MAIMONIDES AND THE ALEPPO CODEX*

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

* I wish to express my thanks to Prof. M. Goshen-Gottstein who read an earlier draft of this study and offered constructive critical advice. I also thank my father, Rabbi Murry Penkower, whose suggestions have helped make this paper more lucid. A first draft of this study was finished in November 1971 and delivered in part at Yeshiva University, New York in November 1972. The final draft was submitted in October 1973 to the editor of Textus, Prof. S. Talmor, whose editorial advice has been of great benefit. As there has been an unusually long delay in publication, I have added various notes which accumulated since 1973.

¹ Maimonides, Mishneh Torah, Ahavat, Hilkhot Sefer Torah (=Hil. S.T.) Chapter 8:4 includes the form of the "Songs" after the list of Sections. In chapter 7, he lists in paragraph 10 the opening words of the lines preceding and following each of the Songs. Maimonides did not consider the information in 7:10 as mandatory (cp. 7:11), but rather as preferable. The form of the Sections is found in 8:1,2.
light of Halakhah, to list every Section in the Pentateuch and to indicate whether it was an Open or a Closed Section -- נשים נשים נשים הלכה Similarly, he deemed it necessary to specify the form of the Songs. One might have expected that in setting down these two features, Maimonides would have relied on the majority of manuscripts available to him. However, he chose to rely on only one codex. In paragraph four of that eight chapter Maimonides explains his reason:

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

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

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

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

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

3a רְפִּאָם שְׁמֵכְנָנִי עִלָּמְנֵנִי אִלָּמְנֵנִי הָוָה הַשֵּׁר הַיְּרוּדֶנְאָיִיתֵנִי בָּאָיִיתֵנִי שְׁמֵכְנָנִי
כָּלֵל רָבָּאְתֵל הַגְּרוּיָסֵנִי סְפִּרִיתֵנִי צִילְשֵׁנִי בַּסָּדְרֵנִי שֵׁכִּנְתִּנִי לָזְחֵני מַסְגְּרֵנִי
הַשֵּׁר הַיְּרוּדֶנְאָיִיתֵנִי הָוָה הָלָכְתֵנִי מַסְגְּרֵנִי

4 לַפִּי שְׁוָאָגְוָא בֵּנְאָרְשַׁר תְרוּפְּאָא בּוֹ שְׁנוֹי הַגְּרָאָא הַפּוּפַּיָא בּוֹ לָדְחָא מָלַיָּא. Maimonides does not explain who Ben Asher was and why the Codex assumed its uniqueness because Ben Asher had worked on it. Indeed, in some communities that preserved varying traditions with respect to the Sections as found in Maimonides' list, Ben Asher's authority was questioned. Cp. Responsa of R. Judah Henig (d. 1507) (Cracow 1882) number 8.

The statement of R. Judah Henig that a Torah Scroll whose sectional division disagrees with Maimonides' list is nevertheless valid is only one of such responsa. In fact, we have a responsum from Maimonides' himself which states that such a Torah
Tradition identified the codex upon which Maimonides relied with the Aleppo Codex. However, this identification sometimes was debated. When the Aleppo Codex became available for scholarly study, a fresh attempt was made to prove that the traditional identification was correct. As maimonides had relied upon the Ben Asher Codex with respect to the form of the Songs and the list of the Sections, the proof could be accomplished in two ways: a unique agreement between Maimonides and the Aleppo Codex with respect to the Song(s), or a unique scroll is valid, in spite of his opinion noted above, n.2, printed in Responsa of Maimonides, ed. Freimann (Jerusalem 1943) number 43 (=ed. Blau, vol. 2, Jerusalem 1960, number 294). Cp. the sources adduced by Freimann and Blau, e.g. R. Joseph Karo, Kesef Mishneh, Hil. S.T. 10:1. It is even preserved in Maimonides' autographed copy of the Code (Ms. Ox. Hunt. 80 = Neubauer 577) in the margin of the folio which includes Hil. S.T. 7:14. Cp. also Responsa of R. Abraham son of Maimonides, ed. Freimann-Goitein (Jerusalem 1937) number 91, where the same decision is given as in the above responsa, but with a different reasoning (p. 135):

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

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

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

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

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

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

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

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*Cp. ib., p. 57, n. 21; id., id.*, "חַמְרַת חֵלֵב זֶרֶנָּאי חָסֵפַה, "
Maimonides and the Aleppo Codex

An Open Section has two forms. (1) If one finished (the preceding Section) in the middle of a line one leaves the rest of the line empty and begins the Section that is open at the beginning of the second line... (Hal. S.T. B:1)\textsuperscript{8a}

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

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

3. If more than one Section of the same type occur consecutively, Maimonides lists the catchphrase of each Section, and after the last, he notes the type of Section common to all, and totals up their number. E.g. (Gen. 2:16, 17) אל המתחין אברא ל nhắn פשיטות סתויה.

4. At the end of every book in the Pentateuch, Maimonides gives the total number of Open and of Closed Sections, separately and combined. For example, at the end of Genesis: מגדיר הפתוחות ששה אברעיבים והפתוחות שמונה ארבעים עשר אמחות והפתוחות אשמונה עשרה.

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

\textsuperscript{8a} פרשה פותחה לש חחר צורו, אם נמר במאע風險 כי בשם פרשה מוחלט השמיה פותחה שמורה במשנה השכינה...
6. The list is liable to be misinterpreted because Maimonides noted only the opening catchphrase of each Section. Thus, where only one of two neighboring verses is intended to begin a Section and both start with the same opening phrase, it remains unclear which of the two is meant to begin the Section.

7. Variants may occur in the manuscripts of the list due to:
   a) scribal error and b) deliberate change.
   a) Scribal error: when the total given exceeds the number of catchphrases actually listed, one may suspect omissions due to scribal error, as e.g. when there are six individual catchphrases and yet the total recorded is seven.
   b) Deliberate change: if, on the other hand, the total is less than the individual catchphrases listed, some may have been deliberately added, as e.g. if one finds seven catchphrases, and yet the total is six.

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

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9 Cp. for example Hagahoth Maimunioth on Hil. S.T. 8:4, where in his second comment he notes that the catchphrase in Genesis, רוא לאלים אל תברץ, refers to Gen. 17:15, and not to Gen. 17:9. Similarly, his fifth comment notes that the catchphrase in Genesis, והיה אלבר תברץ, refers to Gen. 40:1, and not to Gen. 39:7.
Maimonides and the Aleppo Codex

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

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

a) Six manuscripts of Maimonides' Code. These were chosen in light of Goshen-Gottstein's results with respect to Ha'azinu.\textsuperscript{10}

\textsuperscript{10} Cp. Textus I (1960) 37-40 and p. 57, n. 113. We note that the date of Ms. Ox. Can. Or. 78 = Neubauer 568 = below M\textsuperscript{c}, is indeed נ"שנה, 1284 C.E., even though we would have expected such a date to be written as נ"שנה (cp. Goshen-Gottstein's query, Textus I, 1960, p. 40, n. 69). This was convincingly shown by M. Bet-Aryeh, Tarbiz 41 (1972) 116-124, who brings additional examples of writing ...נה"ש (in place of נ) in dated colophons, all from the same period and provenance. These examples led Bet-Aryeh to suggest that M\textsuperscript{c}, like two of the other mss, was written in Soria, Spain. See further A. Rosenthal's queries in Tarbiz 41 (1972) 450-452, and Bet-Aryeh's convincing rejoinder in Tarbiz 42 (1972/3) 199; further S. Abramson's similar remarks, Tarbiz 42 (1972/3) 198. To the above we add that the color slide exhibited by M. Glatzer in his lecture at the World Congress of Jewish Studies, Jerusalem, August 1977, clearly shows that the date of M\textsuperscript{c} was originally נ"שנה, and that the short line to the left of the י was added -- in another color ink -- to read נ"שנה.
The most important source is Ms. Ox. Hunt. 80 (Neubauer 577) = M¹. Three other selected for their accuracy are Mss. Budapest Kaufmann 77 = M², London B.M. Harley 5698 = M³, and Vatican 172 = M⁴. They all preserve the original reading of sixty-seven lines in Ha'azinu, and the same list of hemistichs as M¹. To collate possible variants we chose Ms. Ox. Seld. Arch. B2 (Neubauer 569) = M⁵. Although having the correct number -- sixty seven, it contains an error in the sixteenth pair of hemistichs, reading וּהָדָא twice. Ms. Ox. Can. Or. 78 (Neubauer 568) = M⁶ was collated with the expectation of finding variants because its text preserved the later reading of seventy lines in Ha'azinu. This reading of seventy was then corrected in M⁵ to sixty-seven. Our findings show a correspondence in these manuscripts between their accuracy in transmitting the original text of Maimonides' Code with respect to Ha'azinu and with respect to the Sections.

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

and the responsum of R. Elijah b. Hayyim.  

b) Eight Ben Asher (=BA) type manuscripts: B.M. Or. 4445 = B; Lenningrad B 19a = L; Firk. B, 17 = L¹; Firk. B, 10 = L²; Firk. B, 59 = L³; Firk. A, 85 = L⁴; Sassoon 507 = S; Sassoon 1053 = S⁴. These were chosen on the basis of I. Yeivin's findings and categorization. The mss are close to the BA system of vocalization and accentuation. They concern us here, even though we are dealing with Sections, because Maimonides based his list on a manuscript attributed to BA. Although most of these mss contain only parts of the Bible (whereas Maimonides states that he used a ms containing the whole Bible), they were

11 R. Menahem Ha-Weiri, Kiryath Sefer I, ed. Hirschler (Jerusalem 1956); Kiryath Sefer II (Jerusalem 1968, photocopy of ed. Izmir 1881); S.D. Loewinger and E. Kupfer, "יקנופ סירל ולדרה " in Sinai LX (1960) 237-268; Menahem de Lonzano, Or Torah, in Sheti Yadoth (Jerusalem 1970, photocopy of ed. Venice 1618) 3b-26b; Abraham Hasan, Iggereth Ha-Sofer, in Ha-Segullah (ed. M. Hasida) nos. 53-56 (Jerusalem 1938), the pages in the respective issues are numbered consecutively 1-4, 5-8, 9-12, 13-16; "Responsa to a Scribe" in Tikkunei Soferim, in Massoretic Seyag La-Torah (Tel Aviv 1969, photocopy of ed. Florence 1750) p. 90a; "Responsa of R. Elijah b. Hayyim" in Mayim 'Amukhim (Venice 1647) part II, number 78. The text of Hasan's Iggereth has been published anew by M. Benayahu from a ms in his collection, together with an introduction (pp. 189-206) and notes: "אבות המקרא רבי אברוחמה חוסן משלגוציק", Sefunot 11 (offprint 1973 = 1977) 189-229.

12 We examined these mss, as well as M⁴-M⁶, in microfilm copy at the Institute of Microfilms of Hebrew Manuscripts, in the National and University Library, Jerusalem. Photostat copies of B and L were examined at the National and University Library, Jerusalem. Ms. S has recently been purchased by that Library. Its new signature is Ms. Jerusalem 24⁵ 5702.

13 I. Yeivin, כהל אליס ראפב ניקולד שלשפין (Jerusalem 1968). In particular, pp. 3-4, 357-375.
chosen with the aim of determining the uniqueness of a given
Section division of Maimonides and of the Aleppo Codex, in the
light of the BA type mss.
c) Secondary sources for the sectional divisions in the Aleppo
Codex. With respect to our four examples, the text of A is no
longer extant. We have, however, examined sources which preserve
or possibly preserve the sectional division of A in these cases.
In particular, the responsum of R. Elijah ben Hayyim and the
information reported about the Cracow Tikkun Soferim.\textsuperscript{14}

Since we are dealing in this study with Maimonides' list
and the way he defined the Sections found in the Ben Asher Codex,
we used his definition of Open and of Closed Sections as given
in \textit{Mikhoth Sefer Torah} 8:1,2.\textsuperscript{15}

\begin{itemize}
\item[I Ex. 20:14b] \textit{לעב יד אבש ידנה אב}
Exodus ch. 20 contains in vv. 2-14 the Ten Commandments.\textsuperscript{16}
\end{itemize}

\textsuperscript{14} In addition to these secondary sources, we also checked
\textit{J. Sapir's נַחַל וְלֹנָה for potential information about the
sectional division in A. However, it turned out that Sapir's
check list contained no information concerning A's Sections. On
סַפִּיר, see M. Goshen-Gottstein, \textit{Textus II} (1962) 53-59,
and below nn. 63, 64.

\textsuperscript{15} The problem of the definition of Open and Closed Sections
requires a separate study.

\textsuperscript{16} Cp. Ex. 34:28b, Deut. 10:4. We are using the verse division
found in the Ginsburg Bible (London 1926), and similarly, the
Koren Bible (Jerusalem 1969). \textit{Biblia Hebraica} (Stuttgart
1937) has a different verse division of the commandments (based
on נְאָם נָעַר, cp. n. 19). In particular: Koren Ex. 20:13 b, c,
d = BH\textsuperscript{3} Ex. 20:14, 15, 16, and Koren Ex. 20:14a, b = BH\textsuperscript{3} Ex.
20:17a, b.
Exactly where some of these commandments begin has been a matter of dispute. The arrangement of the commandments according to the sectional division as found in L indeed results in ten commandments: 1. והיה (v. 2); 2. והיה (v. 7); 3. והיה (v. 8); ... 9. והיה (v. 14a); 10. והיה (v. 14b). However, the commonly accepted division takes (v. 2) as the first, and (v. 3) as the second, the third being (v. 7), ..., the tenth being (v. 14a, b). The above two divisions thus

\[\text{Cp. Ibn Ezra on Ex. 20:1 (היהי אלהים אכלי...), somewhat after the words מאמז אגרלות ותרבון ליהיה, and on Ex. 20:14. See also Nahmanides on Ex. 20:3 (רדה שהורה רביער תשמר...), and on Ex. 20:13 towards the middle (...עמדו נשבר והבר). This is the same division found in the "Ten Commandment Tablets", placed in various synagogues above the Aron Ha-Kodesh. The tablets contain two columns, each having the opening words of five commandments. The first in this arrangement is והיה, the second והיה, ..., the ninth והיה, the tenth והיה. Cp. JE I: Illustration opposite the second title page. This division and conception of the tablets is already found in the tannaitic midrash Meḥila de Rabbi Ishmael, ed. Horowitz-Rabin (2Jerusalem 1970) pp. 233-234. Cp. Ex. 32:15, 34:1, Deut. 4:13, 5:19, 10:4.}

To be sure, other divisions were known, as we see from Ibn Ezra's remarks on Ex. 20:1. Cp. R. Yedidyah Solomon Norzi, Minhāt Shai, in Sefer Oẓar Perushim al Ha-Forah, vol. VI of Mikraot Gedolot (New York 1950, photocopy of ed. Vienna 1814) on Ex. 20:14. Indeed, according to the tannaitic midrash Sifer on Num., ed. Horowitz (2Jerusalem 1966), section 112, p. 121 (cp. B.T. San. 99a), the first commandment consists of והיה אכלי (vv. 2-6), and not just והיה (v. 2). Cp. U. Cassuto, A Commentary on the Book of Exodus, trans. by I. Abrahams from the 1951 Hebrew edition (Jerusalem 1967) pp. 251-252. Thus, the sectional division of the first commandment as found in B.M.L.491 is identical with the division given in Sifer.

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

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

¹⁸ In addition to Mekhilta de Rabbi Ishmael (cp. n. 17 and the parallel sources noted in the Horowitz-Rabin edition) which considers נַחֲלָתָנוּ (vv. 2-6) as two commandments, there are other sources, both Babylonian (B.T. Makkoth 23b - 24a in the name of R. Hammuna) and Palestinian (Shir Ha-Shirim Rabbah, section 1, on v. 2 נַחֲלָתָנוּ מְנַשֵּׂים, and Pesikta Rabbati, ed. Friedman, Tel Aviv 1963, photocopy of ed. Vienna 1860, Piska 22, p. 111a in the name of R. Joshua b. Levi) which take נַחֲלָתָנוּ as two commandments. Cp. W. Bacher, Die Agada der Palastinensischen Amoräer I (Strassburg 1892) p. 558 n. 2, p. 178, n. 7 נַחֲלָתָנוּ מְנַשֵּׂים. Cp. further E. Urbach, Hzal (Jerusalem 1971) p. 302 n. 98.

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

[14]
Maimonides and the Aleppo Codex

(v. 14a, b) לא תחתיו as one. The other considers the first Section as one commandment (vv. 2-6), and the last two Sections as two, each דתתיתו introducing a separate commandment. There is, however, still another type of division extant. The system of accents, known as סעיף האליגר, \(19\) that divides Ex. 20:2-14 according to commandments exhibits a unique division, a sort of compromise between the opinions just noted. Thus, though אכתיי, לא חתיו (the first Section in L) as one commandment, with the first סוח טמקו occurring at the end of v. 6, it considers v. 14a b -- לא תחתיו (the last two Sections in L) also as only one commandment, with the סוח טמקו occurring at the end of v. 14b, and with only an מנהנמא at the end of v. 14a. According to this division, we are left with only nine commandments. \(19a\)

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

\(19\) For n. 19, see pp. 115-117.

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

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

[15]
Therefore, one would not expect a Section at the beginning of v. 14b, both according to the הַלַּיְלָה and according to the common division of the Ten Commandments, since v. 14b is not the beginning but rather the middle of a commandment. Indeed, L\textsuperscript{3} and S have no Section at Ex. 20:14b. However, BLL\textsuperscript{4}L\textsuperscript{5}s\textsuperscript{4} do have a Closed Section. The Aleppo Codex has not been preserved here, and the disagreement among the early BA type mss on this Section precludes a conjecture as to A's division.\textsuperscript{21} A responsum of R. Elijah b. Hayyim (ca. 1530-1610),

\textsuperscript{20} As Ex. 20:14 is not mentioned as a case of מִסְפָּר עֲנָא עָטָיָה, i.e. when a sectional space occurs in the middle of a verse after the נְחָנָן (cp. S. Talmon, "Pisqah Be'emqa Pasug and 11Q Ps\textsuperscript{a}, Textus V, 1966, 11-21, and p. 15 n. 17), we would expect it, according to the הַלַּיְלָה, to be written without a space after the נְחָנָן (end of Ex. 20:14a).

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

\textsuperscript{21} A possible basis for a conjecture is the parallel set of commandments in Deuteronomy. At Deut. 5:18b (נְחָוָן נַע), the Aleppo Codex is preserved (cp. Textus V, 1966, opposite p. 58, plate 1, and again plate 3). The testimony of A and the BA type mss at Deut. 5:18b is as follows: ALL\textsuperscript{1}L\textsuperscript{16} - Closed Section, L\textsuperscript{3}S\textsuperscript{1} - no Section. We note that of the five mss for which we have evidence both in Ex. 20:14b and in Deut. 5:18b (LL\textsuperscript{1}L\textsuperscript{3}S\textsuperscript{1}), only one -- S\textsuperscript{1} -- is inconsistent in this respect: Ex.-Closed Section, Deut.-no Section. One might suggest therefore that A was consistent: like Deut. 5:18b, Ex. 20:14b began a Closed Section. We note that beginning a Closed Section at Deut. 5:18b (A) agrees with Maimonides as testified by מ\textsuperscript{4} מ\textsuperscript{4} מ\textsuperscript{4} מ. מ\textsuperscript{4} skips the catchphrase but has a total of eleven, thus implying the inclusion of that catchphrase. This, of course, is not a unique agreement between Maimonides and A, since in LL\textsuperscript{1}, Deut. 5:18b also begins a Closed Section.
however, testifies concerning A's division. In reply to the question whether there was a Section at the second טַעַמָּה אֵל, i.e. at Ex. 20:12 (sub-section six of responsum seventy-eight), R. Elijah pointed out that Maimonides' list does not have the catchphrase for this Section, and that this is consistent with the total of consecutive Closed Sections which immediately followed. In the printed editions, six catchphrases are added (Ex. 20:12, 13a, b, c, d, 14a) and a sum total of six:
כבר לא כתיב=
If, indeed, the second טַעַמָּה אֵל (v. 14b) was originally in the list and was omitted by mistake, one would have expected a total of seven which would have pointed to an omission in the enumeration. Also, the printed Bibles had no Section here. According to R. Elijah, they seemed to corroborate Maimonides' list.

From another contemporary responsum we learn what had actually prompted the question to R. Elijah. A scribe noted the

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

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


\[25\] For n. 25, see pp. 118-119.

\[26\] R. Elijah, who lived in Constantinople, also reported that according to the local scribal tradition, and in the books used by the scribes, Ex. 20:14b began a Section (as in the Aleppo Codex). Further, a note by the scribe R. Moses Ha-Levi in the margin of a Yemenite Tikkun Soferim states that in the Torah Scroll of Constantinople, Ex. 20:14b began a Section. Cp. The Titled Bible = Ms. B.M. Or. 9883 = Gaster 85 (London 1929) p. 158, top left. R. Moses also quotes to this effect (ib.) A. Porteleone's תקנין כל תשל"ש. Since this work was first published in 1612, we have a terminus non ante quem for R. Moses' note (cp. ib., p. 43). The scribe Moscato (cp. n. 23) reports the same about Turkey. But from the answer he received, we learn that while Constantinople "followed Maimonides" (no Section at
Elijah's answer appears to imply that with respect to the sectional division at Ex. 20:14b Maimonides (no Section) contradicted the Aleppo Codex (Closed Section). Were this indeed the case, it would follow that A was not the source of Maimonides' Section list. But, R. Elijah, who assumed that A was the source of Maimonides, actually implied in his responsum that the Aleppo Codex testified to Maimonides' original opinion, namely that there was a Section at Ex. 20:14b and that therefore the books of Turkey were following the halakhic tradition of Maimonides. The other copy of Maimonides' list (and similarly those books which had no Section at Ex. 20:14b), according to him did not preserve Maimonides' original decision. Thus, though there were lists which had six catchphrases (excluding Ex. 20:14b) and a sub-total of six: (כבוד...לא תענה/of the original list had seven catchphrases (including Ex. 20:14b) and a sub-total of seven: (כבוד...לא תענה/of the original list had seven catchphrases (including Ex. 20:14b) and a sub-total of seven: (כבוד...לא תסננה/of the original list had seven catchphrases (including Ex. 20:14b) and a sub-total of seven: (כבוד...לא תסננה/of the original list had seven catchphrases (including Ex. 20:14b) and a sub-total of seven: (כבוד...לאתסננה/of the original list had seven catchphrases (including Ex. 20:14b) and a sub-total of seven: (כבוד...לאתסננה/of the original list had seven catchphrases (including Ex. 20:14b) and a sub-total of seven: (כבוד...לאתסננה). Since we do not posit that A was Maimonides' source, but rather try to prove just that point, we cannot use R. Elijah's testimony and implication to determine Maimonides' original reading, and thereby remove the contradiction.

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

Ex. 20:14b), Salonika followed the other tradition (a Section at Ex. 20:14b). R. Elijah's and R. Moses' testimony clearly contradict this view. Therefore, it appears that also in Constantinople both traditions were attested.
Bible,\textsuperscript{27} had no Section at the second pesah\textsuperscript{28}. Furthermore, the printed editions of Maimonides' Code also had no Section here. However, said Lonzano, both were mistaken. He based his conclusion on a copy of Maimonides' Code in his possession, which he thought had belonged to R. Zeraḥiah Ha-Levi (twelfth century).\textsuperscript{28} There, the second pesah\textsuperscript{28} was listed among the

\textsuperscript{27} Cp. Lonzano, \textit{Or Torah}, p. 3a: נא לא בהתנחלות ההלך אל אם סירレビュー יôtel מספוף חüncü על התנאים שכר אל בָּנֵי בְּרֵכָיִם וְאָלְכָּרָא הָכָה יַסְדַּל בַּל עָלֶה שְׁלֹשׁ מְשִׁמְחָו מִבְּרֵכָיִם וְעָלֶה נִכָּר בַּל בְּרֵכָיִם. In other words, Lonzano's corrections were a critical commentary on Jacob ben Ḥayyim's Rabbinic Bible, and on the 1544 Bomberg edition. By - הטמא הכבוד לא נשנשי כל שְלֹשׁ מְשִׁמְחָו - Lonzano does not mean the second Rabbinic Bible from Bomberg's press (1525) but rather the second printing of Ben Ḥayyim's Rabbinic Bible (1548). That he refers to the 1548 edition becomes perfectly clear from R. Yedidyah Norzi's commentary in Ms. B.M. Add. 27, 198 (the autograph of Norzi's commentary, later known as \textit{Minḥat Shai}), where he describes his work in a language similar to that of Lonzano's cited above, while adding explicitly (p. 34a): הטמא הכבוד לא נשנשי כל מִבְּרֵכָיִם (1548)ה. We add, however, that the 1548, second printing of the Rabbinic Bible is almost identical with the 1525, first printing.

\textsuperscript{28} Lonzano obviously assumed (and later Azulai, eighteenth century, explicitly said: \textit{Shem Ha-Gedolim}, s.v. רביעי זֹא אָבִיה הַלְּכָה של reconstructions), that this was R. Zeraḥiah Ha-Levi of Provence who lived in the twelfth century and was a contemporary of Rabad (= R. Abraham b. David of Posquières) and Naḥmanides. However, H. Micael already questioned this identification. He assumed that the person mentioned was an otherwise unknown R. Zeraḥiah Ha-Levi (cp. H. Michael, \textit{Or Ha-Ḥayyim}, Jerusalem 1968, photocopy of ed. Frankfurt a/M 1891, p. 367). Indeed, as R. Zeraḥiah of Provence died in 1186 (Ibn Verga, \textit{נהר הזהב}, ed. Shoḥat-Baer, Jerusalem 1947, p. 146), it follows that he could not have seen Maimonides' Code. For though the Code was finished in 1180 or 1178, it apparently had not yet reached Provence in 1193, (cp. I. Twersky, "The Beginnings of Mishneh Torah Criticism", \textit{Biblical and Other Studies}, ed. A. Altmann, Harvard 1963, pp. 167, 168 and nn. 29, 33), i.e. some years after R. Zeraḥiah's death.
catchphrases and the total of seven mirrored this fact. Lonzano offered further proof from R. Menahem Ha-Meiri, the Torah Scroll of R. Meir b. Todros Ha-Levi Abulafia, the Spanish Scrolls, and the Egyptian and Jerusalem mss, all of which testified to the beginning of a Section to Ex. 20:14b.

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

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

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

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

30 See n. 11: Kiryath Sefer II, p. 51b – א"א אנא א nutzen פסוק.
though logically we would not expect a Section at Ex. 20:14b, it is nevertheless required. It appears that this is what Meiri found in Maimonides' Section list. Our deduction is based on the following observations. Meiri determined his Open and his Closed Sections from a comparison of Maimonides' list, the Torah Scroll of Abulafia, Bible mss, and Tikkunei Soferim. Where Meiri disagreed with Maimonides' decision and the Torah Scroll of Abulafia, he made a statement to that effect. Furthermore, Meiri's disagreement with Maimonides in such cases was due to a decision based on logical considerations supported by other evidence. The fact that Meiri makes a point of mentioning that Ex. 20:14b was an unusual Section beginning, and he does not say that he disagrees with Maimonides, witnesses to Meiri's agreement with Maimonides' list and with the other sources available to him. Meiri's decision also helps us date a copy of Maimonides' list with seven catchphrases (Section at Ex. 20:14b) to at least as early as 1306, the date of Kiryath Sefer. In fact, it dates such a text even earlier because it implies that Meiri found this arrangement also in the Torah.

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31 See n. 11: Kiryath Sefer I, p. 49. Cp. also K.S. II, p.27b:hcpו, נא ראהך את פ_Property: color:rgb(0,0,0)_; ראה פַּרְשַׁת וַתְּנַחְלָה, וְלֹא בִּסֵּפֶר אֲשֶׁר נִתְנָהָ בֵּיתָן לְעִילָה לְעִירָה לְעִירָה לְעִירָה לְעִירָה לְעִירָה לְעִירָה לְעִירָה לְעִירָה לְעִירָה לְעִירָה L. Tikkunei Soferim were model copies of the consonantal text of the Pentateuch (sometimes they also included the Scroll of Esther) for writing a Torah Scroll.

32 Cp. K.S. II, p. 95b (בְּדַרְשָׁו) and see our example three. Cp. ib., p. 63a (הַפּוֹרֶשֶׁת) and see our example four.

33 Ib.

34 K.S. I, p. 49.
Scroll of Abulafia, whose Sections were based on a copy of Maimonides' Section list. This latter list was prepared by Samuel Ibn Tibbon for Abulafia, at his request, from a copy of the Code that was autographed by Maimonides. Since Abulafia's Torah Scroll, of which Meiri obtained a copy, was used as a model already in 1250 and 1273, the date of Maimonides' text with seven catchphrases (Section at Ex. 20:14b) can be pushed back to at least 1250.

About a century after Meiri, another halakhist, R. Lipman-Muelhausen who was aware of the variants in the Sections, also compiled a Tikkun Soferim which contained a list of the Sections in the Pentateuch. However, unlike Meiri, Lipman chose to follow Maimonides exclusively. In compiling his own Section list, Lipman's efforts were, therefore, concentrated on determining the text of Maimonides' list. Lipman gathered copies of Maimonides' Code including some of Sefardi origin. The text of Lipman's Tikkun, which is preserved in at least two manuscripts, therefore represents the evidence of Maimonides' Code in the copies which Lipman had collected. Concerning our verse, one ms of Lipman's Tikkun lacks the second לאenant ויתחתר and has the corresponding total of sixchen...לאהענהלאנתughtersך,רהג'ק. The other also omits the second לאenant, but has the in-

35 K.S. I, p. 46
37 See n. 11: תשורי ספר תורה של ר' דות טוב לpleasant.
38 Ib., p. 255.
39 Ib., p. 237 (Ms. X893 Ab 081) and p. 238 (Ms. B.M. Add. 17,338-incomplete) and n. 5.
consistent total of seven (כבוד...לא תעהנה לא חומרו כלול ס' ור'ן) (משם. Thus, Lipman's efforts to compile an authoritative text of Maimonides' list did not prevent variations in his own list. In our case, it is the latter ms which points to Lipman's original reading of seven catchphrases and the total of seven.\textsuperscript{39a}

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

\textsuperscript{39a} Cp. n. 50.

\textsuperscript{39b} The secondary reading of six catchphrases, (no Section at Ex. 20:14b), found its way into a ms of Sefer Ha-Me'oroth, on Hilkhoth Ketanoth, novellae by the Provencal scholar R. Meir b. Simeon Ha-Meili, (first half of the thirteenth century, cp. EJ XI: 1256-1257). R. Meir cites Maimonides' Section list in toto, though the ms on which the printed edition of Sefer Ha-Me'oroth is based contains the list only to the beginning of Leviticus. In the Exodus Sections, the editor M. Blau, (Sefer Ha-Me'oroth, Hilkhoth Ketanoth, N.Y. 1967, p. 381) reads: "...לא תעהנה לא חומרו כלול ס' וה'ן..."

...ה đêmר כלל להו מות אלו. Clearly, this should read: "...לא תעהנה לא חומרו כלל להו מות אלו..." ((cp. EJ XI: 1256). ...אלה תעהנה לא חומרו כלל להו מות אלו..."
Maimonides and the Aleppo Codex

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

An examination of the mss of Maimonides' Code shows that seven is indeed the original reading, with a Section at Ex. 20:14b. Thus, e.g. though exhibiting in its text six catchphrases with the second דַּעַת מִלּוֹ repeatedly being omitted, M¹ nevertheless has the total of seven. The second דַּעַת מִלּוֹ was probably omitted on account of haplography. This omission was noticed by a corrector who added the missing catchphrase דַּעַת מִלּוֹ in the margin of M¹. Also in M², the same situation prevails. However, this ms was not corrected in the margin. M³ has seven catchphrases and the total of seven. Noting the uniqueness of the second דַּעַת מִלּוֹ, and perhaps to guard against haplography, the following comment was added after the second דַּעַת מִלּוֹ: "ושארו עמה ערך השם. M⁶ has six catchphrases and the total of six, as do the text of one copy of Lipman's Tikkun and the printed editions of Maimonides' Code mentioned by Lonzano.

M⁵ provides the connecting link between M¹M²M³ on the one hand and M⁶ on the other. The original text of M⁵ has seven catchphrases and the total of seven. However, in the margin it was noted that the second דַּעַת מִלּוֹ is not to be included -- דַּעַת מִלּוֹ, and in juxtaposition to the total seven we find -- שָׁב עַל, meaning: correct this total to six. This is obviously a deliberate correction and not a scribal error. The correction reflects the conflicting tradition (no Section at Ex. 20:14b) - later mentioned in the responsa printed at the end of Massoreth Seyag La-Torah (cited above) - which was found in contemporary Bible mss of Ashkenazi origin, as represented e.g. by Mss. B.M.
Add. 9404, Add. 15451, and Or. 2696. The scribe who revised H² assumed that the Bible copies before him (with no Section at Ex. 20:14b) reflected Maimonides' decision, and accordingly corrected what he thought was a faulty copy of the Code.

We have shown that the apparent contradiction between A (Section at Ex. 20:14b) and Maimonides' Code (no Section) in fact is no contradiction. An examination of the mss of the Code and the relevant literature proved that the reading of six catchphrases and the total of six was not Maimonides' original text. It was rather a change introduced into the mss of the Code, which found its way into the sixteenth century printed editions, and which admittedly goes counter to A. Maimonides' original text however, inclusive of Ex. 20:14b as a Section beginning, was in full agreement with the Aleppo Codex.⁶⁰

⁶⁰ As Ex. 20:14b also begins a Section in LBS¹, the agreement here between Maimonides and the Aleppo Codex is not unique. What we have shown is that A is not eliminated as the possible source for Maimonides' list. However, LBS¹ could not have served as Maimonides' source. B, which contains only the Pentateuch whereas Maimonides' source contained the whole Bible, widely diverges from Maimonides' Section list. Cp. C.D. Ginsburg, *Introduction to the Massoretico-Critical Edition of the Hebrew Bible* (1897; republished with a Prolegomenon by H.M. Orlinsky, New York 1966) pp. 470-472. The same may be said of L, as noted e.g. by Goshen-Gottstein, *Textus I*, p. 27 and n. 29, *Textus V*, p. 57 and n. 25, and p. 58. As we have already noted, S¹ does not begin a Section at Deut. 5:18b, thus disagreeing with Maimonides' list (cp. n. 21). Cp. also our examples three and four.
Maimonides and the Aleppo Codex

II Ex. 8:1

ויימר重伤, אל משא אם, אל אחר.
נשה את כל בשר...ויתן את העפרועים.

It has long been noticed that the text of the first nine plague in Ex. 7:14 - 10:29 follows a specific pattern.\(^1\) There are three cycles of three plagues, with the corresponding plague in each cycle beginning with a similar textual form:

<table>
<thead>
<tr>
<th>I</th>
<th>7:14</th>
<th>II</th>
<th>8:16</th>
<th>III</th>
<th>9:13</th>
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<td>7:19 (cp. v. 20)</td>
<td>9:22</td>
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<td>2. 7:26</td>
<td>2. 9:1</td>
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<td>8:1  (cp. v. 6)</td>
<td>10:12</td>
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<td>3. 8:12</td>
<td>3. 9:8</td>
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</table>

Each plague is introduced by the phrase重伤, אל משא. According to L, each of these nine verses begins a Section (7:14, 26, 8:12, 16, 9:1, 8, 13, 10:1, 21). The first and third cycles explicitly quote in their first and second components the divine instructions given to Moses on how to bring on the plague (7:19, 8:1, 9:22, 10:12). These four verses also begin with重伤, אל משא.\(^2\) According to L, three (7:19, 9:22, 10:12) begin Sections. Due to the general pattern of the text and, in particular, the subpattern of cycles one and three, one would expect that each of these four verses would begin a Section. Yet, the second in this group (Ex. 8:1), which also begins

\(^1\) Cp. the commentary of Rashbam (R. Samuel b. Meir, the grandson of Rashi) on Ex. 7:26, and again U. Cassuto, A Commentary on the Book of Exodus, pp. 92-93, who also cites Abarbanel's commentary.

\(^2\) In the first cycle, the first and second instructions (Ex. 7:19, 8:1) also have重伤, אל אחר.
The division in ל at Ex. 8:1 is not clear from the microfilm. It may be an Open Section. The line preceding Ex. 8:1 has only one word - מְשִׁרָה (end of Ex. 7:29), and Ex. 8:1 starts at the beginning of the next line (רָאוֹם וְאָלָם). However, if there is some filler mark at the end of the line containing מְשִׁרָה, then ל has no Section at Ex. 8:1. Note that the term מְשִׁרָה (Ex. 8:1) takes up some of the space of the preceding line.

The corrector wrote his note -- מְשִׁרָה מִי כַּאֲדִיר -- in the empty space preceding Ex. 8:1, in order that another copyist should not encounter the space between Ex. 7:29 and Ex. 8:1, which was originally found in B. מְשִׁרָה means that the text is to be written (וַיִּשַׁת) without a break. Cp. Ginsburg, Introduction, p. 472 and n. 1. Note that the term מְשִׁרָה with the same meaning is found in the marginal notes of the Yemenite Tikkun Sofeveryone mentioned above (n. 26), e.g. on Ex. 8:1 (The Titled Bible, p. 129).

The phrase מְשִׁרָה מִי כַּאֲדִיר is actually to be read as one Persian word - מְשִׁרָה מִי כַּאֲדִיר = mibayad, which means "it is necessary" (oral communication from A. Davidan). In describing B in the Catalogue of the Hebrew and Samaritan Manuscripts in the British Museum, I (London 1965, photocopy of 1899 ed.) p. 38a, G. Margoliouth already noted: "On fol. 48b, col. 2, מְשִׁרָה מִי כַּאֲדִיר (J.S.P., sic) is found, thus testifying to the Persian affinities of the MS". Thus the corrector's note מְשִׁרָה מִי כַּאֲדִיר is equivalent to מְשִׁרָה מִי כַּאֲדִיר, used by the same scribe at Ex. 33:5 (cp. also Marg. ib.).

The corrector's note at Ex. 8:1, as well as his other corrections of the sectional division in B, do not stem from the hand of the scribe who wrote the massorah of B (cp. Marg., [28]).
Maimonides' decision with respect to Ex. 8:1 once again was the cause of halakhic responsa. In subsection five of his responsum seventy-eight, R. Elijah replies to the question whether one should divide the paragraph of מִשְׁגַּלְתְּךָ (Ex. 7:26 - 8:11) into one or two Sections. He took the question to refer to whether one was to begin a Section at Ex. 8:1 as well as at Ex. 7:26. His answer, that all books and decisors agree that there is no Section here, strikes one as peculiar. If that indeed was the case, the question was superfluous. To clarify the intent of the questioner, we refer to the contemporary responsum cited in example one. There, the scribe noted the discrepancy between Maimonides, who required a Section at Ex. 8:1 (and was followed by some scrolls), and the mss from Turkey, the East, and Spain which did not have a Section. Furthermore, R. Elijah's contemporary, Lonzano noted that the Bomberg Rabbinic Bible also had a Section at Ex. 8:1. Now we understand what prompted the question. It appeared that the scrolls from Turkey and the East were not in accord with Maimonides' decision requiring a Section at Ex. 8:1, which was followed by other types of scrolls and further was corroborated by Bomberg's Rabbinic Bible.

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

45 See n. 11.
46 Cp. n. 23.
R. Elijah's peculiar answer which seems to be avoiding facts he obviously knew suggests that he was of the opinion that Maimonides did not have a Section at Ex. 8:1. Therefore, the scrolls from Turkey and the East which had no Section in fact followed Maimonides' decision. Once again, R. Elijah's answer implies that a variant was extant in Maimonides' list. In particular, the above mentioned text that included a section at Ex. 8:1 had three catchphrases and the total of three:

(Ex. 8:1, 12, 16)

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

(Ex. 8:12, 16)

That a change involving Ex. 8:1 actually occurred in Maimonides' list can be seen from the remarks of still another R. Elijah noted that not one of the decisors who discussed Open and Closed Sections included Ex. 8:1 as the beginning of a Section: גוז תשמא אבד מתמטיסק, אדיר המכדר המיתחותו, המיתחותו, לא המכדר בה שום דבר מכדר פותח, רואים המיתות, לא⫂ תשמא הвал פותח רואים, אלא הנתחים לפי הימים (Ex. 7:26) = משמא אבד אלא מכדר הפששת ומיתות (Ex. 8:12) = משמא אבד אלא מכדר הפששת ומיתות. Nevertheless, R. Elijah was obviously aware of R. Joseph Karo's comment in the Keseif Mishneh on this verse, where Karo mentioned variants in Maimonides' text, and in fact chose to include Ex. 8:1 as a Section (cp. infra). This awareness follows from the fact that R. Elijah, in this very same responsum seventy-eight, in subsection seven, explicitly quotes from Karo's commentary with respect to another problematic Section. Furthermore, R. Elijah no doubt was aware of the printed editions of Maimonides' Code that explicitly listed Ex. 8:1 as beginning a Section.
contemporary of R. Elijah, R. Joseph Karo. In his commentary
Kesef Mishneh on the Code, he included text-critical remarks
concerning Maimonides' Section list. Karo informs us that he
saw a copy of the Code in which the list was corrected\(^a\) from
a reading of three catchphrases and the total of three, which
he felt was the original text, to a reading of two catchphrases
and the total of two, omitting Ex. 8:1.

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

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

\(^a\) On "corrected copies" of Maimonides' Code, cp. Havlin,
Introduction, 1975 (see above n. 6, end) pp. [8-9], and
separate page of "additions to the Introduction", (Hebrew).
including a Section at Ex. 8:1. Lonzano again based his conclusion on the copy of the Code whose ownership he attributed to R. Zeraḥiah Ha-Levi. Once again, he adduced proof from Meirī and the Spanish scrolls which he felt preserved the correct tradition and Maimonides' opinion. All these testified to the absence of a Section at Ex. 8:1. Therefore, Maimonides' original reading was two catchphrases and a total of two. Lonzano brought further proof from two other mss of the Code which had the same tradition.

Thus Lonzano: נמי אלפים מדפסים רבים וארץ דלמא ריענא ליה, קארו מהאלפים מדפיסים רבים והארץ דלמא ריענא, והארץ מדפיסים רבים לים פעמים רוחות ואלה ההרים מורייקין שבכל העם, והנהอาร לְפַסְקָן. The printed edition to which Karo referred (דפוס א'יאראא; א'יאראא) is supposedly an edition of the Pentateuch printed in Ixar, Spain. M. Gaster (The Titled Bible, p. 47 bottom) obviously equated דפוס א'יאראא in the marginal comment (ib., p. 129 bottom, right), which is in fact a direct quote of Karo’s comment in the Kesef Mishneh, with the Ixar, 1490 printed edition of the Pentateuch. Ginsburg, Introduction, pp. 831-836 and especially p. 835, cont. of n. 3, shows that Ixar was written יא'א'יאראא in the epigraph of that edition.

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

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

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

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

ר'אמר י"י אלה משה אמר אל אחרון ר'אמר י"י אלה משה אומר שבך (Ex. 8:1, 12, 16)

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

From the above survey we have obtained an impression of the process which affected Maimonides' decision concerning Ex. 8:1, and which clearly resembles the one observed in example one. The evidence shows that Maimonides required no Section at Ex. 8:1, and that in his list there were only two catchphrases and the total of two. Again variations occurred, as witnessed by Lipman's Tikkun and Karo's ms of the Code. Once again, the variant reading of three catchphrases and the total of three entered the printed editions of the Code and found its way into Bomberg's Rabbinic Bible.
An examination of the mss of the Code shows that the impression obtained from the secondary literature is correct. Maimonides required no Section at Ex. 8:1; there were only two catchphrases and the total of two, as found in M$^4$M$^5$. Since the first catchphrase דָּרַאִים פָּרָשָׁהּ דְּאַלּ מַשָּׁהּ מַנְאֵרָהּ (which was ambiguous, referring either to Ex. 8:1 or to Ex. 8:12, $M^6$ (which has two catchphrases and the total of two) adds a phrase to make it clear that Ex. 8:12 is implied and not Ex. 8:1 (which continues דָּרַאִים פָּרָשָׁהּ דְּאַלּ מַשָּׁהּ מַנְאֵרָהּ)). However, $M^6$ again exhibits the variant reading. There, the text reads דָּרַאִים פָּרָשָׁהּ דְּאַלּ רָכָּבְתָו רָאִימָהּ (which is, only two catchphrases are recorded (Ex. 8:12, 16), but a total of three is given (i.e. Ex. 8:1, 12, 16). This implies that the source of $M^6$ had three catchphrases of which one was omitted by mistake. The omission was noticed by a corrector. Making a sign in the text after דָּרַאִים פָּרָשָׁהּ of the first catchphrase, he added in the margin: דָּרַאִים פָּרָשָׁהּ דְּאַלּ מַשָּׁהּ מַנְאֵרָהּ (8:1) דָּרַאִים פָּרָשָׁהּ דְּאַלּ מַשָּׁהּ מַנְאֵרָהּ (8:12) דָּרַאִים פָּרָשָׁהּ דְּאַלּ מַשָּׁהּ מַנְאֵרָהּ (8:16). Thus, the marginal note not only added the missing catchphrase but recorded all three and the total of three. Noticing that the wording of the catchphrases in $M^6$ was unique, and obviously using a current standard copy of Maimonides' list, the corrector simply copied all three catchphrases according to his Vorlage.⁹

⁹ The wording of the correction is essentially the text of the catchphrases and the total as found, e.g., in Lipman-Muelhausen's Tikkan according to Ms. B.M. Add. 17,338. To visualize the differences in the wording, we add the following comparison of the text of $M^6$ and the marginal correction.

<table>
<thead>
<tr>
<th>$M^6$</th>
<th>correction</th>
</tr>
</thead>
<tbody>
<tr>
<td>דָּרַאִים פָּרָשָׁהּ דְּאַלּ מַשָּׁהּ מַנְאֵרָהּ (8:1)</td>
<td>דָּרַאִים פָּרָשָׁהּ דְּאַלּ מַשָּׁהּ מַנְאֵרָהּ (8:1)</td>
</tr>
<tr>
<td>דָּרַאִים פָּרָשָׁהּ דְּאַלּ מַשָּׁהּ מַנְאֵרָהּ (8:12)</td>
<td>דָּרַאִים פָּרָשָׁהּ דְּאַלּ מַשָּׁהּ מַנְאֵרָהּ (8:12)</td>
</tr>
<tr>
<td>דָּרַאִים פָּרָשָׁהּ דְּאַלּ מַשָּׁהּ מַנְאֵרָהּ (8:16)</td>
<td>דָּרַאִים פָּרָשָׁהּ דְּאַלּ מַשָּׁהּ מַנְאֵרָהּ (8:16)</td>
</tr>
</tbody>
</table>

[34]
Maimonides and the Aleppo Codex

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

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

In the light of the unique wording in M\(^{6}\), the missing catchphrase seems to be דוא の ידأمن 'לא בשם הראם'.

\(^{50}\) Thus, according to Ms. B.M. Add. 17,338 (cited as 2 by Loewinger-Kupfer in their notes to the Tikkan; cp. above n.11), there were six catchphrases and the total of six, omitting Ex. 20:14b, and three catchphrases and the total of three, including Ex. 8:1. Even though both of these variants in Add. 17,338 could be explained as having resulted from scribal techniques (cp. the notes of Loewinger-Kupfer), in the light of the evidence which we have presented they should rather be understood as a deliberate change. To explicate: there are many instances
is in a German hand contained both these variants. In fact, Biblical mss of Ashkenazi origin\textsuperscript{51} gave rise to variants in Maimonides' list which later became the standard text in copies of the Code of Ashkenazi origin and also entered the printed editions.

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

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

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

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

The Tikkun Soferim of Cracow

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

Weisman's information shows that the colophon, though now found at the end of the TS, in fact did not originally belong to this TS. The TS was an unvocalized text of the Pentateuch, whereas the colophon referred to a vocalized text of the entire Bible: Obviously the colophon was copied from some other source.

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

53 Ha-Maggid (ib.), p. 187, column b.

54 Ib., I, no. 54, p. 215b n. 5.

55 Ib., I, no. 48, p. 190a. Later, in the newspaper תמכשה, ed. A. Menkesh, first year (Lemberg 1861), issue no. 23, p. 160b, Weisman stated that the Tikkun included the Pentateuch and also one Megillah: ומשה והוהו רどんどん לא נמצא כ"ל (כף אד) תמש ומשה והוהו ר.SizeMode. Presumably, it was the Book of Esther which is still read in synagogues from a scroll.

56 See n. 54.

57 See n. 55.

58 See n. 53.
The actual source of the colophon was identified by J. Sapir in 1866. Having before him a copy of the colophon of the Aleppo Codex, Sapir realized that it was the very same colophon which Weisman had printed. The Tikkun Soferim of Cracow had the colophon of the Aleppo Codex.

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

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59 J. Sapir, Even Sapir I (Jerusalem 1967, photocopy of ed. Lyck 1866) pp. 13a, b. The actual identification could have been made three years earlier, when the colophon of the Aleppo Codex was published in the newspaper הלל א"ז (Jerusalem 1863) pp. 22b, 23a -- "נרש חורי". The story of how this copy of the colophon was acquired had been published in the previous issue of הלל א"ז (Jerusalem, Textus I, no. 3, p. 16b -- "כ"ג נפת נטס חורי"), (cp. Goshen-Gottstein, Textus I, p. 19 n. 5, Textus II, p. 54 n. 2). In checking this newspaper I have used the microfilm copy at the National and University Library, Jerusalem. The identification could have been made in spite of the rather gross error in Weisman's original transcription מ"ק' אחורי בר בר (Ha-Maggid I, 1857, no. 47, p. 187b), corrected by him in מ"ק' אחורי בר בר: נר אצ"ל (Ha-Maggid I, 1861) p. 160b: נר 모습 (Ha-Maggid I, 1861) נר 모습 (Ha-Maggid I, 1861) נר 모습. In fact, in view of the 1855 date of Sapir's manuscript of selected readings in the Aleppo Codex (cp. Even Sapir, p. 12a, and Goshen-Gottstein, Textus II, 1962, p. 54), Sapir could have made the identification in 1857, when Ha-Maggid first appeared.

60 It is to be noted that Weisman in 1861 connected the name
The importance of whether the TS was or was not a copy of A is self-evident. In our present study, the fact takes on the following particular significance. Weisman mentioned two divisions which he considered to be unique with the TS: \(^6\) no Section at Ex. 20:14b and a Closed Section at Ex. 8:1. If the TS were indeed a copy of A, it would give testimony concerning A's division with respect to these two Sections. We recall, however, that Maimonides' decision regarding these two Sections was:

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

\(^6\) Ha-Maggid II, no. 16 (April 28, 1858) pp. 62a, b.
Ex. 20:14b - Section, Ex. 8:1 - no Section, i.e. the opposite of the TS. This would produce two contradictions between Maimonides' Section list and A. It would follow that A was not the source for Maimonides' Section list.

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

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

62 For n. 62, see pp. 119-120.

63 Cp. הלל I, 1863, no. 3, p. 16b and Even Sapir I (1866) p. 12a; further, Goshen-Gottstein, Textus II, p. 55 and n. 7. Part of this list was printed in הלל I, 1863, no. 5, pp. 31b, 32a (Gen. through Ex. 17:16) and ib., no. 11, pp. 76a, b. (The second p. 76 of that issue. After p. 76, the pagination 72-76 is repeated). A hand copy of Sapir's complete list, entitled הבשיה (=Ms. JTS 729), dated 1855 (cp. above n. 59, end), was recovered by Goshen-Gottstein (cp. Textus II, 1962, 53-59).
teen cases listed by Weisman were found in that roster. One of these contradicted the TS. Weisman had given as the eighth unique reading in the TS נָמָי לַזְּבָעִים, (Ex. 10:9), spelled without a ד. However, Sapir's list, both in the version of אפרים נל and in the partial version which was printed in the newspaper הל ChatColor, explicitly points to a ד in this word. Sapir noted it in his comments to Weisman's list: "In my list from Aleppo, it explicitly says plene with ד".65

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

64 For n. 64, see pp. 120-122.
65 For n. 65, see pp. 122-123.
66 A. Dotan already pointed this out in Tarbiy 34 (1965) p. 152 n. 79 (ד).
67 Thus, even if one had found the TS or the Torah Scroll which allegedly had been copied from it by Isserlis, they would have been of no use with respect to providing evidence of the Aleppo Codex (cp. Textus I, p. 12 n. 27). That is not to say that all the readings of the TS are against א, but rather that since we already have two explicit contradictions between the TS and א (and one implicit contradiction - cp. n. 65 c), any
the colophon does not indicate the source of the text of the Tikkun. It was simply added to enhance the value of the TS, in particular to show that its sectional division was that of A, according to tradition the source of Maimonides' Section list; in other words, that the TS followed the sectional division as required halakhically by Maimonides.\textsuperscript{68} However, this is actually not the case, as a comparison between the two Sections which Weisman listed as unique in the TS (Ex. 20:14b, Ex. 8:1) with Maimonides' decision on these two verses will show.

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

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

For the sake of completeness, we note that in 1903, S. Cahana, יבגנך יככ יככ (Cracow 1903) p. 64 n. 273, reported that the TS and the Torah Scroll were still in the Isserlis synagogue (cp. A. Siev, Responsa of R. Moses Isserlis, Jerusalem 1971, p. 12 n. 25). Forty-six years later, S.B. Auerbach reported in יבגנך יככ יככ יככ, vol. 4 (1949) p. 1072, that the Isserlis Torah Scroll was recently brought to Jerusalem (1), whereas E. Gartenhaus, מילאלוול יככ יככ, vol. 3 of יבגנך יככ יככ יככ (1958) p. 219, seems to imply that the TS and the Torah Scroll were burnt during the Holocaust.

\textsuperscript{68} For note 68, see pp. 123-124.
In Deut. ch. 27 twelve consecutive verses are found which begin with the word "לְנָּר" (Deut. 27:15-26). These twelve curses were to be ceremoniously recited after Israel's crossing of the Jordan. According to L, eleven of these verses (Deut. 27:15-19, 21-26) begin a Section. One would logically expect the remaining verse, number six, also to begin a Section. Indeed, in LLLS this verse begins a (Closed) Section. The Aleppo Codex is no longer extant for Deut. 27:20. Therefore, we must turn once more to the responsa of R. Elijah b. Hayyim which preserves relevant information about A's sectional division.

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

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69 We refer to expectations based on consistency. Whether indeed there is complete consistency with respect to the Sections is a question in itself.
correction to be justified. Thus, Maimonides' original Section list did not include Deut. 27:20 and had the total of thirteen. Later, Deut. 27:20 was added and the sum was accordingly changed to fourteen.\(^7\) However, there was evidence which seemed to contradict this hypothesis. R. Elijah accepted the traditional identification of A as Maimonides' source. Yet, the copy of a copy of A's Sections which R. Elijah possessed had a Section at Deut. 27:20. In other words, R. Elijah's source for the Sections of A (Deut. 27:20 - Section) contradicted what he thought was Maimonides' original opinion (Deut. 27:20 - no Section).

If this were the testimony of A (Section at Deut. 27:20), and if Maimonides' list originally had only thirteen catch-phrases, i.e. no Section at Deut. 27:20, as Karo and R. Elijah claimed, we would have here a contradiction between Maimonides and A.\(^7\) Moreover, the ms which Maimonides used as the source for his list would be indeed unique. Whereas all the mss of the BA type, Mss. LL\(^1\) L\(^1\) L\(^3\) L\(^9\) L\(^16\) \(^1\) and A, would have a Section at Deut. 27:20; only the source upon which Maimonides relied would have no Section. R. Elijah's responsum leads us, however, to conclude that this was not the division found in A. Having implied that the copy of the copy of A was incorrect because the scrolls of his area disagree with it, R. Elijah adds:

\(^7\) Our later discussion of the massoretic-halakhic literature will show that the question posed to R. Elijah was prompted not by Maimonides' text alone, but rather by the conflicting Bible mss, in the light of Maimonides' Code. Cf. examples one and two.

\(^7\) This is what Ta-Shema implies in his footnote in KS 45 (1969/70) p. 22 n. 11. His query was recently reiterated by S.Z. Havlin, Introduction to Facsimile Ed. of Mishne Torah of Maimonides, Moses b. Shealtiel Edition (Jerusalem 1975), reverse side of the separate page of additions to the Introduction.
Maimonides and the Aleppo Codex

And also others who (actually) saw the Ben Asher Codex that is in Aleppo told me that there is no Section there (at Deut. 27:20), and this should be followed.\textsuperscript{71a} Thus, eyewitness reports of contemporaries of R. Elijah, who had been in Aleppo and had examined the Codex, contradict the testimony of his copy of the copy of A concerning the Sections. We have no reason to assume that these eyewitnesses gave incorrect (or false) testimony; whereas, a copy of a copy of a ms is liable to changes.\textsuperscript{72} We conclude that there was no Section at Deut. 27:20 in the Aleppo Codex. It remains to be shown that Maimonides' text also had no Section at Deut. 27:20, as R. Elijah and Karo claimed, i.e. that originally there were only thirteen catchphrases with the total of thirteen, and only later was this changed to fourteen catchphrases and the total of fourteen.\textsuperscript{73}

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

\textsuperscript{71a} However, in example one we took the copy of the copy of A as evidence of the Section division in A. Our reasoning was that there the information is not contradicted by any other source. In the present case it is possible that the disagreement arose because there was a slight space preceding Deut. 27:20, and somebody incorrectly therefore assumed that Deut. 27:20 began a Section. For other implications concerning these eyewitnesses, cp. Appendix B.

\textsuperscript{72} Neither of these sums (13, 14) is a \textit{a priori} correct. In example one we found that an original larger total (7) later was reduced (6), whereas in example two an original smaller total (2) later was increased (3).