that the real subject was Aquila, never the Aramaic version known as Onqelos, but the final form of the text, with its allusion to the Aramaic translation of Zechariah, suggests that in any case the translation of the Prophets was taken to refer to what is now known as Targum Jonathan, and it comes as no surprise that subsequent generations took Onqelos' version to be 'their' translation of the Torah.

PART II. MIDRASHIC TEXT
EDITIONS AND
TRANSLATIONS

FROM PHILOLOGY TO HISTORY. THE SECTARIAN DISPUTE, AS PORTRAYED IN THE SCHOLIUM TO *MEGILLAT TA'ANIT*

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A. PHILOLOGICAL PROBLEMS IN DRAWING UPON THE RABBINIC LITERATURE

The scholarly research that draws upon the rabbinic literature for the purpose of reconstructing a historical reality or a conceptual approach invariably comes up against a serious impediment. This obstacle is the result of the great historical gap between the date of the compiling of this body of literature and the first written testimonies of it, as well as from the fact that this literature was passed down in writing over many generations and over wide geographical areas. The current editions of rabbinic literature often contain a corrupted text, the product of arbitrary historical circumstance: slovenly copyists, opinionated, daring medieval redactors, or erroneous decisions made by printers and editors. Scholars, by nature, tend to focus on the contents of the material: the ideas, the theology, the historical placement and the literary structure of the text. They are generally not drawn to the more tedious details of manuscripts and variant readings. However, the attempt to evaluate the authenticity of these rabbinic texts, to say nothing of extracting ideological stances and historical background from them, devoid of a thorough acquaintance with their textual history, is akin to building on marshland.¹

¹ See the comments of E. S. Rosenthal, "The Teacher," *American Academy for Jewish Research Proceedings* 31 (1963): Hebrew section, 15. For an example of erroneous historical conclusions drawn from a misleading textual work-

The passage which we are about to consider is a typical, though somewhat extreme case of a thoroughly ludicrous textual jumble. This textual confusion caused untold damage in the exploration and understanding of fundamental issues relating to the sects and the sectarian dispute during the Second Temple period, as reflected in the rabbinic literature. By reconstructing this passage so that it bears a more faithful resemblance to the original, and presenting it in the format of a new critical edition, I shall try to illustrate how textual criticism may contribute to literary and historical understanding.

B. THE ESSENCE OF THE SECTARIAN DISPUTE AS REFLECTED IN THE RABBINIC LITERATURE

The turbulent last centuries of the Second Temple era are characterized by major disputes and deep social and theological schisms. The absence of contemporaneous Pharisaic literature prevents us from acquainting ourselves with the sectarian disputes as seen through the eyes of this central group. However, the rabbinic literature, although redacted hundreds of years after the occurrences, does contain descriptions of conflicts with dissenting sects over various issues. While the sect living in the Judean desert receives no mention whatsoever in either tannaitic or amoraic literature, this literature does mention the Sadducees, as well as the Boethusians—a sect that does not appear in any other source and whose identity is controversial. The comparative study of rabbinic and sectarian literature finds a distinct similarity between the attitudes of the Sadducean and Boethusian antagonists, mentioned in the rabbinic literature, and those of the Qumran sect. Echoes of polemics against opinions similar to those of the sect may also be identified in the rabbinic writings.²

up, see V. Noam, “The Story of the Cruse of Oil, a Metamorphosis of a Legend”, *HUCA* 73 (2002) 191-226.

² In connection with this phenomenon and the interpretations given to it, see the discussions in Y. Sussmann, “The History of Halakha and the Dead Sea Scrolls: Preliminary Observations on Miqsat Ma’ase Ha-Torah (4QMMT),” *Tarbiz* 59 (1990): 11-76, (Hebrew), and especially 40-60, and that of M. Kister, “Studies in 4QMiqsat Ma’ase Ha-Torah and related texts: Law, Theology, Language and Calendar,” *Tarbiz* 68 (1999): 325-330 (Hebrew); and in the references therein.

The testimony of the rabbis, although dating from a later period, as well as being one-sided, should thus serve as an important tool for understanding the Judean Desert sect as well. Yet the debates described in the rabbinic literature constitute only a random assortment of arguments over different halakhic details. These sources make no attempt to define the essence of the disparity with the opponents, and even when taken together, they are unable to provide us with an overall picture.

In this paper, I will deal with a single, unique rabbinic passage, which appears to be an atypical attempt to encapsulate and define the focal point of the dispute between the 'rabbis' (*chachamim*) and the Sadducees on the one hand, and between them and the sect referred to as the Boethusians, on the other hand. This description of the controversy appears in a lone, rather marginal source, which has no parallel versions. Its testimony could therefore definitively affect our understanding of the social and halakhic milieu of Second Temple times, at least as it was recalled and recorded by the sages several generations later. However, from their earliest scholarly efforts and up to the present, researchers have fiercely disputed both the dating and the reliability of this source, as well as the credibility of the work in which it is preserved. This source is the scholium—the commentary—to *Megillat Ta'anit*, the Scroll of Fasts.

C. THE 4TH (14TH) OF TAMMUZ IN THE SCHOLIUM OF *MEGILLAT TA'ANIT*

Megillat Ta'anit is an ancient Pharisaic document, and the earliest rabbinic text that we know of from Second Temple times. This *megillah* (scroll) is merely a list of dates in Aramaic of some thirty-five events, arranged in the order of their appearance in the calendar. The objective of this *megillah*, as declared in its opening sentence, is to forbid public fasting on "days on which miracles were wrought for Israel."³ Most of the dates listed in the *megillah* involve a variety of joyful events that occurred in Jewish history during the Second Temple period. The *megillah* wishes to commemorate these dates and turn them into semi-festivals. Early on, a commentary written in Hebrew was added on to the *megillah*. This commentary dates from a later period, and is referred to in the scholarly world as a "scholium." The purpose of the scholium is to identify and

³ See PT *Ta'anit* 2, 13.

explain the events alluded to in the *megillah*. To this end, the scholium appends an assortment of stories, legends and exegetical material to the festivals appearing in the *megillah*, which may be of direct or indirect relevance.⁴ Nineteenth and early twentieth century scholars were familiar with the printed version of the scholium to *Megillat Ta'anit*,⁵ and a critical edition was published by Hans Lichtenstein in the early 1930s.⁶ The quality of this edition, still in current use by scholars, will be dealt with later. We shall begin our discussion by familiarizing ourselves with the passage from the scholium as it appears in the traditional printed editions prior to Lichtenstein's edition.

Our text describes the essence of the dispute between the Pharisees and their opponents as follows:

⁴ See V. Noam, *Megillat Ta'anit: Versions, Interpretation, History, with a Critical Edition* (in Hebrew; Jerusalem: 2003) [hereafter: Noam, *Megillat Ta'anit*]; for an English summary see idem, "Megillat Ta'anit", in J. Schwartz and P. Tomson (eds.), *The Literature of the Jewish People in the Period of the Second Temple and the Talmud* (Compendia Rerum Iudaicarum ad Novum Testamentum, Section Two, Vol. 3b), (forthcoming). For an English translation of the scroll alone see J. A. Fitzmyer and D. J. Harrington, *A Manual of Palestinian Aramaic Texts* (Biblica et orientalia 034: Rome: Biblical Institute Press, 1978), 184-187. Landmarks in the history of research concerning the Megillah are: H. Graetz, *Geschichte der Juden*, III / 2, Leipzig 1906⁵, 559-577; M. Schwab (A. Marx), "Quelques notes sur la Meghillath Taanit," *REJ*, XLI (1900): 266-268; J. Wellhausen, *Die Phariseer und die Saducäer* (Hannover 1924); S. Zeitlin, *Megillat Taanit as a Source for Jewish Chronology and History in the Hellenistic and Roman Periods* (Philadelphia 1922) [= Idem, *JQR* 9 (1918-1919): 71-102; *JQR* 10 (1919-1920): 49-80]. The former critical edition of the Megillah and its Scholium is: H. Lichtenstein, "Die Fastenrolle—Eine Untersuchung zur jüdisch-hellenistischen Geschichte," *HUCA*, 8-9 (1931-1932): 257-351. On the merits and shortcomings of this edition, see the discussion below, and see V. Noam, "The Scholion to Megillat Ta'anit: Towards an understanding of its Stemma," [hereafter: Noam, "The Scholion", *Tarbiz* 62 (1993): 59-99 (Hebrew), esp. 59-60, and 92, n. 155. For further bibliography see *ibid.*, 55-58.

⁵ The Megillah and its scholium were first published in Mantua in 1513, and on the basis of this edition they were reprinted many times up until the 20th century. For details of the various editions see Lichtenstein (previous note), 260-261.

⁶ See n. 4 above.

- 1 בארבעה עשר בתמוז עדין ספר גזירתא דלא למספד
- 2 מפני שהיה כתוב ומונח לצדוקין ספר גזירות:
- 3 'אלו שנסקלין ואלו שנשרפין אלו שנהרגין ואלו שנחנקין.
- 4 וכשהיו כותבין, אדם שואל והולך ורואה בספר, אומר להם :
- 5 'מניין אתם יודעין שזה חייב סקילה וזה חייב שריפה וזה חייב הריגה וזה חייב חניקה'?
- 6 לא היו יודעין להביא ראייה מן התורה.
- 7 "אשר יורוך" וגו', שאין כותבין הלכו 'בספר'!
- 8 ועוד, שהיו ביתוסין אומר: "עין תחת עין, שן תחת שן."
- 9 הפיל אדם שנו של חברו - יפיל את שנו,
- 10 סמא את עינו של חברו - יסמא את עינו, יהו שויים כאחד.
- 11 "ופרשו המשלה לפני זקני העיר" - הדברים ככתבן,
- 12 "וירקה בפניו" - "שתהא רוקקת בפניו".
- 13 אמר להם חכמים: "והלא כתוב" "התורה והמצוה אשר כתבתי להורות"
- 14 וכתב: "התורה" - אשר כתבתי, "והמצוה" - "להורותם"
- 15 וכתב: "ועתה כתבו לכם את השירה הזאת"
- 16 "ולמדה" - זה מקרא, "שימה בפייהם" - אלו הלכות.
- 17 ואותו יום שבטלוהו עשאוהו יום טוב.

On the fourteenth of *Tammuz* the Book of Decrees was removed (annulled). [One should] not eulogize Because there was written and kept [i.e. publicized] by the Sadducees a Book of Decrees:

“These are stoned and these are burned; these are slain and these are strangled.”

And when they would write it, a person would ask and would go and see it in the book, and would say to them:

“How do you know that this one is liable to stoning, and this one is liable to burning, and this one is liable to slaying and this one is liable to strangulation?”

They were unable to bring proof from the Torah.

“‘which they shall teach thee, etc.’ (Deut. 17:10). We may not write laws (*halakbot*) down in a book”

Furthermore, the Boethusians said: “[An] eye for [an] eye, [a] tooth for [a] tooth’ (Exod. 21:24; Lev. 24:20).

If one had knocked his fellow’s tooth—his own tooth should be knocked;

if one had blinded his fellow’s eye, his own eye should be blinded.

They [the aggressor and the victim] will be equal as one.

‘And they shall spread the garment before the elders of the city’ (Deut. 22:17)—this is meant literally.

‘And [she shall] spit in his face’ (Deut. 25:9), that she should [actually] spit into his face.”

The Rabbis said to them: “Has it not been said [in Scripture]: ‘the law and the commandment, which I have written, that thou mayest teach them’ (Exod. 24:12).”

And it is written: “the law”—“which I have written” (the Written Law), “and the commandment”—“that thou mayest teach them” (the Oral Law).

And it is written: “Now therefore write ye this song for you” (Deut. 31:19).

“And teach thou it” (ibid)—this is the Torah [the Written Law]; “put it in their mouths” (ibid)—these are the *halakbot* [the Oral Law].

And the very day they annulled it they made into a festival.

Line 1 is a citation from the *megillah* itself. In keeping with its general style, this line in Aramaic very briefly alludes to the reason that fasting and even eulogizing are forbidden on the date mentioned, the 14th of *Tammuz*: the removal of a mysterious book, referred to as the “Book of Decrees.” This immediately gives rise to a number of questions: What is this book? Who wrote it, and when? Why is its annulment cause for celebration? The reader would naturally expect a story about the rescinding of Gentile “decrees”

against the Jews. However, the later Hebrew commentary, the scholium, offers a surprising explanation. It relates the incident mentioned in the *megillah* to an internal Jewish dispute rather than to any external persecution, and explains the word “גזירות”—“decrees”, not according to its more common, later meaning—edicts enacted by a foreign ruler to restrict Torah observance, but rather according to a rare, more ancient usage of this term—early *halakhab*.⁷

The scholium explains (lines 2-7) that the Book of Decrees was a Sadducean halakhic text dealing with judicial execution. The Sadducees invented the *halakbot* in the book, which deviated from the Written Law, and when asked for their source (lines 4-5), were unable to find any proof. Line 7 attacks the Sadducees and their book with the Pharisaic claim regarding the prohibition against writing down the Oral Law: “we may not write laws down in a book.” Two biblical words precede the Pharisaic claim: “אשר יורוך” —“that they shall teach thee.” These words are taken from the verses:

“And thou shalt do according to the tenor of the sentence, which they shall declare unto thee from that place which the LORD chose; and thou shalt observe to do according to all that they shall teach thee. According to the law which they shall teach thee, and according to the judgment which they shall tell thee, thou shalt do; thou shalt not turn aside from the sentence which they shall declare unto thee, to the right hand, nor to the left” (Deut. 17:10-11).

The purpose of this citation is apparently to serve as a proof-text for the prohibition against writing down *halakbot* in a book, most likely from the words “על פי” = “according to” [lit. by the mouth of], which the Sages interpreted in a number of places as alluding to the authority of the Oral Law and the prohibition against committing it to writing.⁸ In line 8, the scholium suddenly

⁷ On the antiquity of the word “גזירה” —“decree,” its meaning and relevant literature, see E. E. Urbach, *Halakhab—Its Sources and Development*, (Givatayim, 1984): 11, 15-16, 55-57, 239 n. 1; 254, n. 59 (Hebrew).

⁸ Compare with the interpretation of this expression (from a different verse) in a similar manner: R. Judah b. Nahman, the Meturgeman (interpreter) of Resh Lakish, gave the following exposition: “The verse says: ‘Write thou these words’ (Exod. 34:27) and then says: ‘For after the tenor of these words,’ (Exod. 34:27) thus teaching you that matters received as

brings an alternative explanation, which is preceded by the introductory formula “וְעוֹד”—“Furthermore.” According to this explanation (lines 8-16) the dissenting sect is known by another name: “Boethusians.” The main point of contention between them and the Sages is portrayed in an entirely different manner. The Boethusians wish to give a literal meaning to three biblical injunctions, whose harsh literal implications had undergone refinement by Pharisaic *halakbab*.

1. Pharisaic *halakbab* interpreted the injunction “[an] eye for [an] eye, [a] tooth for [a] tooth” (Exod. 21:24; Lev. 24:20) as implying monetary compensation rather than physical retaliation.

“eye for eye”—[this means] pecuniary compensation. You say pecuniary compensation, but perhaps it is not so, but actual retaliation [by putting out an eye] is meant? R. Ishmael said: Scripture says: “And he that killeth a beast shall make it good; and he that killeth a man shall be put to death” (Lev. 24:21)—Scripture draws an analogy between injuries inflicted upon man and injuries inflicted upon a beast, and between injuries inflicted upon a beast and injuries inflicted upon man. Just as in the case of inflicting injuries upon a beast the offender is liable for pecuniary compensation, so also in the case of injuring a man he is liable for pecuniary compensation.⁹

2. In the matter of the “slandering husband,” the latter’s accusation that his wife was not a virgin is clarified by spreading the wedding cloth: “And they shall spread the garment before the elders of the city.” Tannaitic *halakbab* did not understand this instruction literally, but interpreted the spreading of the garment as a metaphor for clarification of the matter.

“This is one of the matters from the Torah that Rabbi Ishmael would expound as a comparison... “And they

oral traditions you are not permitted to recite from writing and that written things [Biblical passages] you are not permitted to recite from memory” (BT *Temurah* 14b). See also BT *Gittin* 60b; PT *Peab* 2.5(17a); BT *Megillah* 74d; PT *Hagigah* 1.8(76d); *Exod. Rabbah* 47.3; *Tanhuma, Buber* edition, Gen. 18:17.

⁹ *Mekhilat of Rabbi Ishmael*, Horowitz and Rabin edition (Jerusalem 1970), *Mishpatim* ch. 8, 276-278, see the additional proofs brought down there, and see BT *Baba Kamma*, 83b-84a.

shall spread the garment”—matters will become clear like the garment. Rabbi Akiva says... “And they shall spread the garment” – the witness of this one will come and the witnesses of this one will come, and each will have their say before the elders of the city...¹⁰

3. In the *halitzab* ceremony (removal of the shoe under levirate law), which takes place when a man refuses to wed his childless brother's widow (Deut. 25:5-10), the widow is commanded to spit in the unwilling brother's face: “and [she shall] spit in his face” (ibid. 9). Here, too, the injunction was refined by tannaitic *halakhab*, and the spitting is done on the ground.

“And she shall spit in his face”—on the ground. You say, “on the ground,” but perhaps it means literally “in his face”? Logic decrees: Scripture refers to speech and to spitting. Just as [her] speech lands outside his body, so [her] spitting must land outside his body. So says Rabbi Eliezer...¹¹ Rabbi Jonathan says: “in his face”—on the ground. You say: “‘in his face’ [means] on the ground”, but perhaps “in his face” is meant literally? Do I understand “No man shall stand before you [literally – in your face]” (Deut. 11:25) literally?! [Surely not!] Thus, what does Scripture mean by “and she shall spit in his face”?—on the ground!” (*Midrash Tannaim* on Deut. 25:9).¹²

According to the scholium, the Boethusians disputed the Sages over these three issues, insisting that the verses are “meant literally.” The Sages answered the Boethusians that the ‘*halakbot*’ of the Oral Law were given along with the Torah (line 16), and the latter must be interpreted accordingly. Two verses are invoked in support of this argument. (a) “the law and the commandment, which I have written, that thou mayest teach them” (Exod. 24:12).” The word “law” is understood as a reference to the Written Law, while “that thou mayest teach them” is interpreted as referring to

¹⁰ Sifre Deut., A. Finkelstein edition (Berlin 1940), 237, p.270, see Rabbi Eliezer b. Yaakov's dissenting opinion there. See also *Mekhiltah of Rabbi Ishmael* (previous note), *Mishpatim*, ch.6, 270; PT *Ketubot* 4.4; 28c; BT *Ketubot* 46a.

¹¹ See however the different opinion of Rabbi Eliezer's students there.

¹² See also *Sifre Deut.* (see n. 10) 291, p. 310; PT *Moed Katan* 3.3; 82a; j. *Yebamoth* 12.6; 13a; PT *Sanhedrin* 1.2; 19a; BT *Yebamoth* 39b; and see at length in my book *Megillat Ta'anit* (above, n. 4), 215-216.

the Oral Law (line 14). In other words: there is no Written Law without the Oral Law.¹³ (b) The second verse cited by the Sages is: “Now therefore write ye this song for you” (Deut. 31:19). The verse continues, “and teach thou it to the children of Israel; put it in their mouths.” Here, too, the phrase “and teach thou it” is interpreted as referring to the Written Law, and “put it in their **mouths,**” to the Oral Law (oral=mouth), that is, the “*balakhab*” (line 16).¹⁴ The ultimate victory over the dissenting sect, the date of which was established as a festival in the *megillah*, appears in the final line: “And the very day they annulled it they made into a festival.”

D. THE RELIABILITY OF THE SCHOLIUM’S TESTIMONY

According to this tradition, the essence of the dispute between the Pharisees and the dissenting sects was the authority of the Oral Law, the extent to which *balakhab* should approximate the plain meaning of the biblical verses, and an independent penal code, which these sects followed.

How should we treat this story? The question of the reliability of this short text may be explored on several levels: (1) Is this an authentic text that was formulated in tannaitic or amoraic circles, or is it perhaps a later forgery dating from the Middle Ages? (2) If this is indeed an ancient legend that has its roots in the rabbinic world, does this guarantee its historical accuracy? (3) Even if we regard this story as credible historical testimony of a dispute that did actu-

¹³ Compare with the interpretation given in BT *Ber.* 5a: “‘The law’: this is the Pentateuch; ‘the commandment’: this is the Mishnah; ‘which I have written’: these are the Prophets and the Hagiographa; ‘that thou mayest teach them’: this is the Talmud. It teaches [us] that all these things were given to Moses on Sinai.”

¹⁴ This interpretation has no exact parallel, but in a remote midrash we find that a similar idea survived: “For the covenant was enacted mainly over the interpretations of the Torah, as it says: ‘and teach thou it to the children of Israel: put it in their mouths’ (Deut. 31:19). For whoever expounds a verse as it stands without the aid of midrash, and without the thirteen rules that guide interpretation of Scripture, about him the verse states: ‘but the fool walketh in darkness’ (Ecc. 2:14) (*Midrash Aggadah* (Buber) Exod. ch. 34, s.v. [27] ‘And the Lord spoke’).” In this midrash too, the combination of “and teach thou it” and “put it in their mouths” is used as proof against those who wish to separate the verse from the “midrash” and explain it “as it stands.”

ally take place, is this story the correct interpretation of the event alluded to in *Megillat Ta'anit*: "On the fourteenth of *Tammuz* the Book of Decrees was removed (annulled)"?

The question of the significance of this tradition cannot be separated from the general problem of the dating of the larger work in which it appears—the scholium. The extant version of the scholium is written in Mishnaic Hebrew interspersed with ancient terms, alongside of which there are corrupted and grating formulations and Babylonian Aramaic influences. Large sections of it have parallels in the Talmud and in other rabbinic writings, but almost half of it has no other known source. Scholars have disagreed over the historical and literary reliability of the unique testimonies appearing in this work on the Second Temple period, just as they have disagreed over the nature of the work as a whole. Some viewed it as a collection of ancient *baraitot* that were compiled at the end of the Mishnaic period or during the Talmudic period. Others conjectured that it is merely an amalgam of citations and formulations invented by the redactor some time during the late Middle Ages.¹⁵

Most scholars tended to be interested in the historical aspect of the scholium. Often, the reliability of the work was assessed strictly on the basis of its contribution to their own previously-established individual historical-philosophical theories.¹⁶ In order to prove or refute the reliability of the scholium's testimony, they would sometimes base their opinions on preconceived notions of the "historical likelihood" of the testimony itself. Thus, the separation that should exist between the research tools and the research conclusions was blurred. Scholars researching the Second Temple period, especially those dealing with the conflict between the sects, had recourse to the scholium only in as much as it touched on the historical disputation, rather than examining the work in general. For example, one group of scholars¹⁷ rejected the scholium's anti-

¹⁵ For a bibliographical review of the differing researchers, see Noam, "The Scholion," (see n. 4), n. 11, 56-57, and Noam, "Megillat Ta'anit" (see n. 4), 33-36.

¹⁶ See Noam, "The Scholion," (see n. 4), 57-58 and the notes there, and see below.

¹⁷ From S. J. Rapoport, *Erekh Millin* (Prague 1852), 189, 278, who disagreed with a number of "opinions" he attributed to "the compiler of *Megillat Ta'anit*" whom he assumed was a Boethusian, to Wellhausen (J.

Sadducean interpretation for the festivals in the *megillah*, either entirely or partially. Others¹⁸ defended the testimony in it that dealt with sectarian disputes, and attempted to prove that the descriptions of the disputes in the scholium conform to what we know about the Sadducees and Boethusians from other sources. One scholar totally rejected all interpretations that did not relate the festivals to the Hasmonean era,¹⁹ while another invalidated the entire scholium because of the anti-Hasmonean leanings, which it ascribes to the Pharisees.²⁰ The common factor in all of these approaches is the absence of a proper, objective scrutiny of the text itself, using the tools of textual criticism.

I will first concentrate on the specific passage in question. It will later serve as an illustration of what my research has revealed with regard to the scholium in general. As we make our way through the version of the printed edition of this text, we become aware of a certain dissonance and find that it contains many puzzling elements.

The beginning of the passage (line 2) states that the Sadducean Book of Decrees was long known, “written and kept.” Why then does it state (line 4) that the Sadducees were writing it again—“And when they would write it”?

Wellhausen, *Die Pharisaer und die Saducaer* [Hannover, 1924], 56-63), Zeitlin (S. Zeitlin, ‘Nennt Megillat Taanit antizaduzisch Gedenktage,’ *MGJW* 81 (1937): 351-355) and Moore (G.F. Moore, *Judaism in the First Centuries of the Christian Era* (Cambridge, 1946), I, 160, III, 27, 46) who unequivocally rejected all interpretations that made reference to the sectarian dispute and attributed them to an anti-Sadducean editor. Efron gave a similar view more recently (Y. Efron, *Studies of the Hasmonean Period* (in Hebrew; Tel Aviv 1980), 167-171. According to him, it should not be assumed that it was the intention of *Megillat Ta’anit* to perpetuate for all generations the disputes and quarrels between the sects.

¹⁸ Lichtenstein (above, n. 6), 258-260; H.D. Mantel, “The Megillat Ta’anit and the Sects,” in *The Members of the Great Assembly* (in Hebrew; Tel Aviv 1983), 213-223 [= *Studies in the History of the Jewish People and the Land of Israel in Memory of Zvi Arneri*, Haifa 1970, 51-70]; M.D. Herr, “Who Were the Boethusians?” (Hebrew) in *Proceedings of The Seventh World Congress for Jewish Studies*, 3, (Jerusalem 1981), 1-20, see especially 7-8, n. 52.

¹⁹ B.Z. Luria, *Megillat Ta’anit* (Jerusalem 1964), 17.

²⁰ Efron (see n. 17), in keeping with his general approach of playing down as much as possible the value of those testimonies that depict Jan-nai and the Hasmoneans in a negative light, or those that describe a rift between the rabbis and the Hasmonean Dynasty.

The claim against the Sadducees (line 7): “We may not write laws (*halakhot*) down in a book” is a direct continuation of the story about the Sadducees’ inability to bring proof for their *halakhot* (line 6). The author, however, did not find it necessary to indicate that, beginning with line 7, the story shifts from the Sadducees to the counter-argument of the *Chachamim*, and that from this point onwards it is the rabbis who are speaking. In addition, line 7 gives an exegetical interpretation of the words “according to—“על פי” (Deut. 17:10-11) to teach about the existence of an Oral Law. Yet these particular opening words of the verse are not cited. The quotation is fragmented—only the following words “which they shall teach thee” are cited, followed by the exegesis of the absent words.

Line 15 cites the verse: “Now therefore write ye this song for you” (Deut. 31:19). The continuation of the verse, “and teach thou it to the children of Israel; put it in their mouths,” is not quoted. However immediately after quoting the beginning of the verse, the text offers an exegetical interpretation of the second, missing part of the verse.

The concluding line in the story states: “And the very day they annulled it they made into a festival.” This line is not connected to the preceding lines, which describe the dispute with the Boethusians over their method of interpretation. The identity of the object that was “annulled” remains obscure.

The greatest problem is the very structure of the story as a whole. Its blatant duality effectively amounts to an internal contradiction. What exactly occurred on the 14th of *Tammuz* according to this interpretation? Is the reason for the festival established in the *megillah* the removal of the **Sadducean** “Book of Decrees” that dealt with judicial execution, or does it lie in the victory over the **Boethusians** on the matter of the relationship between *halakhot* and the plain meaning of Scriptural texts? We should note that the two stories are not merely separate, but are actually opposites. Whereas the first story accuses the Sadducees of **disregarding the Written Torah in their laws**, the second accuses the Boethusians of actually **adhering too closely to the plain meaning of Scripture** and for ignoring the traditional interpretations of the Oral Law. The scholium connects the two conflicting stories with the word “Furthermore” (line 8), yet it is hardly feasible that separate victories over two different sects, over different matters that point in opposite directions, all occurred on the same day!

This short, baffling text touches upon the major issues that have occupied scholars of Jewish history, rabbinics and Qumran literature—from the 19th century up until recent decades. The scholium offers its own definitions of the nature of the sectarian disputes and deals with such fundamental issues as the relationship between Scripture and *halakhab* and the writing down of the Oral Law. There is hardly a scholar dealing with the history of the Second Temple and the nature of the Qumran sect that has not related to the text under discussion, whether by rejecting its contents or by using it to support his research, whether in the main part of his treatise or in the footnotes. However, this particular unit of the scholium was treated no differently than the rest of this work; it did not merit a textual approach by scholars, who instead explained it and expounded it, accepted it or rejected it, each according to his own pre-established understanding of the evolutionary path of the Oral Law. We will now try to summarize the different attitudes of the scholarly research towards the historical picture depicted in our passage.

The Sadducean “Book of Decrees” (lines 2-6)

Scholars have argued over the account of the annulment of the book of “four judicial executions” that “was written and kept” by the Sadducees. Rabbi Nahman Krochmal,²¹ Abraham Geiger,²² Heinrich Graetz,²³ and Eisik Hirsh Weiss²⁴ ascribed this story significant historical value. Graetz held that it was the Pharisaic prohibition of writing down *halakhot*, mentioned further on in the text (line 7), that brought about the annulment of the Sadducean book dealing with the four modes of judicial execution, and it was the Pharisaic victory in this matter that led to the establishment of the festival. Some of the notable scholars of the last few generations who accepted the tradition of the Sadducean book include Yaakov

²¹ N. Krochmal, “A Guide to the Perplexed of Our Times,” in S. Rabidovitch, *The Writings of Nachman Krochmal* (London, 1961), 205 (Hebrew).

²² A. Geiger, *Scripture and its Translations* (Urschrift und Übersetzungen der Bibel in Ihrer Abhängigkeit von der Innern Entaricklung des Judentums) (Jerusalem 1949, trans. into Hebrew by Y.L. Baruch, based on the second edition, 1928), 80, 87, 96-97.

²³ Graetz (see n. 4), 568.

²⁴ J. H. Weiss, *Each Generation and its Interpretation*, I (Vilna 1904), 128.

Nachum Epstein²⁵ and Shaul Lieberman.²⁶ Nonetheless, there are others who rejected the tradition of the Book of Decrees. They claimed that the modes of judicial execution attributed by this tradition to the Sadducees is identical to the four modes of execution practiced by the Pharisees,²⁷ as stated in the Mishnah,²⁸ and noted the lack of “proof from the Torah” for some of them in the rabbinic approach as well.²⁹

We may not write laws (*halakhot*) down in a book” (line 7)

Most of the scholarly controversy focused on this scholium interpretation, which places the focal point of the sectarian dispute on the writing down of the Oral Law. There were those who believed that the main difference between the sects lay in the different approaches to writing down *halakhab*, as in the scholium’s testimony. They then proceeded to make deductions about the development of Pharisaic *halakhab* in general,³⁰ and the history of the prohibition

²⁵ J. N. Epstein, *Introduction to Tannaitic Literature* (in Hebrew; Jerusalem 1956), 17. He even proposed that the Pharisees possessed a “Book of Decrees” of their own, identifying it with a vague reference to a “teaching of the Hasmonean House” mentioned by Epiphanius.

²⁶ S. Lieberman, *Greek and Hellenism in Jewish Palestine* (in Hebrew; Jerusalem 1984), 213. From one short comment by E. S. Rosenthal (E. S. Rosenthal, “The History of the Text and the Problems of Redaction in the Study of the Babylonian Talmud,” *Tarbiz* 57 (1988): 579-580 (Hebrew)) it appears that he holds the same opinion. See also D. W. Halivni, *Midrash, Mishnah and Gemara*, (Harvard 1986), 38-40.

²⁷ R. Leszynsky, *Die Sadduzäer* (Berlin 1912), 78-79; Y. Efron, “Simeon BT Shetach and King Yannai,” *A Memorial Book for G. Alon* (Tel Aviv, 1970), 106-107.

²⁸ Mishnah *Sanhedrin* 7:1.

²⁹ E. E. Urbach, “The Derasha as a Basis of the Halakha and the Problem of the Soferim,” *Tarbiz* 26 (1958): 180-181. On the discrepancy between the plain meaning of Scripture and the judicial executions established by the Sages, see A. Shemesh, *Punishments and Sins, From Scripture to the Rabbis* (in Hebrew; Jerusalem 2003), 11-34. According to Kister (see n. 2, 332-333; n. 69) the tradition of a “Sadducean Book” accounting for this festival, as opposed to the tradition involving the dispute with the Boethusians, is merely “a theoretical explanation for the Aramaic text of Megillat Ta’anit,” influenced by the general tendency of the scholium to interpret the festivals in the megillah in light of sectarian disputes.

³⁰ See M. Ish-Shalom, *The Mechilah and Sifra with the Meir Ayin Commentary* (Vienna, 1870), xxxviii (see, however, Sussmann [above, n. 2], 37; n. 185); Urbach, “The Derashah” (see n. 29), Halivni, n. 26.

of writing down the Oral Law in particular.³¹ A different school of scholars disputed this view, either because it was presumed that the writing down of *halakhot* was in fact widely practiced by the Pharisees as well,³² or because they regarded the dispute between the sects to be based on different issues,³³ or because they were skeptical about the value of the scholium in general.³⁴

³¹ The opinion that ties the sectarian dispute to the sect's attitudes towards the Oral Law and its transcription is common in "rabbinic tradition," and subsequently, also in the research; see Sussmann (above, n. 2, 57; n. 185) and his reservations in this regard there. Among those who hold this opinion there are those who view the prohibition against writing as a fundamental Pharisaic approach and saw it as the basis of the sectarian dispute. See Urbach, *ibid.* (previous note), and see J. M. Baumgarten, "Unwritten Law in Pre-Rabbinic Period," *JSJ* 3 (1972): 7-29 (*ibid.*, 7, n. 2, a review of additional literature regarding the weighty question of writing down the Oral Law). More recent literature is reviewed in Y. Yadin, *The Temple Scroll*, vol.1, *Introduction*, (1983): 87, n. 79. See also Schäffer's opinion mentioned by Sussmann, *ibid.*). Others hold that the Pharisaic prohibition against writing "halakhot" came about only as a result of the sect's practice of doing so. See M. Jol, *Blicke in die Religionsgeschichte*, 1-2, (Breslau, 1883), 58-59, n. 1; and also Brüll (N. Brüll, "Das apokryphische Susanna-Buch, *Jahrbücher Fur Jüdische Geschichte und Literatur*", 3 (1877): 54-55, n. 135). A. Goldberg went back to this view (A. Goldberg, "The Early and the Late Midrash," *Tarbiz* 50 (1981): 95, n. 5 (Hebrew). For a different opinion regarding the source of the prohibition against writing, see J. Baer, "The Historical Foundations of the Halakhah," *Zion* 27 (1962): 121.

³² See in particular the famous comments of J.N. Epstein, *An Introduction to the Formulation of the Mishnah*, (in Hebrew; Jerusalem 2000), from 692 onwards, and the references therein. Regarding the general theory that the Oral Law was already written in the Rabbis' times, see also Yadin (see n. 31), 400; and see also the articles by Dinur and Neusner mentioned by him in the footnotes therein, *ibid.*, 87, n. 79, and the more moderate outlook of G. Alon, *Studies in the History of Israel*, 2 (in Hebrew; Tel Aviv, 1983), 230, and Lieberman, (n. 26) from p.213 onwards, and see also the references in the previous note.

³³ See Sussmann (n. 2), and mainly 57-58, n. 185.

³⁴ Alon, n. 32; Baer, "Halakhah" (n. 31), 121-122, n. 8. This was worded in a particularly sharp manner by Efron (n. 27), 106-107; and see his comments on 119, n. 177; 131, n. 403.

“This is meant literally” (lines 8-12)

The tradition that acquaints us with the Boethusian's literal rather than “halakhic” interpretation of the three matters (an eye for an eye, and they shall spread the garment, and she shall spit in his face – lines 8-12), constitutes the main support for the commonly-held approach among scholars³⁵ that the basis of the dispute between the Sadducees and the Pharisees was over the relationship between Scripture and *halakhab*. This is consistent with Josephus' famous differentiation (*Antiquities* XIII, 297) between the “written statutes” (νόμιμα τὰ γεγραμμένα) which are obligatory in and of themselves according to the Sadducees, and between those that come from the “tradition of the fathers” (ἐκ παραδόσεως τῶν πατέρων) as the Pharisees claimed.³⁶

There are many who have connected this testimony to the tradition brought down in the *baraita* in Kiddushin (66a). This story describes a sectarian dispute in the times of King Jannai in which an enemy of the Pharisees informs the King that there is no need for the Pharisees to interpret the Torah, as the Torah itself which is “rolled up and lying in a corner”, is sufficient³⁷ and “whoever wishes to study let him go and study.” But many scholars, beginning with the times of Geiger³⁸ and Shlomo Yehudah Rappaport,³⁹ have expressed reservations over this definition of the sectarian dispute, and in this regard rejected the scholium's testimony as well.⁴⁰ They argued that there are indications both in the rabbinic

³⁵ Lieberman's interpretation of the wording of the Halitzah document (*Tosefta Yebamoth*, 12:15) implies that he too accepted the tradition of “this is meant literally”; see S. Lieberman, *Tosefta Ki-fshutab*, 6-7 (New York and Jerusalem, 1996), 150.

³⁶ A similar argument is implied by Philo, *On the Special Laws* 4, 149. For a discussion and some of the literature concerning these writings of Josephus and Philo, see Baer (n. 31) 123-129.

³⁷ For different versions of this expression and for its meaning, see Urbach (n. 29); Baer (n. 31), 124; Baumgarten (n. 31) 16-17. On the hidden motif of the three crowns in this story and in the description of the Torah which is lying and “whoever wishes to study, let him go and study”, see M. Kister, “Metamorphosis of Aggadic Traditions,” *Tarbiz* 60 (1992): 203, n. 65.

³⁸ Geiger (n. 22), 80, 87, 96-97.

³⁹ S.J. Rapoport, *Words of Peace and Truth* (Prague, 1841), 14.

⁴⁰ See for example Wellhausen (n. 17) 61-62; B. Rettner, “Of the An-

literature as well as in the Qumranic literature that the dissenting sects did indeed interpret Scripture, giving it their own interpretations, and did not follow a literal understanding of the text. Moreover, they argued that the scholium's testimony in this case is not compatible with the reason given for the festival in the *megillah*—the annulment of a book. And it was further argued that the matters cited in the scholium as the subjects of dispute were never mentioned in the rabbinic literature as a source of contention between the Pharisees and Sadducees/Boethusians.⁴¹

A smaller group of scholars rejected all of the traditions of the scholium, while others offered an alternative explanation for the festival that was mentioned in *Megillat Ta'anit* to commemorate that “the Book of Decrees was removed”—an explanation having no connection whatsoever to sectarian disputes. Paul Cassel⁴² and Solomon Zeitlin⁴³ suggested that the original festival in the *megillah* referred to the annulment of the Greek decrees by Alexander Balas and Demetrius in the days of Jonathan (1 Maccabees 10, 25-35).⁴⁴ Yitzhak Baer⁴⁵ refrained from specifying a particular event as the reason for the festival, offering a general explanation for the annulment of a “book of decrees and orders” that was “instituted by Israel's enemies during the times of the Greeks.”⁴⁶ Gedalyah Alon,⁴⁷ too, had his doubts about relying on the scholium's testimony in general, as did Yaakov Sussman.⁴⁸ It appears that Ephraim E. Urbach as well, in his later years, tended towards this viewpoint.⁴⁹

tiquity of the Jews,” in *Maasef* (Petersburg, 1902), 92; L. Finkelstein, *The Pharisees* (Philadelphia, 1966), 217-218, n. 81; Urbach (n. 29); Efron (see n. 27); and Sussmann (n. 2), 57, n. 185. Graetz (n. 4) 965-966 rejected the scholium's testimony with regard to only two of the disputes.

⁴¹ See for example Sussmann, *ibid.*, and the references therein.

⁴² P. Cassel, *Messianische Stellen des Alten Testaments*, 2 (Berlin 1885), 107.

⁴³ Zeitlin (n. 4), 83.

⁴⁴ See however Lichtenstein (n. 6), 295-296.

⁴⁵ Baer (n. 31).

⁴⁶ Similarly, see M. Kister, “Marginalia Qumranica,” *Tarbiz* 57 (1988): 315. Luria (n. 19), 130-134, suggested that the date commemorates the gathering of Scrolls of the Law after the Hasmonean wars; see also Urbach's (n. 7) assessment of this suggestion, 248, n. 41.

⁴⁷ Alon (n. 32).

⁴⁸ See Sussmann (n. 2) 43, n. 139; 58, n. 185; 61, end of n. 191.

⁴⁹ Urbach (*Halakhab*, n. 7), 43, and completely contradictory to his

The research has suggested various solutions for the problem of the double story in the Scholium. Some scholars attempted to harmonize the two accounts, others rejected the authenticity of one of the stories, while yet others rejected both. Krochmal⁵⁰ and Weiss⁵¹ theorized that the laws mentioned in the dispute with the Boethusians in the second story (an eye for an eye, virginity, the *halitzah* ceremony) were also included in the Sadducean book of laws in the first story, which dealt with both monetary and capital offenses. This theory patches the two traditions together into a single tradition, and combines the annulment of the Sadducean book with the victory over the Boethusians on other halakhic matters.

Julius Wellhausen,⁵² who rejected the Scholium's testimony, conjectured that the double tradition derives from the fact that the author invented them based on two pieces of information provided by Josephus: the Sadducees' literal approach to Scripture (*Antiquities*, 13, 297, see above), and their stringent attitude with regard to punishment, relative to that of the Pharisees (*ibid.*, 294). Lichtenstein⁵³ attempted to prove the accuracy of the testimony at the beginning of the unit – the opposition to the Sadducean book of laws, from the tradition at the end of the unit – the testimony regarding the literal understanding of Scripture. He was of the opinion that Pharisaic adherence to a tradition of oral interpretation, as portrayed in the second description in the scholium, explains their opposition to the existence of a written Sadducean book of *halakhot*, as described in the first part of the text.

Epstein⁵⁴ held that the testimony regarding the Pharisaic claim, “we may not write *halakhot* down in a book (line 7),” is in fact an abridged alternative of the story of the Book of Decrees mentioned earlier (lines 2-6), and constitutes a later addition to the

previous thoughts (“The Derashah,” n. 29). Despite this, in this book he did not retract the conclusions he had reached earlier regarding the scholium. His comment there, “It is quite possible that the Sadducees wrote this Book of Decrees,” is a rather forced compromise between contradictory viewpoints.

⁵⁰ Krochmal (n. 21), in his footnote.

⁵¹ Weiss (n. 24).

⁵² Wellhausen (n. 17), 61-62.

⁵³ Lichtenstein (n. 6), 296-297.

⁵⁴ Epstein, *An Introduction to the Formulation of the Mishna* (see n. 32), 296-297; *idem*, *Introduction to Tannaitic Literature* (see n. 25), 17.

text. Urbach⁵⁵ rejected the testimony concerning the sect's literal understanding of Scripture because it contradicts the idea of a book of the four types of judicial executions, which in fact, are not derived from the Torah. Likewise, he argued that the words "they were unable to bring proof from the Torah," cannot be brought as a claim against the "Book of Decrees," as the four types of judicial executions appearing in the Mishnah also do not derive clearly from Scripture. Thus, the Pharisees can have no claim against another group that their punishments do not derive from the Torah. According to Urbach, the argument that was leveled against the Book of Decrees was specifically with regard to the prohibition of writing laws down in a book. David Halivni as well held that the Pharisaic argument against writing laws down in a book was directed against the book of judicial executions, whereas the Boethusian episode is a later addition.⁵⁶ Mosheh David Herr⁵⁷ noted that two different factions, the Sadducees and Boethusians, had been mixed together in this story, and tried to formulate the differences between the two groups from the respective responses given by the Sages to the Sadducees on the one hand and to the Boethusians on the other. The Sages' response to the Sadducees, who possessed an inflexible, frozen oral tradition, was that *halakhot* may not be written down in a book, while their response to the Boethusians, who explained the Torah in a literal fashion, was that the Written Law cannot be separated from its Oral counterpart. Sussmann⁵⁸ rejected the testimony of the second part of the scholium, casting doubt on the reliability and antiquity of the expression "this is meant literally" in our context (line 11), suggesting that the author had taken it from a tannaitic or amoraic source and had changed its original meaning and context.

⁵⁵ Urbach ("The Derashah," see n. 29); also idem (Halakhah, see n. 7), 76-77 (however, Urbach's own explanation for the dates in the megillah is actually two-fold; see Halakhah, *ibid.*, 43, 248, n. 42; and see n. 49 above).

⁵⁶ Halivni (n. 26).

⁵⁷ Herr (n. 18).

⁵⁸ Sussmann (n. 30).

E. TEXTUAL CRITICISM—AN ANALYSIS OF THE DIFFERENT VERSIONS OF THE SCHOLIUM

Now that we are acquainted with the complicated details, we will consider this midrashic tradition from the angle of textual criticism. Upon re-inspection of the entire scholium in the different manuscripts, I discovered that the historical conclusions drawn from this work in general were built on shaky philological foundations. The scholium in the printed edition, which scholars had worked with, is, in fact, a work dating from the late Middle Ages that incorporated and mixed together two ancient, separate, and at times contradictory commentaries to *Megillat Ta'anit*.⁵⁹ The contradictions resulting from this hybridization and the secondary reworking of its editors have misled the research, concealing the nature and content of the original works.

It appears that in actual fact we are not dealing with one scholium, but rather with two separate editions of the commentary to *Megillat Ta'anit*. Each version has been preserved in its pristine state in only a single later manuscript, with the addition of some tiny *genizah* fragments. One scholium to *Megillat Ta'anit* is found in the Parma manuscript, Palatine Library, De Rossi Collection, no. 117. The second scholium is found in the Oxford manuscript, Bodleian Library, Michael 388, Neubauer Catalogue no. 867.2. Roughly half of the texts of these two editions have nothing in common, and they offer totally different reasons for the very same *megillah* events. The rest of the contents of the two works are parallel, but never identical. They may be regarded as rather distant variations of one core tradition. These variations differ both in style and terminology, and sometimes even in the course of events recounted in their stories. I have termed these two different editions "Scholium O" and "Scholium P," named after the respective Oxford and Parma manuscripts in which they are preserved. By what circumstances were these two compositions merged into one? It appears that somewhere in the Mediterranean basin during the 9th or 10th centuries, where there was a tradition of assembling and

⁵⁹ For a detailed discussion of all the various manuscripts and the relationship between them, see Noam, "The Scholion," (n. 4), and Noam, *Megillat Ta'anit*, (n. 4), 319-332. This edition presents the complete versions of each manuscript, along with parallels and sources, *ibid.* 132-143.

compiling texts,⁶⁰ someone came into possession of the two versions of the scholium to *Megillat Ta'anit*. This anonymous medieval author sought to combine the two separate works into one, thus creating an artificial hybrid version to which he added some reworking that was clearly influenced by the Babylonian Talmud. This kind of modification was applied all through the two scholium editions, unit after unit. In the scholia commentaries joined to several festivals in the scroll, this was achieved by simply joining together versions **O** and **P**, one after the other.⁶¹ Elsewhere, the hybrid version's editor gave preference to one of the versions, merely adding expressions or small bits of text from the other version.⁶² In other instances, the tradition from one version was inserted in between two parts of the other version, with the beginning and end from tradition **O**, and the middle from version **P**.⁶³ This hybrid version as a whole spread quickly across Ashkenaz and other Jewish communities. In fact, with the exception of the Parma and Oxford manuscripts, all manuscripts of *Megillat Ta'anit* and its scholium represent the hybrid version. Unfortunately, this corrupted hybrid version was the version at hand when *Megillat Ta'anit* was first printed in Mantua in 1514. Consequently, the first printed edition, and hence all subsequent ones, is a copy of this particular misleading mixture.

The different versions of the scholium manuscripts were first published in their entirety in Hans Lichtenstein's 1932 critical edition of *Megillat Ta'anit* and its scholium. Lichtenstein used the format of a base text of the scholium, along with a critical apparatus.⁶⁴ He added a list of variant readings and a list of medieval citations from the Scroll and the Scholium. Lichtenstein listed the different printed editions, added a historical introduction for each festival, and presented a review of the scholarly research up to his time.

⁶⁰ See Noam, "Two Testimonies" (n. 4) and Noam, *Megillat Ta'anit*, (ibid.) 326-332.

⁶¹ For details and examples, see Noam, "The Scholion" (n. 4) 68-74 and n. 95.

⁶² For details and examples, see *ibid.*, 75-77, and n. 99.

⁶³ For details and examples, see *ibid.*, 77-79, and n. 100.

⁶⁴ See for example Version O with regard to the 25th of Sivan, as it appears in the Lichtenstein edition, p. 328 onwards, compared with its original order; and the order of the units in the Scholium with regard to Chanukah, p. 341 onwards.

Unfortunately, this edition, which was intended as a correction to the printed variant, presented the scholars with an eclectic “reconstructed” text which was no less misleading than the printed version that preceded it. In his version, Lichtenstein mixed the two entirely different basic works—O and P—and also combined them with the hybrid version, which he considered to be an equally valid representation of the scholium. The critical apparatus to this edition is faulty too, and the separate manuscript versions cannot be reconstructed from it.⁶⁵ The damage caused by the new, mottled work produced in the Lichtenstein edition was far greater than that of the earlier printed version, as it bore the seal of a critical edition, and was thus quoted without re-inspection. The Lichtenstein edition⁶⁶ misled research also with regard to the particular section of the scholium under discussion. He did change the date of the festival in his edition according to P (see discussion later on), but chose the hybrid version as his base text for the scholium. He changed some of the words in it, following the Parma or Oxford manuscripts, but the basic blurring of the different traditions was left intact.

We will now proceed to examine the Parma and Oxford manuscript versions separately:

Parma Manuscript (P)

On the 4th of Tammuz the Book of Decrees was removed [i.e. annulled].

Because thus there was written and kept [i.e. publicized] by the Sadducees a Book of Decrees. These are burned, these are slain, these are strangled.

And should someone say to them: how [is it learned] that this one is liable to stoning

Oxford Manuscript (O)

On the 10th of Tammuz was annulled and removed the Book of Decrees

For the Boethusians wrote laws [*halakhot*] in a book. And a person would ask, and they would show him in the book.

The Sages said to them: But does it not state, “for after the tenor of [lit. at the mouth of] these words I

⁶⁵ For details, see Noam, “The Scholion,” (n. 4) 92, and n. 155.

⁶⁶ Lichtenstein edition (n. 4), 331.

and this one is liable to burning? They were unable to bring proof from the Torah, only that it was written and kept [i.e. publicized] by them a Book of Decrees.

The day they annulled it they made into a festival.

have made a covenant with thee and Israel”; “According to [lit. at the mouth of] the law [Torah] which they shall teach thee” etc. This teaches that we may not write [law]s down in a book.

A different matter, [a Book of] Decrees, which Boethusians said: “[an] eye for [an] eye, [a] tooth for [a] tooth.” If [one] knocked his fellow’s tooth his tooth shall be knocked, if one blinded his fellow’s eye, his own eye should be blinded, and they are equal. “And they shall spread the garment before the elders of the city” – the actual garment; “and [she shall] spit in his face”, that she should [actually] spit in his face.

The Rabbis said to them: Has it not been said already “the law and the commandment, which I have written that thou mayest teach them.” And it is written “Now, therefore write ye this song for you and teach thou it to the children of Israel: put it in their mouths”; “and teach thou it” – this is the Torah [the Written Law], “put it in their mouths” – these are the *halakhot* [the Oral Law].

The two independent commentaries, O and P, both contain the same basic idea. Both surprisingly explain the annulment of the “Book of Decrees” as referring to a victory over a rival sect of the Pharisees. However, from this point onwards, the two editions of the scholium differ totally. Scholium P, characteristically, deals specifically with the Sadducees. Whenever this scholium describes a

dispute between the rabbis and their opponents, these opponents are always termed "Sadducees." Scholium P attributes a 'book' to the Sadducees that deals with the four modes of judicial execution, for which "they were unable to bring proof" from the Torah. This scholium makes no mention whatsoever of any rabbinic arguments against the dissenting sect. This scholium contains nothing at all about the prohibition against writing *halakhot* down in a book. Nor does it contain any discussion with regard to the literal understanding of Scripture. The term "Boethusians" is also completely absent in this passage, as it is throughout all of Scholium P.

Scholium O, by contrast, describes two controversies. These controversies are specifically with the Boethusians, as is every instance where Scholium O presents a dispute between the Sages and their opponents. Scholium O itself already contains two clearly-distinguishable traditions, the second of which is introduced by the phrase "A different matter" (i.e. another interpretation). One tradition describes the argument between the Sages and Boethusians over the issue of writing *halakhot* in a book. Here "book" is meant generically, i.e. any book in which *halakhot* are written down. The second tradition presents a list of three disagreements over the interpretation of three verses. The Boethusians are of the opinion that these verses should be understood according to their plain meaning; while the rabbinic reply is that there is no "Torah" (Written Law) without "*halakhot*" (Oral Law). Judicial execution receives no mention at all in this tradition, nor is there any discussion of bringing proofs from the Torah. It is worth noting here that the terms "Sadducees" and "Boethusians" have been used interchangeably in the rabbinic literature. Often the very same dispute is described in two different sources, one of which refers to the Sages' adversaries as Sadducees, while the other refers to them as Boethusians. Sussmann has shown that these variations are not merely a coincidence. The Tosefta consistently uses the term "Boethusians," while the Mishnah uses the term "Sadducees." In his opinion, the Sadducee/Boethusian variations stem from different branches of tannaitic tradition.⁶⁷ It would appear that the two versions of the scholium also belong to different traditions, and as a result they too use different terminology.

⁶⁷ Sussmann (n. 2) nn. 166-167, 48-49. See his discussion there concerning the exceptions to this rule.

We shall now examine the Parma and Oxford manuscript versions again, this time alongside the hybrid version, in order to gain a better understanding of the misleading effort that produced this composite text. The hybrid version presented here is not taken from the printed edition, but rather from the Cambridge manuscript, Cambridge University Library, no. 648/9. This manuscript precedes the printed version, and is more accurate in certain details.

פ	א	נוסח כלאיים (כ)
1		תמוז
2	בעשרה בתמוז	בארבעה עשר בתמוז
3	בטילת ואעדיאת	עדא ספר גזירתא
4	את ספר גזירתא	דלא למספד

1	מפני שכך כתו ' שהיו ביתוסין כותבין	מפני שהיה כתוב ומונח
2	להם לצדוקים	לצדוקי' ספר גזרות
3	אלו שהן נשרפין	אלו שנסקלין ואלו שנשרפי'
4	אלו שהן נהרגין	ואלו שנהרגין
5	אלו שהן נחנקין	ואלו שנחנקין
6		וכשהיו כותבין
7		אדם שואל והולך ורואה
8	ומי שהוא אומר להם מנין	בספר אומר להם מנין
9		אתם יודעים
10		שזה חייב סקילה
11		וזה חייב שרפה
12		וזה חייב הריגה
13		וזה חייב חניקה
14		לא היו יודעים
15		להביא ראיה מן התורה
16		אלא שכתו ומונח להם
17	אמרו להם חכמים	אמרו להם חכמים

18	ספר גזירות	והלא כבר נאמר	הלא כתוב
19		על פי הדברים האלה כרתי	
20		אתך ברית ואת ישראל	
21		על פי התורה אשר יורוך	על פי התורה אשר יורוך
22		וגו' מלמד שאין	וגו' שאין
23		כותבין בספר	כותבין הלכות בספר
24		דבר אחר [...] גזירתא שהיו	ועוד שהיו
25		בייתוסינ או'	בייתוסי 'אומרים
26		עין תחת עין שן תחת שן	עין תחת עין שן תחת שן
27		הפיל שן חברו	הפיל אדם שנו של חברו
28		יפיל שינו	יפיל את שנו
29		סימא עין חברו	סמא את עינו של חברו
30		יסמא את עינו	יסמא את עינו
31		ושניהן שוין	יהו שוים כאחד
32		ופרשו השמלה לפני	ופרשו השמלה לפני
33		זקני העיר	זקני העיר
34		שמלה גמורה	דברים ככתבן
35		וירקה בפניו שתהא רוקקת	וירקה בפניו שתהא רוקקת
36		בפניו אמרו להם חכמים	בפניו אמרו להם חכמים
37		והלא כבר נאמר	והלא כתוב
38		והתורה והמצוה אשר	התורה והמצוה אשר
39		כתבתי להורותם	כתבתי להורותם
40			התורה אשר כתבתי
41			והמצוה להורותם
42		וכתי ועתה כתבו לכם	וכתיב ועתה כתבו לכם
43		את השירה הזאת	את השירה הזאת

ולמדה את בני ישראל	ולמדה את בני ישראל	44
שימה בפיהם ולמדה את בני ישראל	שימה בפיהם ולמדה את בני ישראל	45
זה מקרא	זו מקרא	46
שימה בפיהם אלו הלכות	שימה בפיהם אלו הלכות	47
ואותו יום שבטלוהו	יום שבטלוהו	48
עשאוהו יום טוב	עשאוהו יום טוב	49
		50

	P	O	Hybrid Version (C)
1			Tammuz
2	On the 4 th of <i>Tammuz</i>	On the 10 th of <i>Tammuz</i>	On the 14 th of <i>Tammuz</i>
3	the Book of Decrees was removed [i.e. annulled].	was annulled and removed [i.e. annulled]	the Book of Decrees was removed [i.e. annulled].
4		the Book of Decrees.	[One should] not eulogize

1	Because thus there was written and kept [i.e. publicized]	For the Boethusians wrote	Because there was written and kept [i.e. publicized]
2	by the Sadducees,	laws (<i>halakhot</i>) in a book.	by the Sadducees
3	a Book of Decrees.		a Book of Decrees:
4	These are burned,		These are stoned and these are burned
5	these are slain,		and these are slain
6	these are strangled,		and these are strangled.
7			And when they would write it,
8		And a person	a person would ask

		would ask, and they would show him	and would go and see it
9	And should someone say to them: how [is it learned]	in the book	in the book, and would say to them: how
10			do you know
11	that this one is liable to stoning		that this one is liable to stoning
12	and this one is liable to burning?		and this one is liable to burning
13			and this one is liable to slaying
14			and this one is liable to strangulation?
15	They were unable		They were unable
16	to bring proof from the Torah,		to bring proof from the Torah.
17	only that it was written and kept [i.e. publicized] by them	The Sages said to them:	The Sages said to them:
18	a Book of Decrees	But does it not state,	Is it not written
19		“for after the tenor of [lit. at the mouth of] these words I have made	
20		a covenant with thee and with Israel” (Exod. 34:27);	
21		“According to [lit. at the mouth of] the law (Torah) which they shall teach thee	“According to [lit. at the mouth of] the law (Torah) which they shall teach thee
22		etc.” (Deut. 17:11).	etc.” We may not

		This teaches that we may not	
23		write [laws] down in a book.	write laws down in a book.
24		A different matter [i.e. another interpretation][...] Decrees, which	Furthermore,
25		Boethusians said	the Boethusians said,
26		“[an] eye for [an] eye, [a] tooth for [a] tooth” (Exod. 21:24; Lev. 24:20)	“[an] eye for [an] eye, [a] tooth for [a] tooth”
27		If [one] had knocked his fellow’s tooth	If one had knocked his fellow’s tooth
28		his own tooth should be knocked,	his own tooth should be knocked,
29		if one had blinded his fellow’s eye	if one had blinded his fellow’s eye
30		his own eye should be blinded.	his own eye should be blinded,
31		and they [the aggressor and the victim] are equal.	they [the aggressor and the victim] will be equal as one.
32		“And they shall spread the garment before	“And they shall spread the garment before
33		the elders of the city” (Deut. 22:17)	the elders of the city” (Deut. 22:17)
34		- the actual garment	- this is meant literally;
35		“and [she shall] spit in his face” (Deut. 25:9), that she should [actually] spit	“and [she shall] spit in his face” (Deut. 25:9), that she should [actually] spit

36	into his face. The Rabbis said to them:	into his face. The Rabbis said to them:
37	Has it not been said already [in Scripture]	Has it not been said [in Scripture]
38	“the law and the commandment, which	“the law and the commandment, which
39	I have written, that thou mayest teach them” (Exod. 24:12).	I have written, that thou mayest teach them” (Exod. 24:12).
40		“the law” – “which I have written” (the Written Law)
41		“and the commandment” – “that thou mayest teach them” (the Oral Law)
42	And it is written, “Now therefore write ye	And it is written, “Now therefore write ye
43	this song for you	this song for you
44	and teach thou it to the children of Israel:	and teach thou it to the children of Israel:
45	put it in their mouths” (Deut. 31:19); “and teach thou it”	put it in their mouths” (Deut. 31:19); “and teach thou it”
46		to the children of Israel”
47	this is the Torah (the Written Law),	this is the Torah (the Written Law),
48	“put it in their mouths” – these are the <i>halakhot</i> (the Oral Law).	“put it in their mouths” – these are the <i>halakhot</i> (the Oral Law).

49	The day they annulled it		And the very day they annulled it
50	they made into a festival.		they made into a festival.

How was the hybrid version produced?

First, let us take a look at the actual date mentioned in the text of the *megillah*. In addition to several corruptions which appear in the Oxford manuscript, we also find a distinct difference between the dates contained in the different manuscripts. Scholium P's *megillah* reads, "on the 4th"; Scholium O's *megillah*, "on the 10th." The hybrid version combines the two: "on the 14th" (!) and it was this date, a date that was never mentioned in the original *megillah*, that was routinely referred to by scholars, until Lichtenstein's time. The Lichtenstein edition corrected this specific ridiculous error.

Scholium P deals with a formal, constitutional book involving judicial execution, and the argument against it for which the Sadducees have no reply is: "How [is it learned] that this one is liable to stoning and this is one liable to burning?" Scholium O, on the other hand, deals with a book of everyday *halakhot* concerning the individual, and with a person who is seeking halakhic guidance—who "would ask, and they would show him in the book." The Pharisees object to this book, arguing that "we may not write [laws] down in a book." The medieval editor who merged these two traditions combined the two different books and the two different people. He attributed the provocative question from Scholium P—"How [is it learned] that this one is liable to stoning..."—to the innocent "person" to whom they "would show ... in the book" in Scholium O. The editor also redirected the Rabbis' argument regarding the book of *halakhot* in Scholium O—"we may not write [laws] down in a book"—to the book dealing with judicial executions that appears in Scholium P.

Mention should be made of a further mistake on the part of the editor who combined the two versions, this time unintentionally rather than deliberately: The original Scholium O cites two verses starting with the same words—"al pi"—in order to teach us the importance of the Oral Law: "על פי הדברים האלה"—"For after the tenor of [lit. at the mouth of] these words..." (Ex. 34:27;

Scholium O, lines 19-20)⁶⁸ and “על פי התורה אשר יורוך”— “According to [lit. at the mouth of] the law which they shall teach thee” (Deut. 17:11; O, line 21). As a result of the similarity, the hybrid version drops the first verse, from the first “al pi” to the second “al pi,” and is thus left with only the second verse (Hybrid, line 21).

The author of the hybrid version then presents the second tradition found in Scholium O, concerning the three arguments over the literal understanding of Scripture. In the original, in Scholium O, this tradition was brought as an alternative to the preceding argument, introduced by the words “A different matter” (i.e. another interpretation) (O, line 24). However, the author of the hybrid version introduced it with the word “Furthermore” (Hybrid, line 24).

After he finishes using Scholium O, which describes the dispute with the Boethusians over the interpretation of the verses (Hybrid, lines 24-48), the author chose to end with the concluding formula from the story in Scholium P: “The day they annulled it they made into a festival”, referring originally to the Book of Decrees.

F. CONCLUSIONS – THE TEXT

We now have an answer to all of the textual problems raised in the opening of this paper (see above Section D). We shall examine them anew, keeping our chart in mind:

1. In order to make the forced connection between the section in O: “And a person would ask and they would show him in the book” (O, lines 8-9), and the section from P, “And should someone say to them: how [is it learned] that this one is liable to stoning etc.” (P, lines 9-12), the person grafting the two texts came up with a meaningless addition: “and when they would write it, a person would ask and would go and see it in the book, and would say to them: how do you know...” (Hybrid, lines 7-10). This explains the source of those grating words “and when they would write it,” which we questioned earlier.

2. The original O version states:

“The Sages said to them: But does it not state... ‘for after the tenor of [lit. at the mouth of] these words etc.’

⁶⁸ For parallel versions of this interpretation, see n. 8 above.

This teaches that we may not write [laws] down in a book” (O, lines 17-23).

However, in the hybrid version, this claim from Scholium O, which was leveled against the **Boethusians**, is tacked on to the accusation leveled against the **Sadducees**, which comes from Scholium P:

“They were unable to bring proof from the Torah” (P, lines 15-16).

Thus an entirely new sequence was created in the hybrid version:

“They were unable to bring proof from the **Torah** [this is from P]. The Sages said to them: Is it not written... ‘According to [lit. at the mouth of] the law (= Heb. **Torah**) which they shall teach thee’ ... We may not write laws down in a book” [this from O] (Hybrid, lines 15-23).

However, because of the similarity, the text appearing between the two identical Hebrew words “Torah” (hybrid version, line 16 to hybrid version, line 21 (“law” = Heb. Torah) was omitted in the copying:

“They were unable to bring proof from the Torah {
}which they shall teach thee’ “ (See above, section C, lines 6-7).

This omission was preserved in the printed editions of *Megillat Ta’anit* and as a result the words “the Sages said to them” and the beginning of the verse, including the key phrase “in accordance with,” were completely erased from the text! This version gives us no indication that from this point onwards it is the Sages who are speaking, and the beginning of the verse – needed later on – is not cited.

3. Scholium O (lines 42-45) cites the following verse: “Now therefore write ye this song for you and teach thou it to the children of Israel; put it in their mouths” (Deut. 31:19). It continues with an exegesis of the words “and teach thou it,” and “put it in their mouths” (lines 45-48), as does the hybrid version (lines 42-48):

Now therefore write ye this song for you
and teach thou it to the children of Israel; put it in their mouths;

“and teach thou it to the children of Israel” – this is the Torah (the Written Law)

“put it in their mouths” – these are the *halakhot* (the Oral Law).

However one of the copyists of the hybrid version omitted the words between the two phrases “and teach thou it,” producing the following:

“Now therefore write ye this song for you and teach thou it to the children of Israel’ - this is the Torah (the Written Law)...”

This omission was preserved in the printed editions of *Megillat Ta’anit* (See above, section C, lines 15-16). Thus the printed editions left out the second half of the verse, “and teach thou it to the children of Israel; put it in their mouths” – the very part on which the subsequent interpretation is based. In the Cambridge manuscript of the Hybrid version, however, these lines are still extant (See the chart in section E, lines 45-46).

4. As stated before, the sentence “The day they annulled it they made into a festival” comes from Scholium P (lines 49-50), and it refers to the Book of Decrees, which is mentioned earlier. Imbedding it into the hybrid version, immediately after the description of the various arguments with the Boethusians, (Hybrid, lines 49-50), makes it incomprehensible.

5. The most serious argument against our story—its internal contradiction—may now be totally rejected. Clearly, the internal contradiction in the hodgepodge that was created in the hybrid version, and subsequently in the Lichtenstein edition, was the product of some medieval editorial effort, and not one of the characteristics of the original text.

G. A NEW POINT OF DEPARTURE

Early scholars seeking an explanation for the 4th of *Tammuz* had access only to the printed editions, which contained the hybrid version of the scholium. Once the Lichtenstein edition was published, scholars became convinced that this self-same hybrid version, with minor alterations, was indeed a faithful version of the original scholium to *Megillat Ta’anit*. With regard to the 4th of *Tammuz*, the hybrid version combined the different disputes and individual sects mentioned separately in the two scholia into a single story, leading

to great confusion from the very earliest attempts at a historical reconstruction until the present time.⁶⁹

As a result of the hybrid version's mixing of the traditions, researchers gave the dissenting sect a combination of the elements listed in both O and P. For example, there is no basis for the assumption made by Krochmal and Weiss (above) of the existence of a "Book of Decrees" listing both the means of execution and the *halakhic* matters of an eye for an eye, a virginity claim and a levirate marriage, since these derive from a different story, from a different sect (Boethusians) and a different work—Scholium O! Our analysis also invalidates Graetz's suggestion that the book dealing with the four methods of judicial execution (P) was annulled because of the prohibition against writing down *halakhot* (O).

Wellhausen, who postulated that the scholium's author made it up, based on two pieces of information mentioned by Josephus (above), was unaware of the fact that we do not have a single "author" here, but two independent authors. Scholars who postulated that the sect was extremely stringent with regard to punishment, were led to believe so by the artificial combination of the book dealing with the four modes of judicial execution of one sect, taken from Scholium P, and the interpretation given to "[an] eye for [an] eye" by a different sect, taken from Scholium O. The testimony of Scholium O deals with the matter of punishment ("[an] eye for [an] eye") only incidentally, not to indicate the sect's stringency, but as an example of the plain meaning of a Scriptural text. Lichtenstein's attempt (above) to prove the accuracy of the testimony at the "beginning of the text" (the testimony of Scholium P regarding the book of the four modes of execution), based on the tradition at the "end of the text" (the separate testimony of Scholium O regarding the literal understanding of Scripture), is automatically invalidated as well. Epstein's view (above), that Scholium O's account of the rabbinic argument, "we may not write [laws] down in a book" is a "shortened version" of Scholium P's story of the book of punishments, also becomes unfeasible.⁷⁰

⁶⁹ See Noam, "The Scholion," (n. 4) 71-74.

⁷⁰ Epstein's comment regarding the absence of Scholium O's testimony from the "accurate versions" (Epstein, n. 25) is itself far from an accurate observation. The "accurate versions" he is referring to are none other than the Parma manuscript. Scholium P, which appears in this manuscript, has no initial preference over Scholium O, which is found in

Urbach too was mistaken twice: (1) He rejected the tradition concerning the literal interpretation of the biblical verses, claiming that it is illogical that a sect that has a Book of Decrees that is not based on Scripture would follow the plain meaning of Scripture in other cases. Yet these two traditions derive from two different sources! (2) He claimed that the rabbis' argument against writing laws down in a book (taken from Scholium O) was directed against the Book of Decrees (Scholium P!).

Herr, who tried to formulate the differences between the two different sects based on the respective answers the Sages gave to the Sadducees on one hand and to the Boethusians on the other, did not know that in actual fact both answers appear only in O and both are addressed to the Boethusians alone.⁷¹ It was only the author of the hybrid version who addressed the Sages' comments to the Boethusians in Scholium O to the Sadducees mentioned in Scholium P. Sussmann, who cast doubt on the authenticity and antiquity of the expression "this is meant literally," in Scholium O, did not know that this expression is not found in the Oxford manuscript, which reads "the actual garment," but only in the hybrid version. Its existence thus teaches us nothing about the tradition of Scholium O itself.

From now on, all theories based on the combination of the different versions should be eliminated from the discussion, including any arguments which reject one tradition simply because it is not consistent with the other tradition. The coherency of each of the traditions can serve as a criterion only within the confines of each unit individually. Many of the legends appearing in different places in the rabbinic literature contradict one another, yet this does not negate their literary authenticity. In our case, this holds true even with regard to the historical accuracy of the passage, as the different traditions may be dealing with separate sects as well!⁷²

the Oxford manuscript.

⁷¹ In light of his discovery of the difference between the two traditions, Herr changed his conclusions. For more on the implications regarding the nature of the Boethusians found in Scholium O, and on the Sadducees found in Scholium P, see M. D. Herr, "Actualisation des Écritures et Intolerance dans la Judée du 1er siècle", E. Patlagean & A. Le Boulluec (eds.), *Les Retours Aux Écritures - Fondamentalismes Présents et Passés*, Louvain-Paris 1993, 383-399.

⁷² Thus, for example, it is noteworthy that it is the Sadducees who are

Therefore, the discussion regarding the explanation for the 4th/10th of *Tammuz* should be reopened, with the point of departure being a separation between Scholium O and Scholium P. Scholia O and P present us with three separate traditions:

The tradition concerning the **Boethusians**, who “wrote laws in a book,” and the “Rabbis’ “ subsequent reprimand (O-1);

The tradition concerning the **Boethusians**, who learned the *halakhot* regarding three matters from a literal understanding of Scripture, in contrast to the tradition of the “Rabbis” (O-2);

The tradition concerning the **Sadducees** and their “Book of Decrees” on the four modes of execution for which they were “unable to bring proof” (P).

H. THE HISTORICAL RELIABILITY OF THE TEXT

What is the historical reliability of these texts?

The obvious, simple explanation for the annulment of the “Book of Decrees” would be similar in nature to the one suggested by Cassel and Baer: the annulment of gentile decrees against the Jews. The surprising explanation given in both scholia for this date—that it refers to an internal sectarian dispute—is, in my opinion, further evidence of the authenticity of this tradition. Whether or not it is correct that the explanation for the date in the *megillah* is a sectarian dispute rather than gentile decrees (in my opinion, it probably isn't) the fact that an identical tradition concerning this date is found in two distant, independent commentaries such as O and P is noteworthy. Even if the scholium tradition is not an accurate historical portrayal, it is nevertheless an ancient, firmly established legend that has been passed down in its different transformations along two separate channels. Let us now examine the three distinct traditions in detail:

accused of written laws that lack “proof from the Torah,” whereas it is the Boethusians who went astray in adhering too closely to the plain meaning of the text. It is specifically because of the discrepancy between these two descriptions, which also use different terminology, which does not allow for the arbitrary preference of one of them and the casual rejection of the other, as some of the researchers have suggested.

1. Tradition O-1 – Writing laws down in a book

Regarding the authenticity of Scholium O's tradition, Menachem Kister⁷³ finds traces of the dispute described in Scholium O on the opposite side of the fence—in sectarian literature. The exegetical interpretation offered by Scholium O for the verse, “According to [lit. at the mouth of] the law (Torah) which they shall teach thee”—this teaches that we may not write [laws] down in a book,” is based on the phrase “al pi” (literally—at the mouth of) and is cited in order to teach that *halakhab* is decided according to the **Oral Law**. The very same verse is interpreted in the opposite way in the Temple Scroll 46.3-4: **יְעִשִׂיתָ עַל פִּי הַתּוֹרָה אֲשֶׁר יִגִּדוּ לָכֶּה וְעַל פִּי הַדְּבָר אֲשֶׁר יְעִשִׂיתָ עַל פִּי הַתּוֹרָה וְיִגִּדוּ לָכֶּה בְּאֵמֶת** “—And thou shall carry out the verdict that is announced to you and in accordance with the matter that they tell you from the **Book of the Torah** which they tell you truthfully”. The Judean desert sect adds the words “from the Book of the Torah” to the verse to emphasize that the word “Torah” always refers to the “Book of the Torah”, and not the oral tradition of the Pharisaic sages. This is proof that this verse was indeed used in the disputations between the Sages and their opponents over the authority of the Oral Law. To a certain extent, it also serves as

⁷³ Kister, n. 46. Regarding the textual confusion that he was concerned with (ibid, n. 2), it should be noted that the absence of the verses “according to [עַל פִּי] the Law which they shall teach thee” and “for after [עַל פִּי] the tenor of these words” from the Parma manuscript is only an evidence to the general division of the traditions of the two scholia. On the other hand, the manuscripts of the hybrid version are not relevant when it comes to weighing up the authenticity of the sections of the scholium, except in those places where they fill in the gaps in one of the two manuscripts that provide the basic versions of the scholium. In this case, the opposite occurred: Scholium O contains the two verses that begin with “al pi” (lines 19-21 in the last table). The verse “for after the tenor of these words I have made...” was omitted, as we have seen, from the hybrid version. Regarding another omission in the hybrid version, from the words “the Law” until “the Law,” see above. In summary: what the two verses are teaching comes from the source scholium, Scholium O. It was copied in part into the hybrid version; however, in one of the hybrid version's manuscripts one of the verses was unintentionally omitted, while the others suffered from a double omission that erased most of the interpretation.

proof of the historical authenticity of this tradition in Scholium O.⁷⁴

2. Tradition O-2: Learning *halakhot* from a literal understanding of Scripture

Similar proofs may be found for the other tradition (“A different matter”) in Scholium O. Abraham Rosenthal found parallel versions in the Apocrypha to two of the Boethusians’ halakhic arguments that appear in Scholium O. The *Testament of Zevulun* III.7 contains a literal understanding of the Scriptural term “and [she shall] spit in his face”; and *Jubilees* (IV.32), a book bearing a certain similarity to sectarian *halakhab*, contains the law “as he injured, so it shall be done to him.”⁷⁵

In the matter of “eye for eye” as well, Kister found that the explanations given by the Boethusians, as presented in scholium O here, coincide with the language employed by the Sages in their formulation of the opposing principle. According to the scholium, the Boethusians claim: “...his own eye should be blinded and they are equal”; in other words, the injurer should be punished in a manner that makes him “equal” to the injured party. The Sages, on the other hand, endeavor to prove that such equality can never be achieved. For this reason Kister holds that “significant value should be ascribed to the formulation of the Boethusians’ claim as it appears in the testimony of the scholium to *Megillat Ta’anit*.”⁷⁶ The authenticity of the third argument attributed to the Boethusians, involving the literal understanding of the phrase “and they shall spread the garment,” is validated via Qumranic *halakhab*,

⁷⁴ See Kister’s comments (*ibid.*) regarding the addition of the word “in truth.” However, elsewhere (“Some Aspects of Qumranic Halakhah,” *The Madrid Qumran Congress*, 2, 1992 (Studies on the Texts of the Desert of Judah, 11, 574, n. 10), Kister claims that the entire sectarian interpretation for the “Book of Decrees” is baseless, and casts doubts on the scholium’s testimony in its entirety. For a slightly different interpretation of the addition “from the Book of the Torah” in the Temple Scroll, see M. D. Herr, “The Continuity in the Handing Down of the Torah,” *Zion*, 44 (1979): 54, n. 76 (Hebrew).

⁷⁵ See E. Rosenthal, “The Oral Law and Torah from Sinai – Halakhah and Practice,” in M. Bar Asher, D. Rosenthal eds., *Mehqerei Talmud* 2 (Jerusalem 1993), 454, n. 19.

⁷⁶ Kister (n. 2) 333, n. 69.

which, in contrast to the Pharisaic system, uses physiological rather than legal tools to clarify matters of virginity.⁷⁷

3. Tradition P: The Book of Judicial Executions

The question posed by scholars regarding the story of the Sadducean book of judicial executions constitutes a real problem. For indeed, the four modes of judicial execution practiced by the Pharisees are also not derived from Scripture (see above, section D). This problem might be resolved by Aharon Shemesh's insightful suggestion.⁷⁸ According to Shemesh, the question, "how is it learned that this one is liable to stoning, and this one is liable to burning?" should not to be understood as referring to the actual classification of the various types of executions, but rather to the inclusion of a certain class of sinner in the lists of those liable to the death penalty. The question asked of the Sadducees is not, "How do you know that this or that person is liable specifically to stoning?" but rather, "How do you know that this person is at all liable to the death penalty?" Given this interpretation, adds Shemesh, Scholium P reflects an authentic argument between the Sages' position, as formulated in the Mishnah, and that of sectarian *halakbah*.

Based on the list contained in the Mishnah in Sanhedrin, it appears that the Pharisees refrained from adding any further offenders to those explicitly listed for the death-penalty in the Torah. However, an examination of Qumranic literature reveals that sectarian writings have indeed added many offenders to the list of those liable to the death penalty in the Torah. Further proof as to the authenticity of Scholium P lies in its wording. The ancient and unique expression, "written and kept" is an early phrasing dating back to the Second Temple period. It means "written down" or "publicized and thus known to all."⁷⁹ The fact that Scholium P contains this expression is further proof as to its authenticity.

⁷⁷ For a discussion of the Qumran sect's approach with regard to virginity, see J. H. Tigay, "Examination of the Accused Bride in 4Q159: Forensic Medicine at Qumran," *JANES* 22 (1993): 129-134; A. Shemesh, "4Q271.3: A Key to Sectarian Matrimonial Law," *JJS* 49 (1998): 244-259. For parallels with the scholium's testimony, see Kister, *ibid*.

⁷⁸ A. Shemesh, "The Dispute between the Pharisees and the Sadducees on the Death Penalty," *Tarbiz* 70 (2001): 17-33 (Hebrew).

⁷⁹ See Lieberman, *Greek*, (n. 26) 215; E. E. Urbach (n. 29); E.S. Rosenthal (n. 1) 8; M. Kister, "On the Margins of Ben Sirā," *Lesbonenu* 47

SUMMARY

Following the new discoveries at Qumran and the development of the philological research of rabbinic literature, Sussmann⁸⁰ called for the setting aside of previously-accepted research conclusions, and for a reexamination of the rabbinic sources themselves that deal with the sects. However, this reexamination, which has been taking place over the last decades, has overlooked a significant key to the sectarian dispute as comprehended in rabbinic tradition—the narratives appearing in the scholium of *Megillat Ta'anit*, and inter alia, the very important text that we have dealt with here. This wealth of traditions has been ignored because of the misgivings regarding the nature of the work in general and because of the textual confusion that obscured its contents and misled the conclusions drawn from it. Once this impediment is removed, and the independent character of the two separate works elucidated, the scholium merits re-inspection.

My recent research indicates that besides some obscure and meaningless⁸¹ formulations, each of the scholia has also preserved ancient and authentic lost rabbinic texts. While some of these texts clearly take the form of legends, others possess unquestioned historical value. An examination of the unit under discussion reveals a solitary, unique testimony with regard to the basic nature of the sectarian dispute, as defined and preserved in rabbinic tradition. This testimony contains three different traditions concerning the diverse fundamental outlooks of the Sadducees and Boethusians: The Sadducees followed an ancient, written penal code of law that was not based on Scripture. The Sages disputed the very content of

(1983): 134-135 (Hebrew); idem, "Additions to the Article, 'On the Margins of Ben Sira,'" *ibid.*, 53 (1989): 44-48 (Hebrew); M.A. Friedman, "Publication of a Book by Depositing it in a Sanctuary: On the Phrase 'Written and Deposited,'" *Lesbonenu* 48 (1984): 49-52 (Hebrew). For further discussion of this issue and for references in the rabbinic literature, see also Herr, "Actualisation" (n. 71), 391, n. 57. Some scholars have tried to explain the appearance of this expression in the scholium by saying that it was copied from the Babylonian Talmud (Baer, n. 31; Efron, n. 27), however my research has shown that the two original editions of the scholium have no connection with the Babylonian Talmud (see Noam, *Megillat Ta'anit*, (n. 4), 375-353).

⁸⁰Sussmann (n. 2) 41, n. 135.

⁸¹Compare with Alon's comments, n. 32 above.

these laws, and apparently also the basic approach of this sect to penal law.

By contrast, the general approach of the Boethusians may be defined by two fundamental characteristics: the writing down of laws in a book and their adherence to the literal meaning of Scripture. These characteristics represent a basic view, and not a dispute over halakhic minutiae, as described in other rabbinic sources; thus the unique importance of this particular source. Writings of the sect living in the Judean desert reflect, surprisingly, the characteristics mentioned in both versions of the scholium: their laws are closer to the literal meaning of Scripture than is Pharisaic law; they do not avoid writing them down, nor even abstain from incorporating them into the verses of the Torah itself. At the same time, they possess a strict judicial system, which, in large parts, is not based on Scripture, or, in other words, does not have any "proof from the Torah". Qumranic literature supports the scholium's testimony even as far as details are concerned.

On top of all, the rather complicated quest outlined in this article has led us again to understand the importance of textual scrutiny. Before the literary and historical aspects of rabbinic literature are explored, scholars must ascertain that they are dealing with a text that is grounded on solid philological foundations.

CRITIQUING A CRITICAL EDITION: CHALLENGES UTILIZING THE *MEKHILTA* OF RABBI SHIMON B. YOḤAI

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The field of modern Midrashic Studies is situated currently at an intriguing and challenging point in its relatively brief developmental history. On the one hand, the extension and application of the study of midrash into a dazzling array of interdisciplinary areas of study has multiplied dramatically over recent decades. Midrash is now routinely utilized to contribute to and advance interdisciplinary fields of study such as Women's Studies,¹ Literary Studies,² and African-American Studies,³ in addition to the more traditional

¹ Two excellent, recent examples of feminist scholarly readings of midrash are Judith R. Baskin, *Midrashic Women: Formations of the Feminine in Rabbinic Literature* (Hanover: Brandeis University Press, 2002); and Tal Ilan, *Mine and Yours Are Hers: Retrieving Women's History From Rabbinic Literature* (Leiden: Brill, 1977).

² Excellent examples, to name but a few, are David Stern, *Parables in Midrash* (Cambridge & London: Harvard University Press, 1991); Arnold Goldberg, "Form-Analysis of Midrashic Literature as a Method of Description," *Journal of Jewish Studies* 36 (1985), 159-74; and, G.H. Hartman and S. Budick, eds., *Midrash and Literature* (New Haven, Yale University Press, 1986).

³ A most useful and insightful introduction to the history of biblical interpretation from the perspective of African-American Studies that is inclusive of consideration of Rabbinic biblical interpretation, is Charles B. Copher, "Three Thousand Years of Biblical Interpretation with Reference to Black Peoples," in Gayraud S. Wilmore, ed., *African American Religious Studies*, 105-28. See, as well, Cain Hope Felder, "Race, Racism and the Biblical Narratives," in Cain Hope Felder, ed., *Stony the Road We Trod* (Minneapolis: Fortress Press, 1991), 127-45.

modes of inquiry to which it contributes, such as Jewish Studies, History and Biblical Studies. This application of rabbinic biblical interpretation to new areas of inquiry is a most welcome advance in the Academy's approach to the study of religion, one that brings together an increasingly diverse body of scholars to the study of early Rabbinic biblical interpretation.

On the other hand, however, all scholars of midrash—specialist and non-specialist alike—acknowledge and lament the incomplete and inadequate status of the foundation upon which this wide interest in Rabbinic biblical interpretation is built, namely, the textual editions (in both original language and translation) and accompanying research resources currently available for most midrashic texts. Most of the classical, midrashic textual editions are deficient to some extent, often failing to be representative of all the manuscript evidence or source materials currently identified and available, produced in ill-conceived fashion, lacking sophisticated translations, annotations, or comprehensive analyses. Thus, the very state of the foundational materials of Midrashic Studies—the textual editions themselves as well as their supporting research materials—hampers the effective, judicious and fully-informed extension of Midrashic Studies into its newly established partner fields of research.

Nowhere is this situation more evident than in the case of the *Mekhilta of Rabbi Shimon b. Yohai*, the tannaitic anthology of midrashic traditions of interpretation based on the biblical book of Exodus. This crucial text, among the very earliest literary evidence of Rabbinic Judaism, has a long history of suspicion among scholars of Judaism in antiquity, a suspicion so deep that it has caused the scholarly community, to a very real extent, to shun and avoid the text in favor of its tannaitic counterpart, the *Mekhilta of Rabbi Ishmael*.⁴ The primary source of this suspicion is the status of the text itself—its numerous, fragmented manuscript sources, complex reconstructive history and nature, and its deficient textual editions. The unfortunate result of this suspicion has been the relative scholarly neglect of a primary piece of evidence of early Rabbinic biblical interpretation, and the virtual inaccessibility of the *Mekhilta of Rabbi*

⁴ For an in-depth discussion of the reconstructive history of the *Mekhilta of Rabbi Shimon b. Yohai* and the suspicion generated by the status of the reconstructed text see W. David Nelson, "The Reconstruction of the *Mekhilta of Rabbi Shimon b. Yohai*: A Reexamination," *Hebrew Union College Annual* 70-71 (1999-2000), 261-302.

Shimon b. Yoḥai to fields of study tangential to the highly specialized study of midrash and Rabbinic literature.

This paper will review the state and substance of the available textual editions of the *Mekhilta of Rabbi Shimon b. Yoḥai*, focusing primarily on the strengths and weaknesses of the critical edition produced by J.N. Epstein and E.Z. Melamed.⁵ The issues and difficulties that arise in utilizing the *Mekhilta of Rabbi Shimon b. Yoḥai* will be given particular consideration. These include: identifying and demarcating the various manuscript sources that constitute the reconstructed text; identifying textual anomalies and errors; insufficient annotation; and, lack of inclusion of source-materials that emerged after the publication of the text.

As a tannaitic anthology of midrashic interpretation of the book of Exodus, *The Mekhilta of Rabbi Shimon b. Yoḥai* preserves traditions of interpretation created during the Tannaitic and early Amoraic Periods of early Rabbinic Judaism. The date of the editorial redaction of these materials into anthological form is uncertain; however, most scholars believe the text was edited sometime during the Amoraic Period. The text's materials are editorially organized as a running commentary on the book of Exodus, although the entirety of the book of Exodus is not commented upon in the manuscript traditions of the text that are currently available.

A most interesting and well-documented aspect of this text's history of transmission is the fact that the *Mekhilta of Rabbi Shimon b. Yoḥai* essentially disappeared at some point in the history of medieval Judaism, a process that was undoubtedly assisted in the sixteenth century with the advent of printed Jewish texts in western Europe. Manuscript traditions of the *Mekhilta of Rabbi Ishmael* were plentifully available to early Jewish book printers in Western Europe, resulting in that text's transferal to printed format and subsequent, ongoing transmission. No such printing occurred, however, for the *Mekhilta of Rabbi Shimon b. Yoḥai*, resulting in the text's gradual supercession by its parallel, tannaitic counterpart.

Supported, however, by haphazard, medieval rabbinic references to the text, recollection of the *Mekhilta of Rabbi Shimon b. Yoḥai* remained in the collective memory of Rabbinic scholars, to

⁵ J.N. Epstein and E.Z. Melamed, *Mekhilta D'Rabbi Simon b. Joḥai: Fragmenta in Geniza Cairensi reperta digessit apparatus critico, notis, praefatione instruxit* (Jerusalem: Mekize Nirdamim, 1955) and republished with emendations under the same title in 1979 by Sumptibus Hillel Press, Jerusalem.

such a strong extent that efforts to recreate the text were kindled among German, Jewish scholars in the mid-nineteenth century. Efforts of this nature from a series of scholars ultimately culminated in the initial recreation of the text of the *Mekhilta of Rabbi Shimon b. Yohai* in 1905 by David Z. Hoffmann.⁶ Hoffmann's edition consisted almost exclusively of textual traditions gleaned from *Midrash ha-Gadol*, although he also incorporated a small amount of manuscript material from the Cairo Genizah, and a small group of materials referred to as the *Notes of Rav Abraham ha-Lahmi*.⁷ On the whole, Hoffmann's usage of the source materials at his disposal was eclectic, marked by unsystematic, arbitrary and unarticulated guidelines of incorporation.

In 1955, Jacob N. Epstein (1878-1952) and Ezra Z. Melamed (1903-1994) published a second edition of the *Mekhilta of Rabbi Shimon b. Yohai*,⁸ a project merited by the mass of manuscript evidence for the text that had emerged from the discoveries in the Cairo Genizah over the five decades that had elapsed since the publication of Hoffmann's edition. Whereas the Hoffmann version was comprised almost entirely of material taken from *Midrash ha-Gadol*, the newly identified manuscript evidence accounted for approximately seventy-five percent of the Epstein-Melamed edition. The Epstein-Melamed edition also contained the standard research apparatus found in many critical textual editions—a section of textual variants, delineation of parallel material in other texts and editorial notation. Upon publication, therefore, this edition immediately supplanted the Hoffmann edition as the one most appropriate for scholarly research, and it has retained this status to this day.⁹

⁶ D.Z. Hoffmann, *Mekhilta de-Rabbi Simon b. Jochai: Ein halachischer und haggadischer Midrasch zu Exodus* (Frankfurt am Main: J. Kauffmann, 1905).

⁷ Hebrew: הגהות רב אברהם הלחמי.

⁸ See note five. It should be mentioned that Epstein died as the two were just beginning the actual work of production. His primary contribution to the project, therefore, was amassing and assessing the considerable bulk of the Genizah materials, and to lay the groundwork for the actual reconstruction of the text. The overwhelming majority of the actual reconstructive work was accomplished by Melamed. In this paper I consider the final product to be the equally the result of both men's efforts, and I shall refer to it as a shared endeavor.

⁹ Immediately after its publication, the Epstein-Melamed edition received a primarily favorable review. See M. Margulies, "Mekhilta of Rabbi Shimon b. Yohai – Epstein Melamed Edition," (Heb.) *Kiryat Sefer* 31 (1956),

In spite of its superiority, the Epstein-Melamed critical edition is flawed in many respects, leaving much to be desired as a vital research tool and resource. My experience with this text has revealed that its deficiencies fall into four primary categories. What follows is an explanation of each, with accompanying exemplification.

UNINCORPORATED TEXTUAL EVIDENCE

The fact that Melamed republished an updated version of the critical edition of the *Mekhilta of Rabbi Shimon b. Yohai* in 1979 with *handwritten* emendations to the base text and critical apparatus is, perhaps, not widely known.¹⁰ The updated version also incorporated a single fragment of manuscript material that had surfaced since the initial publication of the edition.¹¹ Nonetheless, a significant amount of additional, indirect manuscript evidence for the text has been identified since the publication of the Epstein/Melamed edition.¹² Particularly significant are materials from *Yalkut Temani*, the fifteenth century anthology of midrashim arranged in relation to Jewish festivals of Hānukkah, Purim and Tisha b'Av. Within this manuscript collection, housed at the Jewish Theological Seminary in New York, M. Kahana has identified the entire midrashic treatment of Parashat Amalek (Exodus 17:8-15) from the *Mekhilta of Rabbi Shimon b. Yohai*.¹³ None of this material was utilized to fashion the Epstein-Melamed edition of the text, although it now represents the most reliable attestation of this portion of the text.

155-9.

¹⁰ See note five. Stated simply, the fact that the most complete and up to date edition of the *Mekhilta of Rabbi Shimon b. Yohai* contains handwritten emendations is, in and of itself, an exemplification of the deficient status of the text.

¹¹ JTS ENA 3205.8, used for reconstructing partially lines 5-11 on page 157 of the text.

¹² For a delineation of Genizah fragments of the text that are not incorporated into the Epstein-Melamed edition see H.L. Strack and G. Stemberger, *Introduction to the Talmud and Midrash* (Minneapolis: Fortress Press, 1996), 258.

¹³ For a description of these manuscripts see Menahem I. Kahana, *The Two Mekhilot on the Amalek Portion: The Originality of the Version of the Mekhilta d'Rabbi Ishma'el with Respect to the Mekhilta of Rabbi Shim'on ben Yohay* (Heb.) (Jerusalem: The Magnes Press, 1999), 121-33.

MIDRASH HA-GADOL

The incorporation of material gleaned from *Midrash ha-Gadol* into the Epstein-Melamed edition is not representative of all the available manuscript evidence for *Midrash ha-Gadol*, and was undertaken unsystematically.¹⁴ The editors utilized only four manuscripts of *Midrash ha-Gadol* as source material for their reconstruction of the text. From the beginning of the text until Parasha Yitro, they made use of only the Berlin #148 manuscript, presumably only on the basis of the fact that this was the manuscript used by Hoffmann in his edition of the *Mekhilta of Rabbi Shimon b. Yoḥai*. There is no rationale other than this, however, for this reliance, and this is particularly problematic when one considers that Hoffmann emended this manuscript in his edition of the text on the basis of three other manuscripts. None of these emendations is clearly demarcated or noted in the Epstein-Melamed edition of the text, which only complicates additionally the informed utilization of the text. From Parasha Yitro until the end of the text, Epstein and Melamed utilized a manuscript owned privately by Mordecai Margulies, again offering no rationale for this particular decision.

In fact, the appropriate utilization and incorporation of *Midrash ha-Gadol* as a source for the *Mekhilta of Rabbi Shimon b. Yoḥai* demands considerable additional research and consideration. The most complete critical edition of *Midrash ha-Gadol* to the biblical book of Exodus, published by Mordecai Margulies in 1956,¹⁵ illustrates clearly this need. Margulies utilized fourteen manuscript sources in fashioning his edition of *Midrash ha-Gadol* to the book of Exodus, in contrast, as stated above, to the four utilized by Epstein and Melamed. Moreover, Margulies selected the Mahlman manuscript as the source for the base text of his edition, deeming it to be the most reliable and best source of *Midrash ha-Gadol* for the book of Exodus. This manuscript was available to Epstein and Melamed, however they used it only as a source to emend their base text.

¹⁴ For a description of the incorporation of materials from *Midrash ha-Gadol* into the Epstein-Melamed edition of the *Mekhilta of Rabbi Shimon b. Yoḥai* see Epstein and Melamed, *Mekhilta D'Rabbi Simon b. Yoḥai*, Introduction, 46-58.

¹⁵ Mordecai Margulies, *Midrash Haggadol on the Pentateuch: Exodus* (Jerusalem: Mosad Harav Kook, 1956).

MATERIALS ATTRIBUTED TO R. ABRAHAM HA-LAḤMI

The initial traditions in the *Mekhilta of Rabbi Shimon b. Yoḥai* are a small, but significant, collection of aggadic interpretations of Exodus 3:2ff and Exodus 6:2ff—Moses' encounter and subsequent interaction with God at the Burning Bush. These traditions are particularly interesting and intriguing, because they are entirely absent from this text's tannaitic counterpart, the *Mekhilta of Rabbi Ishmael*, which begins instead with materials associated with Exodus 12:1. Equally intriguing, however, is the fact that these traditions of interpretation are virtually absent from the entire corpus of classical Rabbinic literature, from the earliest, tannaitic stratum through the Babylonian Talmud, but are well-attested in subsequent, medieval collections of Rabbinic interpretation. This fact, alone, provides sufficient reason to pause and consider whether the provenance of these traditions is, indeed, the *Mekhilta of Rabbi Shimon b. Yoḥai*.

These traditions appear in print for the first time in the 1844 Vilna edition of the *Mekhilta of Rabbi Ishmael*.¹⁶ They were appended at the end of the text under the title *Mekhilta Parashat Shemot Va'era* by the editor of the text, R. Isaac Landa. In his introduction to text, Landa, describes how he came to possess this collection of traditions, claiming to have viewed briefly a manuscript copy of these traditions attributed to R. Abraham ha-Laḥmi among the papers of the Vilna Gaon in the possession of the Gaon's grandson. Subsequently, Rabbi S.A. Wertheimer claimed to have viewed and copied these materials for inclusion in his 1913 collection of manuscripts entitled *Sefer 'Osar Midrashim Kitvei Yad*.¹⁷ The Wertheimer manuscript now resides among the holdings of the library at the Jewish Theological Seminary in New York City.¹⁸ Finally, additional fragmentary manuscript evidence for some of these traditions exists among the manuscripts from the Cairo Genizah held at Cambridge University.¹⁹

Epstein and Melamed utilized these source materials in a variety of ways as they reconstructed the beginning of their edition of

¹⁶ *Mekhilta* (Vilna: 1844) with introduction and running textual commentary authored by R. Isaac E. Landa (Hebrew: יצחק אליה לנרא).

¹⁷ S.A. Wertheimer, *Sefer 'Osar Midrashim Kitvei Yad* (Jerusalem: Achim Lipschitz, 1913), 9-10; 58-63.

¹⁸ JTS Rab. 2404, foll. 1-2.

¹⁹ T-S C 4a.4.

the *Mekhilta of Rabbi Shimon b. Yoḥai*. In some instances they incorporated portions of the text directly from the printed edition of the 1844 edition of the *Mekhilta of Rabbi Ishmael*. In other instances, they chose to incorporate portions of the text directly from the Genizah materials, in place of the Vilna materials. Finally, they routinely utilized the Wertheimer manuscript as attested in either *Sefer 'Osar Midrashim Kitvei Yad* or *Midrash ha-Gadol* to amend these textual materials, without overtly noting these occurrences. The result is a highly eclectic, unsystematic reconstruction of an initial segment of the text with an uncertain provenance. Clearly, additional research on these materials is warranted.

DIFFICULTIES IN UTILIZATION

The Epstein-Melamed edition is often tedious and baffling to utilize in an informed manner, particularly given the reconstructive complexities and composite nature of the edition. The editors employed a variety of stylistic and editing choices in the text that, presumably, were designed to render transparent and accessible the many considerations required to reproduce the text. Nonetheless, their failure to utilize these stylistic choices both consistently and clearly resulted in a textual edition that engenders suspicion and possesses flaws that make its scholarly usage difficult.

These difficulties are best described through exemplification. Our first examples will be drawn from pages three and four of the Epstein-Melamed edition [see appendix].²⁰ As identified at the top of page three, this portion of the text has as its source a manuscript located in the Taylor-Schechter Genizah Collection at Cambridge University, whereas on page four the textual source switches to the *Notes of R. Abraham ha-Labmi*, and then back again to the Cambridge manuscript. An interesting and questionable stylistic choice is evident on page three—the attempt to reproduce as closely as possible in printed form the actual manuscript evidence. That is, when incorporating *direct* manuscript evidence for the text, in opposition to printed materials gleaned from sources such as *Midrash ha-Gadol*, the text attempts to portray the manuscript page in facsimile fashion. This is accomplished by:

²⁰ All examples in this section drawn from the 1979 edition of the text referenced above in note five.

Reproducing the lines precisely as they appear in the manuscript, both in content and in irregular justification. Contrast, for example, the line justification of the materials from the Cambridge manuscript on page three with the fully justified materials from the *Notes of R. Abraham ha-Lahmi* in the middle of page four.

Renewing the line numbering at any point on the page when introducing a new manuscript source, which allows the line numbering to reflect the number of lines on the page of the manuscript source. Thus, on page three at the beginning of the Cambridge manuscript, the line number on the page begins with one. With the introduction of a new textual source in the middle of page four, the line numbering begins anew.

Indicating the page number of the manuscript (e.g., א"ע on page three and ב"ע on page four) in the right hand margin.

Including extrinsic information from the manuscript that does not pertain directly to the midrashic tradition. For example, on lines four and eleven of page three, the text includes the Hebrew letters ה and ו which are used in the manuscript as numerical enumerations of the text's midrashic traditions.

The benefit of the decision to incorporate the manuscript evidence in this fashion is unarticulated and uncertain.

In addition to this, however, attention must be drawn on page three to the ends of the individual lines of the manuscript text. The manuscript is fragmentary, and each line in this source has been recreated in some fashion as indicated by the bracketed textual materials. However, nowhere in the critical apparatus at the bottom of the page is any indication or information provided about the textual sources that serve as the basis for these reconstructive decisions. Finally, on both pages three and four we encounter examples of the unnerving handwritten emendations that occur regularly and in various degrees throughout the entire text. An even more severe example of these characteristics is found on the excerpt at the bottom of page 159. Again, we see that the Adler 1180 manuscript has been augmented considerably with no indication upon what basis. We also see an almost overwhelming amount of handwritten emendations in the critical apparatus.

Turning our attention now to page seven from the text, we see another stylistic choice employed in the text at the bottom of the page. Lines ten through twenty-one have been gleaned from *Midrash ha-Gadol*, and the text indicates this by utilizing a smaller

point-size for the Hebrew font. This method of identification is employed instead of identifying overtly that *Midrash ha-Gadol* is the source at the beginning of its incorporation, as was the case above with the Cambridge manuscript materials. However, the text does not employ this point-size Hebrew font exclusively for materials incorporated from *Midrash ha-Gadol*. For example, lines eight through twelve on page 121 of the text were gleaned from the *Mekhilta of Rabbi Ishmael*, as indicated in the apparatus at the bottom of the page. The lack of overt identification of source materials other than those gathered from manuscript evidence, therefore, is both misleading and a source of potential oversight on behalf of the reader. Finally, on line fifteen of page 121 one sees that the text failed to follow its method of line numbering for manuscript sources outlined above.

A most extreme example of this type of confusion of source representation is located on pages 150-151. Above line one on page 150, the text identifies the source of the material as a manuscript from the Genizah collection at Cambridge University. However, as is clearly evident from this selection on both pages, the point-size of the Hebrew font indicates that some of this material was incorporated on the basis of manuscript attestation (i.e., lines 21-31), and some on the basis of *Midrash ha-Gadol*. Adding to the confusion is the fact that the entire selection has been presented in the irregular line justification format that indicates a manuscript source.

Clarification for this is available only if one looks closely at the critical apparatus at the bottom of page 150, where the note for line one indicates that the editors have gleaned the majority of this section (i.e., the portions in smaller point-size) from the Leningrad 236 manuscript for *Midrash ha-Gadol*.²¹ However, in this instance the editors also chose to incorporate and present the materials gleaned from *Midrash ha-Gadol* according to the guidelines they established for materials incorporated from actual manuscript evidence of the *Mekhilta of Rabbi Shimon b. Yohai*, i.e., utilizing the irregular line justification, continuous line numbering, and right-hand page number indication usually reserved from direct manuscript source attestation of the text. The result is a section so complicated

²¹ However, an additional source of confusion is the fact that the editors only mention the source as the Leningrad 236 manuscript, assuming that the reader understands this to be a source for *Midrash ha-Gadol*, and not for the *Mekhilta of Rabbi Shimon b. Yohai*.

and confusing that the reader is compelled to exert almost as much energy trying to determine what is represented on the page as working to understand the actual content of the midrashic traditions.

Clearly, there remains much research to be conducted on the *Mekhilta of Rabbi Shimon b. Yohai*, in order to understand more fully the shape and scope of its contents. It is undeniable that an updated, improved critical edition of the *Mekhilta of Rabbi Shimon b. Yohai* that renders more transparent the complex, reconstructive nature of the text is warranted; what remains unclear is if the magnitude and complexity of the task is so daunting as to dissuade those who possess both the skills and ability to do this work from considering the undertaking. Commendation must be given to the excellent, critical text of Parasha Amalek (Exodus 17:8-15) of the *Mekhilta of Rabbi Shimon b. Yohai* produced recently by Menahem Kahana as a portion of his recent monograph *The Two Mekhilot on the Amalek Portion*.²² However, this excellent and difficult work accomplished by Kahana represents only a fraction of the overall text, which only serves to emphasize the magnitude of the overall task.

The deficiencies and complexities of the text discussed here, however, also compel one to consider the implications and ramifications of the state of this text, as well as of its companion texts in the halakhic, midrashic corpus, have on the ever-expanding interest in Midrashic Studies mentioned at the beginning of this paper. That is, how does the current state of the critical editions and associated textual resources affect, support and hinder the growing circle of scholars both interested in and making use of early Rabbinic biblical interpretation? This question becomes even more acute, when one acknowledges that this expanding circle of interest in Midrashic Studies encompasses a widening range of scholars with a diverse range of interests in this literature, and most importantly, with a diverse range of skills, expertise and experience with this literature. The question is not to be answered in this effort, but its articulation serves well to emphasize the impact and influence that the status of the fundamental research tools of midrash will have on the future of emerging scholarship on early Rabbinic biblical interpretation.

²² Menahem I. Kahana, *The Two Mekhilot on the Amalek Portion*, 145-97.

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3

שמות ג ח

(כ"י קמברידג' 41 Env. C)

- [ע"א] [א"ל הק' משה] גלוי וידוע לפני שאתה תרעוה את עמי יש' אמר משה
 [וה] שיב לפני המק' איני יכ' שלח נא ביד תשלח ושמ' ד יג) אמר לו [הק' אתה או' שלח נא]
 [ב]יד תשלח הרי יהושע תלמידך ומשרתך וגידול ירך הוא ויכניס את יש' לארץ אתה]
 [א]ין אתה נכנס עמהן ה' השיב משה לפני המק' ואמר [רבונו של עולם אתה או']
 [ל]י רד למצרים והוציא את עמי בני ישראל בודיי אני שליח ואני [.] 5
 [א]לא שזו השליחות שאתה שולח אותי יש בה שתי שליחות רבונ']
 [י]פה שליחות בשני בני אדם ולא באחד כענין [זה] שנ' טובים השנים מן האחד [קה ד ס'
 [...] כך על פי שנים עדים וג' [דבי יס טו] אמר לו הק' בה' משה גלוי וידוע לפני שאתה עומד]
 [ו]מבקש רחמים על אהרן אחיך שיקבל עליו וילך בשליחותי כבוד שרת עליו]
 רוח הקדש והוא יוצא ומשמר לך בשבילי מצרים וכשהוא [וואה אותך הוא] 10
 שמח כענין שנ' הלא אהרן אחיך הלוי וג' [שמ' ד יד] ו' ועוד אמר לו הק' בה' למשה]
 [כ]שנגלית עליך בסנה הייתי מסתיר את פניך שלא לראות שכינותי כענין שנ' ויסתר]
 [מ]שה וג' [שמ' ג יו] ועכשו מי נתון לך פתחון פה ורשות לדבר לפני [כעבד בשר ודם
 שיש לו רשות]
 לדבר לפני רבו משה דברן את אין לני שלוחין אין לי גדודין אין לי שרפים אין]
 [ל]י מלאכים וחיות ואופנים וגלגלי מרכבה שאשלחם למצרים ואוציא את בני] 15

2. הק' מ גוי: משה. או' מ גוי: לי. 3. הרי] 4. השיב... סגנון כזה בדוריסית. מדרש תנאים וילך. הוספן 178. ועי' מפרי נכביס עז-טה (4-323).
2. הק' מ גוי: משה. או' מ גוי: לי. 3. הרי] 4. השיב... סגנון כזה בדוריסית. מדרש תנאים וילך. הוספן 178. ועי' מפרי נכביס עז-טה (4-323).
- לי מ. ומשרתך וגידול ירך] מ: קסן ורך וריבוך. הג' ריא: יהושע גידולי ירך וריבוך.
- יכניס] ריא: מכניס. 4. אין] מ: אי. עמהן] מ גוי: לארץ שני' לכן לא תביאו [את הקהל הזה מ]21, ריא: שנאמי ויאמר ה' אל משה ואל אהרן יען וגוי. השיב] מ: משיב. המק'] מ: הקביה. ואמר] מ: ואומר. ריא: 'השיב משה' ואמ' לפני הקביה. 5. בודיי] מ ריא: בודאי. ואני... מ ריא: וידי (= ודי) שליח. 6. אלא... שליחות] לי מ ריא. רבונ'... כענין] מ: שתי שליחות באדם אחד בפעם אחת רבונ' אין שליחות זו יפה אלא בשני בני אדם כאחד כענין, ריא: ושליחותנו (= ושליחות זו) יפה באדם אחד בפעם אחת והלא אין שליחות זו יפה אלא בשני בני אדם. 8. [...] כך] מ ריא: ואומר. וג' ריא לי, מ: יקום דבר. 9-8. אמר... בשליחותי] ריא: השיב הקביה ואמר למשה ידוע אני על מי אתה עומד ומבקש רחמים הלא על אהרן אחיך אתה עומד ומבקש רחמים שתלך אתה והוא בשליחותי זה: מ: משיב הקביה ואומ' לו למשה משה ידוע אני כך על מי אתה עומד ומבקש רחמים שתלך אתה והוא בשליחותי למצרים. 9. שרתה. ריא: 10. יוצא ומשמר לך] ריא: יושב ומשמרך. כשבילי] ריא: כשביל (=כשביל=כשבילים) של. וכשהוא] ריא: וכיון ש', מ: ובעת ש'. 11. שמח] מ: שמח. הלא... וג' מ ריא: וגם הנה (מ: והנה גם) הוא יוצא לקראתך, מ גוי: וראך ושמת בלבב. ועוד... מ: משיב הקביה ואומר לו למשה כחחלה. ריא: השיב הקביה ואמר [כזיל, כיי: לאמר] למשה. 12. בסנה] מ: בהסנה, ריא: מתוך הסנה. היית] מ, ריא: הסתרת. את] לי מ ריא. שלא לראות שכינותי] לי מ ריא. כענין] לי ריא. 13. משה] מ ריא גוי: סניו, מ: לי וג'. ועכשו] ריא: ועכשו, מ: עכשו. מי נתן] מ: אימתי ניתך, ריא: אימתי יהיה. ורשות] לי מ ריא. לפני] מ ריא: בפני, וכן בסמוך. שיש... רבו] ריא: שהוא מדבר לפני קונו. 14. דברן את] ריא: דברן מדבר. שלוחין] ריא: שלוחים. 14-15. אין לי גדודין... גלגלי] ריא: שרפים וגדודים אופני ומלאכי גלגלי, מ: אין לי גדודים אין לי שרפים אין (מ': ואין) לי אופנים אין (מ': ואין) לי מלאכי שרת ואין לי גלגלי. 15. שאשלחם] מ: שאשלח. למצרים] לי מ. בני] ריא גוי: ישראל, מ ריא גוי: מצרים.

[שא]תה או' שלח נא ביד תשלח [בודיי אתה ראוי לשטיפה מיר]
 [אבל מה אעשה לך שבעל הרחמים] אני בע[ע] אמונה [אני וידבר]
 [א'ים א]ל משה וג' פס' וידבר א'ים וג' ר' אלעזר [או'] (ו ב)
 [..... לס]גוע בו שאם הוא [הופך] מדת הדין למדת [הרחמים]

(הגהות ריא הלחמי)

- כ וידבר אלקים אל משה. א'ר יוסי אמ' לו הקב"ה למשה אני הוא שאמרתי והיה העולם שנא' אל אלקים ה' דבר ויקרא ארץ (תה' נ א) ואומר מציון מכלל יופי (שם ב) אני הוא שאמרתי לאברהם בין הבתרים ידוע תדע וכי גר יהיה זרעך (בר' טו יג) ועכשיו הרי שבועה מבוהלת 'ובאת' לפני להוציא את בני ישראל ממצרים ואני מבקש להוציאם ואתה אומר לי שלח נא ביד תשלח. ג' ר' יהושע אומ' וידבר אלקים אל משה א"ל 5
 'הקב"ה ל'משה נאמן אני לשלם שכר יצחק בן אברהם שיצא ממנו רביעית דם על גבי המזבח ואמרתי לו 'בגודל זרועך הותר בני תמותה (תה' עט יא) ועכשיו הרי השבועה מבוהלת 'ובאת' לפני שלא כדרך ארץ להוציא את בני ישראל ממצרים ואני מבקש להוציאם ואתה אומר לי שלח נא ביד תשלח. ד' ר' שמעון (בן יוחאי) אומר וידבר אלקים אל משה (וגו') א"ל הקב"ה 'למשה' אני הוא שאמרתי ליעקב והיה זרעך [כעפר] 10

(כ"י קמברידג' Env. C44)

(ג'ר' כח יד)

[ע"כ] [הארץ עכשיו] הרי שבועה מבוהלת ובאת [לפני להוציא את]
 [בני ישראל ממצרים ואת]ה אומ' שלח נא. ר' יהודה או' וידבר א'ים אמ' הק' [ב'ה]
 [למשה אני דן ב]אמת אני מלא רחמים אני נאמן לשלם שכר וישראל
 [משועבדין ביד ער]לים וטמאים ואני מבקש להוציאם מתחת ידם ואתה [או']

16. או' מ גוי: לי. שאתה... תשלח] לי ריא. בודאי] מ: מן הדין ההוא. אתה] ריא גוי: הוא.
 17. שבעל] ריא: בעל. אמונה] מ: אמנה. שבעל...] ריא: שבעל עולם אני ובעל רחמים' (ונוסף בגליון בכתב אחר: פ' וארא). 18. וידבר...] שמיר פ"ו א': ועל דבר זה בקשה מדת הדין לפגוע במשה ההיד וידבר אלקים אל משה ולפי שנטחלל הקב"ה שבשכיל צער ישראל דבר כן חזר ונהג עמו במדת רחמים ההיד ויאמר אליו אני ה'.
 1. ב] ריא גוי: ר' ישמעאל אומ'. איר יוסי] מ: ר' אליעזר אומר. הוא] לי מ. 2. ואומר... יופי] לי מ. הוא] לי מ. 3. לאברהם] מ גוי: אביכם. המוסגר מ. ועכשיו] מ: עכשיו.
 4. מבוהלת] מ: מבהלת (מ' מנוקד: מְבַהֵלָת). ובאת] מ. לפני] מ גוי: שלא כדרך ארץ. להוציא] מ: שאוציא. בני ישראל] מ: בני. מ' בניו. ואני מבקש להוציאם] לי מ. 6. המוסגר מ.
 שיצא ממנו] מ: שנתן. 7. המזבח] מ: מזבח. המוסגר מ (במק': כ'דל). 7-8. ועכשיו... ממצרים] לי מ. 8. להוציאם] מ: להוציאן. ונ' מ: ממצרים. בן יוחאי] לי מ. 10. וגו'] לי מ.
 למשה] מ. אני הוא] מ: נאמן אני לקיים (מ', מ'21: לשלם). שאמרתי] מ גוי: לו. כעפר] מ. ריא: זרעך וגו'.
 1. עכשיו] ריא: ועכשיו. מבוהלת] מ: מבהלת. ובאת] לי ריא. לפני] מ ריא גוי: שלא כדרך ארץ (ריא: הארץ). להוציא] מ: שאוציא. 2. ישראל] לי מ. אומ'] ריא: אמרת. מ ריא גוי: לי. נא] מ גוי: ביד תשלח. יהודה] ריא: יהודא (ועי' לעיל 101). א'ים] מ ריא גוי: אל משה. אמ'] מ: א"ל.
 3. אני דן באמת] מ: אני אדון העולם. ריא: אני אלוה דיין רחמן. אני...שכר] לי ריא. 3-4. וישראל... וטמאים] ריא: בני שרויים כצער. מ: בני משתעבדין ביד בשר ודם. 4. ואני... ידם] לי מ (וג'ל שנשפט ע"י הרומות יודם... ידם). מבקש] ריא: אומר. מתחת ידם] לי ריא. או'] מ גוי: לי.

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וּרְאָא וּבַּ, בַּא יב א

ששלח פרעה. לתפושך מי עשאם אלמים חרשים סומים לא אני שנאמי' ויאמר א' אל משה מי שם פה (שמי' ד יא). 'ר' אלעזר בן יהודה איש ברתותא אומר: השיב משה ואמר לפני הקב"ה אתה אומר לי לך הוציא ששים רבוא בני אדם מתחת סבלות מצרים ומתחת שיעבודן של מצרים אלו על ק' בני אדם או על ק"ק בלבד אתה אומר לי הדבר עדאין קשה לי מאד אלו חתרתי בהם שנה או שתיים לפני הדבר כבר היה הדבר עשוי אלא מאחר ששיעבדו בהן מאתים ועשר שנים עכשיו יאמר לי פרעה 'מי שעבדו עבד עשר שנים ולא מיחה בו כל בריה יבוא אחר ויוציאו מתחת ידו או מי שעבד את הכרם עשר שנים ולא מיחה בו כל בריה יבוא אחר ויוציאו מתחת ידו רבשיע' כבדים ומכובדים דברים דללו שאתה אומר לי כי כבד פה וכבד לשון אנכי.

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[ב א] ויאמר ה' אל משה ואל אהרן בארץ מצרים. מלמד שהיו כל הארצות כשרות לדיבור עד שלא נתקדשה ארץ ישראל אבל משנתקדשה ארץ ישראל לא היה דבור עם הנביאים בכל מקום אלא על המים שני היה היה דבר ה' אל יחזקאל בן בוזי הכהן בארץ כשדים על נהר כבר (יחו' א ג) ואומר ואני הייתי על אוכל אולי (דני' ח ב) ואומי' ואני הייתי על יד הנהר הגדול הוא חדקל (דני' י ד) וכן יונה לא היה מדבר עמו אלא על המים. ר' יהודה אומי' אף כתחלה לא היה דיבר עם הנביאים אלא על המים שני היה היה. ר' נחמיה אומר כתחלה היה דיבר עם הנביאים בכל מקום מה תיל היה היה דבר ה' אל יחזקאל אלא מלמד שלא היחה רוח הקדש תדירה עליו.

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בארץ מצרים יכול בכרך תיל בארץ בשדה לא היה מידבר עמו מידבר היה עמו חוץ לכרך וכן משה אומר לפרעה כצאחי את העיר (שמי' ט כא) ומה תפלה קלה לא נתפלל בתוך הכרך דבר חמור לא כיש. ומפני מה לא דבר עמו בתוך הכרך מפני שהיא מלאה גלולים. ועדיין אני אומי' דיבר היה עם משה חוץ לכרך אבל כשהיה משה מדבר עם אהרן לא היה מדבר עמו חוץ לכרך תיל ויאמר ה' אל משה ואל אהרן (בארץ מצרים) מקיש דברות אהרן לדברות משה מה משה חוץ לכרך אף

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7. או מי שעבד... ע"י ס' החוקים ליוסט' ס"ב פ"ו.
10. מלמד... מדכתיב בארץ מצרים שהוא מיותר
דרש... (ה'). 11. וכן יונה... מדכתיב ויקא את
יונה אל היבשה יונה ב יא) וסמיך ליה ויהי דבר ה'
אל יונה משמע דביבשה הטמכה לים דבר עמוי' (ה').
15. היה היה) דרש הכפל היה שהיה דבר ה' כאן כמו

אני מפני בני אדם שברחתי מפניהם: 1. ששלח)
נ: ששגר (נ⁰: ששיגר) עליך. 2¹: מי... מה)
נ: מי עשאן אלמים (נ⁰: אלמין) מי עשאן
חרשים (נ⁰: חרשין) מי עשאן סומים (נ⁰: סומין)
הלא אנכי ה'. 2. המוסגר נ. השיב משה ואמ'
נ: משיב משה ואומר. 3 הקביה) נ: רבשיע.
לך הוציא) נ: רד למצרים והוציא. בני אדם) לי

נ. סבלות) נ: סבלון. 4³: ומתחת... מצרים) לי נ. 4. ק' קיק) מהג: מאה, מאתים. בלבד)
נ: בני אדם. 5⁴: הדבר... מאר) נ: עדיין הדבר קשה לי. ונוי: אלא שאתה אומר לי הוציא ששים
רבוא מתחת סבלון פרעה ממצרים. 5. אלו) נ: ואלו. חתרתי) כך בכי ר"א, נ: התרית (נ⁰:
התרית). בהם) נ: בהן. לפני הדבר) נ: לפני דיבר (נ⁰: דבר). כבר... עשוי) נ: כבר עשויין.
מאחר) לי נ. ששיעבדו) נ: שנסתעבדו. עכשיו) לי נ. 6⁹: המוסגר נ. 9. אנכי) ר"א מסמיך
לו: ויאמר ה' אל משה ואל אהרן וכו'. בגליון בכתב אחר: ט' בא.

10. לדיבור) נ⁰, 2¹: לדבור. 11. דבור) נ¹: דבר. 12. ואומר (פיב') לי נ¹. 13. על יד)
מק'. 14. מדבר) נ²⁰: מידבר. כתחלה) נ²⁰, *1: כתחלה. דיבר) נ¹: מדבר. 15. כתחלה) נ²⁰:
כתחלה. 16. אלא מלמד) לי נ¹. 17. מידבר (ביט) נ¹: מדבר. 18-19. ומה... גילולים) לי
נ². 18. נתפלל) נ⁰: התפלל. 19. עמו) נ⁰: כאן. דיבר) נ¹: דבר. היה) לי נ¹.
21. המוקף לי נ⁰. לדברות) נ¹: לדיברות.

צא מתחת כנפי הענן והלחם בעמלק. ר' אלעזר המודעי אומר אמר לו הקב"ה למשה אמור ליהושע ראשך זה למה אתה משמר לא לכתר צא והלחם בעמלק. מחר אנכי נצב על ראש הגבעה ומטה האלקים בידי מחר נהיה מעוהדין ועומדין על ראש הגבעה ומטה האלקים בידי לעולם כך דברי ר' יהושע ר' אלעזר המודעי אומ' מחר נגזור חעניית ונהא מעוהדין ועומדין על מעשה אבות ראש אלו מעשה אבות הגבעה אלו מעשה אמהות. ומטה האלקים בידי אמר משה לפני המקום במטך זה הוצאתם ממצרים וקרעת להם את הים והורדת להן את המן והגזת להן את השלו ועשית להם נסים וגבורות במטה זה אתה תעשה להן נסים וגבורות בשעה זו.

איסי בן יהודה אומר חמשה דברים יש שאין להם בתורה הכרע שאת ארור מחר משוקדים וקם שאת מגין הלא אם תיטיב שאת או שאת ואם לא תיטיב (בר' ד ז) ארור אפס כי עו או כי באפס הרגו איש וברצונם עקרו שור ארור (בר' מט ז) מחר אנכי נצב על ראש הגבעה או צא הלחם בעמלק מחר. משוקדים כפתוריה ופרחיה או במגורה ארבעה גביעים משוקדים (שמי' כה לד) וקם העם הזה וזנה או הנך שוכב עם אבותיך וקם (דבי' לא טז) אלו חמשה דברים יש בתורה שאין להם הכרע.

(י"א) ויעש יהושע כאשר אמר לו משה עשה מה שנחפזך ולא עבר על גזירת משה.

ומשה אהרן וחורו עלו ראש הגבעה לענין שאמרנו...

11 והיה כאשר ירים משה ידו ג' ר' אליעזר או' וכי ידיו של [משה מגבירות]

(יא) יש' או שוברות עמלק אלא בזמן שיש' עושין רצונם שלמקום ומאמינין

במה שפקדו המקום למשה המקום עושה להם ניסין וגבורות

כיוצא בו אתה או' ולקחו מן הדם ונתנו על המשקוף ועל שתי

המזוזות ג' (שמי' יב ז) וכי מה הדם מהנה למלאך ומה הדם מהנה למזוזה

אלא כל זמן שיש' עושין רצונם שלמקום ומאמינין במה שפקדו

20 והמקום למשה לעשות המקום חס עליהן. כיוצא בו אתה או' ויאמר

ועי' ב"ב כג ב): וצא הלחם בעמלק וכי משה עומד ואומר ליהושע עשה מלחמה עם עמלק אלא מסורת היא שאין בני עשו נוסלין אלא ביד בניה של רחל. 8. איסי בן יהודה... [מדרשי עמלק ע"א 179. יומא נב סע"א (ועי' מ"ש ב"מדרש: הלכת של התנאים... שמות ר' קג), ירוש' ע"ז פ"ב מא סע"ג. 13. ויעש...] מדרשי סם. 15. והיה... מדרשי סם 179-180. ועי' ר"ה פ"ג מ"ח.

מ: הקב"ה למשה, באשגרה מן הסמוך (ואולי צ"ל: אמר לו הקב"ה למשה (אמור ליהושע) ז). 5. מעשה אבות] מדרשי. 6. והגזת] מ': והיגזת. 7. נסים] מ': נסין וכן בסמוך. אתה] לי מ'. 8-12 — ע"פ מדרשי. המלים 'איסי בן יהודה', שריר של דף זה בכ"י פ. הדבקי על הדף האחרון של קטע פ (עי' לעיל 119-16). קג ק' לי, מ השמיטו משום שהביאו בבראשית (הוצ' מרגליות, קטו, ועי' שם תתלט). 9. מגין] לי כי"מ במדרשי. 13-14 — מ, ולי קג ק'.

14. (וחור] מ נוי (ע"פ רשיי): הוא בנה של מריס. שאמרנו] מדרשי: להזכיר מעשה אבות ומעשה אמהות שנא' כי מראש צורים אראנו ומגבעות אשורנו (במ' כג ס). מ השמיט כ"ו, והוסיף: מכאן לשליח צבור שיהיה אחד מימינו ואחד משמאלו (ועי' להין עמ' 123). 15-7 (בבא) — קג דף ג ע"א 1-11. 15. ידו ג' לי ק. מ: ידו וגבר ישראל. ר' אליעזר או' לי ק. מגבירות] ק. מדרשי מ: מגבורות. 16. או שוברות] מ: או ידיו משברות. רצונם] מ. ק. של מקום] ק: של הק'. ומאמינין] ק: ומאמינין. 17. שפקדו] מ: שפיקדו. המקום] ק: הק'. וכן להלך. ניסין] וכן ק. מ (גם מ') נסים. 18. כיוצא בו] ק: וכיוצא בדבר, וכן להלך. על המשקוף] לי מ. ועל שתי המזוזות] לי ק. מק': על שתי המזוזות ועל המשקוף. 19. ג' לי מ. ק. מה הדם, ומה הדם] ק: הדם היה. 20. שלמקום] ק: של הק'. 20-21. ומאמינין... עליהן] לי ק. שפקדו המקום למשה] מ: שפיקדן משה. 21-2 (בבא) המוסגר — קמ, ונשמט קג ע"י הדומות. 21. כיוצא בו] ק: וכיוצא בדבר. אתה או'] לי מ.

יתרו כ י

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(כ י) ויום השביעי שבת אין לי אלא מצות עשה מצות לא תעשה מנין תיל לא תעשה כל מלאכה. אין לי אלא מצות עשה ומצות לא תעשה מיתה מנין תיל כל העושה מלאכה ביום השבת מות יומת (שמי' לא טו). עונש שמענו אזהרה לא שמענו תיל ושמרו בני ישראל את השבת (פסיז). אין לי אלא עונש ואזהרה למלאכת יום עונש ואזהרה למלאכת לילה מנין תיל מערב עד ערב (ויק' כב לב) אם אינו ענין ללילי יום הכסורים תניהו ענין ללילי שבתות. אין לי אלא מצות עשה ומצות לא תעשה מיתה מנין תיל מחלילה מות יומת (שמי' לא יד).

(כ"י קמברידג' 4 C Env)

- [1 a] לא תעשה כל מלאכה יכול לא יקנב את הירק ולא ידיח את הכלים ולא יציע את המטות תלי' לוי' מלאכה נאמרה כאן מלאכה ונאמרה מלאכה במשכן (שמי' לה' כא) מה מלאכה האמורה במשכן מלאכה שיש עמה מחשבה אף מלאכה האמורה בשבת מלאכה שיש עמה מחשבה וכו' כי היכי דכתיבא לעיל. אתה ובנך ובתך יכול בנו ובתו הגדולים כשהוא אומר אתה הרי בנו ובתו הגדולים אמרין מה תלי' לוי' בנך ובתך אלו בנו ובתו קטנים שלא יאמר לבנו קטן הכנים לי כלי זה מן השוק הכנים לי כלכלה זו מן השוק. יכול יחזר אחריהן שלא ישכרו חרטים שלא ינתזו צורות תלי' לוי' אתה מה אתה מדעת עצמך מלאכת עצמך אף הן מדעת עצמן מלאכת עצמן. יאמר בן מה תלי' לוי' בת מפני שיש בבן מה שאין בבת ויש בבת מה שאין בבן. בן אביו חייב בו מצוות למולו ולסודתו וללמדו תורה וללמדו סופנות ולהשיאו אשה מה שאין בבת. בת אביה זכאי במציאתה ובמעשה ידיה ובהמר נדריה מה שאין בן בבן. הא מפני שיש בבן שאין בבת ובבת שאין בבן צרך לומר בבן וצרך לומר בבת. ועכרך ואמתך יכול בעבד ואמה העבריים הכתי' מדבר כשהוא אומר למען יגור עכרך (ואמתך כמורך יש עבד ואמה שאינו כמורך עבד ואמה)

26. עונש... ע"י מדריי' בחדש ס"ז 230. 28. מות יומת בעל מה"ג הביא כאן מסיק'ר כ"ג. ואחרי המעשה של החסיד: מיכאן אמרו לא יטייל אדם בשדה בשבת לירע מה היא צריכה ולא במרחק לרחוק בת משחשוכה (=ויקיר' סליד' ס"ז) וכל חשבונות שצריך להן בין שעברו בין שעתידין לבוא אין מחשבין אותן בשבת. = שבת קנ' ס"א. 6. כי היכי דכתיבא לעיל] יב טו (עמ' 19). יכול... מדריי' שם 230. 10. חשוק] בעל מה"ג הוסיף כאן: קטנים הבאין לכבות... (שבת מט"ז מ"ו. קנא א). 13. אף הן... "פי' כיון שעושה

1. הדסים של קטע זה [כתב של קטע לנינגרד 236] הם בני 31 שורה. חלקתי את החומר החסר לשורות קצרות, אבל אפשר שהיו בשורות החסרות חומר שבעל מה"ג השמיטו. והשורות היו מלאות יותר? 4-5. במשכן... האמורה] נשמט מ". 11. חרטים] מ": חרשים. 14. שאין] מ' כ"י נ"י: שאין כן. 15. מצוות] ל"י מ". 16. זמאין] מ': חייב. 18. בבן (מ"ב) מ"ג נ"י: כך. 20-21. העבריים... ואמה] נשמט מ'. 21. שאינו] מ': ואינו.

מלאכת עצמו הרי הוא עושה מדעת עצמו ואינו עושה לדעת אביו ומותר. ע"י שבת קנא ע"א ומה שחביא חרשב"א שם בשם הירושלמי' (ח). 14. מה תיל בת...] ת"כ אמר א' ו.

- התושבים לאיוו שביתה אתה [מחייבם]
 מותרין במלאכה תלי לוי ובהמתך או [יכול]
 הן יהו אסורין במלאכה תלי לוי וינפש בן [אמתך (שמי כגיב)]
 הבהמה [אמ]ור מעתה גר ותושב ועבד ו[תושב עושין מלאכה בשבת כיש]
 25 ביום [טוב] דברי ר' יוסי הגלילי ר' עקיבא או' וינפש בן אמתך
 הרויח [לה]ן כעינין שנ' ונפשו עמך על ההרים [נחום ג יח] [אמור]
 מועתה גר תושב ועבד תושב עושין מלאכה ב[שבת כיש' בחולו]
 שלמועד: ר' יוסי או' כתוב אחד או' גרך ובהמתך
 30 וכתוב אחד או' וינפש בן אמתך והגר הנח לו אמ[ור]
 [מ]עתה גר תושב עושה מלאכה בשבת כיש' [בחולו שלמועד]
 עבד תושב עושה מלאכה בשבת כיש' בחול: ר' שמעון [1 b]
 או' אחד גר תושב ואחר עבד תושב עושין מלאכה
 בשבת כיש' בחול. ובהמתך למה אני צריך אם לימד
 שלא יעשה בה מלאכה הרי כבר נאמר לא תעשה
 5 כל מלאכה מה תלי לוי ובהמתך שלא ישכיר
 אדם בהמתו לגוי ולא ישאלגו ושלא תצא
 במשווי בשבת ייכול ירכין לה יתר ותאכל ויאחו לה
 עשבים ותאכל תלי לוי אתה. יכול יהור אחריה
 שלא תהיה תולשת וזקרת תלי לוי אתה מה אתה
 מדעת עצמך מלאכת עצמך אף היא מדעת עצמה
 10 מלאכת עצמא. וגרך אשר בשעריך אם בגר צדק
 הכת' מדבר כבר אמור הקהל חקה אחת לכם ולגר
 הגר [במי טו טז] הא מה אני מקיים וגרך בגר תושב הכת' מדבר.
 (כיא) את הים ואת כל אשר בם והלא ים בכלל מעשה
 בראשית היה אלא מגיד שיש שבת בים כנגד כל מעשה
 15 בראשית. כיוצא בו אתה אומר לויתן זה יצרת לשחק בו (תהי קד כו)
 והלא לויתן בכלל מעשים שבים היה אלא מגיד שיש שבת
 בלויתן כנגד כל מעשים שבים. וינח ביום השביעי מלמד
 שלא נבראת הנחה אלא עד יום השביעי. ייכול אף מן
 20 הדין תלי לומי וינפש מגיד שאין הדין בטל מפניו לעולם
 וכן הוא אומר צדק ומשפט מכוון כסאך וגוי' (תהי מט טו). על

25. אמור מעתה... [כרי' ט ע"א. ועי' ירוש' יבמ'
 סיח ח ע"ד ומררי' משפטים פ"כ 331. 3 ובהמתך...]
 מדי' 22. 8. יכול יחזר... [ח'ס' שבת קכב א ד"ה
 מעמיד: כדררשינן במכילתין למען ינוח שורך וחמורך
 וגוי' יכול לא יניחנו תולש לא יניחנו עוקר תיל למען

1-22 (להלן). לאיוו... בחול] לוי' 6. ולא
 ישאלגו... בשבת] לוי' מדי' 7-11. המוסגר
 ע"ס מדי' (כהצעת הרמב"ם שם). 19-21. המוסגר
 - ר"ס ב' הרוז"ם 48 (וחסר הציון למכילתא).
 ועי' להלן [לא טז, (הו"פ' 162) = מדר'א].

ינוח ואין זה גוף אלא צער [ועי' לעיל בעמ' א': יכול יחזר וכי'] ועי' ראבי"ה 338 (ובהערות שם) ורי"ף שבת
 ספס"ו בהגהה. 11. וגרך... מדר'י בחרש פ"ז 280 (ע"ש). 13. מדבר] בעל מח"ג מטרש (ע"פ ל'שון הרמב"ם
 ה"ג שבת פ"ה): שהוא שכירו ולקיסו של ישראל... 14. את הים] בעל מח"ג הביא לפניו: כי ששת ימי...
 וכי לששת ימי... (מטיקיר כ"ג). ד"א כי ששה... ע"ש ג' דבריהם... (ע"י מ"ח ה"ב פ"א). ח"פ כ"ש... מ"ק ר"א ע"ס,
 מטיקיר פ"ג. 21. על כן] בעל מח"ג תקדים לזה מ"פ ק"ר (פ"ט), ד"א וינח ביום השביעי וכי יש לפניו...
 ועי' מ"ד ר"א

האש מלהטת מכל סביביו ירד מעל החמור ונשקו ואמר לו ר' אלעזר בן
 ערך אשרי יולדתך אשריך אברהם אבינו שזה יצא מחלצין. הוא היה אומר
 20 אם יהיו כל חכמי ישראל בכף מאזנים ור' אלעזר בן ערך בכף שנייה
 (כא ב) מכריע הוא את כולם: פֶּרֶק כי תקנה עבד עברי (ש)מניין כשתהא
 קונה לא תהא קונה אלא עבד עברי ת"ל כי תקנה עבד עברי. ומניין
 כשיהא נמכר לא יהא נמכר אלא לך ת"ל ונמכר לך (ויק' כה יט) ומניין כשבית
 דין מוכרין אותו לא יהוא מוכרין אותו אלא לך ת"ל כי ימכר לך אחיך
 25 העברי (דב' טו יב): כי תקנה עבד עברי זה שהוא מוכר את עצמו
 ולהלן הוא אומר כי ימכר לך אחיך העברי או העבריה זה שבית
 דין מוכרים אותו לך בא הכתוב ללמדך לשון קצרה כי תקנה
 עבד עברי בין שמוכר את עצמו ובין שבית דין מוכרין אותו לך:
 כי תקנה עבד עברי [עבד]

[כ"י אדלר 1180]

[עברי אתה] קונה מעצמו ואי אתה קונה עבריה מעצמה שהיה [2 a]
 בדין ומה עברי שאין אביו מוכרו הרי הוא מוכר את עצמו]
 עבריה שאביה מוכרה אינו דין [שתהא מוכרת את עצמה ת"ל]
 כי תקנה עבד עברי אתה קונה מעצמו ואי אתה קונה עבריה]
 5 מעצמה קל וחומר לעברי שהיא אביו מוכרו ומה עבריה שאין היא]
 מוכרת את עצמה אביה מוכרה עברי שמוכר את עצמו אינו דין]
 שיהא אביו מוכרו ת"ל כי ימכר איש את בתו לאמה (שם' כא ז) [האיש מוכר]
 את בתו ואין האיש מוכר את בנו. ר' ישמעאל אומ' בעבד [עברי הכת']
 מדבר אתה אומ' בעבד עברי הכת' מדבר או אינו אלא [בעבד]
 10 [כנעני] ומה אני מקיים והתנחלתם איתם לבניכם [אחריכם]
 [וגומ'] (ויק' כה מו) בלוקח עבד מן הגוי אבל לוקח עבד מיש' יכול יצא בשש [ת"ל]
 כי תקנה עבד עברי שש שנים יעבוד ולהלן הוא אומ' כי ימכרו]
 לך אחיך העברי וגומ' (דב' טו יב) הוא שנאמר כאן [הוא] שנא' להלן מה להלן
 אחיך אף כן אחיך נאמרו מצוות] האלו בעבד [עברי] בזכותו של
 15 עבר. ד"א בזכות אברהם שהיה מעבר הנהר ד"א בזכות

21. מניין מ. 22. ומניין מ: מנין, וכן בסמוך. חגי' סיב מ"א. 20. אם יחיו... אבות סיב פיה.
 23. כשבית מ. שכסר: שיהוא בית. 24. יהוא] 21. מנין... ספרי ראה קית 177, ת"כ בהר ז א (בילי
 מ': יהו' 25-28. כי תקנה... אוחו לך] ל"י מ, ור' שלם יוחר). 25. כי תקנה... ע"י קידור יד ב, שלא
 29. עבד] לב. 2. עברי] מ: עבד עברי. משפטי במדרי' נויקין סי' 247. 1. עברי אחת קונת...]
 3. עבריה] ח: אמה עבריה (מ': עבריה). מדרי' נויקין סי' 255 (ע"ש). וע"י מ"ש סינקלי
 שתהא מוכרת אתה] מ: שהיא מוכרת, ק: שתמכר (עמ' ק"ו [ח] חע' ב). 5. ק"ו לעברי... מדרי'
 4. עברי] לב מ: עבד עברי. עבריה] מ: אמה עבריה. 8. ר' ישמעאל... מדרי' שם סי' 247.
 5-14. ק"ו... אחיך] ל"י מ. 7-5. ומה... 14. בזכותו... ע"י סינקלי (עמ' קו [ז] חע' ג).
 מוכרו] נשמש ק ע"י הדומות. 8. האיש] ק:
 איש. 9. אתה] ק: את. הכת' מדבר] ל"י ק. 11. וגומ'] ק: לך. אחוה. לוקח] ק: בלוקח.
 12. יעבוד] ל"י ק. 13. וגומ'] ק: או העב. הוא (סיב) ק: והוא. מה להלן] נשמש ק.
 14. נאמרו] ק: עברי נאמרו. מצוות] מ: מצות. האלו] מ: הללו. בזכותו] מ: עברו, מ: ק: שלעבר,
 כ"י אדלר: עבד (ו). בזכות] ק: בזכותו של.

פ 1. אתה, ואי אתה] ק: אפ, ואין את. 2. הרי' ל' ק.

CREATING RABBINIC TEXTS: MOVING FROM A SYNOPTIC TO A CRITICAL EDITION OF PESIQTA RABBATI

By Rivka Ulmer
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As shown from the previous contributions, the discussion of text-editions and translations of midrashic texts is ongoing. Often, the first definite form of a rabbinic text is created when it is translated. Translating gives the text a definitive form and meaning, because translation is a form of interpretation. For example, as David Nelson has shown in his contribution, the Hebrew texts of the *Mekhilta de-Rashbi*¹ are very complex and the edition by Horowitz is hardly readable. In respect to the editing of readable Hebrew/Aramaic texts, there are at least five major edition techniques² of midrashic texts which are currently used by scholars in respect to the preparation of scientific text-editions. The first group refers to editions that are published in book form; these include a column synoptic edition, a linear synoptic edition, and a critical edition with an apparatus. All of these techniques were applied to the Frankfurt monographs of *Pesiqta Rabbati*.³ The second group of presently available midrashic text editions includes electronic scans of manuscripts or previously printed editions of midrashic texts. I assume that we are all familiar with the Bar Ilan Responsa Project

¹ *Mekhilta de-rabbi Yishma'el 'im bilufe girsa'ot ve-be'arot me-et Hayim Sha'ul Horovitz*...*ne'erkhu ve-hushlemu 'al yede Yisra'el Avraham Rabin*. Frankfurt am Main: J. Kauffmann, 1931.

² See B. (R.) Kern-Ulmer, "Some Questions in Respect to the Editing of Hebrew Manuscripts." In J. Neusner (ed.), *Approaches to Ancient Judaism*, N.S., (Atlanta: Scholars Press, 1996), vol. 9, 1-12.

³ These monographs were published in a series entitled *Frankfurter Judaistische Studien* by *Gesellschaft zur Förderung judaistischer Studien*.

Database of rabbinic texts and some of the others, such as Davka's Judaic Classics Library, with their "diplomatic," eclectic or uncritical texts that are useful to our students.⁴ As far as electronic manuscript texts are concerned, libraries such as the Genizah unit of the University Library in Cambridge,⁵ the Jewish National and University Library in Jerusalem,⁶ some individual scholars,⁷ and many other institutions are in the process of scanning manuscript material directly onto websites. Other projects that are not directly focused upon midrashic texts produce hypertexts by scanning text into "pop-up windows," allowing scholars to scroll through the texts and clicking on windows that contain various commentaries. In respect to *Pesiqta Rabbati*, I am considering a "mixed media" edition: (1) a printed edition that renders a readable text, and (2) an electronic edition with "pop-up" windows. The text could be made available in digitized form, if the technology and some major funding would be available to me, and if I find support for advanced text computing. Presently, I am focusing upon an approach to a critical edition of *Pesiqta Rabbati* that is informed by "form-analytical" constraints derived from the elusive form of the rabbinic homily.

One reason for my earlier publication of a synoptic edition of *Pesiqta Rabbati*⁸ was the relationship of the manuscripts to each

⁴ *Judaic Classics Collection II* (CD-Rom, Davka Corporation, 1991-1996) and Bar Ilan's *Judaic Library* (Bar Ilan University- Responsa Project, version 11, 2003).

⁵ GOLD: The Genizah On-Line Database, containing searchable catalogue databases and annotated manuscript images. <http://www.lib.cam.ac.uk/Taylor-Schechter/GOLD/genform.html>; for midrash, view: <http://www.lib.cam.ac.uk/cgi-bin/GOLD/gensrch>

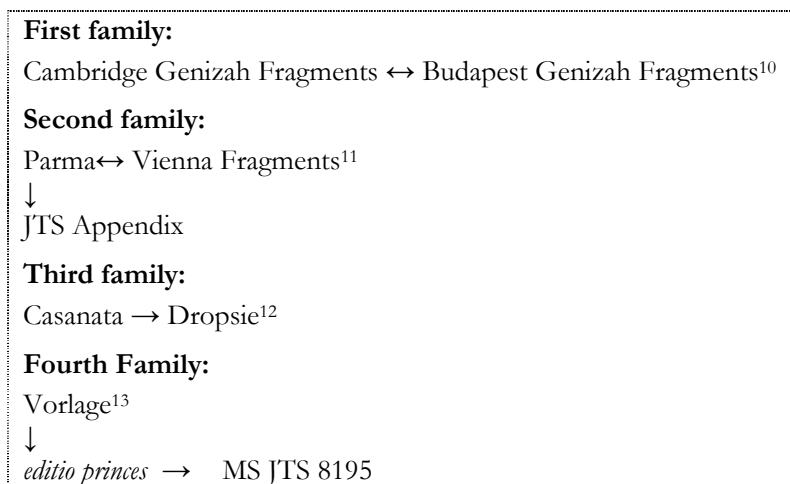
⁶ *Otzar kitve yad talmudiyim* <http://jnul.huji.ac.il/dl/talmud/> Viewed in November 2003; the midrashic texts are in preparation.

⁷ Notably, L. Barth at Hebrew Union College-Jewish Institute of Religion, Los Angeles Campus, *Pirqe Rabbi Eliezer Electronic Text Editing Project*. <http://www.usc.edu/dept/huc-la/pre-project/index.html>

⁸ All examples are taken from R. Ulmer, *A Synoptic Edition of Pesiqta Rabbati Based upon All Extant Manuscripts and the Editio Princeps*, Vol. I (Atlanta: Scholars Press, 1997, University of South Florida, Studies in the History of Judaism, 155), Vol. II, 1999 (Atlanta: Scholars Press, 2001, University of South Florida, Studies in the History of Judaism), Vol. III (Lanham: University Press of America, 2002); in respect to *Pesiqta Rabbati* 9 see also the edition by D. Lenhard, *Vom Ende der Erde rufe ich zu Dir*.

other.⁹ The manuscripts can be understood to be part of separate “families.” A division of the text-witnesses of *Pesiqta Rabbati* into manuscript families produces the following results:

FIGURE 1: A DIVISION OF THE TEXT-WITNESSES OF *PESIQTA RABBATI* INTO MANUSCRIPT FAMILIES



As can be seen from Figure 1, there are four major manuscript families of *Pesiqta Rabbati* manuscripts. In my edition of midrashic text, the column synoptic arrangement of the manuscript material of *Pesiqta Rabbati* was selected, because it was impossible to produce critical editions of the documents using standard methods.¹⁴

Eine rabbinische Psalmenbomilie (Pesiqta Rabbati 9), [M.A. thesis] (Frankfurt am Main: Gesellschaft zur Förderung Judaistischer Studien, 1990, *Frankfurter Judaistische Studien*, 9).

⁹ I am referring to the following manuscripts: MS Parma 3122; MS Casanata 3324; MS JTS 5014a; Frag. Vienna 5390; MS JTS 8195; MS Dropsie 26; and the *editio princeps* of *Pesiqta Rabbati*, Prague 1653.

¹⁰ These texts are closely related.

¹¹ The Vienna Fragments are very close to MS Parma; the JTS Appendix seems to rely on Parma.

¹² MS Dropsie is basically the same as MS Casanata; the differences consist mainly of corrections.

¹³ Although the editor of the first edition refers to his *Vorlage*, it is lost at this point

¹⁴ See my response to C. Milikowsky, “Further on Editing Rabbinic

One understanding of the phrases “standard method” or “critical edition” in respect to a text edition is the collating of one single manuscript as a base text and the listing of variants from other manuscripts in an apparatus at the bottom of the page. This approach is inadequate in the case of *Pesiqta Rabbati* because the single most comprehensive manuscript (MS Parma) contains many scribal errors and at times this manuscript is a composite text (a text that consists of different rabbinic works). Therefore, MS Parma is an unsuitable candidate for a base text. Another manuscript (MS JTS 8195), which is almost error-free, was extensively edited and is too recent (early nineteenth century) to be a base text. The other major manuscripts (MS Casanata and MS Dropsie) are missing roughly one half of the *Pesiqta Rabbati* homilies and contain a composite of homilies including *Pesiqta de-rav Kahana* homilies, and consequently cannot serve as a base text. This is even more the case with the manuscripts that are fragmentary (Genizah fragments, Vienna fragments), although the Vienna fragments are the most original texts in my judgment. Due to the absence of a reliable base text for a scholarly edition, I decided upon a synoptic edition. Additionally, in the case of *Pesiqta Rabbati* the number of text-witnesses is small enough—between one and seven—that all extant text-witnesses can be presented on one page or on two facing pages.

As an editor who attempts to establish criteria for a critical edition, I would like to address the issue of whether certain properties of midrash assist not only in the analysis but also in the emendation of texts. Many manuscript versions of rabbinic texts seem to have certain defects; in most cases there is no clean, perfect *Urtext* of any given rabbinic document available. Therefore, any editor of rabbinic material from manuscript sources is faced with the question of whether s/he should emend the text on the level of singular expressions or on the level of larger units that affect the structure of the text itself. My approach is to separate rabbinic texts into text-linguistic units; and then utilize these recurrent recognizable units to emend certain texts. To be sure, text emendations have usually been made based upon better parallel readings of a similar passage. Generally, I do not recommend emending the texts as they

Texts: A Review-Essay of a Synoptic Edition of *Pesiqta Rabbati* Based Upon All Extant Manuscripts and the *Editio Princeps* by Rivka Ulmer.” *Jewish Quarterly Review* 90 (1999) 137-149. “Response to Chaim Milikowsky.” *The Jewish Quarterly Review* 92 (2001) 131-132,

appear in manuscripts; the following should only present some alternative theoretical foundations for possible textual reconstructions. I find it necessary to mention that I strongly believe in interdisciplinary approaches in order to analyze or emend a text.

There are different contemporary approaches to the analysis and to the characterization of rabbinic texts. Jacob Neusner¹⁵ is noted for a holistic approach and he proved for rabbinic work after rabbinic work that rabbinic texts from late antiquity have the appearance, consistency and argumentative structure of documents. There is a program beyond these texts that is metapositional; the creators, editors and compilers of these rabbinic documents followed a plan and a program that waited to be discovered. That these documents are spelled out in different types and forms is mainly determined by the particular discourse. Once a rabbinic text has a certain title it becomes a document; the units of its discourse are subsumed under this general notion of the document's contents. This is the only comprehensive description of rabbinic documents available today.

Neusner's "documentary" assessment goes far beyond the attempt to formalize relations between microscopic constitutive elements, since his method is able to articulate the overall structure of the logical, theological and philosophical patterns.¹⁶ If we utilize

¹⁵ For example in his *The integrity of Leviticus Rabbah: The problem of the autonomy of a rabbinic document* (Chico: Scholars Press, 1985, Brown Judaic Studies, 93); *The documentary form-history of rabbinic literature* (Atlanta: Scholars Press, 1998, University of South Florida, Studies in the History of Judaism, 167, 171-183); *The Bavli's one voice: types and forms of analytical discourse and their fixed order of appearance* (Atlanta: Scholars Press, 1991, University of South Florida, Studies in the History of Judaism, 24); *The components of the rabbinic document: from the whole to the parts* (Atlanta: Scholars Press, 1997, University of South Florida, academic commentary series; no 75-90, 92-103); *Comparative midrash: the plan and program of Genesis rabbah and Leviticus rabbah* (Atlanta: Scholars Press, 1986, Brown Judaic Studies, 111); *The Bavli's one statement: the metapositional program of Babylonian Talmud Tractate Zebahim* (Atlanta: Scholars Press, 1991, University of South Florida, Studies in the History of Judaism, 30); *The later midrash compilations: Genesis Rabbah, Leviticus Rabbah, and Pesiqta deRab Kahana* (Atlanta: Scholars Press, 1994, University of South Florida, Studies in the History of Judaism, 99).

¹⁶ It should be noted that the classification into labeled arguments enables the reader to grasp the single argument as well as the argument in relation

Neusner's "documentary" method in the emendation and editing of rabbinic text, it could be applied to some of the shared material in rabbinic texts that surfaces in different collections of rabbinic text (see below, fig. 8). Only by describing the overall structure of the pattern can one establish the function and the location of each element and the nature of its relation to the other elements. This is an approach that operates from "above"¹⁷ as opposed to an approach from "below," which is outlined in the following.

Another approach to rabbinic texts, particularly midrash, is to isolate formalistic characteristics and distinguish between these by correlating them to their functions. This approach has been assisted by methods utilized in modern linguistics and modern philosophy. If one attempts to break down midrash into its smallest possible units, one has to take a minimalist approach.¹⁸ A formalistic definition which utilized a minimalist approach to rabbinic texts defined midrash as a metalinguistic sentence consisting of a scriptural lemma, a hermeneutic operation and a dictum. These elements, according to the late Arnold Goldberg,¹⁹ comprise the metalinguistic midrashic sentence (see figure 2).

to the whole; it also facilitates referring to single statements as is evident in Neusner's translations of rabbinic documents.

¹⁷ These ideas are expressed in R. Arnheim, "Max Wertheimer and Gestalt Psychology," in *idem, New Essays on the Psychology of Art* (Berkeley: University of California Press, 1986) 31-38, esp. 33.

¹⁸ This is another European approach, to use only the most noticeable data, as for example in the field of archaeology (for example, P. Davies).

¹⁹ See Goldberg's papers that were republished in A. Goldberg, (M. Schlüter and P. Schäfer, eds.) *Rabbinische Texte als Gegenstand der Auslegung. Gesammelte Studien II* (Tübingen: Mohr Siebeck, 1999, Texte und Studien zum Antiken Judentum, 73), esp. "Midraschsatz. Vorschläge für die descriptive Terminologie der Formanalyse rabbinischer Texte," 112-119, repr. of *Frankfurter Judaistische Beiträge* 17 (1989) 45-56.

FIGURE 2: MIDRASHIC SENTENCE²⁰

Midrash: “S” →

“L” : “O” : “D”

{Midrash} : {Midrashic Sentence} → Scriptural Lemma : {midrashic operation} : {Dictum}

Midrash consists of midrashic sentences that consist of a scriptural lemma, a midrashic operation, and a dictum.

In respect to individual midrashic sentences, on many occasions there are unconnected or incomplete units of the above mentioned lemma, operation or dictum which are more subtle and not always easy to determine. One solution is a strictly formalistic approach; a literary unit of the type known as *midrash* is written out in symbols. These symbols form a distinct pattern that is repeated in unit after unit. If any of the listed elements are missing, and the text does not read in a coherent manner, we have a possible haplography in a text. The question could be posed whether one should emend these texts.

Sometimes the differences are true dissimilarities, meaning that the text itself had many identities. These multiple identities resulted from the fact that blank spaces were filled in by composers of the homily. One compelling example is from *Pesiqta Rabbati* 9 § 7 (see Appendix, figure 3); in this homily the *darshan* is requested to continue as he pleases, which indeed resulted in two different versions of the same midrash (see Appendix, figure 3). The key phrase in this text is “Continue like this.” In *Pesiqta Rabbati* 9 an abbreviated midrash lists the sinners whose actions contributed to the destruction of the world:

“*And he blotted out every living substance* (Gen 7:23). And I did the same to the generation of the dispersion and to the generation of the tower and to the generation of Sodom. Continue like this.”

A more extensive version of this midrash is indeed found *Pesiqta Rabbati* 5 § 21f.; in this text the *darshan* obviously followed the invitation to supplement the midrash. It should be noted that these

²⁰ This is a simplified scheme of Goldberg’s analysis, see previous note.

additions are serialized, stereotypical, highly repetitive sentences²¹ (see Appendix, figure 4). These obvious textual differences result from a number of possible continuations of the midrash, as I have documented elsewhere.²²

The so-called “form-analytical” approach, which has nothing to do with the “Formgeschichte” of European Bible Studies, also resulted in the definition of larger units of rabbinic texts. The rabbinic homily has definitive, recurrent constituents which reveal a constant structure. These constituent components make up the form of the homily. These forms are the well-known components *petihah*,²³ *semikhab*²⁴ or middle part, and *hatimah*.²⁵ Other textual units contained within these forms are the *yelammedenu*²⁶ or the *mashal* and similar supporting units. By correlating text-linguistic properties of form and function, new definitions of some known units, such as the *petihot*, can be presented (see figure 5).

Petihot begin with an abbreviated base-verse, the *Inyan* (L IN), of which they designate different subunits that are submitted to midrashic exegesis by means of a second level of midrashic exegesis of every single *petihah* verse. This procedure involves “focusing

²¹ See my B. Kern Ulmer, “Arikhah ve-qanonizatsiah be-pesiqta rabhati.” *Proceedings of the Eleventh World Congress of Jewish Studies*, Jerusalem: World Union of Jewish Studies, 1994, Div. C, vol. I, pp. 111-118.

²² R. Ulmer, “Some Redactional Problems in Pesiqta Rabhati.” *Annual of Rabbinic Judaism* 1 (1998) 71-82.

²³ For example, J. Heinemann, “Ha-petihot be-midreshei ha-agadah. Meqoran ve-tafqidan.” *Proceedings of the Fourth World Congress of Jewish Studies*, Vol. II, Jerusalem: World Union of Jewish Studies, 1965, pp. 43-47; A. Shinan, “Le-torat ha-petihta.” *Jerusalem Studies in Hebrew Literature* 1 (1981) 135-142.

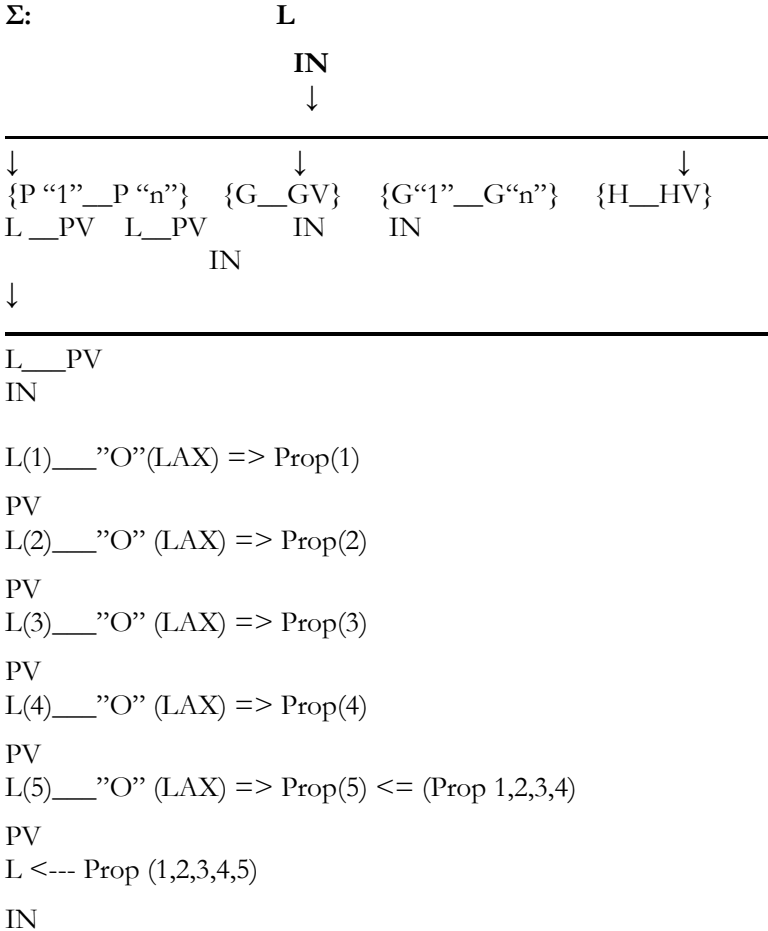
²⁴ A. Goldberg, “The Semikha. A Compositional Form of the Rabbinic Homily.” *Ninth World Congress of Jewish Studies*, C, Jerusalem: World Union of Jewish Studies, 1986, pp. 1-6.

²⁵ A. Goldberg, “Die Peroratio (Hatima) als Kompositionsform der rabbinischen Homilie.” In *idem*, *Rabbinische Texte*, *supra*, 395-409; repr. of *Frankfurter Judaistische Beiträge* 6 (1978) 1-22.

²⁶ See R. Ulmer, “The Halakhic Part of the Yelammedenu in Pesiqta Rabhati.” *Approaches to Ancient Judaism* N. S. 14 (1998) 59-80, and the literature cited there.

upon the lemma.” The overall movement (P “1” through P “n”) of the *petiḥot* follows the intended message of the homily.²⁷

FIGURE 5: STRICT FORMALIZATION OF A TEXTUAL UNIT



²⁷ See my B. Kern-Ulmer, “The Midrashim on Hanukkah: A Survey and a Sample Analysis.” *Approaches to Ancient Judaism*, N.S., vol. III (Atlanta: Scholars Press 1993) 163-178 and the Appendix.

Abbreviations:

L IN	= Lemma of the <i>'inyan</i> , the “pericope” or base verse of the homily
PV	= <i>Petibab</i> verse
L PV	= Lemma of the <i>petibab</i> verse
“O”	= Midrashic Operation
LAX	= Prooftexts + rabbinic dicta
Prop	= Proposition of the <i>midrash</i>
G	= “Middle” part of the homily, also referred to as “ <i>gufa</i> ” or “ <i>semikhab</i> ”
GV	= Another verse from the pericope
H	= Hatimah
HV	= Hatimah verse, the concluding verse.

In respect to figure 5, we notice that the *darshan* of a homiletical text may enter several explications of “L”—from L(1) through L(n). We can label the textual units as atomistic, elementary or macro-forms. An atomistic text unit would be the smallest possible unit of communication, something that has aptly been labeled “midrashic sentence,” as mentioned previously. A macro-form makes a text into a text-type or “genre”, such as a homily or a halakhic midrash. An example of an elementary form is the *mashal*. These units are ideal constructions within the analysis of certain types of midrash.

According to the sociologist Max Weber, an “ideal type” requires an analytical technique which summarizes and makes abstractions of qualities that are found to be common to figurations, actions or thought.²⁸ Through the construction of ideal types one can comparatively describe single phenomena in respect to their deviation from one another in relationship to the ideal types. Based upon the quest for an ideal type of the rabbinic homily, a single homily should contain more than one macro form, such as *petibab* and *htimab*, etc. If a text is lacking these constituents, it would not be a homily.

The major drawback in the concept of an ideal form is that it does not exist in actual rabbinic texts. It is rather a supposed form

²⁸ M. Weber, *Die Objektivität sozialwissenschaftlicher und sozialpolitischer Erkenntnis. Gesammelte Aufsätze zur Wissenschaftslehre* (Tübingen: Mohr, 1922).

which can be determined empirically in the individual text. The model makes it possible to differentiate in each instance between constants and variables. A constant is the form itself and the frequency of its appearance is a variable. However, this model can be applied in determining incomplete text units that are lacking certain parts of the model. One example for an incomplete homily is *Pesiqta Rabbati* 38, which has only subparts of a homily. In order to understand my premise that chapter 38 is not a complete homily, I have documented that all text witnesses have serious problems in respect to the categorization of this unit.

The division of the chapters²⁹ in one manuscript of *Pesiqta Rabbati* (MS JTS 8195) is somewhat different than the *editio princeps*, as is particularly obvious in the homilies concerning the Ten Commandments.³⁰ Whereas the *editio princeps* combines several midrashim into four chapters, one manuscript (MS 8195) has a separate chapter for each commandment. There are fragmentary homilies that are only attested in one manuscript (MS JTS 8195) and the printed editions, e.g. *Pesiqta Rabbati* 29 בכה תבכה and *Pesiqta Rabbati* 29/30 איכה.

The *yelammedenu* entitled וה' פקד את שרה in one manuscript (MS 8195 pp. 253-260) has no title in the *editio princeps* (p. 63c). One copyist or redactor (Elyaqim) seems to have been aware of the literary macroforms of the homilies, e.g. the *yelammedenu* parts, the introductory textual units commencing with 'למדנינו רבינו', which are often found within individual paragraphs of the manuscript. The *yelammedenu* unit (MS 8195 pp. 235-236) entitled וה' פקד את שרה stands by itself in the manuscript; it begins "Let our master teach us: If there has been a quarrel between a person and his fellow human being, how can he obtain forgiveness on Yom Kippur?" In the *editio princeps* (p. 117c) this same textual unit is separated from

²⁹ D. Lenhard, *Die rabbinische Homilie: Ein formanalytischer Index* (Frankfurt am Main: Im Selbstverlag der Gesellschaft zur Förderung judaistischer Studien, 1998, *Frankfurter Judaistische Studien* 10), 86, mentions that the difference in the titles of the homilies is unimportant in respect to their form-analysis. This might be true, however, the different titles demonstrate the editors' efforts to define the text *Gestalt* of a homily and to assign it to a particular day of the liturgical year.

³⁰ See R. Ulmer, "Further Manuscript Evidence of *Pesiqta Rabbati*: A Description of MS JTS 8195 (and MS Moscow 214)." *Journal of Jewish Studies* LII (2001) 269-307.

the preceding homily by סליק סליק סליק, thus, clearly separating it from the preceding unit. Unlike the JTS manuscript of this text there is no title in the *editio princeps* for this *yelammedenu*; except for MS Parma (*Pesiqta Rabbati* 38 §§ 1-2, f. 193b) the other manuscript text-witnesses of *Pesiqta Rabbati* do not contain this unit at all. There are discrepancies in all the text-witnesses in respect to this unit.

The fragmentary homily *Pesiqta Rabbati* 38, is entitled *Midrash Haminu* in the Friedmann edition of 1880; in the *editio princeps*, in the Šklow edition and in the Breslau edition it has no title. In MS JTS 8195, in the Lemberg edition and in the Warsaw edition it is entitled וה' פקד את שרה. However, the commentators of *Pesiqta Rabbati* were aware of the problem of this *yelammedenu* and pointed out that the beginning of the unit would be an appropriate homily for Yom Kippur, since the halakhah is found in Bavli, Yoma 85a, while the ending would be suitable for Rosh Ha-Shanah (Breslau 67a). The Commentary (Be'ur) in Lemberg (84a-b) considers this *yelammedenu* to be a *petibab* for וה' פקד את שרה because it concludes with Abraham and Abimelech. Furthermore, the complete homily וה' פקד את שרה which is found much later in the *Pesiqta Rabbati* text-witnesses (*Pesiqta Rabbati* 42, MS 8195 pp. 253-260) has a completely different *yelammedenu* part and several "opening statements" (פתיחות).³¹ It is possible that the scribe of one MS viewed the above cited *yelammedenu* unit (MS 8195 pp. 235-236) as a related unit of the homily concerning Sarah since he gave the *yelammedenu* the same title as the homily. It can be argued that the literary connection between the earlier separate *yelammedenu* part and the subsequent complete homily is the ending verse in the *Yelammedenu* unit, Gen 21:1, which is also the pericope verse of the complete homily in *Pesiqta Rabbati* 42 וה' פקד את שרה. The *Rokeach* (§ 217) refers to the earlier *yelammedenu* unit as מדרש הרנינו and mentions that this unit is in *Pesiqta Rabbati*, therefore attesting that the text in question belonged to *Pesiqta Rabbati* at an early stage of the work long before the printed editions. The title מדרש הרנינו is probably based upon Ps 81:2 which contains the word הרנינו.

³¹ In the dissertation of B. Meijer, *Midrasch Pesiqta Rabbati 42 -- Und der Herr besuchte Sara*, [diss.] (Frankfurt am Main 1986) 22ff., it was shown that the form of the homily וה' פקד את שרה is problematic, especially the *Yelammedenu* units, however, this unit (MS 8195, pp. 235-236) was not discussed by Meijer.

We may gather that the redactors of this *yelammedenu* were convinced that a homily should have one *yelammedenu* unit, but as is well known, a homily can have several *yelammedenu* units; thus this unit could be an additional or alternative *yelammedenu* for the Rosh Ha-Shanah homily in *Pesiqta Rabbati*. This possible emendation of the manuscripts that I am proposing can be based upon the ideal typical form of a homily, in which case a *yelammedenu* unit by and in itself cannot constitute a homily but is often an element of the macro-form.

Another approach to understanding the dilemma of textual differences can be gleaned from the notion of deep structures; a deep structure is an old linguistic term for the level of meaning of a sentence.³² Relying upon some presumptions of linguistics and the ideas of Umberto Eco,³³ one can ask how to produce texts by reading them when the original text constitutes a flexible type of which many expressions can be legitimately realized. The idea of a deep structure in linguistics and the ideas of Eco are supporting each other. A regular midrashic sentence, such as found within the midrashic text concerning the Creation of the Zodiac, can serve as an example of a midrashic unit that surfaced in different types of text and is found in the homiletic texts of *Pesiqta Rabbati* and *Bereshit Rabbati* (see Appendix, figure 8) and the mystical texts *Arugat Ha-Bosem* as well as *Yalqut Reuveni*. An analysis based upon deep structure, containing the meaning, and the surface structure, as it is found in separate works, is shown in the following diagram (figure 6):

³² For example, N. Chomsky, *Aspects of the Theory of Syntax* (Cambridge: MIT Press, 1965, many reprints).

³³ For example, U. Eco, *The Role of the Reader: Explorations in the Semiotics of Texts* (Bloomington: Indiana University Press, 1984); *The Limits of Interpretation* (Bloomington: Indiana University Press, 1990).

FIGURE 6: AN ANALYSIS OF A MIDRASHIC TEXT-WITNESS BASED UPON NOTIONS OF DEEP STRUCTURE AND SURFACE STRUCTURE:

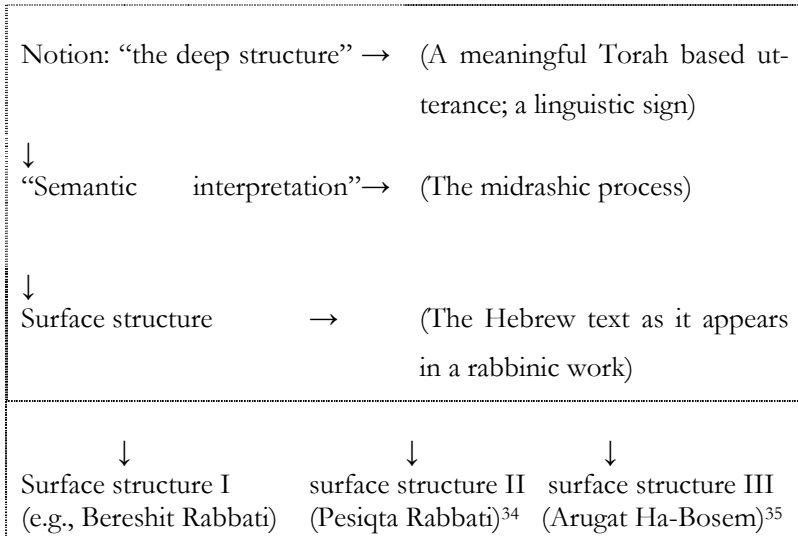
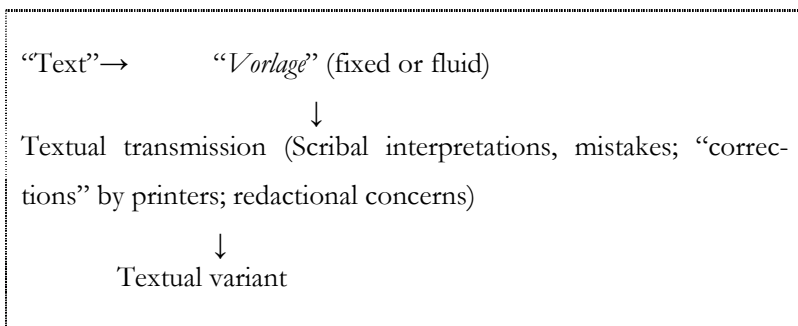


FIGURE 7: TEXTUAL VARIANTS



³⁴ An example of this multiple identity of a text is the version included in *Pesiqta Rabbati* 20.

³⁵ *Pesiqta Rabbati* was known to the author of *Arugat Ha-Bosem*.

The problem that any editor of manuscripts faces is the process of correlating a shaped continuum, i.e. a text-witness in a manuscript, with its possible content. As can be seen from the following example of *Pesiqta Rabbati* once the problem of shaping the continuum is posed, that of its relationship with the content arises. As is well known, there are many textual units that surface only in one manuscript. An example from *Pesiqta Rabbati* 10 § 26 demonstrates this feature (see Appendix, figure 9). This text unit is only found in the Parma manuscript. This text-unit in *Pesiqta Rabbati* 10 can best be characterized as not adding to the overall understanding of the homily; instead it could be understood as a non-sequitur. This supplemental passage is not an ideal successor to the preceding form. It stretches the form and it becomes a weak, shapeless unit within the homily. On text-linguistic grounds it should be deleted, if one were to emend the text in any critical manner.

In conclusion, my method in midrashic analysis so far has relied upon models of form-analysis and text-linguistics and I have tried to offer a synthesis. The formulas developed could sufficiently describe some elements within rabbinic literature. The description using text linguistic abstract symbols makes it possible to compare different texts. As a result, it could be established that certain deviances in the text-linguistic analysis corresponded to deviances in the text-witnesses. I purposely left out emendations of single words, which should not be emended in every case that presents an unusual reading, as I have demonstrated elsewhere.³⁶ *Pesiqta Rabbati* lends itself to a text-linguistic analysis of recurrent forms since it is an “uneven” compilation, a mixture of forms which in its extreme has been called an “imitation.” The limits of this type of epistemological analysis were already recognized by Ernst Cassirer, a twentieth century German philosopher of language.³⁷ To paraphrase Cas-

³⁶ “Some Questions in Respect to the Editing of Hebrew Manuscripts.” *Approaches to Ancient Judaism*, N.S. 9 (1996) 1-12.

³⁷ “The analytic judgment is the one in which the predicate is contained implicitly in the concept of the subject, and the synthetic judgment is that in which the predicate is added to the subject as an entirely new attribute, due to a synthesis obtained from the data of experience.” E. Cassirer, *Das Erkenntnisproblem in der Philosophie und Wissenschaft der neueren Zeit* (Berlin: B. Cassirer, 1922-23), II, 8.

sirer, the synthesis obtained from the data that one experiences adds a new attribute to the subject that one investigates.³⁸

³⁸ Some of the ideas presented in this response were previously discussed in a longer paper entitled “Can the ‘ideal’ properties of midrash assist in the definition and emendation of rabbinic texts?” (AJS-Conference, Boston, 1998, Session: New Methodological Trends in the Study of Rabbinic Literature). I am grateful to my colleagues, especially Reuven Kimelman and John Townsend, for their comments.

Figure 3, *Pesiqta Rabbati 9, Vol. I, p. 120*

למנצח על הנגינות

§ 7

Parma 131a

ed. pr. 12c

ד"א למנצח [תהלים סא א] נצח למי שהנצח {ו} שלו ד"א
 למנצח [שם] נצח למי שמבקש להנצח כביכול ד"א למנצח
 [שם] למי שהנצח שלו לך ייי הגדולה {והין} והנצח והוד
 [דברי הימים א' כט יא] וכן ייי ~ איש מלחמה [שמות טו ג]
 וכן ויצא יי ונלחם [זכריה יד ג] וכן ייי כגיבור יצא [ישעיה
 מב יג] למי שהוא עושה הנצח לבניו עשה מלחמות האמורי
 כמה שכת' ויהי בנוסם מפני וג' [יהושע י יא] ויאמר משה
 וישראל כמה שכת' משה ובני ישראל הכוס למנצח [תהלים סא א]
 למי שמבקש להנצח אמ' הק' כשאני מריב עם בריותי אני
 מריב עמם לנצח אלא כמה שכת' לא [ישעיה נו טו] אל תהי
 קורא בן אלא לנצח אריב למה אמ' הק' כשאני נוצח אני
 מפסיד וכשאני נוצח אני {ו} {מ} ~ משתכר נצחתי את דור
 המבול לא אני הפסד {נ} תי שחרבתי את עולמי כמה שכת'
 וימח את כל היקום [בראשית ז כג] ועם דור הפלגה ודור
 המגדול וסדומיים ואת אומרת בדעת הזו של מעלן אבל בימי
 משה שנצחתי עשיתי שכר שלא כליתי את ישראל הוי למנצח
 [תהלים סא א] למי שהוא מבקש להנצח¹

ד"א למנצח [תהלים סא א] למי שהנצח שלו: ד"א למנצח
 [שם] נצח למי שהוא נותן הנצח לבניו: ד"א למנצח [שם]
 נצח למי שמבקש להנצח כביכול: ד"א למנצח [שם] נצח
 למי שהנצח שלו - לך ה' הגבורה והתפארת והנצח וההוד
 [דברי הימים א' כט יא] וכן ה' איש מלחמה [שמות טו ג] וכן
 ויצא ה' ונלחם [זכריה יד ג] וכן ה' כגיבור יצא - למנצח
 [ישעיה מב יג] נצח - למי שעושה הנצח לבניו עשה מלחמות
 האמורי כמה שכת' ויהי בנוסם מפני בני ישראל ויה' השליך
 עליהם אבני גדולי וגו' [יהושע י יא] - למנצח [תהלים סא
 א] מי שמבקש להנצח כמה שכתב כי לא לעולם אריב ולא
 לנצח אקצוף [ישעיה נו טו] אל תהי קורא בן אלא לנוצח
 אריב למה אמ' הקב"ה כשאני נוצח אני מפסיד וכשאני נוצח
 אני משתכ' נצחתי את דור המבול לא אני הפסדתי שהחרבתי
 עולמי שנ' וימח את כל היקום [בראשית ז כג] - וכן דור
 הפלגה ודור המגדול וסדומיים ואת אומרת בדעת הזו של
 מעלן אבל בימי משה שנצחתי {ע} עשיתי שכר שלא כליתי
 את ישראל הוי למנצח [תהלים סא א] למי שהוא מבקש
 להנצח:

Figure 4, *Pesiqta Rabbati 5, Vol. 1, p. 62*
ויהו ביום כלות משה

§ 21

Parma 125b

עמדו דורו של אנוש וחטאו אז הוחל לקרא לקרוא בשם ייי [בראשית ד כו] ונסתלקה לרקיע השלישי ועמד דור המבול וחטאו כמה שכתוב וירא ה' כי רבה רעת האדם [בראשית ו ה] ונסתלקה השכינה לרקיע הרביעי עמד דור הפלגה וחטאו כל שכת' ויאמרו הבה נבנה לנו עיר [בראשית יא ד] ונסתל' השכינה לרקיע החמישי עמדו הסדומיים ונסתל' לרקיע השישי שהיו חוטאים כמו שכת' ונאנשי סדום רעים וחטאי' [בראשית יג יג] - באו פלשתים וחטאו כמו שכת' וישלח אבימלך מלך גרר ויקח את שרה [בראשית כ ב] ונסתלקה לשביעי השביעי^{xxi}

ed. pr. 7b

עמד דור אנוש וחטאו אז הוחל לקרא בשם ה' [בראשית ד כו] ונסתלקה לרקיע השלישי - עמדו דור המבול וחטאו כמה שכתוב וירא ה' כי רבה רעת האדם [בראשית ו ה] ונסתלק' השכינ' לרקיע החמישי עמדו הסדומיים ונסתלקה לרשישי שהיו חוטאים ונאנשי סדום רעים וחטאי' [בראשית יג יג] - באו פלשתים וחטאו וישלח אבימלך מלך גרר ויקח את שרה [בראשית כ ב] ונסתלקה לשביעי

Vienna 1a, col. 1

זמבול וחטאו כמה שכת' וירא יי כי רבה רעת האדם [בראשית ו ה] ונסתלקה השכינ' לרקיע הרביעי עמדו דור הפלגה וחטאו כמה שכת' ויאמרו הבה נבנה לנו עיר [בראשית יא ד] ונסתלקה השכינ' לרקיע החמישי עמדו הסדומיים ונסתלקה השכינ' לרקיע השישי שהיו חוטאים כמה שכת' ונאנשי סדום רעי' וחטאי' ליי' מא' [בראשית יג יג] - באו הפלשתים וחטאו כמה שכת' וישלח אבימלך מלך גרר ויקח את שרה [בראשית כ ב] ונסתלקה השכינ' לרקיע השביעי

§ 22

Parma 125b

בא אברהם וסיגל מעשי' טובים וירדה השביעי מן הרקיע השביעי לשישי בא יצחק ופשט צוארו על גבי המזבח וירדה מן השביעי להששי לחמשי בא ונטע אהלה כמו שכת' ויעקב איש תם יושב אוהלים [בראשית כז] וירדה השכינה מן החמשי לרביעי בא לוי וירדה השכינה מן הרביעי לשלישי [בד] בא קהת וירדה מן השלישי לשני בא עמרם וירדה מן השני

ed. pr. 7b-c

בא אברהם וסיגל מעשי' טובים וירדה השכינ' מן הרקיע השביעי לשישי בא יצחק ופשט צוארו על גבי המזבח וירדה מן הששי לחמשי - בא יעקב ונטע אהלה כמו שכתב ויעקב // איש תם יושב אהלי' [בראשית כה כז] וירדה השכינ' מחמשי לרביעי בא לוי והורידה מרביע לשלישי בא קהת והורידה משלישי לשני בא עמר' והורידה

Vienna 1a, col. 1

בא אברהם וסיגל מעשים טובים וירדה השכינ' מן הרקיע השביעי לשישי בא יצחק ופשט את צוארו על גבי המזבח וירדה השכינה מן השישי לחמשי - בא יעקב ונטע אוהלים לתורה כמה שכת' ויעקב איש תם יוש' אוהלים [בראשית כה כז] - וירדה השכינ' מן החמישי לרביעי בא לוי וירדה השכינ' מן הרביעי לשלישי - בא קהת וירד' השכינ' מן

Figure 8, *Pesiqta Rabbati* 53, Vol. III, p. 1114 ויהי ערב ויהי בוקר

(=Pesiqta Rabbati 20 § 5)
Parma 1/0a-b

(Bereshit Rabbati) § 1

מפני הק' ברא את עולמו בניסן ולא בראו באייר לפי שבשעה שברא הק' את עולמו אמ' לשר החוש' סור מפני שאני מבקש לבראות את העולם באורה ושרו של חושך דומה לשר באותה שעה אמ' שר של חושך לפני הק' רבון העולם' מה אתה מבקש ליבראות לפני אמ' לו הק' סר מלפני אם את אין סר מלפני אני גוער בך שאני מבקש לבראות עולמי באורה ואחר האור מה את בורא אמ' לו חושך ואחר החשך מה את בורא

ויהי ערב ויהי בקר יום אחד [בראשית א ה] אלו אלף שנים שהם יום אחד של הק' שנאמר כי אלף שנים בעיניך [תהלים צ ד] שהיו הרשעים שהם ערב והצדיקים שהם בקר בלא מתן תורה בשעה שברא הק' את העולם אמר לשרו של חושך סור מלפני שאני מרקש לבראות אור ומזלותיו באותה שעה אמר שרו של חושך בדעתו אם אני מאיר את חשכי ומאזין לו כבר הייתי עבד לעולם מוטב אשים את עצמי כלא שומע ואהיה שוגג ולא מזיד מיד גער בו הק' וכל השרים המליכום בו וחלק עליהם סכות סכות לכך נאמר סביבותיו סכותו חשרת מים [תהלים יח יב] שהיו כולם במקום אחד גער בהם הק' נתפזרו כולם טפה טפה כיון שראו שרו של חושך שגער בו הק' התחיל אומר לפניו ר'ב'ע מפני מה אתה רוצה לבראות אור מלפני א"ל הק' אם לא תסור מלפני אני גוער בך ומאבדך מן העולם אמר לפניי אחר האור מה אתה בורא א"ל אותך ואחרי מה אתה בורא

Figure 9, *Pesiqta Rabbati* 10, Vol. I, p.122

כי תשא

§ 26
Parma 133b

ד"א כי תשא את [שמות ל יב] אני מוציאם שבמקומות הרבה הק' אמ' למשה שאו את ראש בני ישראל [במדבר א ב] כי תשא את ראש בני ישראל [שמות ל יב] ולמה כן אלא אמ' הק' למשה משה כל מה שאת יכול לרומם את האומה הזו רוממה שכולה לי את רומם כי תשא את בני ישראל אין כת' כאן אלא כי תשא את ראש בני ישראל [שם] ואין ראשם של ישראל אל הק' שנ' ויעבר מלכם לפניי ויני בראשם [מיכה ב יג] למה הדב' דומ' למי שהיה יושב ועושה עטרה ומקביע בתוכה אבנים טובות ומרגליות עבר אחד וראה אותן אמ' לו כל מה שאת יכול לקבוע בתוכה קבע שהיא עתידה להינתן בראשו של מלך [ילקוט שהיה לו טלית אחת והיתה והיתה מנערה בכל שעה ומקפלה אמ' לו תלמידו {ך} ר' כמה {ד?} טליתו' יש לך אחרים ובזו זחיר יותר מכולם אמ' לו בזו אני זחיר שבשביל זו ניתמעותי זקן היא לבשתי באותה שעה כך אמ' הק' למשה הוי זחיר באומ' זו שמכל האומות שבראתי היא המליכה אותי תחילה שנ' זה אלי ואניוהו [שמות טו ב] למלך שהיה לו פורפירות הרבה והיה לו עוד פורפרא אחת והיה מפקד בכל שעה את הבסטייר שלו בשביל אותה פורפרא אמ' לו אדוני המלך כמ' פורפור יש לך ועל זו את מצויני יותר [מין] מכולם אמ' לו בזו אני זחיר שבשביל זו ניתתי מלך היא לבשתי באותה שעה כך אמ' הק' למשה הוי זחיר באומה זו שהיא המליכה אותי תחיל' על הים לכל האומות ואמרה לי זה אלי ואניוהו [שמות טו ב] לפיכך רומם את ראשם כי תשא את ראש בני ישראל [שמות ל יב]

TEXTUAL CRITICISM OF A LATE RABBINIC MIDRASH: *AGGADAT BERESHIT*

By Lieve M. Teugels
Gorgias Press

When tackling questions of textual criticism and critical editions, each rabbinic work should be considered on its own. Often, the ideals of classical and biblical textual criticism need some adaptation when applied to rabbinic texts. Sometimes alternative forms of editions might make more sense than the diplomatic or eclectic editions we are used to. However, even in such cases, stemmatic and genealogical analysis can often be applied; if not for the entire work, than for parts of the text.¹

One should to distinguish between early and classical rabbinic Midrashim on the one hand, and late rabbinic or medieval Midrashim on the other. The latter works, that were not just transmitted, but originated in the Middle Ages, seem to have been dealt with as ‘open books’ even more than their early and classical predecessors.² Nevertheless, each work should be assessed on its own merits: some late Midrashim may lend themselves to classical

¹ Cf. L.M. Barth, ‘Is Every Medieval Hebrew Manuscript a New Composition? The Case of *Pirke Rabbi Eliezer*, in M.-L. Raphael, (ed.), *Agendas for the Study of Midrash in the Twenty-first Century*, The College of William and Mary, Williamsburg (Virginia) 1999, 53-54. See also the study of Rivka Ulmer about *Pesikta Rabbati* in this volume.

² Cf. the various studies in Ph. S. Alexander and A. Samely, *Artefact and Text: The Re-Creation of Jewish Literature in Medieval Hebrew Manuscripts*, Bulletin of the John Rylands University Library of Manchester Volume 75, Number 3, 1993; see especially M. Beit-Arié, ‘Transmission of Texts by Scribes and Copyists: Unconscious and Critical Inferences’, in the same volume, pp. 33-51.

critical editions³ while this may be an unlikely form to present other late works.

1. THE TANCHUMA MIDRASHIM

Even the most critical scholars admit that there may be works that cannot be molded into critical editions as they are commonly understood without wronging the diversity of the textual witnesses.⁴ Chaim Milikowsky, who is otherwise very critical of so-called non-critical editions,⁵ mentions *Midrash Tanchuma* as an example of a late-rabbinic work that was rewritten by every scribe and re-edited by every medieval scholar, who did not see it as a closed book.⁶ Apart from the two well-known recensions of the Tanchuma, the so-called 'ordinary' Tanchuma and 'Tanchuma Buber, there are other works that seem to be related to this work and that are usually collectively called the 'Tanchuma Midrashim'. The extant works that are usually reckoned to this category are: the ordinary *Midrash Tanchuma*; *Tanchuma Buber*; *Deuteronomy Rabbah*, parts of *Exodus Rabbah* and *Numbers Rabbah*, and *Pesiqta Rabbati* (not all

³ Not a Midrash but a similar work, the Targum of Song of Songs that Alexander is discussing in his article 'Textual Criticism and Rabbinic Literature: the Case of the Targum of Song of Songs' in the collection mentioned in note 2, pp. 159-173, lends itself to classical textual criticism, even as far as the reconstruction of an original text.

⁴ Alexander, 'Textual Criticism and Rabbinic Literature', 163: 'In some rabbinic texts the attempt to recover a lost original may indeed be futile, or misconceived, but it would be wrong to assume from the outset that this is always the case'. Chaim Milikowsky, 'The Status Quaestionis of Research in Rabbinic Literature', *JJS* 39 (1988) 201-211, esp. 203, gives the example of *Ekba Rabbah* (or *Rabbati*) that exists in two versions. Because of the extensive differences, he states that 'no one would claim that they are the same work (...) There are simply two entities known as *Ekba Rabba*, which had a complex joint history to a certain point'. See however, Paul Mandel, 'Between Byzantium and Islam: The Transmission of a Jewish Book in the Byzantine and Early Islamic Periods', in Y. Elman & I. Gershoni, *Transmitting Jewish Traditions: Orality, Textuality, and Cultural Diffusion*, Yale University Press, New Haven & London 2000, 74-106, esp. 80, who claims that the two versions 'constitute exactly the same work'.

⁵ Cf. Ch. Milikowsky, 'Further on Editing Rabbinic Texts', *JQR* 90 (1999) 137-149.

⁶ Milikowsky, 'The Status Quaestionis', 210.

scholars include the latter work).⁷ The non-extant or only partially extant works are ‘Tanchuma’ or ‘Yelamdenu’ fragments published by various authors.⁸ The few scholars that have written about *Aggadat Bereshit*, including Buber, agree that this work is related to the ‘Tanchuma Midrashim’.⁹

2. AGGADAT BERESHIT

Aggadat Bereshit (henceforth AB) is a homiletical Midrash on the biblical book of Genesis, with related commentaries on prophetic passages and Psalms, written in Hebrew.¹⁰ Even though it has not yet been dated with certainty, AB is usually set in the tenth century, which makes it a late rabbinic Midrash.¹¹ The edition of AB that is most widely used to date is the semi-critical edition by Solomon Buber;¹² but there are about ten earlier editions that, apart from the first, basically follow the second edition.¹³ The *editio princeps* of AB

⁷ For an overview, see G. Stemberger, *Introduction to the Talmud and Midrash*, second English edition, Edinburgh 1996, 302-311.

⁸ See, among others, S.A. Wertheimer, *Batei Midrasbot*. Vol. 1, Jerusalem 1950 (= revised and enlarged edition by A.J. Wertheimer), 163-175; L. Ginzberg, *Geniza Studies in memory of Dr. Solomon Schechter* (גנזי שעכטער) I. *Midrash and Haggadah*, New York 1928 (reprint Gorgias Press, Piscataway 2003), texts 3, 4, 5, 6, 7, 11 and 13-16; J. Mann, *The Bible as Read and Preached in the Old Synagogue*. Vol.2, Cicinnati 1966 (Hebrew section) קל-קסו; M. Bregman, *The Tanchuma-Yelammedenu Literature. Studies in the Evolution of the Versions*, Gorgias Press, Piscataway 2003, 295-302 (Geniza Fragment TS C₁ 46) and 7*-9* (translation).

⁹ Buber finds that it is especially closely related to his *Tanchuma Buber*, see Buber, *Aggadat Bereshit*, Krakau 1903, xx-xxv and passim. See also J. Mann, *The Bible* Vol. 1, 57-58 and 220-221; Bregman, *The Tanchuma-Yelammedenu Literature* viii; L. Teugels, ‘New Perspectives on the Origins of Aggadat Bereshit. The Witness of a Geniza Fragment’, in J. Targarona Borrás and A. Saenz-Badillos (eds.), *Jewish Studies at the Turn of the 20th Century. Proceedings of the 6th EAJIS Congress*, Toledo 1998, Leiden-Boston-Köln 1999. Vol. I: Biblical, Rabbinical and Medieval Studies, 349-357, esp. 351-353.

¹⁰ See L.M. Teugels, *Aggadat Bereshit. Translated from the Hebrew with an Introduction and Annotations*, Brill, Leiden 2001.

¹¹ See D. Herr, ‘Aggadat Bereshit’, in *Encyclopaedia Judaica* Vol. II, col. 366; Stemberger, *Introduction*, 312.

¹² Cf. note 9.

¹³ See Buber, *Aggadat Bereshit*, xxxiv-xxxvi. See also the Introduction to my *Aggadat Bereshit*, xiii, note 12 (with some additions to Buber’s list).

can be found in the work *Shtei Yadot* by Menachem di Lonzano, Venice 1618. The manuscript on which the *editio princeps* was based has been lost. The second edition was published in Vilna in the year 1802 by Abraham, the son of Eliahu, the Gaon of Vilna. Buber based himself on the two first editions. Moreover, he discovered an additional manuscript of AB in the Bodleian Library: Ms. Opp. Add.8vo.35, better known as Ms. Oxford 2340. He quotes lengthy variants from this manuscript in the notes to his edition. It contains many different readings and it has also an additional chapter (ch. 42). This explains why Buber's edition has an additional chapter in comparison with the previous editions. Three other manuscript witnesses of AB have been identified so far: (1) Ms. T-S Misc. 36.121, a fragment from the Cairo Geniza covering large parts of chs. 67-68 and 79-80. The manuscript has one outstanding feature, namely in all but one instance, it has the name *ha-ehlohim* for God, where the printed editions and Buber's manuscript have *ha-qadosh barukh-hu*. This feature is also found in some early witnesses of the *Tanchuma Midrashim*,¹⁴ (2) Ms. Oxf. Mich 410, an abbreviated version of AB, and (3) Ms. L 899a, ff. 41r-45v, covering chs. 2-14 and 20-22 of AB.

3. TEXTUAL CRITICISM OF AGGADAT BERESHIT: A COMPARATIVE STUDY OF THREE PASSAGES

The differences between the two major versions of AB, the first printed edition and Ms. Oxf. 2340, are not mainly scribal errors, but, rather, entirely different sentences, different biblical quotations, even altogether different midrashic interpretations. The following presentation of three selected passages from AB will demonstrate the character of the differences between these two versions.¹⁵ Thereafter, some tentative conclusions as to the way textual criticism can be applied to this work and the possibilities of a critical edition will be formulated.

¹⁴ See Teugels, 'New Perspectives on the Origins of Aggadat Bereshit. The Witness of a Geniza Fragment'.

¹⁵ A longer version of this study, presenting 4 textual examples can be found in the second part of the chapter L. M. Teugels, 'Textual Criticism in Late Rabbinic Midrashim: The Example of Aggadat Bereshit' in Wim Weren/Dietrich-Alex Koch (eds.), *Recent Developments in Textual Criticism: New Testament, Early-Jewish and Early-Christian Writings* (Studies in Theology and Religion) van Gorcum, Assen 2003, 207-241.

3.1. AB 21A¹⁶

The first passage to be discussed illustrates the types of differences between Ms. Oxf. 2340 and the first printed edition of AB. As the reader will see, even in translation, the differences between the two versions do not regard the content so much as the formulation, the choice of words, phrases and quotations. However, these textual elements are exactly what textual criticism focuses on.

Editio Princeps

Ms. Oxf. 2340 (and Ms. L 899a)

a¹⁷

A Psalm of David. The LORD says to my lord, 'Sit at my right hand' (Ps. 110:1). This is what Scripture says: Calling a bird of prey from the east (Is. 46:11). Blessed be the name of the Holy One. How he loves the righteous and raises them to dignity! How he raised Abraham and made him his counselor, the one who gave him advice, as it is stated: Calling a bird of prey from the east, the man for my advice from a far country (Is. 46:11).

a

A Psalm of David. The LORD says to my lord, etc. (Ps. 110:1). This is what Scripture says: Calling a bird of prey from the east, the man for my advice from a far country (Is. 46:11). Blessed be the name of the Holy One, because he loves the righteous and raises them to dignity! Because so we find that he raised Abraham to dignity and made him counselor, and he took counsel with him, as it is stated: Calling a bird of prey from the east (Is. 46:11).

b

He said to him: Come and sit at my right hand, that you can be my advisor, because you are faithful, as I wrote: *I will look with favor on the faithful in the land, so that they may sit with me* (Ps. 101:6); and: *sit at my right hand* (Ps. 110:1).

b

It is written: *Who has aroused a righteous from the east?* (Is. 41:2) That is Abraham; because he was faithful, he set him with him, in his division, as is stated: *I will look with favor on the faithful in the land, so that they may sit with me* (Ps. 101:6).

¹⁶ For the references to the chapters in AB, I follow Buber's edition (and my translation). All the translations in this paper are mine.

¹⁷ These divisions of the text are just meant to present the material in a convenient way for this presentation.

c

Is it possible that the Holy One takes counsel from flesh and blood? It is written: *The counsel of the LORD stands forever* (Ps. 33:11) and: *Great in counsel and mighty in deed; whose eyes are open to all the ways of mortals* (Jer. 32:19). He created the whole world without taking counsel, as is stated: *Who has measured the waters in the hollow of his hand?* (Is. 40:12). And what is written [thereafter]? *Who has directed the spirit of the LORD etc.* (Ibid. v.13) The whole world I created. And *whom did he consult for his enlightenment?* (Ibid. v.14). With whom did I take counsel? Abraham I call my counselor.

d

Why? In the way of the world, a king of flesh and blood gives a present to his friends. Were the king to change his mind and burn the field [that he gave as a present] without his friend's knowing, would he not say: The king is not faithful, but false! He gave me a present and changed his mind about it and burned it, without my knowing it!? But the Holy One said: I gave the earth as a present to Abraham, as it is

c

And is it possible that the Holy One, of whom it is written: *The counsel of the LORD stands forever* (Ps. 33:11), takes advice from flesh and blood, of whom it is written: *All human is stupid and without knowledge* (Jer. 10:14)? He created the whole world and did not take counsel from anyone. As it is written about him: *Great in counsel and mighty in deed* (Jer. 32:19). And it is stated: *Who has measured the waters in the hollow of his hand?*(Is. 40:12) And it is written afterwards: *Who has directed the spirit of the LORD etc.* (Ibid. 13) *Whom did he consult for his enlightenment?* (Ibid. v.14). From whom did he ever take counsel? The Holy One answered and said: I called Abraham my counselor before he was born in the world.

d

The Holy One said: There is no human who gives a field or a vineyard to his friend as a present and burns it without his advice. So I, about whom it is written: *A faithful God, without deceit* (Deut. 32:4), and: *The faithful God who maintains covenant loyalty with those who love him* (Deut. 7:9), would it be reasonable that I would have given those lands to Abraham and that I would change my mind and burn them

stated: *Rise up, walk through the length and the breadth of the land, for I will give it to you* (Gen. 13:17); when I want to uproot the five cities, and I do not take counsel with Abraham, he will say: He changed his mind about the present that he gave me! I will take counsel with him, as is stated: *Shall I hide from Abraham what I am about to do?* (Gen. 18:17). Therefore he set him at his right side, that he could take his counsel. Thus it is stated: *The LORD says to my lord, 'Sit at my right hand'* (Ps. 110:1).

without his permission? Whence do we know that he gave them to him as a present? It is stated: *Rise up, walk through the length and the breadth of the land, for I will give it to you.* And now that I ordained to overturn these cities, it would not be reasonable that I would lay my hand on them without his advice and permission. Therefore it is stated: *Shall I hide from Abraham what I am about to do?* Therefore he set him next to him, as is stated: *I will look with favor on the faithful in the land, so that they may sit with me,* to make it known that I took counsel from him. Therefore David says about him: *The LORD says to my lord, 'Sit at my right hand'*.

The textual differences between these two versions consist of:

- variations in the number of the biblical quotations
- the order in which quotations and comments are presented
- the presentation of the comparison of the field that was given as a present
- variations in the choice of words and verbal forms¹⁸

Looking at these differences, the question rises which text (of this passage) is more original, if any? The version of the Ms. is more elaborated, more elegant at some points, adding a relevant quotation here and smoothing an abrupt transition there. As to the presentation of the *mashal*, the *editio princeps* has the purer form, distinguishing neatly between *mashal* and *nimshal*. The Ms. looks, rather, like a paraphrase of this. Therefore my impression from this passage would be that, despite the fact that the Ms. antedates the *editio princeps* with more than a century, its version is secondary to

¹⁸ An elaboration of these differences can be found in my longer study, mentioned in note 15.

the version of the *editio princeps*. We will see whether the other passages confirm or contradict this hypothesis.

3.2. AB 31C

This passage is one of those in AB that is considered to contain anti-Christian polemics.¹⁹

Editio Princeps

R. Abin said in the name of R. Hilkia: Foolish is the heart of the **liars** who say that the Holy One has a son. Now concerning the son of Abraham: when He saw that he came to slaughter him, He could not see him in pain, but immediately cried: *Do not lay your hand on the boy* (Gen. 22:12). Had He had a son, would He have abandoned him, and would He not have overturned the world and turned it into chaos? Therefore Solomon says: *There is one and there is no second, he does not have a son or brother* (Eccl. 4:8). And because of his love for Israel, He calls them 'his sons', as is stated: *Israel is my firstborn son* (Ex. 4:22).

Ms. Oxf. 2340

R. Abin said in the name of R. Hilkia: There are those among the **Nations of the World** who say that the Holy One has a son. And what about the son of Abraham? When he came to the hour of the **Akedah**, He cried out and said: *Do not lay your hand on the boy* (Gen. 22:12). And if He had a son, would He have left him to his **murderer on his cross**, and would He not have overturned the world because of him? And concerning him, Solomon says: *There is one and there is no second, he does not have a son* (Eccl. 4:8). **And you do not find for the Holy One [a son] but Israel**, as is stated: *Israel is my firstborn son* (Ex. 4:22), and it is stated: *Let my son go that he may worship me* (Ex. 4:23), **and it is stated: You are children of the Lord your God (Deut. 14:1).**'

¹⁹ See L. Teugels, 'The Background of the Anti-Christian Polemics in Aggadat Bereshit', *JStJ* 30 (1999) 178-208.

I will examine the differences indicated by bold type:

- ‘liars’ (שקרנים) vs. ‘Nations of the World’ (אומות העולם). The epithet ‘Nations of the World’ that is used in the Ms. is quite common in Midrashim, including the printed edition of AB, to refer to the non-Jewish world. שקרנים, on the other hand is a term that is not regularly nor specifically used for non-Jews or Christians. ‘Nations of the World’ does not camouflage whom the midrash is directing at (non-Jewish nations, not necessarily Christians). ‘Liars’, on the other hand, could even imply Jews.
- The death on a cross in the Ms. can only refer to Jesus.
- The statement ‘And you do not find for the Holy One [a son] but Israel’ in the Ms. is, especially when seen in context, polemically anti-Christian. The addition of an extra proof-text (Deut. 14:1) enhances the polemical effect of the statement.

Ms. Oxf. 2340 is clearly more obviously anti-Christian without any effort to hide this tendency. The *editio princeps* presents matters in an indirect way, which would allow for an alternative interpretation, if necessary. Given the history of censorship, especially of printed editions, it is more likely that the original text was clearly anti-Christian and the transmitter softened this for some reason. This result might contradict our impression as to the ‘originality’ of the version of the printed edition in the previous passage. A possibility that should not be excluded, however, is that the *editio princeps* adapted its (unknown) base manuscript at this point, for the reason of possible censorship that was already mentioned.

3.3. AB 80A

The following passages from AB 80A are extant in three versions: the Geniza fragment T-S Misc. 36.121, Ms. Oxf. 2340 and the *editio princeps*. The differences between the versions are smaller here than in the previous passages. We will therefore try to establish possible dependences between them and even reconstruct the text underlying the three versions. One should, however, keep in mind that these are two very small passages and that no further conclusions as to the relations of the witnesses as wholes can be drawn from this exercise.

Geniza fragment ²⁰	Ms. Oxf. 2340	Translation of Ms. Oxf.	Editio princeps	Translation of E.P
(1) (כחוט השני) שפתתיך.....	כחוט השני שפתותיך ומהו ומדברך נאווה כשאמרתם למשה אם	Your lips are like a crimson thread and what is and your speech is lovely— when you said to Moses:	כחוט השני שפתותיך. ומדברך נאווה כשאמרתם למשה	Your lips are like a crimson thread and your speech is lovely (Song 4:3) — when you said to Moses:
.....???????? מ <u>לשמוע את</u> יוספים אנחנו ל(שמוע).....	יוספים אנחנו לשמוע את קול יי	If we hear the voice of the LORD our God any longer.	אם יוספים אנחנו וגו'.	If we hear the voice of the LORD our God any longer etc. (Deut. 5:25)
(כי נא)ה היה הדבר ??.....	וכי נאווה היה הדבר ובעונתו אמרתם אותו	And that word was lovely; you spoke it at the right		

²⁰ Underlined letters are uncertain readings. Words between brackets are my emendations. Dots stand for wholes in the parchment and question marks stand for unreadable letters. The transcription of the entire fragment can be found in the second appendix to my translation of *Aggadot Bereshit*, p. 259-260: Fragment 2 recto, l. 35-36 and verso l. 7-8.

		time.		
(לפיכך אמרת) י למשה הטיבו (כל אשר דבר)ו.....??...	לפי' אמרתי למשה הטיבו וג'	There- fore I said to Moses: <i>They are right etc.</i>	לפיכך אמרתי למשה הטיבו ²¹ אשר דברו	There- fore I said to Moses: <i>They are right in that they have spoken (Ibid. v. 28).</i>
(2) אפילו אין בידנו אלא הודייה שאנו מודין לך דיינו כי עשית פלא	אפ' אין בידנו שאנו מודים לך דיינו כי עשית פלא	Even when we do not have anything but that we thank you, it may be sufficient for us, <i>for you have done wonderful things</i>	אלו אין בידנו אלא הודייה, שאנו מודים לך דיינו, כי עשית פלא,	Even when we do not have anything but the thanks- giving, with which we thank you, it may be sufficient for us, <i>for you have done wonderful things (Ibid. cont.).</i>
פלאים מעשיך	פלאי פלאים	Wonder-	פלאים	Wonder-

²¹ Buber adds here כל, as it is in the biblical verse, but that word is not present in Shte'i Yadot.

<p>מתנותיך גד(ול)ת שאת מדקדק עם עמך</p>	<p>מעשיך מתסתך גדולות שאת מדקדק עמך</p>	<p>ful wonder- ful are your deeds great ??? that you exact judgment from them.</p>	<p>מעשי מתחת²² ידיך גדלת ואת מדקדק עמם,</p>	<p>ful the deeds from under your hands (?); you make great (?), and you exact judgment from them.</p>
<p>כל כך לתן להן שכר</p>	<p>כ"כ למה כדי ליתן להם שכר</p>	<p>All this why? In order to reward them.</p>	<p>כל כך למה, כדי לתן להן שכר</p>	<p>All this why? In order to reward them.</p>

Passage (1): The Geniza fragment and Ms. Oxford agree against *editio princeps* as both add the phrase: 'And that word was lovely; you spoke it at the right time'. Due to a lacuna, it is only partly present in the fragment but the words that are there are sufficient to infer that the whole phrase must have been there. There is no indication in the text that would explain a typical mechanical omission of the whole phrase in the printed edition (such as *homoioteleuton*).

Passage (2): The three versions are different at four points.

1. The Geniza fragment and the *editio princeps* agree in their rendering of the phrase הודייה שאנו מודים לך (the thanksgiving with which we thank you). Ms. Oxf. 2340 reads, shorter, שאנו מודים לך (that we thank you). Both are correct Hebrew but it seems likely that the longer version is the original.

2. פלאים מעשיך in the printed edition and the Geniza fragment makes sense, as does פלאי פלאים מעשיך in Ms. Oxf. Again, I would think that the longer version is original, but this is in no way certain.

²² Buber omits this word in his edition, but it is present in Shte'i Yadot.

3. The Geniza fragment has the soundest version as it reads: **מתנותך גדולות שאת מדקדק עם עמך** (wonderful are your deeds, great presents, because you exact judgment from your people). As it stands, the word **מתסתך** in Ms. Oxf. is nonsense, but it can be explained as a miscopying of **מתנותיך** in the Geniza fragment. The combination **מעשי מתחת ירך** in the *editio princeps* is ungrammatical. **מתחת ידיך** as such is sound but it does not fit into the rest of the phrase. It can be explained as a miscopying of **מתנותיך**.

4. **מדקדק עם עמך** (you exact judgment from your people), as found in the Geniza text is sound Hebrew. **מדקדק עמם** (you exact judgment from them) as found in the *editio princeps* is equally correct. **מדקדק עמך** (you examine your people minutely) as found in Ms. Oxf. 2340, if not impossible, has a different meaning as the preposition **עם** is missing. As it is now it does not make sense in the context and rather looks like an error.

As a tentative conclusion I would say that, given the antiquity of the Geniza fragment as an artifact, its 'complete' reading in the first passage, and it most sound reading in the second, that this is the most original version of the three. Both other versions could be dependent on this version. In the first passage, Ms. Oxf. agrees with the Geniza text as opposed to the printed edition (both contain the addition). In the second, both other versions can be explained to be dependent on the Geniza version. Based on a combination of Ms. Oxf. 2340 and the Geniza Fragment, a reconstructed text would read more or less as follows:

(1)

כחוט השני שפתותיך ומהו ומדברך נאווה
כשאמרתם למשה אם יוספים אנחנו לשמוע את קול יי
וכי נאה היה הדבר ובעונתו אמרתם אותו

(2)

אפילו אין בידנו אלא הודייה שאנו מודין לך דיינו כי
עשית פלא
פלאי פלאים מעשיך מתנותיך גדולות שאת מדקדק עם
עמך

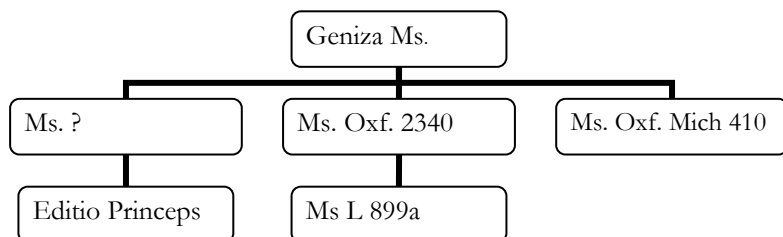
4. CONCLUSIONS: WHAT KIND OF EDITION WOULD SUIT AB?

This investigation of three passages from *Aggadat Bereshit* led to the following results as to the relation between its two main textual witnesses. The first passage seems to indicate that the *editio princeps* contains the more original version, the manuscript version having corrected and supplemented the version that is found in the printed edition. The second passage, containing the anti-Christian polemic, is more difficult to evaluate, as it is possible that the *editio princeps* would have adapted the text of its underlying manuscript because of the censor. In the end no hard proof can be given for the dependence of either version on the other in these two passages. The study of the text from chapter 80, for which we have the Geniza fragment as an important additional witness, allowed us to reconstruct an 'original text'. From the differences between the two versions in this passage, it is not likely that the *editio princeps* would be dependent on Ms. Oxf. 2340. Rather, both other witnesses could be tracked down to the Geniza text, Ms. Oxf. 2340 preserving a better text than the printed edition.

Despite the differences between the versions, the similarities should not be overlooked. These are clearly two versions of one work, and the fact that they go back to the same original should not be doubted. The well-considered composition of the work—an aspect of AB that we have not discussed much in this paper—shows that this work was intended to be such: a work and not a loosely connected collection of homilies or pieces of biblical interpretation. However, we do not have enough indications to identify one of the two major versions as closer to the original as the other; and I think it is impossible to get much farther down in the history of the transmission of the work than the two versions we have before us. As far as I have studied the additional manuscripts, they all coincide with Ms. Oxf. 2340, against the *editio princeps*. Together with the amount and the type of the differences between the two versions, this is an indication that there might be two text types or recensions of this work.²³

²³ So already Buber, *Aggadat Bereshit*, vi, about Ms. Oxf. 2340: והוא כמעט מהדורא שניה.

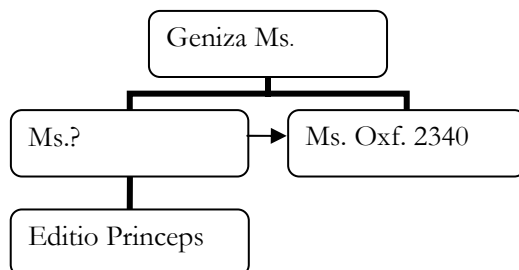
There is not much we can say as yet about the time when these two text types split. In view of the practice of medieval copyists/editors to approach texts so freely that they in fact rewrote it,²⁴ and the possibility of contaminated textual transmission, a real genealogical or stemmatological approach is impossible.²⁵ However, it might be possible to divide the witnesses into two families, corresponding to the two major versions of AB, and to define dependencies within these families. The printed edition seems to stand alone within its family. Some hypothetical stemma can be drawn to illustrate this. (1) It is possible that both variants go back to one and the same *exemplar*. This may be the Geniza text but this is not certain, as the fragments that are preserved from the Geniza manuscript are too small to derive anything decisive as to the position of the witness as a whole. It is feasible that the manuscript underlying the first printed edition had a different text than the *editio princeps* itself, the editor of the *editio princeps* being responsible for some mechanical errors (e.g. in the passage from ch.80) and conscious ideological corrections (in AB 31).



(2) There are many possibilities of contaminations. An example of this would be the following: As an artifact, Ms. Oxf. 2340 is much older than the first printed edition. The manuscript underlying the latter is not extant. Is imaginable that the scribe responsible for Ms. Oxf. 2340 had a copy of the ms. from which the printed edition was copied, as well as the Geniza fragment or a ms. with a similar text

²⁴ Cf. note 2.

²⁵ For a 'modified stemmatic approach' to *Midrash Mishle*, a late Midrash that does not lend itself to a rigid stemmatic approach, see B. L. Visotzky, *Midrash Mishle. A Critical Edition based on Manuscripts and Early Printed Editions*, dissertation, The Jewish Theological Seminary of America, 1981, 78-90.



In any event, when dealing with the two more or less complete versions of the work, Ms. Oxf. 2340 and the *editio princeps*, we are left with two texts that differ considerably. Word-to-word comparison of these two versions would not make any sense. However, the methods of textual criticism can be applied to specific parts of the text and used to eliminate gross transmission errors such as mechanical scribal mistakes, which *also* occur in this text. In view of all the above, the most justified way to present the two versions of this work is in part synoptically. For the passages that are presented synoptically, both versions should get an individual apparatus where emendations and reconstructions for that version can be given, among other things based upon comparison with the other version. Where large parts of the text are more or less identical (which is not very often—one need only to look at the amount of place Ms. Oxf. 2340 takes up in Buber’s apparatus), the columns can come down to one text, presented according to one of the versions, with small variants of the other version in the apparatus. The other, all incomplete, textual witnesses of AB should be investigated further to see whether they can indeed be lined up under one of the two ‘families’ represented by the *editio princeps* and Ms. Oxf. 2340. Extrapolating the sample-studies that I already have made of these manuscripts, I think this will be possible. An electronic publication would be feasible, but given the small amount of textual witnesses, the relative unimportance of the work, and the fact that electronic editions are still in the experimental stage, it would as yet not offer many advantages over a printed edition. But

this might change in the future if electronic critical editions would become more common.²⁶

²⁶ A Ph.D dissertation about a critical edition of *Aggadat Bereshit* is forthcoming: E. Kahalani, "Aggadat Bereshit": Introduction, Proposal For A Critical Edition And Discussion Of Its Content And Structure", Hebrew University.

ON CRITICAL EDITIONS OF MIDRASH

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The field of Midrash Studies is blessed with a plethora of critical and so-called critical editions of midrashic texts. Virtually all of the Tannaitic midrashim have had one or more critical editions published.¹ These texts are presented in varying states of reconstruction through citations and parallels or through manuscript evidence, as is also the case with later midrashim. Most Amoraic midrashim have received critical treatment either in published works and/or dissertations.² In large measure this holds true for later works of Midrash, as well.³

Among the older so-called critical works are the numerous texts published by Solomon Buber. These texts are now largely considered defective on two counts. They are not consistently critical in method or apparatus by any current standard. Further, Buber often hired unreliable copyists who compounded errors already extant in the manuscript traditions. Although Buber edited many

¹ I refrain from a complete listing here. Readers can turn to Günter Stemberger, *Introduction to Talmud and Midrash* (Minneapolis, 1996) [English]; and see most recently Menahem Kahana [and Daniel Boyarin], *The Two Mekillot on the Amalek Portion* (Jerusalem, 1999) [Hebrew]. Also see Kahana, "The Tannaitic Midrashim," in *The Cambridge Geniza Collections* (Cambridge, 2002) 59-73. See too, Kahana's reconstruction of *Sifre Zuta On Deuteronomy: Citations from a new Tannaitic Midrash* (Jerusalem: Magnes Press, 2002) and his discussion of his editorial principles, *ibid.*, pp. 97-102.

² E.g. the doctoral dissertations of Marc Hirshman on *Ecclesiastes Rabbah* (Jewish Theological Seminary, 1982) and that of Paul Mandel on *Lamentations Rabbah* (Hebrew University of Jerusalem, 1997).

³ E.g. Avigdor Shinan, *Midrash Shemot Rabbah* Chapters I-XIV (Tel Aviv: Dvir, 1984).

texts, all merit new publication based upon reliable transcriptions and methods of presentation.⁴

Still other texts suffer from having been published long enough ago that many new and important witnesses have been discovered (e.g. *Megillat Ta'anit* by Vered Noam and Schechter's *Avot DRabbi Nathan*, now being redone by Menahem Kister).⁵ Yet other works were published with exemplary method for their day, yet based on less reliable manuscripts according to current opinion.⁶ Still other texts were published in exquisite scholarly editions, yet now are being somewhat "second-guessed" in favor of other manuscript traditions.⁷

Theories of presentation of critical editions are still under the influence of Paul Maas' seminal work, *Textual Criticism*.⁸ Although Jewish manuscripts have been recovered in large measure, especially thanks to the Cairo Geniza materials, nevertheless entire families of manuscripts were destroyed in the Middle Ages, particularly in Christian Europe. This utter lack of certain manuscript types makes Maasian "stemmatics" a frustrating procedure. This is exacerbated by what textual critics call "contamination" of types and families by the custom of medieval scribes to copy from more

⁴ As an example see my *Midrash Mishle* (New York: JTSA, 1990) and, now, Lieve M. Teugels, *Aggadat Bereshit* (Leiden: Brill, 2001).

⁵ Vered Noam, *Megillat Ta'anit* (Jerusalem: Yad Ben-Zvi, 2003); Menahem Kister, *Studies in Avot De-Rabbi Nathan: Text, Redaction and Interpretation* (Jerusalem, 1998). This work was Kister's doctoral dissertation and consists of the studies prefatory to a new edition of the text.

⁶ *Genesis Rabbah* ed. Theodor, based upon a British Museum manuscript. Most scholars now prefer MS. Vatican 30, see M. Sokoloff, *Midrash Bereshit Rabbah Codex Vatican 30: Facsimile* (Jerusalem, 1971) [Hebrew] and idem., *The Geniza Fragments of Bereshit Rabba* (Jerusalem, 1982.) [Hebrew].

⁷ *Leviticus Rabbah*, ed. Margulies, now being displaced by preference for MS. München; see, e.g. Chaim Milikowsky and Margarete Schlüter, "Vayikra Rabba' Through History: A Project to Study its Textual Transmission," *Jewish Studies at the Turn of the Century I* (Leiden, 1999) 311-321.

⁸ P. Maas, *Textual Criticism* (Oxford: Clarendon, 1958); for assessments of his work (necessarily outside the field of rabbinics) see, *inter alia*, A. H. McDonald, "Textual Criticism," *The Oxford Classical Dictionary* (Oxford: Clarendon, 2nd ed., 1970) pp. 1048-1050; E. J. Kenney, "Textual Criticism," *Encyclopaedia Britannica* (Chicago, 1974) Macropaedia vol. 18, p. 193; and the bibliographies in both of these entries.

than one manuscript exemplar, to “hyper-correct” manuscripts based upon parallel texts or conjecture, and to be less than faithful regarding accurate transmission when copying *aggadic* texts.⁹ Further, stemmatics presumes there is an original *Urtext* which can be recovered. Whether this holds true in the field of Midrash will be discussed below regarding some of the problems of synoptic versions and oral transmission/performance of midrashic texts.

A further limitation in the production of current critical editions of midrashic texts is the tendency to assign Sigla to indicate the various manuscripts in an apparatus based upon the library where those exempla are held. Thus, *Aleph* is often Oxford (and more often than not indicates a Geniza fragment), *Num* for New York/JTSAL, etc. This mode of notation imparts little useful information in a critical apparatus—the physical locus of the manuscript can easily be noted in the manuscript descriptions in the edition’s introduction. It would be better if Sigla were assigned according to familial relations, so that sub-groupings of manuscript families would be noted under a given Siglum – thus indicating for the reader the relative value of readings rather than cluttering the apparatus with useless symbols and multiple attestations of essentially the same reading. Further, it would be the duty of the editor to rate a family or manuscript type, so that readers can assess the value of a given reading without having to gain expertise in each and every manuscript presented.¹⁰

In the past there were two basic schools in the presentation of critical editions. The first is often called the “Eclectic,” wherein

⁹ On these issues and more regarding Jewish copyists’ proclivities see Malachi Beit-Arié, *The Makings of the Medieval Hebrew Book* (Jerusalem: Magnes, 1993) with the bibliography of Beit-Arie’s work following p. 277. See too, idem, *Hebrew Codicology* (Paris: Centre national de la recherche scientifique, 1976); and idem., “Publication and reproduction of Literary Texts in Medieval Jewish Civilization: Jewish Scribality and Its Impact on the Texts Transmitted,” in Y. Elman and I. Gershoni, eds., *Transmitting Jewish Traditions: Orality, Textuality and Cultural Diffusion* (New Haven: Yale, 2000) pp. 225-247, of which more below. See also the works of Colette Sirat, e.g. *Hebrew Manuscripts of the Middle Ages* (Cambridge: Cambridge University Press, 2002).

¹⁰ As is done in the Aland, Black, et al, editions of the New Testament. An initial foray in this method was attempted in my edition of *Midrash Mishle* (New York: JTS, 1990).

various manuscripts are collated and the best individual reading is selected for the base text, line by line, often word by word.¹¹ Such an edition actually creates a new version of the text, possibly one which never previously existed in any form. Too much depends upon the skill and stylistic sense of the editor for the “recovery” of a presumptive *Urtext*. Further, the limitations of applying Paul Maas’ theories to European Jewish manuscripts mitigate against such an edition today.

An alternative method was the second school of text editions, called the “Diplomatic.” In such an edition, the best possible manuscript is chosen and used as the base text, while all variants are noted in the apparatus. Here there is debate on the criteria for “best possible manuscript”. Some scholars favor antiquity (although the older the manuscript text, the better the chances of it being fragmentary), some scholars favor the fullest complete text (which, however, runs the risk of later insertions and poor readings), still others judge a manuscript by the purity of its linguistics (in theory, an objective criterion of judgment, yet in practice the linguistics of rabbinic Hebrew and Aramaic are determined using manuscripts, so there is a risk of tautology). Many diplomatic editions choose a base manuscript and judiciously emend it relying on the other criteria described above.¹²

The problem of versions remains difficult, no matter which method is chosen. In Lieberman’s *Tosefta*¹³ or Schechter’s *Aboth De Rabbi Nathan*,¹⁴ parallel columns are presented for what have been determined to be distinct versions, rather than simply manuscript variants of a so-called *Urtext*.¹⁵ The usefulness of synoptic editions has, of course, been discussed since the beginnings of critical studies of the New Testament. It is now being seriously debated among

¹¹ E.g. L. Finkelstein, *Sifre Deuteronomy* (Berlin: Jüdisches Kulturbund in Deutschland, 1939).

¹² E.g. L. Finkelstein, *Sifra on Leviticus* (New York: JTSA, 1983); B. Vitsotzky, *Midrash Mishle*, op. cit.; and not technically Midrash, but exemplary, S. Lieberman, *Tosefta* (New York: JTSA, 1955-1973, 1988).

¹³ E.g. tractate Sotah, *Tosefta*, ibid.

¹⁴ *Aboth De Rabbi Nathan* (ARN A and ARN B) (New York: Feldheim, 1967: “newly corrected edition”) “)

¹⁵ See, too, Paul Mandel, *Lamentations Rabbah*, supra, n. 2; and its treatment in David Stern, *Parables in Midrash* (Cambridge, Mass.: Harvard University, 1991), pp. 247-289.

rabbinics scholars for editions of *aggadic* texts and, especially, texts of medieval rabbinic mysticism. The positions have been staked out by Peter Schäfer in favor of synoptics and Chaim Milikowsky in favor of the traditional base text with manuscript variants.¹⁶

Here the question must be raised, particularly regarding *aggadic* texts, whether there ever was an *Urtext* or whether all *aggadic* texts are, as it were, a “libretto” of a performance and so, by definition, will vary from one performance to the next. Martin Jaffee’s work on orality has focused this issue particularly acutely as he attempts to understand the nature and rhetoric of orality in rabbinic Oral Torah.¹⁷ The relationships among the problems of orality, textuality, and cultural diffusion have been neatly explored in a volume dedicated to the subject, *Transmitting Jewish Traditions*¹⁸. There, articles on topics as diverse as: orality in rabbinic culture, the transmission of books in Byzantine Christianity and Islam, the interrelation of orality and writing in the rabbinic Gaonic academies and the Muslim Madrasa, and the impact of “Jewish scribality” on the transmission of texts all will lead the editor of rabbinic critical editions to (re)consider his or her scholarly choices in presenting texts, versions, and variants.¹⁹

¹⁶ Peter Schäfer, “Research into Rabbinic Literature: An Attempt to define the Status Questionis,” *Journal of Jewish Studies* 37 (1986): 139-152; Chaim Milikowsky, “On Editing Rabbinic Texts,” *Jewish Quarterly Review* 86 (1996): 409-417; idem., “The Status Questionis of Research into Rabbinic Literature,” *Journal of Jewish Studies* 39 (1988): 201-211. One should mention here Rivka Kern Ulmer’s, *Pesiqta Rabbati: A Synoptic Edition...Based upon All Extant Manuscripts and the Editio Princeps* Vol. 1 (Atlanta: Scholars Press, 1997), which she continues to refine.

¹⁷ Martin Jaffee, “The Oral-Cultural Context of the Talmud Yerushalmi,” in *The Talmud Yerushalmi and Graeco-Roman Culture I*, edited by Peter Schäfer, (Tübingen: Mohr/Siebeck, 1998) 27-61, reprinted in Elman and Gershoni (see n. 18), pp. 27-73. See now, Martin Jaffee, *Torah in the Mouth* (Oxford: Oxford University Press, 2001), for a fuller restatement of the issues in the earliest period.

¹⁸ Elman and I. Gershoni, *Transmitting Jewish Traditions: Orality, Textuality and Cultural Diffusion* (New Haven: Yale Univ. Press, 2000).

¹⁹ Especially useful in this regard are the articles of Y. Elman and I. Gershoni, “Transmitting Tradition: Orality and Textuality in Jewish Cultures,” *ibid.*, pp. 1-26, P. Mandel, “Between Byzantium and Islam: The Transmission of a Jewish Book in the Byzantine and Early Islamic Periods,” *ibid.*, pp. 74-106, D. Ephrat and Y. Elman, “Orality and the Institu-

The fluidity of textual variations eliding into what might be called versions of certain Talmudic pericopae has already been recognized in studies of the Babylonian Talmud text, whether in old printed versions such as the Spanish/Portuguese incunabla texts of the Talmud now published as *Sridei Bavli*,²⁰ or in the interlinear manuscript collations of the Sol and Evelyn Henkind Talmud Text Databank of the Saul Lieberman Institute of Talmudic Research of the Jewish Theological Seminary.²¹ Such a databank, alongside The Responsa Project of Bar Ilan University,²² opens the way for the next wave of *aggadic* midrash editions, which are admittedly more fluid in their transmission than Talmudic/*halachic* texts. Most recently Chaim Milikowsky has added an interlinear collation of Leviticus Rabbah to the Bar Ilan web-site.²³

The future will call for editions of text which are on-line and/or searchable. These texts will have two parts: first, a scanned facsimile of each of the manuscripts being used.²⁴ A very good step in this direction has already been underway for some years for Midrash *Pirque Rabbi Eliezer* under the editorship of Lewis Barth.²⁵ Second, the text needs to be transcribed into a searchable format, and user-friendly software should be created to allow (*inter alia*) the synoptic viewing of line-by-line readings, links to parallels in other

tionalization of Tradition: The Growth of the Geonic Yeshivam and the Islamic Madrasa," *ibid.*, pp. 107-137 and M. Beit-Arié, "Publication and Reproduction of Literary Texts in Medieval Jewish Civilization: Jewish Scribality and Its Impact on the Texts Transmitted," *ibid.*, pp. 225-247.

²⁰ H. Z. Dimitrovsky, ed., *S'reidei Bavli* 2 vols. (New York: JTSA, 1979).

²¹ The CD ROM published in 2002 collates 279 textual witnesses. Much of the conceptualization of this data bank was done by Mayer Rabinowitz and Shamma Friedman in conjunction with many other scholars over many years of research.

²² Currently, the Bar Ilan CD ROM is in Version 11 and is wholly searchable – obviously desirable for any critical edition in the future.

²³ <http://www.biu.ac.il/JJS/midrash/VR/>

²⁴ Thanks to my student Joseph Frankovic for discussing certain of these issues with me.

²⁵ Pirque Rabbi Eliezer EleCtronic Text Editing Project at www.usc.edu/dept/huc-la/pre-project/index.html. See too, Barth's "Directions for Creating an Encoding Manual," at www.usc.edu/dept/huc-la/pre-project/barth.html, with the bibliographies listed there.

midrashim, facsimiles of the difficult or doubtful readings, loan-words with their definitions, pertinent illustrations and artifacts, and the like.

Such editions can be either on-line (and so, more easily updated) or on CD ROM (and so, more easily published in a definitive form and sold). The limitations of the media mentioned are primarily financial – it is an expensive undertaking to scan and transcribe materials into electronic formats. The apparently unlimited utility of such editions with their various search capabilities is beyond this writer's ken. Unfortunately, the current availability of most of the hardware and software for projects of this scope tends to render current printed midrash text editions obsolete as soon as they are published. One expects, nevertheless, that scholars will continue to limp along with ever improved printed critical editions until the technical know-how and financing of electronic editions becomes a regular part of the field of Midrash.²⁶

²⁶ This article is a footnoted, written version of a "Response" given at the November, 2003, SBL Convention in Atlanta, Georgia to the Midrash Consultation. I am grateful to Drs. Lieve Teugels and Rivka Kern Ulmer for the invitation to speak there and to submit this written version. I am deeply grateful to Dr. Teugels for sharing, before publication, her article, "Textual Criticism of Late Rabbinic Midrashim: The Example of *Aggadat Bereshit*," in Wim Weren and D-A Koch, eds., *Recent Developments in Textual Criticism* (Assen: Van Gorcum, 2003) 207-241. That article and our discussions of it in the draft stage helped clarify my own thinking about many of the topics discussed above. Readers should consult Teugels' article (especially pp. 207-215) for the fullest recent discussion of these issues.

ABBREVIATIONS OF RABBINIC TEXTS

Various abbreviations of Rabbinic texts are used throughout the papers of this collection. Whereas we wanted to honor each author's individual style, we also want to help out the reader who is not so familiar with rabbinic literature. We have uniformed the abbreviations to some extent, e.g. all references to the Babylonian Talmud are preceded with 'BT'. However, the tractates of the Talmud are abbreviated in various ways. Therefore a list of the tractates of the Talmud that are referred to in this book is given below.

AB	Aggadat Bereshit
ARN	Avot de Rabbi Nathan
BT	Babylonian Talmud (Bavli)
Gen. R, Exod. R, Lam. R. Ruth R. etc	Genesis Rabbah, Exodus Rabbah, Lamentations Rabbah, Ruth Rabbah etc.
Midr. Pss.	Midrash Psalms
PR	Pesikta Rabbati
PRE	Pirke Rabbi Eliezer
PRK	Pesikta de Rav Kahana
PT	Palestinian Talmud (Yerushalmi)
Tan	Midrash Tanchuma
Tan B	Midrash Tanchuma, Buber Edition
TJon	Targum Jonathan
Tos	Tosefta

**Tractates of the Mishnah, the Tosefta and the Talmudim that
are quoted in this book**

Avodah Zarah
Avot
Baba Meṣia
Baba Qamma
Bekhorot
Berakhot
Gittin
Ḥullin
Kethubot
Megillah
Menahot
Moed Qatan
Nedarim
Rosh-ha-Shanah
Sanhedrin
Shabbat
Sotah
Sukkot
Ta'anit
Temurah
Yoma
Zebahim

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