

HELLENISM IN JEWISH PALESTINE

TEXTS and STUDIES

OF

THE JEWISH THEOLOGICAL SEMINARY
OF AMERICA

VOL. XVIII

HELLENISM IN JEWISH PALESTINE

THE STROOCK PUBLICATION FUND

*Established in Memory of Sol M. and Hilda W. Stroock and
Robert L. Stroock*

HELLENISM IN JEWISH PALESTINE

STUDIES IN THE LITERARY TRANSMISSION
BELIEFS AND MANNERS OF PALESTINE IN
THE I CENTURY B. C. E. — IV CENTURY C. E.

by

SAUL LIEBERMAN



NEW YORK

THE JEWISH THEOLOGICAL SEMINARY OF AMERICA

5722-1962

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THE JEWISH THEOLOGICAL SEMINARY OF AMERICA

Library of Congress Catalogue Card Number: 51-2776

Second Improved Edition—1962

PRINTED IN THE UNITED STATES OF AMERICA
PRESS OF *Maurice Jacobs* INC.
224 N. 15TH ST., PHILADELPHIA 2, PENNA.

To the sainted memory of

LOUIS S. BRUSH

IN GRATITUDE

LOUIS S. BRUSH*

By PROFESSOR ALEXANDER MARX

One of the many persons who were attracted by the magnetic personality of Professor Schechter and the hospitable home presided over by Mrs. Schechter was Mr. Louis S. Brush.

Like many others, he also became a frequent visitor of the model services in the Seminary Synagogue, which offered a rare combination of beauty and dignity and in which Dr. Schechter took particular pride. It was there that I first met Mr. Brush, some forty-five years ago.

He was a quiet, unostentatious person, a tall man of dignified bearing, meticulously dressed and well-mannered who had endeared himself to the Schechters by the apparent reverence and devotion he felt for them. He was a deeply religious man. I remember how one day he brought to the Seminary his Sefer Torah with breastplate, headpieces and pointer in a special case. He had inherited it from his father and had taken it away from another synagogue where, he felt, it was not sufficiently cared for. Once a year he would send his chauffeur to fetch the fine silver ornaments and have them looked over and polished at Tiffany's.

In the early years after the reorganization of the Seminary (1907), one of our promising students, Alexander Cohen, underwent a minor operation which proved fatal. The physician ascribed the unexpected tragedy to apparent malnutrition.

We all were very deeply moved by the sad event, and Mrs. Schechter tried to prevent similar conditions by seeing that more care should be taken of the physical welfare of the stu-

* Address delivered on April 5, 1949, on the occasion of the inauguration of the Brush Lectures.

dents. The establishment some years later of the Students' House was a consequence of this event.

At the time, Mrs. Schechter spoke to a number of friends urging the building of a dormitory. Mr. Brush promised her to do something some day and we expected that he would make some provision in his will for this purpose. He lived for many more years but never mentioned the subject again. After Dr. and Mrs. Schechter's death, he showed less and less interest in the Seminary; his visits to the Seminary Synagogue became rarer and rarer and finally ceased altogether. He kept up the care of his Torah ornaments and, as I heard later from Dr. Adler, made an anonymous gift of \$1,000.00 every Hanukah. He was approached in vain for a contribution to the Students' House. When I happened to meet him two years before his death and asked him why he did not visit our Synagogue of late, he answered that he was not interested in the Seminary any longer.

To our greatest surprise, we learned on his death, that he had left the bulk of his fortune, one and a half million dollars, for the building of a dormitory. One half of the money should be devoted to the building, the other half to its upkeep expenses and to scholarships for the students. Nobody but his Christian lawyer had known anything of this will. What was the reason for so deep a secrecy we can only surmise.

His relatives were, naturally, very much disappointed and thought of fighting the will, but the lawyer declared that he was ready to swear that Mr. Brush was in full possession of his faculties when he made his will and they realized that they could do nothing about it.

The Seminary Board for a moment considered the building of some additional stories on top of the old Seminary on 123rd Street. However, there was a clause in the will that the dormitory had to be built in strict colonial style and the condition had to be adhered to. Fortunately, the large plot of ground on Broadway opposite the old building was available at that time. The picturesque high rocks on the vacant lot had been cleared away with the view of putting up here a high structure. That plan had been abandoned for various reasons. And thus, through

Mr. Brush's grandiose gift, it was made possible to erect the imposing building.

The Brush gift came at a psychological moment. In the 1920's, the Library had outgrown its quarters, partly through the acquisition of the Adler Library and the other rich gifts of Mortimer L. Schiff. It had occupied rooms on the first and second floors and the building which had looked so spacious when it opened, had become quite inadequate. It was contemplated to remodel two neighboring houses when the Brush gift offered entirely new possibilities. There was room enough on the new plot for adequate accommodations to house the Library and the Teachers Institute, which had its equally insufficient quarters downtown. Mr. Schiff's family decided to erect the Jacob H. Schiff building for the Library, and Mr. Unterberg donated the one for the Teachers Institute.

The Rabbinical Department carried on for a year or two in the building on 123rd Street which Mr. Jacob H. Schiff had presented in 1902, but during the depression it turned out to be too expensive to keep up the two buildings and so the instruction of the Rabbinical department was transferred to the Teachers Institute building.

The Synagogue also, after some time, was transferred to the new buildings and only recently, after the removal of the Museum to the Warburg House, found room in the Library building.

And thus it is due to the generosity of Mr. Brush that our Seminary has the most magnificent building that has ever housed a Jewish institution of learning. We have every reason to feel a lasting debt of gratitude to him and to keep the memory of the noble, generous donor alive.

The Brush lectures will, we trust, fulfill this purpose and will connect his name permanently with the scholarly pursuits of this institution which owes so much of its growth to Mr. Brush's vision.

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PREFACE TO THE SECOND EDITION

The first edition has been exhausted for a number of years, but I have had no opportunity to take time from my regular duties to revise it. The accumulation of new material in the field of archaeology and the publication of many important works relating to the subject dealt with in the present book justified a considerable revision of the book.

However, I have decided to content myself for the present with the most necessary additions and modifications, abstaining from a complete revision which would require many months of additional work.

The main purpose of the book remains what it was originally: the elucidation of difficult passages in rabbinic literature which were hitherto either unexplained or misinterpreted, and sometimes unknown altogether; the examination of certain customs and practices and the treatment of the literary methods used by the rabbis. This content is discussed against the background of Hellenism in Jewish Palestine. The well known facts are used only as a kind of cement to make the citations coherent. The rabbinic material which form the elementary knowledge of every serious student of rabbinics is given without any reference to scholars who have dealt with it.

S. L.

March 8, 1962

PREFACE

The following chapters are the outgrowth of lectures delivered on various occasions. They include the first Louis S. Brush Lecture delivered on April 5, 1949; an academic address given on May 7, 1950, at the Hebrew University in Jerusalem on the occasion of its twenty-fifth anniversary; a lecture in the *thiasos* at the Hebrew University and several other papers read at the Jewish Theological Seminary of America.

As far as possible I tried to avoid detailed and complicated *Halakhic* discussions which might divert the reader's attention from the main thesis. For this reason I have not, in my discussion of the literary transmission, concerned myself with investigations of the credibility of certain historic traditions in rabbinic literature. In these chapters our interest was fixed on literary activity, not on historic truth. In examining what the Rabbis report concerning by-gone times what was important to us was *not* the historic fact, but the view which the Rabbis held and their reaction to it.

Keeping in mind the two types of readers whom this book may attract — classical scholars who are not familiar with Jewish writings and rabbinic students who do not pursue Hellenic studies — I have generally avoided the usual abbreviations, and have fully spelled out the names of books and journals.

In order to explain clearly the rabbinic sources, I often had to disregard the Greek classics and give preference to later Hellenistic and Roman writings which were nearer in time (and sometimes in place) to those of the rabbinic tradition. I have always worked on the assumption that actual contact (in the times under discussion) between Jew and Gentile exerted greater influence on the former than literary works.

Prof. Abraham Halkin spent many evenings with me reading through the whole manuscript. I am glad to repeat my words in the Preface to *Greek in Jewish Palestine*: I am indebted to Dr. Halkin not only for the revision of the English style but also

for many suggestions in connection with the presentation of the subject-matter. I frequently relied on his good taste and lucid judgment.

The proofs were read by my dear wife, Dr. Judith Lieberman, and Rabbi Gershon Cohen, both of whom I wish to thank.

I am grateful to Professor Louis Finkelstein, President of the Jewish Theological Seminary, to Professor Henri Grégoire of Brussels and to Professor M. Schwabe of Jerusalem for their constructive critical remarks, generous help and advice. Professor Elias Bickerman was of continuous aid with his erudition and acumen. My indebtedness to him is greater than I can express.

The authorities and staff of the Libraries of the Jewish Theological Seminary, and our good neighbors at the Union Theological Seminary, were exceedingly kind and helpful in supplying me with the necessary books. To all of them I extend my sincerest thanks.

My thanks are also due to Dr. Maurice Jacobs and his intelligent type-setters and proof reader for their conscientious and careful work.

S. L.

The First of Kislev 5711 — November 10, 1950.

The Jewish Theological Seminary of America

N. B. Unless otherwise specified all the dates mentioned in this book are C. E.

The English translations of Greek and Latin authors which are available in the Loeb Classical Library were mostly checked with and sometimes copied in the pertinent quotations cited in this book.

HELLENISM IN JEWISH PALESTINE

INTRODUCTION

More than half a century has passed since the publication of S. Krauss' *Griechische und Lateinische Lehnwörter im Talmud, Midrasch und Targum*. The abundance of Greek words recorded in this dictionary has been properly regarded as an indication of the close contact between the Jews of Palestine and their Greek-speaking neighbors. This deduction is, of course, correct. But no systematic effort has been made to examine fully and analyze the Greek words contained in rabbinic literature. It goes without saying that as a result of the close relations between Aramaic and Greek certain words of the latter have become an integral part of the former. But many Greek words occur in rabbinic literature only rarely; they give the impression of being a foreign body in the language. This category needs special investigation.

It is pertinent to inquire why the Rabbis employed the particular Greek word when an adequate Hebrew or Aramaic term was seemingly available. "Almost every foreign word and phrase have their 'raison d'être' in rabbinic literature. We shall try to demonstrate that all Greek phrases in rabbinic literature are quotations."¹ If a common Greek word is employed by the Rabbis only very rarely, whereas they generally use its Aramaic equivalent, some reason must lie behind the rabbinic choice of a Greek term in a particular case.² In a previous volume³ we tried to outline the underlying principles of the method of linguistic investigation in the study of Greek words employed by the Rabbis.

Here we are concerned with a wider problem: an inquiry

¹ S. Lieberman, *Greek in Jewish Palestine*, N. Y. 1942 (Hereafter referred to as *GJP*), p. 6.

² See Lieberman, *J. N. Epstein Jubilee Volume (Tarbiz XX)*, Jerusalem 1950, p. 113 ff.

³ *GJP*.

into the spirit of many rabbinic observations and an investigation of the facts, incidents, opinions, notions and beliefs to which the Rabbis allude in their statements. The insinuations and the suggestions contained in the remarks by the ancient Jewish sages, which were understandable to their contemporaries, are now often quite obscure to us. But the study of the events, customs and manners in the environment of the particular Rabbi may often reveal to us the inner sense of a rabbinic statement; the latter, or its part, often sheds light on the given events, customs and manners.

Here we should like to lay down an important principle in the investigation of the *Aggadah*. The utterances of the Rabbis are not as a rule pointless. Their homilies and parables in which they utilized the current events of their time always contain something which must have appealed to the mind or heart of their contemporaries. The interpretations and explanations of certain rabbinic passages in the commentaries and the dictionaries sometimes make them colorless and even insipid. We shall quote a few examples.⁴

We read in the *Midrash*:⁵ משל למלך שאמ' לבניו הוּ יודעין שאני דן דיני נפשות ומחייב הקריבו לי קרבן (דורון)⁶ שאם תעלו לפני לבימה שאעביר אולוגין שלכם (לאחר).⁷ כך אמר הב"ה לישראל בדיני נפשות אני "Like a king who said to *his children*: Remember that I am going to try

⁴ *Die Königsgleichnisse des Midrasch* by I. Ziegler, Breslau 1903, is a valuable book illuminating the king-parables of the Rabbis in the light of Greek and Roman literature. However, the book suffers from two considerable faults. The rabbinic texts are copied from erroneous editions and are not treated in a critical manner. Secondly, the author did not discriminate between information which was likely to be known to the ordinary people in the East and between literary knowledge which was predominantly the apanage of the learned in the Greco-Roman world. The explanations offered below were unknown to Ziegler, and for this reason no reference to his book will be found in this work.

⁵ *Shemoth Rabba* XV. 12. I copy from cod. Oxf., Ebr. 147, f. 191b.

⁶ The word קרבן is missing in the editions. But in addition to our manuscript it is also extant in cod. New York. It is therefore obvious that דורון is a gloss to קרבן and, as usual, the original was dropped and the gloss retained.

⁷ The dots on the word apparently indicate that it is to be deleted.

capital cases and convict [people to death]; therefore offer a sacrifice to me, so that when you come before my tribunal I may dismiss your *elogium*.⁸ So the Holy One blessed is He said to Israel: I am now sentencing people to death (i. e. the first-born of the Egyptians); note that I shall have pity on you by virtue of the blood of the Paschal Lamb and the blood of circumcision." The parable appears to be tasteless and artificial. Who is that king who declares in advance that he will issue wholesale convictions (as in the case of the Egyptians)? And what king would enjoin his children under the threat of a death penalty to offer a sacrifice to him? The parable can make sense only if it is not fiction but an actual fact known to the people, which the Rabbis utilized to illuminate the Bible.

Indeed, Lactantius tells us:⁹ "And first of all he forced *his daughter* Valeria and his wife Prisca to be polluted by sacrificing . . . Altars were placed in the council chambers and near the tribunal that the litigants might offer a sacrifice before their case would be heard. Thus judges were approached as gods."

Now the parable becomes perfectly understandable. In the wholesale condemnation of the Christians during Diocletian's persecutions, the emperor's own daughter¹⁰ and wife were forced to sacrifice; otherwise they might be condemned along with all other Christians. The point of the parable is that the Jews, the children of the Lord, were similarly spared during the wholesale conviction of the Egyptians by virtue of the blood of the Paschal Lamb and the blood of circumcision; their *elogium* was then dismissed.

⁸ The report to the proconsul or the legate of the preliminary interrogation conducted by the magistrate; it was brought in with the defendant. This report was the first document read in the court of the proconsul (or legate) when the accused appeared there. See *JQR* XXXV, 1944, p. 30 and nn. 189, 190 *ibid*.

⁹ *De mort. pers.* XV: et primam omnium filiam Valeriam coniugemque Priscam sacrificio pollui coegit . . . arae in secretariis ac pro tribunali positae, ut litigatores prius sacrificarent atque ita causas suas dicerent, sic ergo ad iudices tamquam ad deos adiretur.

¹⁰ Comp. also Eusebius, *hist. eccl.* VIII. 6. 1 ff.

Again we read in the *Midrash*:¹¹ וּלְרֵבְקָה אָח וּשְׁמוֹ לָבָן. ר' יצחק "And Rebekah had a brother, and his name was Laban (Gen. 24:29). R. Isaac said: *paradoxos*." All the commentaries and dictionaries explain the last word to mean *παράδοξος* or *παραδόξως*, i. e. Laban was extraordinarily and incredibly white.¹² This explanation blunts the whole point of the Rabbi's remark.

The truth is that he wanted to obviate a difficulty in the verse. The Jewish sages noticed that when mentioning wicked people the Bible usually indicates it by saying: And X was (or is) his name.¹³ But when referring to a righteous person the expression is: And his name was (or is) X.¹⁴ Now the question was raised:¹⁵ Why in the case of the wicked Laban does the Bible say: *And his name was Laban*, instead of the expected "and Laban was his name"? Thereupon R. Isaac remarked: *παράδοξος*, i. e. it is a *παράδοξος* [λόγος], a paradox: You would expect the famous cheat to be called *Shahor* (Black), but the paradox was that his name was Laban (White). The Torah wanted to hint that the notorious trickster misled people even by his name.

Likewise, it is recorded in *TP*:¹⁶ אמר ר' אלכסנדר עובדא [הוה] בחד ארכון דהוה שמיה אלכסנדרוס. והוה קיים דיין חד ליסטים אמר ליה מה שמך. [אמ'] אלכסנדרוס. אמ' ליה אלכסנדרוס פנה אלכסנדר¹⁷. ומה אם מי ששמו כשמו של בשר ודם הוא ניצול, מי ששמו כשמו של הקב"ה על אחת כמה "R. Alexander said: A certain magistrate (*ἄρχων*) whose name chanced to be Alexander was once trying a robber (*ληστής*). The former asked him: What

¹¹ *Bereshith Rabba* LX. 7, 647; see the parallels referred to *ibid*.

¹² "Laban" means white in Hebrew.

¹³ See *Midrash Samuel* I. 6 and parallels, where a number of passages are listed, such as I Sam. 7:14: *Goliath was his name* (גוליא שמו); *ibid*. 25:25: *Nabal is his name* (נבל שמו) etc. But see below, p. 209.

¹⁴ I Sam. 1:1: *And his name was Elkanah* (ושמו אלקנה); *ibid*. 17:12: *And his name was Jesse* (ושמו יש) etc.

¹⁵ See *Midrash Samuel* *ibid*. where this question is explicitly asked.

¹⁶ *Berakhoth* IX. 1, 13b, top.

¹⁷ So cod. Vat., 'Ein Jacob *passim*.

¹⁸ This is the reading of cod. Vat. and קונטרס אחרון in *Yalkut*. 'Ein Jacob: לאלכסנדרוס. *Midrash Tehilim* VI. 3, ed. Buber 21b.

is your name?¹⁹ He answered: Alexander. He (i. e. the magistrate) said: Alexander dismisses Alexander. Now if a man is saved because he bears the same name as a man of flesh and blood, he whose name is like the name of the Holy One blessed is He²⁰ will certainly be saved. This is the meaning of the Scriptural verse (Joel 3:5): *Whosoever shall be called²¹ by the name of the Lord shall be delivered.*" S. Krauss²² treats this passage as a curious anecdote which tends to indicate that justice became a farce in Rome. But the context of the Talmud shows that the Rabbis took it seriously.

In this instance they utilized the famous "Alexandromania" of some of the Roman dignitaries to illuminate Scripture. Dio Cassius²³ reports the following anecdote about the emperor Caracalla who believed himself to be an incarnation of Alexander the Great. A man who happened to be called Alexander was once tried for many crimes which he had committed. The accusing orator kept on saying "the bloodthirsty Alexander, the god-detested Alexander. Caracalla became angry as if he himself were being called those bad names, and said: If you cannot be satisfied with plain 'Alexander', you are dismissed."²⁴

Special attention should be paid to rabbinic parables which include details that are not essential to the illustration of the particular Biblical passage. This usually proves that the Rabbis quoted a story *in extenso*, because it was known as such to the audience.

We read in the *Midrash*:²⁵ למלך ששלח כתבים ממדינה למדינה

¹⁹ See *JQR* XXXV, 1944, p. 24, n. 153.

²⁰ The allusion is to Israel which contains the name of God. See *TP Ta'anith* II. 6, 65d; *Debarim Rabba* ed. Lieberman, p. 28 and n. 14 *ibid.*

²¹ The Rabbis interpreted אקרא as אקרא, see *Sifre* II 49, ed. Finkelstein, p. 114; *TB Baba Bathra* 75b, according to the reading of *Yalkut Hamakhiri* to Joel 3:5, p. 25.

²² פרס ורומי בחלמוד ובמדרשים, Jerusalem 1948, p. 278.

²³ LXXVIII. 8.

²⁴ ὡργισθη τε ὡς καὶ αὐτὸς κακῶς ἀκούων, καὶ ἔφη "εἰ μὴ ἀρκέσει σοὶ ὁ Ἀλέξανδρος, ἀπολέυσαι".

²⁵ *Esther Rabba*, proem, 11. Comp. *Vayyikra Rabba* XI. 7; *Tanhuma* שפיני 9.

ובכל מדינה ומדינה שהיו מגיעים כתביו של מלך היו מחבקים ומנשקים אותם ועומדים על רגליהם ופורעים ראשיהם וקורין אותם ביראה באימה ברתת ובויע וכיון שהגיעו למדינתו של מלך קראום וקרעום "Like a king who sent rescripts²⁶ to every city. In every city where the king's rescripts arrived the people *embraced them and kissed them*,²⁷ rose to their feet, uncovered their heads²⁸ and read them in fear, in awe, in trembling and in trepidation.²⁹ But *when they arrived at the king's own city the people* read them, *tore them* and burnt them." This parable illustrates the verse in Jer. 36:23, where it is stated that the king tore the scroll of Jeremiah to pieces and destroyed it by fire.

At first glance it appears to be an elaborate and complicated parable. For the illustration of the verse, the tearing of the king's letters is sufficient. As a matter of fact in the earlier *Midrash*³⁰ the example is short and concise: "Like a king who sent his ordinance (*πρόσταγμα*) to a city. What did the people of the city do to it? They tore it and burnt it." The elaborate parable of the later *Midrash* can be properly understood only if we suppose that an actual event was applied to our verse.

Lactantius³¹ relates: "Next day an edict was promulgated depriving the men of this religion (i. e. the Christians) of all honors and dignities . . . [a certain person] tore it down and cut it in pieces." The story is short; there is no record of the behavior of the people in other places. Lactantius related a fact which happened in his own city, in Nicomedia, where the

²⁶ *γραφαι* or *γράμματα*.

²⁷ These italicized words are missing in the parallel *Midrashim* noted above n. 25.

²⁸ Comp. the *International Critical Commentary* to I Corinth. XI. 4, p. 229.

²⁹ From Chrysostom's (Migne *PG* LIII, 112) description of the reading of the imperial rescripts (*βασιλικά γράμματα*) it is obvious that the people read them "with fear and trepidation" (*μετὰ φόβου καὶ τρόμου*), see Le Blant, *Les actes des martyrs*, p. 34; idem, *Les persécuteurs et les martyrs*, p. 140; Lieberman, *JQR* XXXV, 1944, p. 7 ff.

³⁰ *Bereshith Rabba* XLII. 3, p. 402.

³¹ *De mortib. pers.* XIII: Postridie propositum est edictum quo cavebatur, ut religionis illius homines carerent omni honore ac dignitate . . . deripuit et conscidit.

emperors then resided. For our purpose the words of Eusebius, a Palestinian, and probably a contemporary of the anonymous homilist in our *Midrash* are of greater importance.

He tells³² us that when the edict was published in Nicomedia a Christian tore it, and he devotes a few words to emphasizing the fact that the outrage was committed in a city where the two emperors were present.³³ It is almost certain that the anonymous Rabbi refers to the same incident. He stresses the fact that whereas in all other cities the people *embraced and kissed the edicts*³⁴ of the emperor, in his own city their fate was altogether different.³⁵ This fact was certainly widely known

³² *Hist. eccl.* VIII. 5.

³³ *δνεῖν ἐπιπαρόντων κατὰ τὴν αὐτὴν πόλιν βασιλέων.*

³⁴ The Hebrew here is unequivocal: the edicts were adored by embracing and kissing. A. Alföldi (*Mitteilungen d. deutsch. archaeol. Inst.*, Roemische Abteil. vol. 49, 1934, pp. 8 ff. and 58 ff.) has convincingly demonstrated that, contrary to the accepted opinion, the various forms of the *adoratio* of the emperor were *not* first introduced by Diocletian. They were taken over by the Roman Emperors from their Oriental colleagues. Herodotus (III. 128) recounts that the Persian guards of Oroetes "rendered much reverence to the rolls [of Darius] and still more to what was written therein" (*τὰ τε βυβλία σεβομένους μεγάλως καὶ τὰ λεγόμενα ἐκ τῶν βυβλίων ἔτι μεζόνως*). The *προσκύνησις* in connection with the imperial letters is often the same as the *σεβασμός* mentioned by Herodotus: general reverence, and perhaps actual genuflexion (Comp. Alföldi *ibid.*, p. 46 ff.). Nevertheless in the light of the explicit rabbinic statement (see also below n. 35) we may assume that *προσκυνεῖν* in regard to the edict sometimes means (like *κυνεῖν*) to kiss (See Liddell and Scott s. v. *προσκυνέω* II. 1; II. 3. Comp. also C. Sittl, *Die Gebärden d. Griechen und Römer*, p. 172, n. 4). Philostratus (*vit. sophist.* 590) relates about the sophist Adrian: *προσκυνήσας δὲ τὰς βασιλείους δέλτους τὴν ψυχὴν πρὸς αὐταῖς ἀφήκεν*. "Kissing the emperor's (i. e. Commodus') letters he breathed out his soul over them".

³⁵ The burning of the edicts and the remainder of the conclusion of our *Midrash* are an adaptation of a historic fact to the verse of Jeremiah. True, there is a Christian legend (*acta sanctorum*, *Sept.* vol. VI, p. 686d) that when a martyr (in Egypt) wanted to see the edict of Diocletian, it was brought and adored (=kissed). Then the proconsul also rose to his feet and *embraced* the edict (*similiter et praeses assurexit et edictum amplexatus est*). The Christian, however, took it, read it and threw it into the fire (*accepisset et legisset . . . imperatoris edictum in ignem coniecit*). An exact repetition of our *Midrash*! But this Christian legend has no historic value; the only reliable information contained therein is the general treatment of the edict.

among the Christians,³⁶ and it is no wonder that it reached the Synagogue.

The later Rabbis elaborated the simple parable used by the earlier *Midrash*,³⁷ and on the basis of an actual event added to it all the details which adhered to it. An instance taken from life³⁸ appealed to the people more than an abstract example employed by the earlier Rabbi.

As stated above, we assume that the Rabbis were guided by special reasons in their choice of Greek words which were not incorporated in the spoken Aramaic. Very often the good sense of the choice is revealed when we can surmise the source from which they borrowed these words.

For instance, Rab homiletically explains³⁹ the etymology of the word קלנדס (*calendas*,⁴⁰ *calendae*, *καλάνδαι*). According to the *Aggadah* it was Adam who first invented this word. "When he saw [for the first time] that the day is growing longer he exclaimed: *Calendas, calon dio*" (קלנדס קלן דיו). The explanations of the connection between *calendas* and *calon dio* offered by the dictionaries and commentaries are untenable. The most plausible among them is that given by Israel Lewy⁴¹ who suggests that, according to Rab, Adam exclaimed: *καλόν. dies*,

³⁶ The latter ascribe the tearing of the edict to various saints, but all of them are connected with the same occurrence. We find in the *Synaxaria Selecta* (*Synaxarium of Constantinople*, ed. H. Delehaye, p. 538. Comp. also *ibid.*, p. 248 and *acta Sanctorum, Martii*, vol. II, p. 391) that a certain Menignus (in the time of the Decian persecutions), a fuller by profession, trampled the king's letters under his feet after snatching them from the hands of the judge and cutting them in pieces (*Μένιγνος . . . τὰ τοῦ βασιλέως ἀρπάσας γράμματα ἐκ τῶν χειρῶν τοῦ ἀρχοντος καὶ εἰς λεπτὰ κατακόψας κατεπάτησεν*). But this story too has just as little historical basis.

³⁷ See above, n. 30.

³⁸ Philostratus (*vit. soph.* 565) tells about the famous Herodes Atticus that "when he wanted to move his hearers he drew not only on tragedy but also on the life of every day" (*τῶν ἀνθρωπίνων συνελέξατο*).

³⁹ *TP 'Abodah Zarah* I. 2, 39c.

⁴⁰ The Rabbis often used the Accusative instead of the Nominative.

⁴¹ *Verhandlungen des Vereins deutsch. Philologen etc.*, vol. XXXIII, Leipzig 1878, p. 83. This was also the independent interpretation of H. Blaufuss, *Römische Feste und Feiertage nach den Traktaten über fremden Dienst* I, p. 7.

i. e. [How] good! [It is] day! If we accept this interpretation we may advance the conjecture that its origin lies in some incantation. Varro⁴² reports that it is a Greek custom to say "good light" when light is brought in.⁴³ But following all the interpretations, including Lewy's, it is necessary to emend the text and read **דִּיאוּ**⁴⁴ instead of **דִּיאָו**, with the result of a combination of Greek and Latin!

However, from the contents of *TP*⁴⁵ it is obvious that in the first year of his life Adam was frightened when he saw the day growing shorter and shorter. But after the midwinter solstice, observing that the days were becoming longer again, he was seized with joy. In other words, it was the early sunset which terrified him and after the midwinter solstice he realized that it was in the nature of things for the sun to set early in the fall. The light of the sun will shine again.

Therefore we may interpret his exclamation as an acclamation to the sun, a kind of farewell to it: *καλὸν δὲε*, "Set well."⁴⁶ Indeed, in a magic papyrus⁴⁷ we find: *[κ]αλή σου κατάδυσσις*, "Well be thy setting." Rab contended that the *Calendae* originated in the primitive sun festivals, and its name was derived from Adam's first joyful farewell to the sun when it was about to set.

The comparison of some of the Hebrew (or Aramaic) rabbinic terms with their Greek equivalents sometimes proves to be mutually helpful. For instance, the *Talmudim*⁴⁸ report that R. Dosa b. Archinus called his younger brother **שֶׁטַן בְּכוֹר** "The first-born of Satan." Rab Zemaḥ Gaon⁴⁹ read instead **שׁוֹטָה בְּכוֹר**

⁴² *De lingua Latina* VII. 4 (end).

⁴³ Graeci cum lumen affertur, solent dicere *φῶς ἀγαθόν*. Comp. the Aramaic **נְהוּרָא טַעֲלִיא**.

⁴⁴ In accordance with the Accusative: *calendas*.

⁴⁵ Ibid. and *TB* *ibid.* 8a. Comp. also *Bereshith Rabba* XI. 2, 88 ff.

⁴⁶ See *Mishnah Sukkah* IV. 5 (יּוֹפֵי לֶךְ מוֹבָח) and Baneth's note in his German translation of the *Mishnah, Seder Mo'ed*, p. 534, n. 12. Comp. also the modern Greek farewell: *σὸς καλό*.

⁴⁷ Pap. Louvre 2391, col. V, l. 124. Preisendanz, *Papyri graecae magicae* I, p. 38.

⁴⁸ *TP Yebamoth* I. 6, 3a; *TB* *ibid.* 16a.

⁴⁹ Cited in *Liber Juchassin*, ed. Filipowski 11b.

“A foolish first-born son.”⁵⁰ S. Rapoport⁵¹ called attention to the latter reading and added that this agrees with the text of *Seder Eliyyahu Zuta*.⁵²

However, the reading בכור שטן, “The first-born of Satan,” should not be altered.⁵³ Polycarpus⁵⁴ also styles Marcion *πρωτότοκος τοῦ σατανᾶ*, “The first-born of Satan.” From the Talmud it appears to be a popular derogatory phrase used to designate a man who can “prove” whatever he wants. The Greek corroborates the Hebrew text; the Hebrew source explains the meaning of the term.

For an instance where the Hebrew is an aid to the Greek text we turn to the Testament of Job.⁵⁵ Eliphaz says about Elihu: *ὅτι οὗτός ἐστιν ὁ τοῦ σκούτους καὶ οὐχὶ τοῦ φωτός*. “For this man is of darkness and not of light.” The first edition, however, reads:⁵⁶ *ὅτι υἱὸς ἐστὶ τοῦ σκούτους κτλ.* “For he is the son of darkness and not of light.” This is most likely the original reading.

In rabbinic literature we find the term בר קבלאי⁵⁷ “The son of darkness.” It also occurs in Hebrew:⁵⁸ בן אפלה.⁵⁹ In the

⁵⁰ According to most commentaries only a first-born by his mother and not by his father was termed בכור שומה, see דקדוקי סופרים to *TB Baba Bathra*, p. 351, n. 70. Comp. however *Bereshith Rabba* XCI. 9, p. 1132⁶ and Albeck's note *ibid*.

⁵¹ According to most commentaries only a first-born by his mother and not by his father was termed בכור שומה, see דקדוקי סופרים to *TB Baba Bathra*, p. 351, n. 70. Comp. however *Bereshith Rabba* XCI. 9, p. 1132⁶ and Albeck's note *ibid*.

⁵² Ch. I, ed. princ. 52b.

⁵³ For it is attested by both *Talmudim* and by mediaeval authorities who employ this expression. Moreover, *Seder Eliyyahu Zuta*, ed. Friedmann (published from a manuscript dated 1073), p. 169, as a matter of fact reads: בכור שטן.

⁵⁴ Irenaeus, *adv. haer.* III. 3. 4; Eusebius, *hist. eccl.* IV. 14. 7. Comp. Polycarpus, *ad Phil.* 7.

⁵⁵ XLIII, ed. James, *apocrypha anecdota*, second series, Cambridge, 1897, p. 131²⁷.

⁵⁶ See variants *ibid*.

⁵⁷ See *Vayyikra Rabba* XXV. 5 and parallel. *Ibid.* IV. 1 (according to codd. Vat. and London): קבלאי, “the dark one”.

⁵⁸ II *Aboth deR. Nathan* XXXII, ed. Schechter 35a, according to the reading of Rabbi Simeon Duran in his מנן אבות on *Aboth* III. 10, ed. princ., 41b.

⁵⁹ The edition reads: בן מאירה, “The son of a curse”. This is the Hebrew equivalent of the Aramaic בר פחין which is very frequent in Palestinian rabbinic

recently discovered scrolls of Jericho⁶⁰ the righteous are called בני אור "The sons of light," and the wicked are named בני חושך "The sons of darkness." Accordingly the remark of Eliphaz was that Elihu was a "son of darkness" and not "of light." Here the Hebrew idiom confirms the Greek variant.

Similarly, it is related in *TB*:⁶¹ דרב יוסף בריה דר' יהושע בן לוי 'R. Joseph the son of R. Joshua b. Levi fell sick and *gave up his ghost*.⁶² When he revived his father asked him: What [vision] did you see?" However, the exact translation of the word ואיתנגיד is extant in *Pirkei Rabbenu Hakkadosh*:⁶⁴ ונמשך לאותו העולם "And he was drawn (taken up) to the other world." Ps.-Jonathan (Gen. 5:24) renders the Ἀνάληψις of Enoch: איתנגיד וסליק לרקיעא. Its Greek equivalent would be: ἀνελήφθη καὶ ἀνέβη εἰς τὸν οὐρανόν.⁶⁵ Indeed, we read in the *Midrash*:⁶⁶ ר' מייאשה בר בריה דר' יהושע [בן לוי]⁶⁷ נשתקע שלשה ימים בחליו. לאחר שלשה ימים נתישבה דעתו אמר ליה אבוי . . . ומה חמית תמן וכו' The text is defective. It was

literature. See Jastrow, Dictionary etc., s. v. פחא II. All the dictionaries and commentaries have misunderstood this term. The proverb (*TB* 'Arakhin 19a): סבא בביתא פחא בביתא is to be translated: "An old man in the house is a curse in the house". Likewise, in *Bereshith Rabba* (XXXVI. 2, p. 33610) Ham is termed: אבוי דפחחא, "The father of the curse", i. e. of Canaan (see Gen. 9:25). In the same way Simeon and Levi are called (ibid. XCIX, 6, see the variants in ed. Albeck, p. 1206) אחים דפחחא, "The brothers of a curse" (See Gen. 49:7). Perhaps in Lev. 13:55 is synonymous with מפארת in 52 ibid. Comp. also my translation of *TP Nedarim* IX. 3, 41c in *JQR* XXXVI, 1946, p. 346.

⁶⁰ L. Sukenik, מגילות גנוזות II, pp. 28–29. See also ibid. I, p. 18. Comp. also the *International Crit. Comment.* to Luke XVI. 8.

⁶¹ *Pesahim* 50a.

⁶² See דקדוקי סופרים a. l.; ibid. *Baba Bathra*, p. 45, n. 300. Comp. the *Geonic responsa*, ed. Harkavy, p. 179 and the commentary on the *Sefer Yetzirah* by R. Jadaḥ of Barcelona, p. 24 and p. 25.

⁶³ This is the translation of איתנגיד according to Rashi: נוע ופרחה נשמתו. Rabbenu Hananel (and other commentaries): כאילו פרחה נשמתו "As if he gave up his ghost," i. e. fainted. Comp. *Aruch Completum* s. v. נוד I and V.

⁶⁴ Ed. Schönblum, f. 28a; Grünhut, p. 48; Higger in *Horeb* VI, New York 1941, p. 125.

⁶⁵ It should be noted that וסליק לרקיעא has no equivalent in the Hebrew text.

⁶⁶ *Ruth Rabba* III. 1.

⁶⁷ See below.

preserved in its complete form by Rabbi Samuel Jama⁶⁸ who writes: ר' מייאשה בר בריה דר' יהושע בן לוי נשחק בחולי' א נ ל י פ ת י ן 'ג. The word אנליפתין, ἀνελήφθην, was omitted by the scribes⁶⁹ in accordance with their usual practice.⁷⁰ What does ἀνελήφθην mean in our context? Perles⁷¹ explains it to mean "he recuperated."⁷² But this explanation is utterly untenable. It requires considerable alteration of the following sentence in the text. Besides, (as I learn from Professor Henri Grégoire) the passive of ἀναλαμβάνω never occurs in Greek in the sense of recovering.

However, we can read a similar anecdote in a Greek fragment of the Ascension of Isaiah.⁷³ It is related that Isaiah fell into a trance (ἐγένετο ἐν ἐκστάσει) and was thought to be dead. But when the king took his hand he learned that he did not actually die, but was *taken up* (οὐκ ἀπέθανεν, ἀλλ' ἀνελήφθη).⁷⁴

Our *Midrashic* passage should accordingly be translated: "R. Meyasha the grandson of R. Joshua b. Levi was made unconscious by his illness. He was *taken up* (i. e. fell into a trance) for three days. After three days he regained consciousness. His father asked him . . . What did you see there?" (i. e. in the other world). איתנייד is therefore the literal and the exact equivalent of ἀνελήφθη.

Moreover in the *Targumim* of the Pentateuch⁷⁵ the word איתנייד is used as a euphemistic expression for the death of the

⁶⁸ In his *Jubelschrift . . . Grätz*, Hebrew part, p. 25.

⁶⁹ Of the manuscript, or manuscripts, from which our printed editions were published.

⁷⁰ See *GJP*, p. 152 and n. 43 *ibid*.

⁷¹ *Festschrift Adolf Schwarz*, p. 294.

⁷² This explanation was previously accepted by me in *הירושלמי כפשוטו*, p. 187.

⁷³ Ed. Charles, London 1900, p. 142.

⁷⁴ Comp. also Hieron., *Epist.* XXII. 30 (Migne *PL* XXII, 416; *CSEL* LIV, p. 190, 8): cum subito *raptus in spiritu* ad tribunal iudicis pertrahor. "Suddenly I was spiritually taken up and dragged before the tribunal of the Judge".

⁷⁵ Gen. 25:8; 17; 35:29; 49:33. Comp. *TB Baba Bathra* 16b and Nachmanides' commentary on Gen. 25:17.

righteous. It also reappears on the fifteenth century tombs of the Yemenite Jews⁷⁶ who frequently preserved ancient traditions.⁷⁷ Professor Henri Grégoire⁷⁸ has shown that *ἀνελήμφθη* which occurs on some Christian tombstones was a Montanistic term,⁷⁹ signifying the death of the righteous.⁸⁰ Here again *איחנניד* and *ἀνελήμφθη* are identical.

We find in *TP*:⁸¹ *מי הוא זה שמראה עצמו באצבע* "Who is it that points himself out with his finger?" The parallel passage⁸² reads: *מי הוא זה שמראה גדולה בפנינו* "Who is it that shows his greatness in our presence?" Thus *להראות באצבע* is nothing but to acclaim (*δακτυλοδειξία*, see below) by pointing with the finger.⁸³ In the same way it is stated in *Mishnath R. Eliezer*:⁸⁴ *המראה זה כיניו* "There is none so presumptuous as he who points himself out with his finger."

This sense of the phrase is better clarified by the portrayal of a religious banquet in the future world. Seeking to lure the masses from the heathen religious orgies the Rabbis promised

⁷⁶ S. D. Goitein, *Joseph Halevy's Journey in Yemen*, Hebrew, p. 114; Arabic, p. 61. It is also noteworthy that the Yemenite sources (*Midrash Haggadol*, Gen., p. 429, ed. Margulies, p. 47712; *The Exempla of the Rabbis*, ed. Gaster, p. 18) read in *Bereshith Rabba* (LXV, end, p. 7435): *איחנניד* instead of *תחננניד*, "Fell into a trance".

⁷⁷ See Lieberman *הירושלמי כפשוטו*, p. 520; *Yemenite Midrashim*, p. 16 ff.; *GJP*, p. 189, n. 30.

⁷⁸ *Byzantion* II, 1925, p. 329 ff.; *ibid.* X, 1935, p. 248.

⁷⁹ See in detail Lieberman, *Annuaire de l'Institut de Philol. et d'Hist. Orientales et Slaves* VII, 1944, p. 439 ff.

⁸⁰ Prof. A. Berger (*The Journal of Juristic Papyrology* I, 1945, p. 29 ff.) has demonstrated that the same verb also means "to be born" "to be procreated".

⁸¹ *Berakhoth* II end, 5d; *Baba Bathra* V. 15a.

⁸² *TB Baba Kamma* 81b.

⁸³ See also *Ekha Rabba* I, ed. Buber 27a. *Comp. Daremberg et Saglio, Dictionnaire* etc. I, s. v. *acclamatio*. The acclamation by the finger is also extant in the paintings of the Dura Europos synagogue.

⁸⁴ Ed. Enelow, p. 196.

⁸⁵ Read *כיניו*. The word makes no sense. It is very likely that the scribe who did not understand the expression took the following word *עצמו* as a euphemism for the name of the Almighty (see Rashi on *TB Gittin* 56b, s. v. *עצמו*) and inserted in the margin the gloss *כיניו*, i. e. euphemism, which subsequently crept in into the text.

them participation in the true festivals of the future world. They maintained:⁸⁶ והצדיקים מראים אותו באצבע ואומרים כי זה "אלקים וכו' 'And the righteous will point to Him with their fingers and say: 'For this is the Lord' (Ps. 48:15) etc."⁸⁷ We further read in *Debarim Rabba*:⁸⁸ היו מראים לאמותם באצבע ואומרים "להם זה אלי ואנוהו with their fingers saying: *This is my God, and I will glorify Him.*"⁸⁹

Persius states:⁹⁰ "It is pleasant to be pointed out by the finger and [to hear it] said: 'This is the one'." Similarly, Lucian pictures⁹¹ how Education persuades him by saying that even abroad "everyone who sees you . . . will point you out with his fingers saying 'This is the one'."⁹² Thus the phrase להראות באצבע ולאמר זה הוא is nothing but *δεικνύσαι τῷ δακτύλῳ καὶ λέγειν οὗτος ἐκεῖνος*, a frequent form of acclamation in antiquity.

It is likewise stated in the *Midrash*⁹³ that a Rabbi of the second century attributed to Jacob the following acclamation of Pharaoh: "יחוספון משנחיי על שנחתיך" "May years from my years be added to yours." This is the exact equivalent of the acclamations

⁸⁶ *TP Mo'ed Katan* III. 7, 83b and parallels.

⁸⁷ Comp. הירושלמי כפשוטו, Introduction, p. IX. עולימתא means there *ἐταίραι*. In the Palmyrene bilingual inscription (G. A. Cooke, *North-Semitic Inscriptions*, p. 330, l. 26) די עלימתא is translated (*ibid.* p. 320, l. 5): [ἐ]ταίρω[ε].

⁸⁸ Ed. Lieberman, p. 15 top.

⁸⁹ The parallel passage (*Pirkei R. Eliezer* ch. 42, ed. Luria 99b) reads simply וקילסוהו, "And they acclaimed Him".

⁹⁰ *Sat.* I. 28: At pulchrum est digito monstrari et dicier "Hic est."

⁹¹ *Somn.* 11.

⁹² τῶν ὀρώωντων ἕκαστος . . . δείξει σε τῷ δακτύλῳ Οὗτος ἐκεῖνος λέγων. See C. Sittl, *Die Gebärden d. Griechen und Römer*, p. 52, n. 2. In addition to Persius and Lucius he cites many other instances.

There is also a *δακτυλοδείξια* in the negative sense, see Sittl *ibid.*, p. 51, n. 5. Comp. *Midrash Ekha Rabba* I, ed. Buber 27a where it is stated that the Rabbi interpreted the pointing with the fingers (shown in a dream) to be a bad omen. Comp. also Wertheimer *מדרשות* I, p. 40 where it is reported that whoever points with his finger to the image of the king saying "this is the king" is liable to be executed. See also *ibid.* III, p. 38 ff.

⁹³ *Bereshith Rabba*, ed. Albeck, p. 1233. Comp. also *Midrash Haggadol Gen.*, p. 692, ed. Margulies, p. 788.

of the Roman emperors. Tertullian⁹⁴ formulates it: *de nostris annis augeat tibi Jupiter annos*. "May Jupiter add from our years to yours."⁹⁵

According to the *Midrash* (*ibid.*) Jacob lived less than his ancestors because he donated part of his years to Pharaoh.⁹⁶ Suetonius⁹⁷ recounts that a certain man vowed that he would commit suicide if Caligula recovered from his illness. The emperor subsequently compelled the man to fulfill his vow. In the light of the preceding it is to be understood that the emperor believed in the efficacy of the donation of the years and did not want to forego the present.

In conclusion we have to remark about the tendency to find Latin words in rabbinic literature. The Palestinian Rabbis certainly did not know Latin. Except for military and judiciary terms (as well as names of objects imported from Latin speaking countries) which are usually also extant in Syriac and later Greek, Latin words are less than scarce in rabbinic literature. It is a matter of regret that this simple rule is neglected, and wrong Latin identifications have crept in even into popular Hebrew dictionaries. We shall quote a typical instance:⁹⁸ ר' יהושע בן לוי אמר חנניה בן עזור נביא אמת היה אלא שהיה לו קיבוסות⁹⁹ והיה שומע מה שירמיה מתנבא בשוק העליון ויורד ומתנבא בשוק התחתון "R. Joshua b. Levi¹⁰⁰ said: Hananiah the son of Azzur¹⁰¹ was [formerly] a true prophet, but he was a לוקיבוסות, and he used to listen to what Jeremiah prophesied in the Upper Market and then he would go down and deliver the same prophecy in the Lower Market." The word לוקיבוסות never occurs anywhere else in rabbinic literature, and its meaning can be guessed only by

⁹⁴ *Apol.* XXXV.

⁹⁵ Comp. also *acta fratrum Arvalium*, Dessau I. L. S., 451.

⁹⁶ Comp. also *Pirkei R. Eliezer* XIX, ed. Rabbi David Luria, 45a, and n. 31 *ibid.*, and the interpolation in *Midrash Tehilim* ch. 92, ed. Buber 205a.

⁹⁷ *Calig.* XIV. 2; XXVII. 2.

⁹⁸ *TP Sanhedrin* XI. 7, 30b.

⁹⁹ Read לוקיבוסות in one word.

¹⁰⁰ Flourished in the first half of the third century.

¹⁰¹ See Jeremiah 28:1 ff.

the context. Prof. Torczyner¹⁰² identifies it with the Latin *loquax*, i. e. Hananiah was loquacious etc. The connection of the latter's chattering with Jeremiah's prophecies is very weak. But above all it should be asked why did R. Joshua b. Levi use here a Latin word?¹⁰³ Is not פטפטן in Hebrew as good an expression as *loquax* in Latin?

It is therefore most plausible that לוקיבוס is corrupted from לונקליפטס, λογοκλέπτης, plagiarist, as correctly suggested by I. Löw.¹⁰⁴ This identification is now corroborated by *Mishnah R. Eliezer*¹⁰⁵ where it is stated about Hananiah: היה מנגב דברים מירמיה "He plagiarized words from Jeremiah." The Rabbis had in mind Jeremiah 23:30: מנגבי דברי . . . הנביאים "The prophets . . . that steal My words."¹⁰⁶ מנגב דברים is the literal equivalent of λογοκλέπτης. This term is not recorded in the Greek dictionaries, but λογοκλοπία¹⁰⁷ and λογοκλοπεία¹⁰⁸ occurs in Greek literature; it is therefore evident that the designation of the perpetrator of λογοκλοπία, the λογοκλέπτης, was also extant in Greek speech and literature.¹⁰⁹ The Rabbis employed the Greek word because it was the current technical term for plagiarism.

Perhaps, the same technical term was available in the *Yelamdenu*. Rabbi Nathanel¹¹⁰ quotes in the name of *Midrash Yelamdenu*: היה עשו הולך לאחורי המדרשות ושומע (ין) מה שהן קוראין מאחורי המדרש ובא אל אביו וא"ל מה הלכה חדשת היום והוא אמר לו כך וכך. "Esau would go

¹⁰² *Apud* Ben Yehuda, *A Complete Dictionary of Ancient and Modern Hebrew* XI, p. 5707, s. v. קבסח.

¹⁰³ Comp. the other note of Torczyner *ibid.* (on קבסחן) which propriety forbids us to reproduce here. Besides, how reasonable is it to assume that Babylonian Rabbis would employ this kind of a Greek word? As to the first explanation of Torczyner *ibid.* of קבסחן see Pineles של חורה, p. 152.

¹⁰⁴ *Apud* S. Krauss *LW* II, p. 527b.

¹⁰⁵ Ed. Enelow, p. 117. This is the source of *Midrasch Tanna'im*, ed. Hoffmann, p. 63.

¹⁰⁶ The Septuagint translates it: τοὺς προφήτας . . . τοὺς κλέπτοντας τοὺς λόγους μου. Rashi remarks that the verse alludes to our Hananiah.

¹⁰⁷ See Liddell and Scott s. v.

¹⁰⁸ See Sophocles, *Greek Lexicon*, s. v.

¹⁰⁹ As it exists in neo-Greek, see S. Koumanoudis, *Συναγωγή νέων λέξεων*, p. 611, s. v. λογοκλέπτης.

¹¹⁰ *Light of Shade etc.*, ed. A. Kohut, New York 1894, p. 96.

behind the schools and listen from behind the school¹¹¹ to what was being studied. Then he would come to his father, and when the latter asked him: 'What new *halakha* have you evolved today?' He would answer 'such and such'. His father would accept it, not knowing that he was a plagiarist."¹¹² It is the predilection of the *Tanhuma*-type of *Midrashim* to translate the Greek words into Hebrew,¹¹³ and it is therefore possible that in his original remark the Rabbi used the word לוגרליפטיים, λογο-κλέπτῆς, which was correctly translated גונב ענינוח.¹¹⁴

Rabbinic literature is replete with valuable information about the life, manners and customs of the ancients. Many passages in it can be properly understood only in the general frame of its environment. The Jews of Palestine were by no means isolated from the ancient Mediterranean civilized world. They shared many of its general beliefs, conceptions and patterns of behavior.

¹¹¹ Comp. Tosefta *Baba Kamma* VII. 13, 559¹⁷ and *Tosefeth Rishonim* II p. 94, n. 17. [Prof. E. E. Urbach correctly remarked (*Zion*, vol. XVI, 1951, fasc. 3-4, p. 16, n. 109) that the Rabbis alluded to the Jewish legends which the Christian church fathers included in their works without mentioning their sources.]

¹¹² Literally a thief of subjects, of ideas.

¹¹³ Comp. also *JQR* XXXV, 1944, p. 37, n. 241.

¹¹⁴ Rabbi Salem Shabazi in his חמדת הימים 47b cites here: גונב דברים. Since his quotation seems to be a combination of various sources, the reading is probably the Rabbi's own formulation.

THE TEXTS OF SCRIPTURE IN THE EARLY RABBINIC PERIOD

In the book *Greek in Jewish Palestine* we sought to prove that the general Hellenization of the Mediterranean world did not bypass the Jews, that they were affected by it in not a small degree. Our investigations were mainly based on Greek phrases, technical terms and single words available in rabbinic literature. We shall now try to trace Hellenistic influence in the behavior, rites, practices, conceptions and literary methods of the Jews.

We shall consider first the treatment of the manuscripts of Scripture by the early Rabbis¹ and compare it with the methods applied by the Alexandrian grammarians to the Greek Bible, the poems of Homer, the "Prophet of All."²

According to the rabbinic sources the Bible contained words which were read although not written in the text, words written in the text which were not read,³ emendations by the Soferim⁴ (literally: Scribes, see below), dots on certain letters⁵ and special signs.⁶ Most of these sources date from the second century C. E., but the tradition itself is, no doubt, of much earlier origin. The information provided by it deserves closer examination.

Following the rabbinic analysis, we may divide the textual

¹ I. e. the Soferim who, according to tradition, were active in Palestine during the Persian period and the beginning of the Hellenistic domination.

² Ὁ τοῦ Πάντος προφήτης (Aristid. Quint. III.26).

³ *TB Nedarim* 37b; *Soferim* VI, 8-9, ed. Higger, p. 174 ff. The whole text is translated and discussed by Geiger (*Urschrift* etc. p. 251) and by Ginsburg (*Introduction to the Massoretico-Critical Edition of the Hebrew Bible*, London 1897, p. 308).

⁴ *Tanḥuma, Beshalah* 16. Comp. *Mekhilla Shirah* VI, ed. Horovitz, p. 134, ed. Lauterbach II, p. 43; *Sifre* I, 84, ed. Horovitz, p. 81 and parallels.

⁵ *Sifre* *ibid.* 69, p. 64 ff. and parallels referred to in the editor's notes. Comp. also Ginsburg *ibid.*, p. 319 ff.

⁶ *Sifre* *ibid.* 84, p. 80 and parallels, see below; Ginsburg *ibid.*, p. 342 ff.

activity of the Soferim into three categories: 1. They strove to establish the genuine text, as given by God to Moses. 2. They introduced dots and possibly other signs (see below) into the text. 3. In the view of some Rabbis of Southern Palestine, they deliberately emended the text on occasion for certain reasons (see below).

The system of the so called *Keri and Kethib*⁷ undoubtedly belongs to the history of text criticism. In the preface to his commentary on Joshua, Rabbi David Kimḥi⁸ remarks: "It seems that these words (i. e. of the category of *Keri and Kethib*) came into existence because the books were lost or dispersed during the first exile, and the sages who were skilled in Scripture were dead. Thereupon the men of the Great Synagogue, who restored the Torah to its former state, finding divergent readings in the books, adopted those which were supported by the majority of copies and seemed genuine to them. In those cases where they were not able to reach a decision, they wrote down one alternative but did not vocalize it (!), or noted it in the margin but omitted it from the text. Likewise they sometimes inserted one reading in the margin and another in the text."⁹

Part of this account is, of course, mainly based on the famous passage:¹⁰ שלשה ספרים נמצאו בעזרה . . . באחד מצאו כתוב . . . ובשנים . . . "Three Scrolls

⁷ Words read but not written and vice versa, see above n. 3.

⁸ Flourished in the twelfth and thirteenth centuries.

⁹ נראה כי המלות האלו נמצאו כן לפי שבגלות הראשונה אבדו הספרים ונטללו, והחכמים יודעי המקרא מנו ואנשי כנסת הגדולה שהחזירו התורה לישנה מצאו מחלוקות בספרים והלכו בהם אחר הרוב לפי דעתם ובמקום שלא השיגה דעתם על הברור כתבו האחד ולא נקדו או כתבו מבחוץ ולא כתבו מבפנים, וכן כתבו בדרש (צ"ל: בדרך) אחד מבפנים ובדרש (צ"ל: בדרך) אחר מבחוץ.

¹⁰ *Sifre* II 356, ed. Finkelstein, p. 423; II *Aboth deR. Nathan* ch. 46, ed. Schechter, 65a; *TP Ta'anith* IV, 2, 68a; *Soferim* VI, 4, ed. Higger, p. 169.

¹¹ This is the reading of *Midrash Haggadol* in the *Sifre* a. l., *TP* and *Soferim* *ibid.* It is the *terminus technicus* of both the scholiasts on Homer (*εὐρομεν γεγραμμένον* — מצאו כתוב —, see Ludwich, *Aristarchs homerische Textkritik* I, p. 45) and the Rabbis. See *BR* IX.5, ed. Theodor, p. 70 and the parallels referred to in the notes *ibid.*; Rabbinovicz, *Variae lectiones* to *TB Yoma*, p. 140 n. ש, *passim*. The same can probably be applied to the term נמצאו בעזרה where *TP* reads: מצאו בעזרה.

of the Law were found in the Temple Court¹². . . In one of them they found written¹³. . . and in the other two they found written . . . The sages discarded [the reading of] the one and adopted [the reading of] the two."¹⁴ Nothing in the text indicates when this event took place.¹⁵ The sages established the correct reading of the Temple Scroll on the basis of the majority of manuscripts¹⁶ at some time during the Second Commonwealth. For our purpose we shall note only that there is no reference in the sources to doing away with (גניזה) or correcting (הגדה) any of the books which they collated. It is not even stated that they were removed from the Temple library.¹⁷

Although it appears from the earlier rabbinic sources that only one authoritative book was deposited in the [archives of] the Temple¹⁸ it does not follow that other copies were not to be found there. It means only that this book was the standard copy par excellence, the book, as the Rabbis tell us, from which the Scroll of the king was corrected¹⁹ under the supervision of the High Court.²⁰ A special college of book readers (מגיד ספרים), who drew their fees from the Temple funds, checked the text of the book of the Temple.²¹ This was probably the only genuine text which was *legally* authorized for the public service.

But it is highly doubtful that the public at large accepted at once the alterations and corrections of the learned men. In all likelihood they adhered to their old texts for a long time. The *vulgata*, authoritative popular texts circulated among the masses, in many synagogues and in the schools. The copies of

¹² Comp. Jos. *Antiq.* V. 1. 17 (61); see *JQR* N. S. XI, 1920, p. 133.

¹³ See above n. 11.

¹⁴ See Blau, *Studien zum althebräischen Buchwesen*, p. 101 ff.

¹⁵ See Blau *ibid.*, p. 104.

¹⁶ See E. Bickerman, *A. Marx Jubilee Volume*, pp. 167-168.

¹⁷ On the library of the Temple, see Blau *ibid.*, p. 99 ff.

¹⁸ See *Mishnah Mo'ed Katan* III.4; *Kelim* XV.6; *Tosefta* *ibid.*, 584^a. The reading עזרא does not affect our thesis, for the book of Ezra was deposited in the Temple as the context of the *Tosefta* clearly indicates.

¹⁹ *Mekhilla* on Deut. in *Sifre* ed. Finkelstein, p. 211; *TP Sanhedrin* II, 20c.

²⁰ Comp. *Tosefta* *ibid.* IV. 7, 421^b.

²¹ *TP Shekalim* IV, 3, 48a. Comp. *TB Kethuboth* 106a.

the temple were the *ἡκριβωμένα*, the most exact books, but the *vulgata* continued to exist as the standard texts of the public.

We read in *Midrash Bereshith Rabbathi* (ed. Albeck, p. 209) by Rabbi Moshe Hadarshan:²² דין הוא מן מליא דכתיבן באורייתא דנפקח מן ירושלם בשביחא וסלקת לרומי והות גניזא בכנישתא דאסודוס וכו' "This is one of the words which were written in the Scroll which was captured in Jerusalem²³ and was brought to Rome and was stored in the synagogue of Severus²⁴ etc."²⁵ That our Scroll is of the Jerusalem type is confirmed by the fact that the medial ן occurs in it frequently instead of the final ם.²⁶ This agrees with the statement of a Rabbi of the third century who remarked:²⁷ אנשי ירושלים היו כותבים ירושלים ירושלימה ולא היו מקפידין "The people of Jerusalem used to write [in their scrolls] ירושלים and ירושלימה indiscriminately", i. e. they used the final ם and the medial ן promiscuously.²⁸ Furthermore, a *Baraita* in tractate *Sefarim*²⁹ quoted by Rab Hai³⁰ states that the scroll found in Jerusalem was in a *different script* and that its number

²² Flourished in the first half of the eleventh century. He used much earlier sources for his *Midrash*.

²³ Codd. Paris. and Damasc. (see below n. 25) do not mention that the book came from Jerusalem. But see Jos., *bel. Iud.* VII.5.7 (162). Comp. *Vita* 75 (418) and Blau, *Studien zum althebräischen Buchwesen*, p. 39, n. 3.

²⁴ See Momigliano, "Severo Alessandro Archisynagogus," *Athenaeum* XXII, 1934, p. 151 ff.

²⁵ The text was first published by A. Epstein in *MGWJ* 34, 1885, p. 342 and in the *Chwolson-Festschrift*, p. 49; by Neubauer in *MGWJ* 36, 1887, p. 508 from a Paris manuscript and by A. Harkavy in his *ישינים גם ישנים* No. 6, p. 4-5 (from a Damascus manuscript).

²⁶ See Albeck's notes p. 210, nn. 3, 5 and 6; p. 211 nn. 2 and 6.

²⁷ *TP Megillah* I. 9, 71d.

²⁸ Comp. A. Sperber in *HUCA* XVII, 1943, p. 332 ff. Prof. H. L. Ginsberg has kindly called my attention to H. Torczyner *הלשון והספר*, Jerusalem 1948, p. 19 who also associated (Comp. Sperber *ibid.*, p. 333) the above text with the statement in *TP*. The observation of *TP* *ibid.* צפונה צפון etc. has to be understood as a question prompted by the fact that the anonymous Rabbi probably had never come across the promiscuous use of ן and ם in old books.

²⁹ Or *Soferim* II, see M. Higger *שבע מסכתות קטנות*, p. 10 ff.

³⁰ *Geonic Responsa*, ed. Harkavy 3, p. 3; *Otzar Hageonim* on *Kiddushin* I, p. 84 ff. See also below, p. 42, n. 37.

of verses³¹ did not correspond to the number given in the *Baraita* quoted in *TB Kiddushin* 30a. Comp. *Yalkut* I, 855.

These books of Jerusalem are thus quoted as possessing some authority; they probably represented the general *vulgata* of the Jews of the first centuries C. E.

R. Moshe Hadarshan (*ibid.*) and Rabbi David Kimḥi³² already noted that some variants recorded in *Bereshith Rabba* as “found³³ in the book of Rabbi Meir”³⁴ also occur in the Jerusalem scroll which was stored in the synagogue of Severus. The expression “the book of R. Meir” is generally taken to mean R. Meir’s personal copy. This is certainly true with regard to those variants which were apparently glossae introduced by the eminent Rabbi. But in addition this book had textual readings different from those in our accepted texts, as can now be ascertained by the excerpts from the scroll of the synagogue of Severus. Furthermore, R. Hiyya³⁵ once remarked³⁶ that if he could obtain the book of Psalms of R. Meir³⁷ he would be able to act in a certain manner. The context suggests³⁸ that R. Hiyya could have had in mind any of the copies written by R. Meir and not his personal volume. It is therefore obvious that there is no proof that to the Rabbis “the book of Rabbi Meir” always meant one and the same scroll, i. e. his personal copy.³⁹

³¹ On stichometry among the ancients, see F. Ritschl, *Opuscula philologica* I, p. 74 ff. and p. 86 ff. Among the Greeks, Callimachus (c. 305–240 B. C. E.) seems to have been the first to introduce stichometry in his *πινakes* (See *ibid.*, p. 84). Comp. also Th. Birt, *Das antike Buchwesen*, p. 162 ff.; *idem*, *Kritik und Hermeneutik etc.*, p. 39 ff.; Swete, *Introduction to the O. T. in Greek*, 1914, p. 346 ff. W. Schubart, *Das Buch bei d. Griechen*² etc., pp. 73 and 180; E. Bickerman, *JBL* LXIII, 1944, p. 340, n. 6.

³² See Albeck *ibid.* nn. 12, 13.

³³ בספרו של ר'ם מצאו כתוב, see above, n. 11.

³⁴ Flourished in the second century.

³⁵ Flourished in the beginning of the third century.

³⁶ *TP Sukkah* III. 11, 53d and parallel.

³⁷ ספר חילים של ר' מאיר.

³⁸ As correctly understood by Blau, *Studien zum allthebräischen Buchwesen*, p. 111, n. 3. Comp. n. 2 *ibid.*

³⁹ Comp. also הנדולה, ed. Suwalsky, III, part 3, p. 172 ff.

The Jews had no such big publishing houses as, for instance, that of T. Pomponius Atticus in Rome. Book trade marks like 'Αττικιανά⁴⁰ are not available in early Jewish manuscripts, but certain books were identified as coming from the hand of a careful scribe. TP⁴¹ incidentally refers to an exact copy (ספר מונה) "like those which are designated as the books of Assi" (כגון דאמרינ אילין ספרוי דאסי).⁴² From the context it is obvious that these exact books were written by Assi himself whose handwriting was well known. His books were renowned as "the books of Assi."

This is the sense to be attached to the phrase the "book of R. Meir." The Rabbi was a scribe by profession,⁴³ "a good copyist of the very best,"⁴⁴ and it is safe to assume that his copies were designated by his name. It was noted above⁴⁵ that several readings of his book were identical with those of the scrolls of Jerusalem. This is quite instructive. Rabbi Meir earned his livelihood as *librarius*; he transcribed books which were in demand by schools and individuals. He therefore copied the *vulgata*, the text to which the public was accustomed.

This practice parallels the one that was characteristic of the circulation of the Homeric texts. The publishing houses took little notice of the literary activity of the Alexandrian grammarians, and continued to copy the common text.⁴⁶ The copies designated as *χαριέστατα* and *ἀστειότερα* (*urbana*) were the appanage of the few; the *κοινότερα* were the possession of the public at large.

Thus the *κοινά*, the common texts, of the Bible were not simply erroneous texts. They represented a variant text which

⁴⁰ See Dziatzko in PW RE I, 1886, s. v. 'Αττικιανά; Schubart, *Das Buch bei d. Griechen* etc., p. 188.

⁴¹ *Kethuboth* II. 3, 26b.

⁴² Comp. also *TB Baba Bathra*, 164b.

⁴³ *TB 'Erubin* 13a passim.

⁴⁴ *Kohelleth Rabba* II, 17: ר' מאיר הוה כחבן טב מוכר.

⁴⁵ Regardless of how we understand the expression the "book of R. Meir," i. e. even if we assume that it refers to his personal copy, he might have used it as the standard book from which he transcribed the volumes for sale.

⁴⁶ See Th. W. Allen, *Homer* etc., p. 309 ff.

perhaps did not contain some of the emendations of the Soferim and corrections of the sages, for it is unlikely that all those alterations were immediately introduced into the popular texts. Some time later some of them were probably accepted and some rejected, much as in the case of the common classical texts.⁴⁷ The Jerusalem books, many of whose readings are identical with those in R. Meir's copies,⁴⁸ probably belonged to a certain type of common text.

We may safely assume that the Scriptures of the small Jewish localities in Palestine were inferior to the *vulgata* of Jerusalem, and that the school copies for the children's use in such localities were of the worst type, *φαυλότερα*. The fact that R. 'Akiba urged his pupil, R. Simeon, to teach his son from a revised copy⁴⁹ indicates that such erroneous books were current in the schools.

On the other hand, rolls written by R. Meir were exact copies of the average *vulgata* of the Jerusalem type. A text of this kind was certainly treated as a good authority, at least for *Midrashic* purposes. The Rabbis used to base their exegesis both on the *Keri* and the *Kethib*.⁵⁰ It seems likely that they utilized for the same purpose the current vulgar text,⁵¹ although they officially recognized the Temple copy of the Bible as the only genuine one for the use in the synagogue service.

We outlined here in general features the history of the Scriptural texts in the early rabbinic period. According to the Rabbis, the Soferim pursued their literary activity (comp. the following chapters) during the domination of the Persians over Palestine and the early years of the Hellenistic ascendancy. If this is the case, the text criticism of the Alexandrian school,

⁴⁷ See Allen *ibid.*, p. 311.

⁴⁸ See above, n. 32.

⁴⁹ *TB Pesahim* 112a. Comp. *TB Kethuboth* 19b.

⁵⁰ See Bacher, *Terminologie* etc. II, pp. 92-93; 194-195.

⁵¹ Comp. *יר מלאכי*, sect. רפ"ג and Rabbi 'Akiba Eiger's note in his *גליון* to *Tosafoth* on *Shabbath* 55b, s. v. מעבירם. The current *vulgata* was not rated worse than *לשון הריוט*, secular documents, which the Rabbis were in the habit of interpreting. See *Tosefta Kethuboth* IV. 9-12, 264 30 ff. and parallels.

which began with Zenodotus (c. 284 B. C. E.), could hardly have influenced the Soferim.⁵²

However, the treatment of the text of the Bible and that of Homer shows striking parallels (see the following chapters), with one vital difference. The sacred text of the Bible was handled by Jews, whose general reverence and awe in religious matters need not be stressed. The copies of Homer, although a religious text, were handled by Greeks whose comparative levity even in the religious domain is well known. The rejection (*ἀθέτησις*) of many verses of Homer by Zenodotus, Aristophanes of Byzantium, Aristarchus etc.⁵³ and many of the reasons offered by them for such eliminations⁵⁴ speak for themselves.

⁵² The division of the Bible into twenty four (See IV Ezra, end, and Charles, *The Apocrypha* etc. II, p. 624, n. 45) or twenty two (See Swete, *Introduction to the O. T. in Greek*, 1914, p. 220 ff.) books and the respective division of the Iliad and Odyssey in twenty four books (See Seneca, *Epist.* LXXXVIII. 40 and Th. Birt, *Kritik und Hermeneutik* etc., p. 296) may serve as a good illustration as to how careful we have to be in drawing conclusions from parallels.

⁵³ Although they affected our texts of Homer but slightly their very suggestions betray their attitude. Comp. also H. Wolfson, *Philo* I, p. 139.

⁵⁴ See, for instance, below, pp. 36-37.

CORRECTIONS OF THE SOFERIM

The term תיקון סופרים, correction of the Soferim, is first found in an utterance of R. Joshua b. Levi, a Rabbi who flourished in the first half of the third century. We read in *Shemoth Rabba* (XIII.1): ר' יהושע כל הנוגע בהם כנוגע בבבא עינו. " [It is written]: 'He that toucheth you^{2a} toucheth the apple of his eye' (Zech. 2:12). R. Joshua b. Levi said: It is a correction of the Soferim, it was [originally] written with a "י"ד" (i. e. עיני, "My eye").

A similar statement is recorded in *Bereshith Rabba*:³ ואברהם עמד לפני ה' אמר ר' סימון תיקון סופרים זה שכינה ממחנת לאברהם " [It is written]: 'But Abraham stood yet before the Lord' (Gen. 18:22). R. Simeon⁴ said: It is a correction of the Soferim, for the *Shekhinah* was waiting for Abraham."⁵

¹ This is the reading of *Yalkut Hamakhiri* (Zech., p. 32 and Prov. 27:3, f. 66a) and Rabbi Abraham Bucrat in his ספר הזכרון 9c. Cod. Oxford (147, f. 188a) also reads: ריב"ל. Similar statements by his pupil which are recorded in many places in rabbinic literature (see below n. 5) indicate clearly that its ascription to R. Joshua b. Levi is not apocryphal.

² This is the reading of the *Yalkut* and Bucrat *ibid.* Cod. Oxford reads: עיני [היה] כחוב, עיני כחוב; Ed. princeps: כחוב. בי"ד כחי.

^{2a} I have translated according to the M. T. The Hebrew is a rabbinic paraphrase.

³ XXXIX. 7, ed. Theodor-Albeck, p. 505.

⁴ The famous disciple of R. Joshua b. Levi, see above n. 1.

⁵ Theodor a. l. quotes the numerous places where R. Simeon's statement is recorded. (The only genuine reading is in *BR*. In the later sources the text is elaborated). He further calls attention (Comp. מנחם a. l. and Geiger, *Urschrift* etc., p. 331 ff.) to *TP Bikkurim* III. 3, 65c (add: *TP Rosh Hashanah* I. 3, 57b): R. Simeon said (in ref. to Lev. 19:32): "The Holy One blessed is He said etc.: I was the first to observe [the law of] standing up before an 'old man' " (זקן = sage). The Talmud does not specify the case where the Lord stood in the presence of a sage. But it is most likely that our R. Simeon alludes to his own remark on the above mentioned verse in Genesis. Although

Tanḥuma (*Beshalah* 16) cites a number of other verses which were slightly altered, with the explicit remark:⁶ "And Scripture used a euphemistic expression, i. e. it is a correction of the Soferim, the men of the Great Synagogue . . . and the verse (Ezek. 8:17) 'to My nose' was corrected by them: 'to their nose' . . . But these verses were corrected by the men of the Great Synagogue."⁷

This tradition deserves closer examination. Mediaeval and modern scholars have assumed divergent attitudes towards it. Some of the former⁸ denied that the Soferim ever altered the text of Scripture. They explained the *Midrashic* passages to mean that the Bible itself employed euphemistic expressions. The Soferim only taught the original *meaning* of these euphemisms. Some modern scholars⁹ adopted the same attitude and maintained that the "corrections" are a later invention. Their main argument is that the *Tannaitic* sources¹⁰ which cite some of the verses in question make no mention at all of the term

Theodor overlooked the passage in *Midrash Shir Hashirim*, ed. Grünhut, f. 38b where the same observation is made with an explicit reference to Deut. 5:28, he is right in his association of *TP* and *BR*, for in *Midrash Shir Hashirim* the statement is recorded anonymously, and it is probably based on a different tradition; see *TB Megillah* 21a.

The objections raised by Reifmann in *Beth Talmud*, ed. Weiss II, p. 377, are totally untenable, for he overlooked all the parallels cited by Theodor, where it is stated that our R. Simeon himself connected the verse in Genesis with Ps. 18:36.

וכנהו הכתוב שהוא חיקון סופרים אנשי כנסת הגדולה . . . אל אפי והם חקנו אל אפם . . .
אלא שכינו פסוקים אלו אנשי כנסת הגדולה

⁷ For the mediaeval authorities dealing with the alteration of the Soferim, see Theodor to *BR* *ibid.*; Pinsker in *כרם חמר* IX, pp. 53 ff.; Ginsburg, *Introduction* etc., pp. 351 ff.; W. E. Barnes, *The Journal of Theological Studies* 1900, I, pp. 388 ff. and the articles referred to below. Add: Raimundus Martini, *Pugio Fidei*, ed. Carpzov, pp. 694–695. *Comp. ibid.* p. 227.

⁸ See the list cited by Rabbi Abraham Bucrat in his *ספר הזכרון* 9ב, Rabbi Azariah de Rossi in *מאור עינים* ch. XIX and Katzenellenbogen in *נתיבות עולם* to the *ליב מדות*, 33b ff.

⁹ S. Sachs in his editorial remark to Pinsker's article in *כרם חמר*, IX, p. 60 (see above n. 7); H. J. Pollack in *Beth Ha-Midrash*, ed. Weiss, 1865, pp. 56 ff.; Barnes *ibid.* (see above, n. 7) and many others.

¹⁰ *Mekhilta, Shirah* IV, ed. Horovitz, p. 135, ed. Lauterbach II, p. 43; *Sifre* I, 84, ed. Horovitz, p. 81.

“correction of the Soferim,” but state explicitly: שכינה הכתוב, “Scripture” (and not the Soferim!) “used a euphemistic expression.” As for the clear statement of the *Midrash Tanhuma*, it is dismissed as a later interpolation. Indeed, Rabbi Azariah de Rossi¹¹ testifies that in two old manuscripts of the *Tanhuma* the passage is missing.

However, the express statements of R. Simeon¹² and his teacher¹³ can by no means be disregarded. It stands to reason that in the *Tanhuma* manuscripts of Rabbi Azariah de Rossi the passage was deliberately eliminated on the very same grounds which prompted the Soferim to make their alterations (see below). Indeed, in *Yalkut Hamakhiri*¹⁴ we find a quotation from *Tanhuma* (on Num. 22:9) including a long list of the corrections of the Soferim with the same explicit description:¹⁵ “And Scripture used a euphemistic expression, i. e. this is a correction of the Soferim, the men of the Great Synagogue,”¹⁶ as in the *Tanhuma*-passage quoted above. In all our editions of the *Tanhuma* to *Bemidbar* the entire portion is missing.¹⁷ The author of the *Yalkut* certainly did not invent the passage. He found it in his Spanish manuscripts.¹⁸ The copies in possession of the editors of our *Tanhuma* to *Bemidbar* were purged of this annoying portion.

Furthermore, the *Tanhuma* section in question was extant

¹¹ See above, n. 8.

¹² In *Bereshith Rabba*. And this *Midrash* is not of the sixth century, as Barnes, p. 404 (see above n. 7) would have it, but was compiled by the end of the fourth century or the beginning of the fifth. The name R. Simeon which occurs also in the parallel places is evidently based on a sound tradition. The Palestinian Talmud confirms it, see above n. 5.

¹³ According to the correct reading of both the name of the Rabbi and his statement, see above nn. 1-2.

¹⁴ Zech. 2:12, pp. 29-30.

¹⁵ *Ibid.*, p. 30.

¹⁶ Whether the apposition “the men of the Great Synagogue” is a later interpolation or not is of no import to our thesis, for the interpolation is probably based on an old tradition.

¹⁷ Only the beginning of the passage is extant in *Bemidbar Rabba* XX. 6; the whole discussion of the corrected verses is missing.

¹⁸ See A. Marx, *OLZ*, 1902, p. 295 ff.; Lieberman, Introduction to his edition of דברים רבה, p. XI.

in the manuscripts of Rabbi Nathan of Rome¹⁹ who accepted it literally and at its face value.²⁰

Some modern scholars²¹ having credited the *Tanḥuma* tradition regarding the corrections of the Soferim used it as a point of departure to discredit our Massoretic text. They "discovered" additional corrections, maintaining that even the later Rabbis (until the second century C. E.) continued to emend the texts of Scriptures.

Thus, both Biblical and rabbinic scholars are divided into two camps. One contends that the original tradition about the euphemisms under discussion is preserved only in the earlier, *Tannaitic*, sources,²² where the term תיקון סופרים, "correction of the Scribes," is not found, and they assert that the report contained in the *Tanḥuma* and in the mediaeval Jewish sources is a later invention which has no roots in earlier tradition. The other maintains that the genuine text is represented by the *Midrash Tanḥuma*, whereas the earlier sources were modified according to the prevailing rabbinic opinion that no human being has the right to alter even a dot in Scripture.

However, the attitude of both camps is wrong. We should neither read in our ideas into the texts nor do violence to the wording of the sources. The *Mekhilta* and *Sifre*²³ state in plain words that Scripture used euphemistic expressions, — Scripture itself and not the Soferim.²⁴ On the other hand in *Midrash Tanḥuma*²⁵ it is expressly recorded that the Soferim changed the text. The two opinions cannot possibly be reconciled. We are confronted with two divergent views of two different schools. We have no right to adapt one rabbinic source to the theory expounded in another rabbinic book. We must consider the sources as they are, independently of each other.

¹⁹ Flourished in the eleventh century.

²⁰ See ערוך s. v. כבר I. Comp. also *ibid.* s. v. עטר I.

²¹ Geiger, *Urschrift* etc., p. 309 ff.; J. H. Schorr, *החלוץ* I, p. 99 (second edition, p. 84) and others.

²² See above, n. 10.

²³ See above, n. 10.

²⁴ The reading in both sources is absolutely sure: it is confirmed by all manuscripts.

²⁵ And the other *Midrashim*, see above, nn. 2, 3, 5.

Let us therefore examine the texts carefully. The *Mekhilta*²⁶ lists eleven instances of euphemistic expressions in Scripture.²⁷ The *Sifre* omitted four examples out of the eleven, counting only seven.²⁸

Nine out of the eleven euphemisms recorded in the *Mekhilta* involve the change of only one letter in the pronominal suffixes. In one case the substitution of two letters (in the pronominal suffix) instead of one is implied,²⁹ and the last example concerns the transposition of two letters in the same word.³⁰

In ten out of the eleven instances mentioned in the *Mekhilta* and in seventeen out of the eighteen listed in the late sources³¹ the euphemism concerns the honor of the Lord only.

The single exception in all the sources is formed by Num. 12:12: *בצאתו מרחם אמו מרחם אמנו אלא שכינה הכתוב. ויאכל חצי בשרו* (Num. 12:12) means 'when he cometh out of his mother's womb' (Num. 12:12) means 'when he cometh out of OUR mother's womb', but Scripture has euphemized. 'Of whom the flesh is half consumed' means 'OUR flesh is half consumed', but Scripture has euphemized." One wonders what the Rabbis felt to be offensive in the expression *אמנו* (our mother's) and *בשרנו* (our flesh), and how it was obviated by the change to *אמו* (his mother's) and *בשרו* (his flesh). The difficulty was already noted by Abraham Ibn Ezra a. 1.

However, an old parallel source³³ states clearly to this effect: *מכאן היה ר' אלעזר בר' שמעון אומר צריך אדם להיות מושל בשל עצמו משל אחרים*. "From here (i. e. Num. 12:12) R. Eleazar b. Simeon concluded that if a person has to mention [anything unpleasant with reference to] himself he should word it as if it referred to somebody else."

It is therefore evident that the early Rabbis never intended

²⁶ See above n. 10.

²⁷ An English translation is available in ed. Lauterbach. Comp. also Ginsburg, *Introduction* etc., p. 348.

²⁸ See Ginsburg *ibid.*, p. 349.

²⁹ In I Sam. (3:13) *להם* is used instead of *לי*.

³⁰ In II Sam. (20:1) *לאהליו* is used instead of *לאהליו*.

³¹ See Ginsburg, *Introduction* etc., p. 351.

³² This is the reading of some mss. in *Sifre* I, ed. Horovitz, p. 103.

³³ *Sifre Zuta*, ed. Horovitz, p. 277.

to say that Scripture had changed the words of Aaron. It is Aaron himself who employed a euphemism.³⁴ The compilers of the *Mekhilta* and the *Sifre* gathered the various euphemisms from several places and reckoned Aaron's turn of speech among the euphemisms of Scripture. The editor of the *Tanhuma* simply introduced the whole section of the *Mekhilta* into his compilation,³⁵ although, of course, the last instance can under no circumstances be counted as a revision of the Soferim. The editor merely quoted his source in its entirety, although one of the instances did not fall under the general category according to his own views. It is a regular, well known, phenomenon in rabbinic literature.

Thus *all* the euphemistic alterations ascribed to the *Soferim* concerned His honor, and His honor only.

Indeed, some of the expressions in their original form (or meaning) practically border on blasphemy. The verse: "And, lo they sent the *Zemorah*³⁶ to their nose" (Ezek. 8:17), if the euphemism is removed reads: "to My nose." In this form it would be shocking even to the primitive ear. It is suitable only to the filthy slave of the Aristophanean comedy.³⁷ On the other hand, it is hard to understand why most of the other verses cited in the rabbinic sources were revised. Jacob Reifmann³⁸ collected a great number of Biblical passages which contain rougher expressions than many of those included among the corrections of the Soferim. Why then, he asks, did the Soferim (or the verse) modify some utterances while they left others unchanged? Why the inconsistency?

However, we cannot apply our modern standards to the

³⁴ The expression שכינה הכתוב, "Scripture has euphemized," is simply a cliché. Comp. also *Sifre Zuta* *ibid.*, p. 277 15.

³⁵ The number "eighteen corrections" mentioned in the Massoretic sources has no sound basis. See Schechter's note *apud* Barnes (see above n. 7), p. 414, n. 1.

³⁶ See below, n. 37.

³⁷ *Plut.* 698: προσιόντος γὰρ αὐτοῦ (i. e. Asclepius) μέγα πάνυ ἀπέπαρδον. On the meaning of *Zemorah* in the sense of *crepitus ventris* see ספר השרשים by Rabbi Jonah Ibn G'anaḥ s. v. זמר and Rashi to Ezek. a. l. The other rabbinic interpretations of the word do not render the action less obscene. See *Aruch Completum* III, p. 300, s. v. זמר.

³⁸ *Beth Talmud*, ed. Weiss, II, p. 275 ff.

ancients. We are not in a position to measure their sensitivity to certain expressions and their definition of rudeness of style. We really find no consistency in the use of euphemisms even in later rabbinic literature.³⁹ We are in no position to judge the ancients for their seeming inconsistency; they were guided by their own standards and reasons. We must also take the individuals, times and places into consideration.

The Rabbis whose opinions are represented in the *Mekhilta* and the *Sifre* held the view that Scripture itself used euphemisms; there was no need for interference by the Soferim. R. Joshua b. Levi,⁴⁰ on the other hand, was of the opinion that the Soferim were responsible for the changes. His disciple, R. Simeon,⁴¹ followed in his footsteps.⁴²

³⁹ The Rabbis (*TB Mo'ed Katan* 18b, see Rabbinovicz, *variae lectiones* a. l., p. 60 n. 7 and *ibid. Sanhedrin*, p. 354, n. 9) relate that Moses was suspected by the masses of the worst sins, and they tell it explicitly without any circumlocution. But when they had to compare R. Johanan to a Sadducee they expressed it (*TP 'Erubin* I. 1, 18c): "The enemies of R. Johanan like a Sadducee." The *Tosefta (Baba Mezi'a* VI. 17, 385 f. Comp. *TP ibid.* V, end, 10d) remarks that the users declare that the Torah is a fraud and Moses a fool. No substitute is employed either for fraud or for fool. But *TB (ibid.* 75b) formulates it: "They declare Moses to be wise and his Law to be true." Bar Kappara (of Southern Palestine, Judea) maintains (*TP Yoma* VI. 2, 43c) that the High Priest omitted the words *עַם בַּיִת יִשְׂרָאֵל* (Thy nation Israel) from the official confession of sin on the Day of Atonement in order not to implicate Israel (*שלא להזכיר גוויין של ישראל*).

Sometimes the Rabbis are extremely particular about choosing decent language, the Rabbis are extremely particular about choosing decent language, לשון נקיה (See *TP Mo'ed Katan* I, 80d; *Sotah* I. 2, 16c; *Kethuboth* I. 8, 25c; *ibid.* V. 8, 30b; *TB Pesahim* 3a and parallels. Comp. also *BR LXX.* 4, 801 f; *ibid.* LXXXVI. 6, 1059₂ and parallels referred to in the notes *ibid.*; *Tanhumta* מצורע 1; ed. Buber *ibid.* 3, 22b), and stress its importance. But they did not consistently employ *דבר* instead of *בעל* (At least three of the *Mishnayoth* which used this euphemism — *Sotah* I. 2, *Kethuboth* I. 8 and V. 9 — seem to be of Judean origin, as it appears from the names of the Rabbis mentioned there or in the preceding clauses). They sometimes uttered a phrase which is simply shocking to us, see *TB Zebahim* 31a and comp. Ps. 78:65, as already observed by Rabbi Hayyim Joseph David Azulai in his *רכי יוסף בר רכי יוסף* sect. 334. 53.

⁴⁰ See above n. 1. He taught in Lydda, Judea.

⁴¹ Who likewise lived in Lydda, see Bacher, *Die Agada d. Palaest. Amoräer* II, pp. 437-438.

⁴² See above, nn. 4-5.

As said above, the euphemisms counted in the *Mekhilta* and *Sifre* consisted of the alterations of single letters of the pronominal suffixes (with one exception where transposition of letters was involved). The correction of the Soferim according to R. Joshua b. Levi was limited to one letter only. But his pupil, R. Simeon, contended that in one place the Soferim inverted the order of the subjects in the verse.⁴³ We do not know whether R. Simeon's statement was based on a tradition or whether he derived it from the context.

The fact is that this Rabbi is the only one who made the Soferim responsible for a transposition of subjects in a verse. All other sources talk about the change of single letters in the pronominal suffixes, alterations which remove irreverent connotations from expressions referring to the Lord.

It seems that the justification for such emendations was casually preserved in the Babylonian Talmud. We read there:⁴⁴ אמר ר' חייא בר אבא א"ר יוחנן מוטב שתעקר אות אחת מן התורה ואל יחלל שם שמים בפרהסיא . . . אמר ר' יוחנן משום ר' שמעון בן יהוצדק מוטב שתעקר "R. Ḥiyya b. Abba reported in the name of R. Johanan: It is better that *one letter be removed*⁴⁵ from the Torah than that the Divine name be publicly profaned . . . R. Johanan said in the name of R. Simeon b. Jehozodak:⁴⁶ It is preferable to have *one letter removed from the Torah* so that thereby the Divine name be publicly hallowed."

The phrase "to remove a letter from the Torah" is used here as a figure of speech. The passage deals with the transgression of a law and not with the actual deletion of a letter from the Torah. The phrase does not quite fit the context, as already observed by a great mediaeval scholar.⁴⁷ It can be understood only as a stereotyped proverbial expres-

⁴³ See above, nn. 1, 4.

⁴⁴ *Yebamoth* 79a.

⁴⁵ Literally: be uprooted. The verb עקר was a technical term for deleting something from a text. See Bacher, *Terminologie* etc. I and II, s. v. עקר.

⁴⁶ Flourished in the beginning of the third century.

⁴⁷ *RITBA* a. l.: והא דאמרינן אות אחת לאו דווקא דהא מקרא מלא עקרין.

sion⁴⁸ which is also applied in another passage of the Babylonian Talmud.⁴⁹

We may therefore safely assume that the origin of the phrase is a law in which it was interpreted literally. It offers a good explanation and justification for the corrections of the Soferim: "It is better that one letter be removed from the Torah than that the Divine name be publicly profaned." As conventions were crystallized, it was deemed insufficient to change only the *Keri*;⁵⁰ it was a question not of indelicate expressions, but of the honor of the Lord. A slight emendation of single letters in the text solved the problem. Everybody knew the meaning of a euphemism, both in the oral and the written Law;⁵¹ the alteration did not entirely obliterate the original text.

We find exact parallels to this procedure of the Soferim in the treatment of the books of Homer by the early Alexandrians. In the passage:⁵² "Ere now have I consorted with warriors that were better men than *ye*", Zenodotus found the language employed by Nestor regarding Agamemnon and Achilles indecent (*ἀπρρεπές*) and coarse. He accordingly altered the word *ὑμῖν* into *ἡμῖν*,⁵³ i. e. "Better men than *we*;" he changed one letter in the pronoun.

Again we read:⁵⁴ "And the goddess, laughter-loving Aphrodite, took for her a chair, and set it before the face of Alexander. Thereon Helen sate her down etc." Zenodotus rejected these four lines (423–426) from the poem and substituted for them: "And herself (i. e. Helen) sat down over against Alexander the

⁴⁸ Comp. *TP Sanhedrin* II, 20c; See Strack und Billerbeck, *Kommentar* etc. I, p. 244.

⁴⁹ *Temurah* 14b, according to cod. Mun. and תשובה א. l. Comp. also the commentary ascribed to רבינו גרשון *ibid*.

⁵⁰ I. e. to modify the reading without altering the text. See *Tosefta Megillah* IV. 39–41, 228 20 ff.; *TB* *ibid*. 25b; *Soferim* IX. 8, ed. Higger, p. 204. Comp. Geiger, *Urschrift* etc., p. 385 ff.; Ginsburg, *Introduction* etc., p. 346.

⁵¹ See *TB Shebu'oth* 36a.

⁵² *Il. I.* 260: ἦδη γὰρ ποτ' ἐγὼ καὶ ἀρείοισιν ἡέ περ ὑμῖν ἀνδράσιον ὠμίλησα.

⁵³ Ζηνόδοτος γράφει: ἡέ περ ἡμῖν. (Sch. A.).

⁵⁴ *Il. III.* 424: τῇ δ' ἄρα δίφρον ἐλοῦσα φιλομειδῆς Ἀφροδίτη, ἀντί' Ἀλεξάνδροιο θεὰ κατέθηκε φέρουσα. ἔνθα κάθιζ' Ἐλένη κτλ.

prince."⁵⁵ "It seemed to him improper for Aphrodite to carry a chair for Helen,"⁵⁶ and for this reason he rewrote the text.

We have deliberately selected these two instances from the earliest Alexandrian grammarian because the first instance parallels the corrections of the Soferim consisting mainly of the alteration of one letter in pronominal suffixes and the second instance is similar to the correction ascribed to the Soferim by R. Simeon, for it was ἀπρεπές (indecent) that the Lord should wait for Abraham.⁵⁷

However, we can hardly assert Alexandrian influence on the Soferim in regard of the above mentioned textual corrections, even if we extend their activity beyond the time set by the Rabbis. It may simply be a natural similarity in human attitudes. Furthermore, there is an immense difference between the Greek and the Jewish textual alterations. The Soferim altered the text only when the honor of the Lord was involved. The Alexandrians changed it whenever it was not in conformity with the manners of the court of the Ptolemies,⁵⁸ or the customs of certain Greeks.⁵⁹

⁵⁵ αὐτὴ δ' ἀντίον ἴξεν Ἀλεξάνδροιο ἄνακτος. (Sch. A).

⁵⁶ ἀπρεπές γὰρ αὐτῷ ἐφαίνετο τὸ τῇ Ἑλενῇ τὴν Ἀφροδίτην δίφρον βαστάζειν. (ibid.).

⁵⁷ The Soferim, according to R. Simeon, objected only to a written statement which represented the Lord as standing before Abraham (See above n. 5), but not to the fact itself. The Greek grammarians who did not accept Zenodotus' rejection of the verses motivated their refusal by explaining that "he (i. e. Zenodotus) forgot that she (i. e. Aphrodite) was disguised as an old woman, and in that form she behaved in a fitting manner." (ἐπιλέλησται δέ, ὅτι γραῖ εἴκασται καὶ ταύτῃ τῇ μορφῇ τὰ προσήκοντα ἐπιτηδεύει. A. ibid.). Comp. also the remark of another scholiast who refers to *Od.* XIX. 34. See C. G. Cobet, *Miscellanea critica*, p. 228; K. Lehrs, *de Aristarchi studiis homericiis*³, p. 333; A. Ludwich, *Aristarchs Homerische Textkritik* I, p. 241.

⁵⁸ See C. G. Cobet *ibid.*, p. 225 ff.

⁵⁹ See Athen. *Deipnosoph.*, V, 177c ff.

CRITICAL MARKS (*σημεία κριτικά*) IN THE HEBREW BIBLE

a. *The inverted Nuns*

We read in *Sifre*:² ומלמטה עליו מלמעלה ומהמטה ויהי בנסוע הארון נקוד עליו מלמעלה ומלמטה . . . ר' שמעון מפני שלא היה זה מקומו רבי אומר מפני שהוא ספר בעצמו . . . ר' שמעון אומר נקוד עליו מלמעלה ומלמטה מפני שלא היה זה מקומו ומה היה ראוי לכתוב תחתיו ויהי העם כמתאוננים

"[It is written] 'When the ark set forward' [etc. These two verses]² are marked at the beginning and at the end to show that this is not their proper place. Rabbi said: [They are marked] to indicate that they form a separate book³. . . R. Simeon said they are marked to betoken that it is not their proper place; what should have been written in its place? 'And the people were as murmurers'."⁴

A parallel *Baraita*⁵ states: ויהי בנסוע הארון ויאמר משה. פרשה זו ו"עשה לה (הקב"ה) סימניות מלמעלה ולמטה שאין זה מקומה וכו' "[It is written] 'And it came to pass when the ark set forward that Moses said etc.' (Num. 10:35-36). Provide marks⁷ above and below this section to show that this is not its place etc."

Again we find:⁸ ואיזו היא פרשה קטנה בתורה בפרשה קטנה. ויהי בנסוע הארון וכו' "Two marks (*σημεία*) occur in the Torah in a small section.⁹ Which is [the] small section? 'When the ark set forward etc.'"

¹ I, 84, ed. Horovitz, p. 80.

² I. e. Num. 10:35-36.

³ See *Mishnah Yadaim* III. 5; *Tosefta* ibid. II. 10, 6834; *BR* LXIV. 8, 7085; *Vayyikrah Rabba* XI. 3; *Midrash Mishle* XXVI. 24, ed. Buber, 50b and the sources quoted below.

⁴ Num. 11:1. See below.

⁵ *TB Shabbath* 115b, bot.

⁶ Missing in *Rashi* and 'Ein Jacob a. l. and *Mizrahi* on Num. 11:35. Comp. also *Rabbinovicz, variae lectiones to Rosh Hashanah*, p. 37, n. 100.

⁷ The Hebrew text uses here the Greek word *σημεία*.

⁸ I *Aboth deR. Nathan* ch. 34, ed. Schechter, 50a.

⁹ I. e. *μικρον τμήμα*. See Birt, *Das antike Buchwesen*, p. 494-495.

Modern scholars¹⁰ correctly associated these signs with the critical marks employed by the Alexandrians, but they did not fully evaluate their exact nature in our text. We must first establish the form of these signs. It was pointed out above that the *Sifre* states regularly that the section was "marked" (נקוד, *περιεστικγμένον*). *Aboth deR. Nathan* and *TB* (see above) specify that it was provided with signs *σημεία*. The minor tract *Soferim*¹¹ states: הכותב צריך לעשות שיפור בפתיחה של ויהי בנסוע הארון מלמעלה ומלמטן "The scribe must provide [a sign in the form of] a *Shofar* (horn)¹² in the blank spaces of the section 'When the ark set forward etc.,' at the beginning and at the end."

In our Biblical scrolls¹³ these marks appear in the form of נ conforming to the Massoretic tradition. It is called נון הפוכה or נון מנוחה, "an inverted Nun."¹⁴ Rab Hai Gaon¹⁵ also speaks of

¹⁰ See Perles in *Magyar Szido Szemle* 1891, p. 359 (referred to by S. Klein in *הארץ* (הגר) XI, p. 235); M. Rahmer, *Jüdisches Literatur-Blatt* XXIV, 1900, p. 46; Kaminka in *Encyclopaedia Judaica* IV, p. 623 and, especially, S. Krauss, *Zeitschrift f. d. alttestam. Wissenschaft* XXII, 1902, p. 51.


¹¹ VI. 1, ed. Higger, p. 165.

¹² This explanation of שיפור was hesitatingly suggested by Rahmer *ibid.* Some mss. read שיפור (See the variants by Higger *ibid.*, p. 165, n. 2) or שפור (See *ibid.*, p. 166, n. 5). These readings support the conjecture of Krauss *ibid.* that it means spit, the *ὄβελος*. The majority of the codices read שיעור which at first sight makes no sense. However, *Midrash Haggadol* (to Num. 11:35, Horovitz, *Sifre Zuta*, p. 266) quotes: יש אומרים לא נאמרו כל השיעורים... שלא נאמרו כל השיעורים הללו אלא שאינה הללו אלא שאינה מקומה של פרשה... שלא נאמרו כל השיעורים הללו אלא שאינה מקומה של פרשה. The text is certainly taken from *Sifre Zuta*, as is obvious from the quotation by Rabbenu Hillel (23b, Jerusalem 1948), and the words יש אומרים, "some say" are undoubtedly the author's own introduction of the citation. The phrase הללו אלא שאינה מקומה של פרשה etc. is consequently to be ascribed to R. Simeon (as it is evident from the parallel in *Sifre*) in accordance with his usual style (See *Mishnah Schabbath* VIII. 1 and *Baba Bathra* II. 2). It seems to be a technical term in connection with verses which are not in their proper place. See *Mekhilta Amalek*, end, ed. Horovitz, p. 2028, Lauterbach II, p. 191179.

¹³ Num. 10:35-36.

¹⁴ See Ginsburg, *Introduction* etc., p. 342; L. Blau, *Masoretische Untersuchungen*, p. 40 ff.

¹⁵ Quoted by רשב"א to *Shabbath* 103a, s. v. משני, by מניד משה to Maimonides שב הלכות XI. 10 and in שלטי הנבירים to Alfasi *Shabbath* *ibid.*

הפוכות, “inverted Nuns.” An unknown author¹⁶ of the eleventh century represents them in the form of , something like a *διπλη*. Finally the author of *מחזור ויטרי* (p. 668) writes them כ כ, ¹⁷ a mark which is identical with the *ἀντίσιγμα*. Thus the term הפוכה נון, “inverted Nun,” the form of a horn possibly suggested by the minor tract *Soferim*, and the position of the inverted Nun in a Hebrew text (which is written from right to left) all argue for the identification of those signs with the *ἀντίσιγμα*.

We shall now analyze the opinions of the Rabbis who attempted an explanation of the nature of that sign. Let us examine the first rabbinic source, the *Sifre*.¹⁸ Two opinions are expressed there. The one, by an anonymous Rabbi,¹⁹ maintains that the purpose of the marks is to show that the section in question is not in its proper place. According to the explanation of Rab Ashi²⁰ its proper place is in [the section of] the Standards.²¹ Mediaeval Jewish scholars suggested two divergent places for our section. According to חוקוני²² it should follow verse 21 in Num. X. However בחיי²³ and בעל הטורים²⁴ point to Num. II verse 17, after which our section properly belongs.²⁵

Rabbi Simeon²⁶ likewise contends that the marks designate a dislocation of the verses.²⁷

¹⁶ גווי מצרים, ed. Adler, p. 37. See J. N. Epstein in *Tarbiz* VI. 3, p. 187.

¹⁷ Comp. also the Responsa of Rabbi Solomon Luria (רש"ל) No. 73.

¹⁸ See above, n. 1.

¹⁹ According to *TB Shabbath* 116a this Rabbi is no other than R. Simeon b. Gamaliel (flourished in the middle of the second century).

²⁰ *TB Shabbath* 116a.

²¹ In *Soferim* *ibid.*, p. 116: בנטיעה הנלים: “In [the section of] the march of the Standards.”

²² In his commentary to Num. 10:21, ed. Cremona 1559, 116b.

²³ A. l., ed. Venice 1544, 170a, bot.

²⁴ In his רמזים, ed. Venice 1544, 45a.

²⁵ This is also the view of Geiger in his *Jüdische Zeitschrift* etc. III, p. 81. He, as well as Blau (*Masoretische Untersuchungen*, p. 45), overlooked the suggestions of the mediaeval Jewish sources.

²⁶ Flourished in the middle of the second century.

²⁷ Comp. *Sifre Zuta*, ed. Horovitz, p. 266²³ ff. and Rabbenu Hillel a. l. 23b. Comp. also *Soferim* *ibid.*, p. 166. Geiger (*ibid.*, see above, n. 25) called atten-

The second interpretation is that of Rabbi [Judah the Prince]. He maintains that the marks indicate that our small section is a separate book.²⁸

The significance of the critical signs used by the Greek grammarians was by no means clearly defined.²⁹ The Greek books *περὶ σημείων*, treating the different meanings of the critical marks are lost.³⁰ The later grammarians were sometimes at a loss to explain them. As an instance, out of many, let us quote the divergence of opinions regarding the *διπλή* to *Il. VIII.221*, and the question of Aristonicus: *τί ποτε σημαίνει*; "What in the world does it designate?"³¹ The same question was raised by our three Rabbis regarding the critical mark in Num. 10:35, similar in its external form to the *ἀντίσιγμα* and the *διπλή*.

The *ἀντίσιγμα* usually designates the transposition of verses.

tion to the Septuagint in which Num. X, verse 34 (of the Hebrew text) follows verse 36, i. e. our small section precedes verse 34.

²⁸ See the references above, n. 3.

נוני מצרים (see above n. 16) quotes in the name of "some *Midrashim*": מה ראו חכמי' ליתן נונין הפוכין על ויהי העם כמחאונינים אלא אמרו חכמים כל התורה כולה מיוחדת לבואת משה חוץ מאילו שני פסוקים שהן מנבואת אלדד ומידד לפיכך סינין בנון כפוף מיוחדת לבואת משה חוץ מאילו שני פסוקים שהן מנבואת אלדד ומידד לפיכך סינין בנון כפוף בחורה "Why did the sages add inverted Nuns to the verse 'And the people were as murmurers?' (Num. 11:1). The sages thereby declared: The whole Torah is exclusively the prophecy of Moses save those two verses (i. e. Num. 10:35-36) which are part of the prophecy of Eldad and Medad. Therefore it was marked with a curved Nun [to indicate that it is] attached to the Torah." Comp. the style in *Vayyikra Rabba* VI. 6, and my note in ed. Margulies, p. 872, bottom.

This passage, which is not extant in our *Midrashim*, may possibly shed some light on an obscure passage in *Midrash Mishle* (XXVI. 24, ed. Buber, 50b). We read there: "ספר היה בפני עצמו ונננו" "[These two verses] stem from an independent book which existed *but was suppressed*" (i. e. declared apocryphal). It appears that the Rabbi alludes to the apocryphal book of Eldad and Medad (See Schürer, *Geschichte* etc. III⁴, pp. 360-361), an excerpt of which was allegedly attached to the Bible. Comp. *TB Sanhedrin* 17a, *Sifre* I, 95 (end, ed. Horovitz, p. 96 and the sources referred to in note 11 *ibid.*). None of them mentions that our verses were taken from the prophecy of Eldad and Medad.

²⁹ See Gudeman in *PW RE XI*, s. v. *Kritische Zeichen*, p. 1916 ff.; Swete, *Introduction to the O. T. in Greek*, 1914, p. 71 ff.

³⁰ See Gudeman *ibid.*

³¹ See A. Ludwich, *Aristarchs Homerische Textkritik* I, p. 40.

The scholion A³² to *Il.* II.192 asserts³³ that Aristarchus designated by the inverted *σίγμα* that the verses 203–205 are to replace verses 193–197.³⁴ Both the anonymous Rabbi and R. Simeon followed this opinion, considering the marks to be a sign of transposition of verses.

On the other hand, according to Rabbi [Judah the Prince] the marks indicate that our small section is a separate book.³⁵ The legal sign for the beginning of a new book was a blank space of four lines.³⁶ Owing to the brevity of our book this procedure was abandoned and signs were provided in its stead.³⁷ The marks for division in antiquity had many and various forms as can now be ascertained from the papyri;³⁸ some of them closely resemble the signs attached to the section under dis-

³² See A. Ludwich *ibid.* p. 209; W. Deecke, *Auswahl aus den Iliasscholien*, Bonn 1912, p. 19; Gudeman *ibid.*, p. 1923.

³³ τὸ ἀντίσιγμα. ὅτι ὑπὸ τούτων ἐδεῖ τετάχθαι τοὺς ἐξῆς παρεστιγμένους τρεῖς στίχους (203–205).

³⁴ Comp. also Sch. A to 188 *ibid.* and Diogenes Laertius III. 68.

³⁵ This would make the smallest sacred book, consisting of only eighty five letters. (See the sources referred to above n. 3). Comp. however *TB Baba Bathra* 14a. On small publications in antiquity see W. Schubart, *Das Buch bei d. Griechen*² etc., pp. 55–56 and 178.

³⁶ See *TP Megillah* I. 11, 71d; *TB Baba Bathra* 13b; *Soferim* II. 6, ed. Higger, p. 114.

³⁷ No special space was left between פסוקים *κόμματα*, the so called verses. Comp. Swete, *Introduction to the O. T. in Greek*, 1914, p. 344 ff. Palestinian and Babylonian Rabbis disagreed about the division of verses. See *TB Kiddushin* 30a and above p. 23 ff., nn. 30–31. Comp. Graetz *MGWJ* XXXIV, 1885, p. 97 ff.; Friedmann, *הקדמ* I, pp. 116 ff. and 149 ff.; *ibid.* II, 30 ff.

We read in *Soferim* (III. 7, ed. Higger, p. 125): ספר שפסקו או שניקד ראשי ספר שפסקו או שניקד ראשי "A scroll the end of whose sentences was indicated by marks, or whose verses were interpunctuated, shall not be used for [public] reading." Such things were probably introduced for the convenience of school children. Comp. the signs of division in a fragment of Homer written on a wooden tablet reproduced by Schubart, *Das Buch bei d. Griechen*² etc., p. 23. On interpunctuation in ancient books see *ibid.*, pp. 85 and 181; *idem*, *Einführung in die Papyruskunde*, p. 60, and *Palaeographie* I (München 1925), p. 173.

³⁸ See Schubart, *Das Buch bei d. Griechen*² etc., pp. 181 (n. to p. 85) and 182 (n. to p. 93); Hephaestio Grammaticus, ed. Consbruch, p. 73. 4; Schol. to Aristophanes *Eq.* 722 and Gudeman *PW RE* XI, p. 1919.

cussion. Our Rabbi had good reasons to explain the inverted Nuns as an indication that the section constitutes a separate unit.³⁹

Furthermore, it seems that the critical marks in the Bible are not limited to inverted Nuns only; we shall demonstrate it in the following, supplementary, chapter.

b. *The ten dotted places in the Torah*

*Aboth deR. Nathan*⁴⁰ records: 'עשר נקודות בתורה וכו' "There are ten dots⁴¹ in the Torah"⁴² (i. e. in the Pentateuch only) etc. A number of modern scholars⁴³ have treated in detail both the tradition as a whole and every passage separately. For our purpose we have only to stress the general character of those dots, without entering into a detailed discussion of all the separate items.

However, it is necessary to establish the origin of this tradition, which has not thus far been undertaken. A *Baraita* from the lost minor tract *Sefarim*⁴⁴ sheds interesting light on the provenance of our passage.⁴⁵ The name of the famous sage R. Jose figures there in the explanation of every dotted verse. In similar fashion, several clauses of our *Baraita* scattered in

³⁹ According to the Babylonian Talmud (*Rosh Hashanah* 17b) similar critical signs were applied in Psalms 107:23–31, which aimed to suggest transposition of verses (See Blau, *Masoretische Untersuchungen*, p. 41 ff.; Ginsburg, *Introduction* etc., pp. 342–244; Klein, *מצרף חור*, (מארץ הור) XI, 333 ff.), but we omit the discussion of the passage, because it adds nothing of importance to our foregoing study.

⁴⁰ I, ch. 34, ed. Schechter 50b and II ch. 37, 49a.

⁴¹ From the context it is obvious that the Rabbis meant to say: ten dotted places.

⁴² Comp. also *Sifre* I 69, ed. Horovitz, p. 64 ff.; *Bemidbar Rabba* III. 13; *Midrash Mishle* XXVI. 24, ed. Buber 50a; *Saferim* VI. 3, ed. Higger, p. 166 and the references *ibid.*; *מדרש חסירות ויתירות*, ed. Marmorstein, p. 30 ff.

⁴³ See Blau, *Masoretische Untersuchungen*, p. 7 ff., Ginsburg, *Introduction* etc., p. 318 ff. and the many references given by Marmorstein *ibid.*, p. 31, n. 126.

⁴⁴ Quoted in *גנוי מצרים*, p. 38. See above, n. 16.

⁴⁵ Both the language and the contents of this *Baraita* argue for its early date and its utter independence of the later sources.

the *Mishnah*⁴⁶ and the Babylonian Talmud⁴⁷ are attributed to R. Jose. Consequently we can safely assume that the passage in *Aboth deR. Nathan* and *Sifre* originates from the school of that Rabbi.⁴⁸

Regarding the character of these dots we are told in *Aboth deR. Nathan*:⁴⁹ כך אמר עזרא אם יבא אליהו ויאמר לי מפני מה כתבת כן אומר אני לו כבר נקדתי עליהן ואם אומר לי יפה כתבת אעבור נקודה מעליהן "Thus said Ezra: If Elijah [the prophet] should come and say to me, why did you write⁵⁰ in this manner? I will answer him: I have already dotted them.⁵¹ But if he should say: You have written them correctly, I shall remove the dots from them." It is therefore evident that the Rabbis considered the dots to be a mark on doubtful words. This agrees entirely with the purport of the dots in the Alexandrian school⁵² (with the difference that in Scripture the dots were placed above the letters). Doubtful passages were marked with points by the early Alexandrian grammarians. The dot was, naturally, the more primi-

⁴⁶ See *Pesahim* IX. 2 and parallels.

⁴⁷ *Baba Mezi'a* 87a; *Menahoth* 87b. Comp. also *Berakhoth* 4a and Rabinovicz דקדוקי סופרים to *Horayoth* 10b, p. 32, n. 50.

In the light of our source we may the better understand the reading of, and the comments by, early authorities on the quotation in *TB Sanhedrin* 43b. Rabbenu Hananel, *Yad Ramah* and *Aggadot Hatalmud* read there ר' יוסה (instead of ר' נחמיה in our editions and manuscripts). The very strange comment by Rabbenu Hananel can only be understood in the light of our *Baraita* (*ibid.*, p. 39. In the respective statement of R. Jose שאני = שני).

⁴⁸ Flourished around the middle of the second century.

⁴⁹ *Ibid.* (see above, n. 40) 51a and 49b.

⁵⁰ I. e., these doubtful words.

⁵¹ Dots (*superposita*) as a sign of deletion are extant in the Greek papyri. See Pap. Oxyrh. V. 844 and p. 308, n. 21 *ibid.* Comp. Schubart, *Einführung in die Papyruskunde*, p. 52; *idem*, *Das Buch bei d. Griechen*² etc., pp. 92 and 182 (n. to p. 90); K. Dziatzko, *Untersuchungen über ausgewählte Kapitel d. antiken Buchwesens*, p. 155.

⁵² See Sch. A to *Il.* VIII. 535. The Sch. to *Il.* X, 397 ff., reports: *πρῶτον μὲν στιγμαῖς φησι τὸν Ἀρίσταρχον παρασημειώσασθαι αὐτοῦς, εἶτα δὲ καὶ τελῶς ἐξελεῖν κτλ.* "They say that Aristarchus marked them (i. e. the verses) with dots, but afterwards removed them entirely" (And he marked them with an obelus, see K. Lehrs, *De Aristarchi studiis homericis*³, p. 340-341). The references given by Blau, *Masoretische Untersuchungen*, p. 8, n. 1 are both late and not entirely relevant to our passage.

tive sign; it meant: *σημείωσαι*, *nota bene*, which was subsequently taken over by the *διπλή* (see below).

A closer examination of the rabbinic source will show that the Rabbis did not always treat these dots as a mark of a doubtful reading. For instance, let us consider their interpretation of the points on the word *וישקהו* (Gen. 33:4). We read in the *Sifre*:⁵³ *וישקהו נקוד עליו שלא נשקו בכל לבו ר"ש בן יוחי אומר הלכה בידוע שעשו שונא אח יעקב אלא נהפכו רחמיו באותה שעה ונשקו בכל לבו* "And he kissed him" (Gen. 33:4), the word *וישקהו* is dotted to indicate that he did not kiss him sincerely. R. Simeon b. Yoḥai says: As a rule it is known that Esau hates Jacob but this time his love for his brother was stirred, and he kissed him sincerely."⁵⁴

L. Blau⁵⁵ called attention to the anonymous note in two manuscripts,⁵⁶ which most probably⁵⁷ refers to Origenes. It reads: *οὐδεσάκη, ἐν παντὶ Ἑβραϊκῶ βιβλίῳ περιέστικται, οὐχ ἵνα μὴ ἀναγινώσκηται ἀλλ' ὑπαινιττομένης ὡσπερ διὰ τούτου τῆς βίβλου τὴν πονηρίαν τοῦ Ἡσαῦ κατὰ δόλον γὰρ κατεφίλησε τὸν Ἰακώβ.* "[The word] *Vayyishakehu* is dotted in every Hebrew Bible, not [to indicate] that it should not be read, but the wickedness of Esau is hereby hinted by the Bible; he treacherously kissed Jacob."

The Rabbis also interpreted the dots not as a sign of spuriousness, but as a mark of an unusual allusion in the passage (*σημειώδες*). This is particularly obvious from the opinion of R. Simeon b. Yoḥai who maintains that Esau kissed Jacob sincerely. According to him the dots point to the extraordinary situation. It is indeed remarkable: Esau kisses Jacob sincerely! It is in exactly the same spirit that the Rabbis interpreted the

⁵³ Ibid., p. 65. See the parallels referred to above, n. 42 and *BR*, LXXVIII.9, p. 927.

⁵⁴ גנוי מצרים (see above n. 44) preserves a divergent tradition to which I find no parallel (except *Midrash Mishle* XXVI, 50b); its meaning is not altogether clear to me. Perhaps the reading should be corrected according to all other parallels, as it is apparent from the verse (Prov. 21:1) cited there.

⁵⁵ *Masoretische Untersuchungen*, p. 22.

⁵⁶ Quoted by Field in the *Hexapla* a. l. n. 6.

⁵⁷ As surmised by Field *ibid.*

dots in many other instances quoted in the above sources. They took them to be signs calling for special interpretation.⁵⁸

In the classical Greek texts the *διπλή* served a similar purpose. It called attention to a remarkable passage,⁵⁹ to a *πολύσημος λέξις*,⁶⁰ to a text which has many significations. Any Greek grammarian upon finding such a critical mark in a classic text without a commentary would ask: *τί ποτε σημαίνει;*⁶¹ "What in the world does it signify?" The Rabbis did the same thing.

When R. 'Akiba interpreted and derived "mounds of rules" from every apex (*κεράια*) on the letters of the Torah⁶² he was well appreciated by his fellows. He followed a classical tradition; he could rightly remark: ולא תהא תורה שלמה שלנו כשיחה וליהם בטהלה⁶³ "Should our perfect Torah be less seriously treated than the idle talk of theirs"?!)

To repeat, we do not enter into the discussion of the original intentions of him (or them) who inserted the critical marks in the Scriptures. Our purpose is to elucidate how the Rabbis treated them. It is quite apparent that the Rabbis of the second century interpreted the critical marks in the same way that the Alexandrian grammarians treated the critical signs in the classic texts.

⁵⁸ It goes without saying, that in everything unusual in the script of the sacred text the Rabbis saw a sign calling for special interpretation. They interpreted all the letters suspended between the lines (See Blau, *Masoretische Untersuchungen*, pp. 46 ff. and 54 ff.), although they certainly knew that this was the practice of the ancient correctors. See *TP Megillah* I. 11, 71c; *TB Menahoth* 30b; *Tosefta Gittin* IX. 8, 334e passim. It is also very frequent in the ancient Greek papyri. See Schubart, *Das Buch bei d. Griechen*², p. 92 passim.

The Rabbis also interpreted the special forms of single letters, see *Soferim* IX. 1-7, ed. Higger, p. 200 ff. This is quite natural and in no way invalidates our general argument.

⁵⁹ See Diog. Laert. III. 66; *Anecdorum Venetum* quoted by Gudeman in *PW RE* XI, p. 1918.

⁶⁰ See *Anecd. Ven.* *ibid.*

⁶¹ See above n. 31.

⁶² *TB Menahoth* 29b.

⁶³ See *TB Baba Bathra* 116a top, passim.

RABBINIC INTERPRETATION OF SCRIPTURE

The Rabbis never suggest a correction of the text of the Bible. In the entire rabbinic literature we never come across divergences of opinion regarding Biblical readings.¹ It is therefore obvious that the textual corrections of Greek classics practiced by the Alexandrian grammarians have no parallel in the rabbinic exegesis of Scripture.

It has been indicated in the previous chapters that in rabbinic tradition exceedingly few traces are left of the literary activity of the Soferim. The literal meaning of the word Soferim is scribes. The Rabbis interpreted it to mean "tellers"; the Soferim counted the letters of the Torah.² They probably knew the number of letters in every section.³ In this they resembled the *γραμματικός*, grammarian,⁴ but they came much closer to his character in the rest of their literary activity. The word *Sofer* in Is. 33:18 was understood by the Septuagint in the same sense. They translated this verse: *ποῦ εἰσιν οἱ γραμματικοί*; Where are the Grammarians?⁵ Indeed the Soferim were grammarians,⁶ and they engaged in the same activity which was pursued by the Alexandrian scholars. They elaborated the so called *Midrash* (interpretation) of the Bible. Although the word is already found in II Chron. (13:22 and 24:27) it is highly

¹ The only questions sometimes raised by the Rabbis in this connection have to do with the *matres lectionis* or vocalization. See *Mishnah Sotah* V. 5; 'Abodah Zarah II. 5, passim. Comp. also *TP Kil'aim* III. 1, 28c; *Sanhedrin* VII. 11, 25b; *TB Kiddushin* 30a.

² *TB Hagigah* 15b; *Kiddushin* 30a.

³ See above p. 42, n. 35. For the later *Massorah*, see Ginsburg, *Introduction* etc., p. 113.

⁴ Concerning the number of letters in the Pentateuch, see A. Marx in *JBL* XXXVIII, 1919, p. 24 ff. On the counting of letters, see Th. Birt, *Das antike Buchwesen*, p. 161. On the stichometry of the ancients, see above p. 24, n. 31.

⁵ Ezra the Scribe happened to be a grammarian as well.

⁶ Of course, not in the strict sense of our modern usage of the word.

doubtful that it carries there the technical meaning of rabbinic times. The Septuagint translates it respectively: βιβλίον, γραφή.⁷ However some copies of the *Hexapla*⁸ translate מדרש (in II Chron. 13:22) ἐκζήτησις, enquiry, which is the exact equivalent of our word. "Ezra has set his heart to inquire into the Law of the Lord" (Ezra 7:10). The Hebrew לדרוש is correctly translated by the Septuagint: ζητῆσαι, to inquire.

One of the first fundamentals of research is to ask "why", to inquire into the reasons of a given matter. מפני מה, "why",⁹ is the common term used by the Rabbis in their interpretation of Scripture. Similarly, Didymus the grammarian¹⁰ likes to introduce his disquisitions with ζητεῖται, διὰ τί etc.,¹¹ and the ζητήματα¹² constituted a notable part of the philologic,¹³ the philosophic and the juridic literature.¹⁴ Ἐκζήτησις, as found in some copies of the *Hexapla* (see above), is the correct rendering of *Midrash*.

But the first rudiment of the interpretation of a text is the ἐρμηνεία, the literal and exact equivalent of the Hebrew תרגום, which means both translation and interpretation.¹⁵ The Rabbis derived¹⁶ from the verse in Nehemiah (8:8) that Ezra performed the functions of a ἐρμηνευτής (translator and interpreter) and γραμματικός.¹⁷

The elementary task of the interpreter of the Bible was to explain the *realia* and to render the rare and difficult terms in a simpler Hebrew, or, sometimes, in Aramaic. The *Tannaitic*

⁷ See Bacher, *Terminologie* etc. I, p. 104. Comp. also M. H. Segal in *Tarbiz* XVII, 1946, p. 194 ff.

⁸ See Field a. l.

⁹ See Bacher, *Terminologie* etc. I, p. 113, s. v. מפני.

¹⁰ Flourished in the first century B. C. E.

¹¹ See G. Zuntz, *Byzantion* XIII, 1938, p. 647, n. 3.

¹² In the Talmud בעיות, see below p. 183, n. 25.

¹³ See K. Lehrs, *de Aristarchi studiis Homericis*³, p. 217 ff. Comp. p. 213 *ibid*.

¹⁴ See F. Schulz, *History of Roman Legal Science*, p. 342, Note DD.

¹⁵ Comp. also Brockelmann, *Lexicon Syriacum*, 834a.

¹⁶ *TP Megillah* IV. 1, 74d; *Bereshith Rabba* XXXVI. 8, p. 342; *TB Megillah* 3a and parallel.

¹⁷ Comp. A. Kaminka, *Encyclopaedia Judaica* IV, p. 622.

Midrashim swarm with such translations.¹⁸ The Rabbis like to introduce such simple renderings with the term: אין . . . אלא, "nothing else than."¹⁹

These translations are sometimes quite instructive. The Rabbis often explained the "Bible by the Bible,"²⁰ and their Hebrew translations are often quite illuminating. For instance, we read in *Sifra*:²¹ מעל אין מעילה אלא שנינו. וכן הוא אומר וימעלו בה' אלהי אבותם ויונו אחרי הבעלים, וכן הוא אומר בטוטה ואיש כי חשטה אשתו מעל בו מעל "Ma'al" (Lev. 5:15). 'Me'ilah' is nothing but faithlessness, for it is written (I Chron. 5:25): 'And they broke faith (*vayyim'alu*) with the God of their fathers and they went a-whoring after the *ba'alim*'.²² Similarly it is written (Num. 5:12): 'If any man's wife go astray and act unfaithfully (*ma'al*) against him'." Aquila translated מעל (in Lev. 5:15) *παράβασις*, transgression.²³ The Rabbis were more exact. They followed sound philological method and established its meaning from other places in the Bible where the word is explicitly associated with unfaithfulness. The Biblical מעל was rendered שנינו by the Rabbis, a word probably common in the current Hebrew of

¹⁸ See *Mekhilla*, ed. Lauterbach I, p. 8213; 204231 passim. *Mekhilla deRashbi*, ed. Hoffmann, p. 12; *Sifra*, ed. Weiss 108d (comp. Lieberman, *JQR* XXXVI, 1946, p. 352, n. 179); *ibid.* 111a-d; *Sifre Zuta*, ed. Horovitz, p. 2926; *Tarbiz* VI. 3, p. 105 and n. 3 *ibid.*; *Jubilee Volume in honor of Samuel Krauss*, Jerusalem 1937, p. 33, n. 16. Comp. also L. Dobschütz, *Die einfache Bibel-exegese d. Tannaim*, pp. 20-25 and the instances quoted below.

¹⁹ See, for instance, *Mekhilla*, ed. Lauterbach I, pp. 2768; 443, 5; 4865; 4983; 5675; 6795; 11042; 15920; 16041; 17013; 17470-73; 19045; 19147; 202200; 22529; 24525; *ibid.* II, pp. 225; 3818; 8852; 15141; 26942; 28966; *ibid.* III, p. 2478; 2590; 4556-58 and 6654-57. It is also very frequent in all the other *Halakhic Midrashim*, see Bacher, *Terminologie* etc. I and II, s. v. אין and לשון. Comp. Gen. 28:19. It corresponds to the Greek: οὐδὲν ἄλλο . . . ἤ.

²⁰ תורה מתוך תורה, see *TP Megillah* I. 13, 72b. For linguistic purposes the Rabbis considered the entire Bible as a unit. See *TB Baba Kamma* 2b.

²¹ *Vayyikra*, *Hoba* XI. 1, ed. Weiss 25c. Comp. *TB Me'ila* 18a.

²² This is also the reading of *TB ibid.* But our text of the Bible reads אלהי עמי הארץ, "The gods of the peoples of the land." The rabbinic scribes most probably completed the quotation from memory, according to the more familiar verse (Jud. 8:33).

²³ On the rendering of the Septuagint, see Schleusner, *Lexicon in LXX* etc., s. v. *λανθάνω*.

the time. Indeed, *Sifre Zuta*²⁴ also renders ומעלה בו ("And acts unfaithfully against him." Num. 5:12) שינת בו.²⁵ It is likewise used in *Sifre*²⁶ with the same meaning.²⁷

The Septuagint, the oldest of our preserved *Midrashim* often agrees with these simple interpretations of the Rabbis,²⁸ but the latter are sometimes more consistent. For instance, on Ex. 12:13 and 23 they remark:²⁹ אין פסיחה אלא חייסו שנאמר כצפרים "The word פסיחה means nothing but protection, as it is said (Isa. 31:5): 'As birds hovering, so will the Lord of Hosts protect Jerusalem; He will guard and deliver it, He will protect and rescue it.'" The Rabbis prove the meaning of פסח from Isa. 31:5 where the context indicates that פסיחה signifies protection.³¹ The Septuagint translates (Ex. 12:3) ופסחתי עליכם και σκεπάσω υμάς (and I shall protect you)³² and פסח (ibid. 27) έσκεπάσεν (protected). But ופסח (ibid. 23) is translated: και παρελεύσεται (And He will pass by). The latter agrees with R. Josia's interpretation³³ of the verb פסח, which is accepted by the Jewish commentaries.³⁴

²⁴ Ed. Horovitz, p. 23312.

²⁵ See *Sifre* *ibid.*, p. 117 ff. and comp. *Mekhilla Nezikin* III, ed. Lauterbach, vol. III, p. 2590.

²⁶ II, 306, ed. Finkelstein, p. 330. The Rabbis explain Mal. 3:6: 'כי אני ה' לא שניתי to mean "For I, the Lord, was not unfaithful." This is probably the true meaning of the verse, see below, n. 27.

²⁷ H. Yalon in the Hebrew periodical פלילה II, p. 172, adduces post-Tannaitic sources which employ the verb שנה with a similar meaning. He correctly associated it with Prov. 24:21: עם שונים אל תחערב. According to the sources quoted above in the text, the verse should be rendered: "Meddle not with traitors." Comp. also Liddell and Scott, *Greek Lexicon*, s. v. μεθίστημι. B. I. 4.

²⁸ It can be ascertained by comparing the sources referred to above, n. 19, with the Septuagint.

²⁹ *Mekhilla, Pisha* VII, ed. Lauterbach I, p. 5675 (Comp. 5787); *ibid.* XI, 8790

³⁰ Variant reading: חסות.

³¹ Comp. also *Tosefta Sotah* IV. 5, 29912; *Mekhilla*, ed. Lauterbach I, 185207. The correct English translation of the verse *ibid.* is: "The Lord will protect the door."

³² אחסה in Ps. 61:5 is translated by the Septuagint: σκεπασθήσομαι.

³³ *Mekhilla* *ibid.*, p. 5784.

³⁴ Comp. also Field, *Hexapla* Ex. 12:11, n. 11, who refers to Philo and Josephus. See Riedel, *ZATW* XX, 320 ff. and below p. 209.

Aquila also translates (Ex. 12:11 and 27) the name פסס *ὑπέρβασις* (skipping over), but Symmachus renders it:³⁵ φασέχ *ὑπερμάχησις ἔστιν*. “[The word] *faseh* means defence.”³⁶

Indeed the verb פסס certainly means to step over, to skip,³⁷ but from the Prophets the Rabbis proved that it also signified to protect, and their translation makes much better sense of Ex. 12:23. Since the word has two meanings they preferred the one which suited the context best.

It appears that comments formulated מלן... אין which are incorporated in the *Halakhic Midrashim* have their origin in a very ancient commentary of the Law. Most of these comments undoubtedly provide the plain meaning of the text. In course of time this vigorous assertion (i. e., it is nothing but . . .) was extended even to *Midrashic* exposition,³⁸ but as such it was almost exclusively limited to the narrative parts of the Bible. The use of this emphatic formula for a *Midrashic* comment therefore becomes one of the characteristic exaggerations of the *Aggada*; it degenerates into a mere literary phrase, and the Rabbis themselves will not take a comment introduced by these words more seriously than any other *Midrashic* interpretation in the *Aggada*.³⁹

The Rabbinic sages sought to understand the meaning of the difficult and rare words in Scripture not only through parallels in the Bible itself where the sense of the expression is clear. They also sometimes explained them with the aid of other languages, remarking that the given word is לשון כנעני, Phoenician,⁴⁰ or לשון מצרי, Coptic,⁴¹ or לשון סורסי, Syriac,⁴² or derived from some other tongues.⁴³

³⁵ Comp. Field *ibid*.

³⁶ Comp. also the Aramaic *Targumim* a. l.

³⁷ I Kings 18:21 and 26. See however Ibn Gānāh, ספר השרשים, p. 405.

³⁸ See *Mekhillā*, ed. Lauterbach I, 151 133; 169 1; 191 50; 191 60; 206 31; 207 35; 210 83; 221 74 (in the variants); 226 34; 229 88; 233 21; 241 125; *ibid.* vol. II, 221-3; 26 47; 68 14; 139 56; 169 102; 186 110 and so in the other *Halakhic Midrashim*.

³⁹ See Lieberman שקיעין, p. 82 ff.

⁴⁰ See *Sifre* II, 306, ed. Finkelstein, p. 336 12 and notes *ibid*.

⁴¹ See *Pesikta deR. Kahana* XII, 109b. Comp. A. Brüll, *Fremdsprachliche Redensarten*, p. 47.

⁴² *Mekhillā Pisha* III, ed. Lauterbach I, 28.

⁴³ See Brüll *ibid.*, p. 30 ff. Comp. also Samuel Rosenblatt, *The Interpretation*

Some of them travelled to the provinces for the sole purpose of discovering the meaning of some rare Biblical words in the dialects spoken there.⁴⁴

In addition, they sometimes explained expressions of the Bible by the customary usage (i. e. the *χρησις, συνήθεια*) of the language,⁴⁵ although they were well aware that the meaning, or usage, of a given word in the Bible often differed from their own.⁴⁶

There is no evidence that the Rabbis prepared special lexica of the Bible; they had no need of them. The entire rabbinic literature bears testimony to the fact that the Rabbis knew the Bible by heart.⁴⁷ Jerome⁴⁸ testifies that the Palestinian Jews of the fourth century were able to recite the Pentateuch and the Prophets⁴⁹ by heart.⁵⁰ The Jewish sages could well manipulate their explanations without the help of special vocabularies of the Bible.⁵¹

tion of the Bible in the Mishnah, p. 33. This method was subsequently extended and pushed to the extreme by the *Aggadists*; they even tried to interpret certain expressions of the Pentateuch according to the Greek language, see Brüll *ibid.*, p. 20 ff.

⁴⁴ *Bereshith Rabba* LXXIX. 9, p. 946 ff. The Rabbis mentioned there flourished at the end of the second and the beginning of the third centuries.

⁴⁵ *Mishnah Nega'im* X. 6, *BR* LXXV.6, p. 8927.

⁴⁶ See *TB 'Abodah Zarah* 58b; *Hullin* 137b; *Esther Rabba* I.1 end, ed. Rom, 3d; *Pesikta Rabbathi* III, 7b. Comp. *TB Shabbath* 36a.

⁴⁷ The exception in *TB Baba Kamma* 55a does not invalidate the general rule. Comp. J. Brüll in *ביה חלמור*, ed. Weiss I, p. 207.

⁴⁸ *In Is.* 58:2.

⁴⁹ Comp. also Eusebius, *Praep. Ev.* XI. 5, 513b-c.

⁵⁰ *Libros Prophetarum ac Moysi memoriter revolventes*, quoted by Samuel Krauss in *JQR* 1894, p. 232. Krauss, however, committed a serious error in asserting (*ibid.*, p. 233) that the Hebrew teacher of Jerome quoted Virgil in the original. He certainly misunderstood the church father. The latter reports (*Praef. in Dan.*, Migne *PL* XXVIII. IX, 1292b) that the Jew convinced him to study Aramaic by quoting a passage in his tongue (*in sua lingua ingerente*, i. e. in the Jew's own language) that persistent labor will conquer everything. It is Jerome who associated it with Virgil (*Georg.* I. 145): *Labor omnia vincit improbus*. The Jew probably cited something like: *אם יאמר לך אדם ינעתי ולא מצאתי אל חאמן* "If a man says to you I have laboured but not found, do not believe him" (*TB Megillah* 6b).

⁵¹ On the rabbinic grammar of the Bible see L. Dobschütz, *Die einfache*

The early Jewish interpreters of Scripture did not have to embark for Alexandria in order to learn there the rudimentary methods of linguistic research. To make them travel to Egypt for this purpose would mean to do a cruel injustice to the intelligence and acumen of the Palestinian sages. Although they were not philologists in the modern sense of the word they nevertheless often adopted sound philological methods.

However, the Rabbis were confronted with a much more difficult problem than this simple linguistic research. They treated all of Scripture as one unit. They had to reconcile apparent contradictions in it. Moreover, the Bible, in addition to its narratives, contains the body of Jewish Law. No law book in the world explicitly encompasses all the possible cases. As life developed new legal questions rose which are not clearly stated in the Bible. It is only by way of comparison, inquiry into the spirit of the laws, and special interpretation that proper deductions could be made. Hence, the Rabbis had to introduce a complicated system of interpretation; the grammarians had sometimes to assume the functions of advocates and rhetors (see below).

We learn from the *Tosefta*⁵² that Hillel the Elder applied seven norms of interpretation in his discussion with the Bene Bathyra.⁵³ The seven rules are: קל וחומר וגזירה שוה וביניין אב וכתוב אחד ובנין אב⁵⁴ ושני כתובין וכלל ופרט וכלל וכיוצא בו ממקום אחר דובר הלמד מעניינו 1. Inference *a minori ad majus*. 2. Inference by analogy (*Gezerah Shawah*, explained in detail, below). 3. Constructing a family on the basis of one passage.⁵⁵ 4. The same rule as the preceding, but based on two Biblical passages. 5. The General and the Particular, the Particular and the

Biblexegese d. Tannaim, p. 25 ff.; S. Rosenblatt, *The Interpretation of the Bible in the Mishnah*, p. 10 ff.

⁵² *Sanhedrin* VII end, 4274. Comp. *Aboth deR. Nathan* ch. 37 and *Sifra*, Introduction, ed. Weiss, 3a.

⁵³ In the second half of the first century B. C. E.

⁵⁴ The last two words are missing in Cod. Erfurt but they are extant in ed. princ. and Cod. Vienna.

⁵⁵ I. e. a specific regulation which is found in only one Biblical passage is extended and applied to a number of passages.

General. 6. Exposition by means of another similar passage.
7. Deduction from the Context.⁵⁶

The context suggests that Hillel was not the author of these rules and norms;⁵⁷ he simply used recognized arguments to prove that the Paschal Lamb is offered on the Sabbath, if the fourteenth of Nissan happens to fall on that day.⁵⁸ He employed seven norms of interpretation to prove one particular law from the Torah.

A *Baraita* ascribed to R. Ishmael⁵⁹ enumerated thirteen norms of interpretation⁶⁰ of the Torah. Schürer⁶¹ calls these norms "a kind of rabbinic logic." Many modern scholars have investigated these rules in detail.⁶² A. Schwarz devoted six books⁶³ to the analytics of these norms of interpretations. Neither he nor any of the other scholars has been able to discover definite Greek influence in them.⁶⁴

⁵⁶ See on these norms Strack, *Introduction to the Talmud and Midrash*, Philadelphia 1931, p. 94 and notes *ibid.*, pp. 284–285; Schürer, *Geschichte* etc. II⁴, p. 397 and n. 20 *ibid.*

⁵⁷ See H. Housdorff, *Jahrbuch d. jüd.-lit. Gesellschaft* (Frankf. a. M. 1907), p. 382 ff. and especially Sh. H. Kook in *הצופה לחכמת ישראל* (מארץ הגר) XIII, p. 91.

⁵⁸ Hillel asserted (*Tosefta Pesahim* IV, 162²⁸; *TP* *ibid.*, VI, 33a; *TB* *ibid.* 66a) that his opinion was based on the authority of his teachers Shemaiah and Abtalion. It appears that his tradition went only as far as the law itself was concerned. The proofs were his own (Comp. the style in the *Tosefta* *ibid.*); he utilized the *Gezerah Shawah* on his own initiative, because it supported his tradition. R. Abba b. Memel (flourished in the third century) remarked (*TP* *ibid.*): "אדם דן גזירה שוה לקיים חלמודו" "A man may utilize a *Gezerah Shawah* for the purpose of supporting his tradition."

⁵⁹ Flourished in the beginning of the second century.

⁶⁰ Introduction to the Sifra (Comp. M. Zucker, *Proceedings of the American Academy for Jewish Research* XVIII, 1949, p. 15, n. 15). See Strack, *Introduction* *ibid.* pp. 95 and 288, n. 8, where a list of selected literature and translations is given.

⁶¹ *Geschichte* II⁴, p. 397.

⁶² See Strack *ibid.*

⁶³ *Die hermeneutische Analogie*, Wien 1897; *Der hermeneut. Syllogismus in d. talmud. Litteratur*, *ibid.* 1901; *Die hermeneut. Induktion* etc. *ibid.* 1909; *Die hermeneut. Antinomie* *ibid.* 1913; *Die hermeneut. Quantitätsrelation*, *ibid.* 1916; *Der hermeneut. Kontext in d. Talm. Literatur* *ibid.* 1921.

⁶⁴ An article by D. Daube (*HUCA* XXII, 1949, p. 239 ff.) entitled "Rabbinic Methods of Interpretation and Hellenic Rhetoric" reached me when this

However, we find this observation by Judah Hadassi⁶⁵ on the thirteen norms of interpretation: וגם מצאנו עוד לחכמי יון שיש להם בדיניהם ובחוקותיהם י"ב מדות וקוראים אותם באונינו ארושיאש קאיפכרימטא,⁶⁶ והם שש ושש הרי י"ב במספרם ובחננום ונסיונם ונמצאו כאלה לנו "And we also found that the sages of Greece have twelve norms in their rules and laws. They are called *ἐργασίας και ἐπιχειρήματα*.⁶⁷ They are *six and six*, together twelve. We examined them and we found them to be like those" (i. e. like the rabbinic rules). Comp. *Jubelschrift* etc. *Dr. L. Zunz*, p. 171.

Happily, we are in a position to verify the statement of the Karaite. We have no doubt that he refers to some mediaeval scholia to Hermogenes' *περὶ εὐρέσεως* (III. 7), i. e. to his chapter *περὶ ἐργασίας ἐπιχειρημάτων*. Hermogenes counts⁶⁸ six *ἐπιχειρήματα* (arguments): *τόπος, χρόνος, τρόπος, πρόσωπον, αἰτία, πρᾶγμα*,⁶⁹ "[On] place, time, way (manner) person,⁷⁰ cause, fact."⁷¹ He further teaches (*ibid.*, p. 148): *ἐργάζεται δὲ πᾶν ἐπιχείρημα . . . ἀπὸ παραβολῆς, ἀπὸ παραδείγματος, ἀπὸ μικροτέρου, ἀπὸ μείζονος, ἀπὸ ἴσου, ἀπὸ ἐναντίου*. "Every argu-

chapter was already ready for the press. However, we found no reason to change anything in this chapter, as will be self evident from the comparison of Dr. Daube's article with this paper.

⁶⁵ אשכל הכפר 124b. He wrote his book in Constantinople in 1148.

⁶⁶ Cod. Leiden (according to J. Perles, see below) reads: קאיפיריומש, which appears to be a scribal error for קאיפכירימט. Cod. Adler (in the Jewish Theological Seminary) No. 1650, f. 174b reads קמטיפכרימטא, which is an obvious error for קאיפכרימטא.

⁶⁷ This correct transliteration was made by P. F. Frankel in *MGWJ* XXXIII, 1884, p. 457, but he suggested the change of the word ארושיאש to אונטשיש, *ἐνστάσεις*. J. Perles (*Byzantinische Zeitschrift* II, 1893, p. 576) proposes: *ὀρέξεις και ἀποχρήματα*, or, as an alternative (according to cod. Leiden, see above n. 66), *ἐργασίας και ἐπιπερισμάς*. Both eminent scholars were entirely unaware of what the author is referring to. They contented themselves with the discussion of the two Greek words only without quoting the passage itself. We shall presently see that our text which is confirmed by two manuscripts must not be altered.

⁶⁸ *Ibid.* 5, ed. H. Rabe, p. 140.

⁶⁹ Comp. K. Lehrs, *de Aristarchi studiis Homericis*, p. 217.

⁷⁰ Comp. the style in *Mishnah Sanhedrin* V. 1 and *Tosefta* *ibid.* IX. 1, 428¹⁵ ff.

⁷¹ See R. Volkmann, *Rhetorik*, München 1901, p. 36.

ment is executed (or elaborated) . . . from a parable (an illustration), from an example,⁷² from something smaller, from something bigger,⁷³ from something equal, from something opposite." Maximus Planudes⁷⁴ in his scholia to this chapter⁷⁵ mentions explicitly *ἕξ ἐπιχειρήματα* (six arguments) and *ἕξ ἐργασίαι* (six executions, exercises).⁷⁶ It is evident that these six *ἐργασίαι* and six *ἐπιχειρήματα* were well known in Constantinople in the time of Hadassi, and it is quite obvious that he refers to these rules (שש ושי םה).

The *ἐπιχειρήματα* have certainly nothing to do with the rabbinic rules; we therefore shall consider the *ἐργασίαι* only. A comparison between the *ἐργασίαι* and the thirteen hermeneutic rules of R. Ishmael will demonstrate that they have only the *קל וחומר*⁷⁷ and the analogy⁷⁸ in common.

⁷² An anonymous author in *προλεγόμενα τῆς ῥητορικῆς* (Ch. Walz, *Rhetores Graeci* VI, p. 34) gives the following definition: τὸ μὲν παράδειγμα ἀπὸ προγεγονότων πραγμάτων παραλαμβάνεται· ἡ δὲ παραβολὴ ἐξ ἀορίστων καὶ ἐνδεχομένων γενέσθαι. "The example is taken from facts which [actually] happened before; the parable is taken from the indeterminate and possible things which may happen." See also O. Schissel, *Rheinisches Museum* LXXV, 1926, p. 312, and Stegeman in *PW RE* XV, s. v. Minukianos, p. 1987-8.

⁷³ See the anonymous scholiast to Hermogenes a. l., ed. Walz *ibid.* VII, p. 759.

⁷⁴ Flourished some two hundred years later than Hadassi, but he used earlier Byzantine scholia.

⁷⁵ 365, ed. Walz *ibid.* V, p. 402.

⁷⁶ Comp. also Joseph Rhacenditus, ed. Walz *ibid.* III, p. 479. He apparently flourished in Constantinople around the year 1300, see Walz *ibid.*, p. 465.

⁷⁷ *A minori ad majus*, from the light — less important — to the grave — more important — and vice versa.

⁷⁸ Of R. Ishmael's rules the Karaite cited here only the first two, the *קל וחומר* and the *גזירה שוה* (analogy, see below), and added *גזירה שוה* (etc.). Then he made his observation on the *ἐργασίαι καὶ ἐπιχειρήματα*. Perhaps Hadassi was struck by the *verbal* similarity of the *ἐργασίαι* with some of the norms contained in the so called thirty-two hermeneutic rules of the *Aggadah*, which he reproduced in his book (58b). They include: the analogy (No. 7); something important which is elucidated by something trivial (No. 14: *דבר נורול שנהלה*; *בקטן ממנו*); the parable (No. 26) and (No. 27) the *גזירה שוה* (literally, the opposite). These respectively correspond to: *ἀπὸ ἴσου*, *ἀπὸ μικροτέρου*, *ἀπὸ παραβολῆς* and *ἀπὸ ἐναντίου*. But the similarity is only verbal, as can be seen from the

Hadassi has found his followers in modern scholars who were unaware of their early predecessor. A. Kaminka⁷⁹ asserts: "At least one of the seven rules by which Hillel explained the Torah seems to be identical with a philological method known at the Alexandrian school . . . in the Halakah it is known as גורר שוה; in Greek *δὲς λεγόμενα*. I believe this system was *not* originally used by Hillel in connection with the juridical or ritual questions but when commenting on Biblical passages in general." It was pointed out⁸⁰ that the early Rabbis resorted to this simple system of comparison of parallel words and passages in their *Targumim* without making any mention of the term גורר שוה. Moreover, etymologically this name has nothing to do with *δὲς λεγόμενα* (see below). The inference itself is so primitive that it could not escape any intelligent expounder of a text.

It goes without saying that any thinking person who was acquainted with Greek logic and who heard something of the nature of rabbinical exegesis of the Bible would be inclined to associate it in some way with the former. Indeed, Eusebius⁸¹ remarks: *Ναὶ μὴν καὶ τῶν πρώτων μαθημάτων δευτεροταί τινες ἦσαν αὐτοῖς· (οὕτω δὲ φίλον τοὺς ἐξηγητὰς τῶν παρ' αὐτοῖς γραφῶν ὀνομάζειν) οἳ τὰ δι' αἰνιγμῶν ἐπεσκιασμένα . . . δι' ἐρμηνείας καὶ σαφηνείας ἐξέφαινον.* "Verily they (i. e. the Jews) have certain *deuterotai*⁸² of primary studies (for so it pleases them to name the expounders of their Scriptures) who by interpretation and explanation . . . made clear what was obscurely rendered in riddles." Obviously, he is referring to the elementary-school *Tanna* who taught the children *Mishnah* and *Midrash*. He adduces them as examples of those who employ the method of logic in Hebrew philosophy,⁸³ a logic which pursues the

instances given in the Hebrew source, and quoted by Hadassi himself, to illustrate the rules.

⁷⁹ *Encyclopaedia Judaica* IV, p. 23 and *JQR*, N. S. XXX, 1939, p. 121. Comp. also Daube in *HUCA* XXII, p. 241, n. 7.

⁸⁰ See above, nn. 18 and 19.

⁸¹ *Praef. Ev.*, 513c.

⁸² This is the literal translation of the Hebrew מְשַׁנֵּה, or the Aramaic מְתַנֵּי — a teacher of *Mishnah*, see Bacher *Terminologie* I, p. 135, s. v. סופר I and n. 4 *ibid.*

⁸³ *Ibid.* 513a: τὸν λογικὸν δὲ τρόπον τῆς Ἑβραίων φιλοσοφίας.

truth, unlike the clever sophistries of the Greeks. Eusebius, of course, is noncommittal. His words only suggest that the Jews had their system of logic, a declaration which aroused the anger of Julian the Emperor.⁸⁴

So far so good. We can safely assert that the Jews possessed their rules of logic for the interpretation of the Bible in the second half of the first century B. C. E.⁸⁵ The question is when were these rules organized in a system with a nomenclature, specific numbers and definite categories. It will be demonstrated below that interpretation in general is older than the revelation of the Law at Mount Sinai. A very great number of hermeneutic rules existed in antiquity many of which could not be applied to the interpretation of the Torah. The hermeneutics of dreams and oracles could not as a rule be applied to the legal sections of the Bible. Generally Scripture does not express itself ambiguously but states the laws in clear language.⁸⁶

A Rabbi who maintained that a certain law could be deduced from Scripture had to demonstrate that the words of the Bible really imply the ruling in question, although it does not state it explicitly. Apparent contradictions in the Bible had to be reconciled by more or less plausible, and not fanciful, means. New laws could be derived from Scripture by comparison, especially by comparison with something more important, with something less important and with something equal (see below). In this case the suggestion of Hadassi to compare the rabbinic hermeneutics to the *ἐργασίαι* of the rhetors deserves a closer analysis.

Let us first examine the terminology of the hermeneutic rules of the Rabbis. The strangest term among them is מורה שוה. No convincing explanation of the etymology and the exact meaning of the name has been suggested until now.⁸⁷ The word

⁸⁴ *Contra Gal.* 222a.

⁸⁵ See above, n. 58.

⁸⁶ *Sifra* מצורע VII. V. 7, ed. Weiss 79a: לא בא [הכתוב] לנעול אלא לפתוח. There were, of course, not a few exceptions, see *Shemoth Rabba* XV.22 beginning.

⁸⁷ Blau (*REJ* XXXVI, 1898, p. 153) explains the expression מורה שוה to mean "the same decision," "the same law." This is not exact. שוה does

גזירה in both Biblical and rabbinic Hebrew means: *decisio*, decision, decree.⁸⁸ It corresponds to the Greek *σύγκρισις*, *decretum*, with which the Septuagint rendered the Hebrew משפט.⁸⁹ *σύγκρισις* signifying *decretum*, decision, is already current in the Egyptian papyri of the third century B. C. E.⁹⁰

Thus it is evident that גזירה is *σύγκρισις* both etymologically and logically. This word is also used in the sense of comparison by Aristotle and the Septuagint.⁹¹ By the second century C. E., at the latest, it served as a technical term in the works of the Greek rhetors.⁹² Aphthonius⁹³ defines this term:⁹⁴ *Σύγκρισις ἐστὶ λόγος ἀντιθέταστικὸς ἐκ παραθέσεως συνάγων τῶ παραβαλλομένων τὸ μείζον ἢ τὸ ἴσον.* "Syncrisis is a comparative term which by juxtaposition matches the greater or the equal with the thing compared." Ioannes Sardinianus⁹⁵ summarizes it: *τριχῶς τὰς συγκρίσεις ποιούμεθα, ἢ τὸ ἴσον πρὸς ἴσον ἢ πρὸς τὸ μείζον ἢ πρὸς τὸ ἔλαττον.* "We use *syncrisis* [comparison] in a three-fold manner: the equal with the equal, [the smaller] with the greater and [the greater] with the smaller." The term *κατὰ τὸ ἴσον σύγκρισις*, "*syncrisis* with the equal," is also employed by Hermogenes⁹⁶ who flourished in the second century C. E.

Hence we unhesitatingly translate the term גזירה שוה⁹⁷ *σύγκρισις πρὸς ἴσον*, a comparison with the equal. The beginning of the *Baraita* of R. Ishmael reads: בשלש עשרה מדות התורה

not mean "the same" but "equal". The result of *Gezerah Shawah* is that the same law is applied to two situations. In rabbinic language we would expect in this case גזירה אחת, and not גזירה שוה.

⁸⁸ גזיר means to cut, *decidere*, *κρίνειν*.

⁸⁹ See Schleusner, *Lexicon in LXX*, s. v. *συγκρίνω* and *σύγκρισις*.

⁹⁰ See Liddell and Scott, s. v. *σύγκρισις* III. 2. Comp. also M. Schwabe in ספר יוחנן לוי, p. 229.

⁹¹ See Schleusner *ibid.*

⁹² See Ioannes Sardinianus, in *Aphthonii progym.* X, ed. Rabe, p. 180. Comp. also F. Focke, *Hermes* LVIII, 1923, p. 331. However, its occurrence in Aristotle's works establishes it as a logical term in use in the fourth century B. C. E.

⁹³ Flourished in the fourth century.

⁹⁴ *Progymnasmata* X, in *Rhetores Graeci*, ed. Walz, I, p. 97.

⁹⁵ Ed. Rabe *ibid.*, p. 184.

⁹⁶ *Progymn.* 8, ed. Rabe, p. 19.

⁹⁷ It is a contracted form. Comp. בניין [בית] אב instead of בנין אב.

נודרת. מקל וחומר⁹⁸ מנזירה שוה וכו'. This is certainly to be translated: The Torah is interpreted by thirteen hermeneutic rules: ἀπὸ μείζονος καὶ ἐλάττου, ἀπὸ συγκρίσεως πρὸς ἴσον κτλ. The Greek rhetors counted them as three rules,⁹⁹ while the Rabbis considered them two norms.

Thus, originally נזירה שוה was a simple analogy, a comparison of equals. In this sense it is employed by the School of Shammai:¹⁰⁰ נזירה שוה חלה ומתנת מתנה לכהן ותרומה מתנה לכהן וכו' "It is an analogy (i. e. comparison of equals): Dough-offering and [Priests'] Dues are a gift to the priest, and the Heaven-offering is a gift to the priest etc."¹⁰²

We also find this term in the same meaning applied by R. Eliezer (of the School of Shammai). In *Sifre Zuta*¹⁰³ he is quoted as saying: אין דנין רשות מחובה ולא חובה מרשות אלא רשות מרשות לזרה שוה "One does not compare a voluntary and an obligatory or vice versa, but one may compare two voluntary acts or two obligatory acts for the purpose of analogy," i. e. a σύγκρισις (an analogy) can be drawn between equal categories only.¹⁰⁴

The Rabbis also employ another term for analogy, viz. היקש.¹⁰⁵ This word is the literal equivalent of the Greek παράθεσις,

⁹⁸ This seems to be the more original reading, see ed. Friedmann, p. 9 and the notes *ibid.*

⁹⁹ See above p. 55. Comp. Cicero, *Top.* IV. 23, and Daube in *HUCA* XXII, pp. 251–253. The superior cogency of מקל וחומר over נזירה שוה is indicated in *Tosefta Sanhedrin* VII. 7, 42625. Both terms are frequently mentioned together (*Sifre* II, 313, ed. Finkelstein, p. 35511; *ibid.* 317, p. 35916; *TB Sukkah* 28a; *Temurah* 16a). Logically they may be characterized as one: σύγκρισις, comparison.

¹⁰⁰ Probably in the end of the first or beginning of the second century.

¹⁰¹ *Mishnah Bezah* I. 6.

¹⁰² See Geiger, *Wissensch. Zeitschrift f. jüd. Theologie* V. 1844, p. 67, n. 1; Bacher, *Terminologie* I, p. 14, n. 1; *ibid.* p. 13, n. 1.

¹⁰³ Ed. Horovitz, p. 25719. So far as is known to me this text was not noticed by the students who treated the problem of נזירה שוה.

¹⁰⁴ Comp. Bacher, *Terminologie* I, p. 23, s. v. רמה. When Paul wrote (I Cor. II.13): πνευματικαῖς πνευματικὰ συγκρίνοντες, "Comparing spiritual things to spiritual things," he used the legal terminology of the Jewish schools, i. e. you can apply the σύγκρισις to equal categories only.

¹⁰⁵ See Bacher *ibid.* s. v. היקש, p. 44 ff.; A. Schwarz, *Die hermeneutische Induktion*, p. 146 ff.

adpositio, *vicinitas* and comparison, juxtaposition, which is used in all these senses by Polybius.¹⁰⁶

The school of R. Ishmael frequently employs the phrase:¹⁰⁷ *מופנה להקיש ולדון ממנו גזירה שוה* "The word [in the Torah] is vacant¹⁰⁸ [for the purpose] of juxtaposing (= *παρατιθέναι*) it and deducing a *gezerah shawah* (= *σύγκρισις*) from it." Polybius¹⁰⁹ expresses himself in similar style:¹¹⁰ *ἐκ παραθέσεως συνθεωρουμένων καὶ συγκρινομένων*, "Contemplated and compared by juxtaposition."¹¹¹ Again he employs the two terms together:¹¹² *ἐκ τῆς παραθέσεως καὶ συγκρίσεως* which means literally *מהיקש מהגזירה שוה* ומגזירה שוה.

However in the official hermeneutic rules the term *גזירה שוה* was applied not to analogy of content but to identity of words (i. e. verbal congruities in the text), a manner of comparison which sometimes appears to be without logical basis. Rabbinic tradition therefore ruled¹¹³ that *אין אדם דן גזירה שוה מעצמו* "No one may on his own authority draw an analogy from verbal congruities in the text," i. e. this method can be applied only where authorized by tradition. The Palestinian Talmud¹¹⁴ demonstrated the absurd conclusions which might be reached if the method of *גזירה שוה* were utilized by anyone on his own initiative and not by tradition.

We have no ground to assume that the method itself of both logical and verbal analogy was borrowed by the Jews from the Greeks. However, the method and the definition of the method — the terminology — are two different things. Unfortunately we have no means to decide who among the Rabbis used this term first. The *Tosefta*¹¹⁵ maintains that Hillel applied

¹⁰⁶ See J. Schweighaeuser, *Lexicon Polybianum* s. v. *παράθεσις*, p. 315 ff. and see below.

¹⁰⁷ See Bacher *ibid.*, s. v. *גזירה שוה*, p. 15.

¹⁰⁸ Literally: emptied out, [*λόγος*] *κεκενωμένος*, comp. *κενολογέω*.

¹⁰⁹ Flourished in the second century B. C. E.

¹¹⁰ III. 32. 5.

¹¹¹ Comp. Schweighaeuser *ibid.*, p. 316.

¹¹² XVI. 29. 5.

¹¹³ *TP Pesahim* VI. 1, 33a and parallels.

¹¹⁴ *Ibid.*

¹¹⁵ *Sanhedrin* VII, end, see above, n. 52.

the *נוירה שוה* in his discussion with the Bene Bathyra,¹¹⁶ but it is very possible that this refers to the method alone and not to the term,¹¹⁷ and it is the editor of the *Tosefta* who designated Hillel's arguments by the later terminology. The term *נוירה שוה* may thus be no older than the end of the first century C. E., or the beginning of the second,¹¹⁸ the century when *σὺργακρῖς πρὸς ἴσον* was already a favorite tool in the *προγυμνάσματα* (preparatory exercises) of the Greek rhetors in the Asiatic centers.

It has been pointed out that some of the hermeneutic rules found in the *Halakha* recur almost literally in the Roman legal classics (Sabinus, Celsus¹¹⁹ and Gaius¹²⁰). Hillel the Elder and the Rabbis of the following generations used to interpret not only the Torah but also secular legal documents.¹²¹ Most likely general standards for the interpretation of legal texts were in vogue which dated back to high antiquity. But it was the Greeks who systematized, defined and gave definite form to the shapeless mass of interpretations.

The Rabbis were often confronted with the same problems as the Greek rhetors. The former sought to derive new laws from the Torah or to find support for old ones which were rooted in oral tradition. They were aware that in certain cases their interpretation is not borne out by the actual meaning of Scripture, and they accordingly termed such support *זכר לדבר*

¹¹⁶ In the second half of the first century B. C. E.

¹¹⁷ In *TP Pesahim* VI. 1, 33a, the term *נוירה שוה* is ascribed to the Bene Bathyra. But it is most likely the paraphrase of the editor, see *TB* *ibid.* 66a and *Tosefta* *ibid.* IV, p. 162. Our assumption is strengthened by the fact that *TP* *ibid.* ascribes to the Bene Bathyra the employment of the name *היקס*, a term which occurs neither in the rules of Hillel nor in those of R. Ishmael (i. e. in the *Baraita* attached to the *Sifra*). Only *קל חומר* appears to have been mentioned by name in this discussion (see *Tosefta* *ibid.*), but this norm (and perhaps also its name) is the oldest, and is intimated in the Bible itself, see Strack, *Introduction in the Talmud* etc., p. 285, n. 3.

¹¹⁸ See above, n. 100.

¹¹⁹ See David Daube, *Law Quarterly Review* LII, 1936, p. 265 ff.; *idem*, *Journal of Roman Studies* 1948, p. 115 ff.; *idem*, *HUCA* XXII, p. 252 ff.

¹²⁰ See M. Joël, *Blicke in die Religionsgeschichte* etc. I, p. 39, n. 1.

¹²¹ See *Tosefta Kethuboth* IV, 9 ff., 26430 ff. and parallels.

(allusion)¹²² and אַסְמַכְתָּא (support).¹²³ They went so far as to lay down the rule:¹²⁴ כָּל מִילָא דְלֹא מַחוּרָה מִסְמְכִין לֶהּ מִן אַחֲרֵין סְנִין "For all laws which have no evident origin in Scripture support is adduced from *many* places [in the Bible]."¹²⁵

But rabbinic literature abounds in such artificial and forced interpretations. They were merely a literary conceit. Rab¹²⁶ maintained¹²⁷ that no one is to be appointed a member of the high court (*Sanhedrin*) unless he is able to prove from Biblical texts the ritual cleanliness of a reptile (although reptiles are definitely declared unclean in Lev. 11:29). The reason for this requirement can be inferred from the statement of a younger contemporary of our Rabbi. R. Johanan asserted¹²⁸ that a man who is not qualified to offer hundred arguments for declaring a reptile ritually clean or unclean will not know how to open [the trial of capital cases] with reasons for acquittal.¹²⁹ The judge must thus be a rhetor who can *disputare in utramque partem* and prove at one and the same time the two opposite points of view.¹³⁰ But the example given by the Rabbis is selected from the interpretation of the ritual part of the Torah. The methods of the rhetor¹³¹ and the grammarian must sometimes be identical.

In their schools the Greek rhetors taught the art of twisting the law according to the required aim and purpose. The jurist had to be equipped with all the methods of the *γραμματικός*. In Rome the early grammarians were the teachers of rhetoric,¹³²

¹²² See Bacher, *Terminologie* I, s. v. זכר, p. 51 ff. and s. v. סמך, p. 133 ff.

¹²³ See *ibid.* II, s. v. אַסְמַכְתָּא, p. 13 and סמך, p. 143.

¹²⁴ *TP Berakhoth* II. 3, 4c and parallel.

¹²⁵ Comp. also Bacher *ibid.* II, s. v. מחוור, p. 109.

¹²⁶ Flourished in the beginning of the third century.

¹²⁷ *TB Sanhedrin* 17a.

¹²⁸ *TP ibid.* IV. 1, 22a.

¹²⁹ Which is a *conditio sine qua non* in capital judicial procedure, see *Mishnah Sanhedrin* IV.1. Comp. also *TB ibid.* 17a (שפּתחו כולם), according to the reading of Maimonides, *Hilkhoth Sanhedrin* IX.1; Me'iri a. l., p. 57. See the detailed evaluation of this reading in *מלחמת סוצו* by the RASHBASH, ed. pr., 33a.

¹³⁰ See *TP ibid.* and *TB 'Erubin* 13b.

¹³¹ Comp. E. P. Parks, *The Roman Rhetorical Schools as a Preparation for the Courts under the Early Empire*, Baltimore 1945, p. 61 ff.; F. Schulz, *Principles of Roman Law*, p. 130, n. 3.

¹³² Sueton., *de grammat.* IV: veteres grammatici et rhetoricam docebant.

and the dialectical jurisprudence of the Romans is known to be a Greek product.¹³³ The Jews with their love and devotion to *παιδεία* would be much more susceptible than the Romans¹³⁴ to the sound contribution of the Greeks to learning. They would certainly not hesitate to borrow from them methods and systems which they could convert into a mechanism for the clarification and definition of their own teachings. The instruction and the works of the rhetors were most suitable for application in the hermeneutics of the *ἵκνησθαι* (support) type. For this purpose the *τέχνη γραμματική* and the *τέχνη ῥητορική* were combined and fused into one device.¹³⁵

The two basic works of Greek theology, the books of Homer and of Hesiod abound in atrocities, immoralities and abominable vices which they report of the Olympian gods. As is well known the Greek philosophers eventually began to interpret the works of Homer allegorically. In the fifth century B. C. E. Stesimbrotus founded a school in Athens where he sought to find the *ὑπόνοια* (underlying, covert meaning) all through the works of Homer.¹³⁶ According to Greek tradition, Anaxagoras¹³⁷ was the first to teach that in his poems Homer treats of virtue and justice (*περὶ ἀρετῆς καὶ δικαιοσύνης*), a thesis which is developed at greater length by his friend Metrodorus of Lampsacus.¹³⁸ The Stoic philosophers exploited this method of allegoric interpretation of Homer even more.¹³⁹ The Alexandrian grammarians forced Homer to conform to the behavior and manners of the Ptolemaic court in Egypt,¹⁴⁰ or to the Greek customs and habits of their own time and place.¹⁴¹

K. Lehrs¹⁴² has convincingly shown the two tendencies of

¹³³ See F. Schulz, *History of Legal Roman Science*, p. 62 ff.

¹³⁴ See Schulz *ibid.*, p. 56 ff.

¹³⁵ Comp. above nn. 69 and 70. See Octave Navarre, *Essai sur la rhetor. grecque*, p. 40 ff.

¹³⁶ Comp. Laqueur in *PW RE III*², p. 2463 ff.

¹³⁷ Flourished in the fifth century B. C. E.

¹³⁸ Diog. Laert. II. 11.

¹³⁹ See C. Reinhardt, *De graecorum theologia capita duo*, 1910, p. 3 ff.

¹⁴⁰ See C. G. Cobet, *Miscellanea critica*, p. 228.

¹⁴¹ See Athen. *Deipnos*. IV, 177b-f; *ibid.* 180c.

¹⁴² *De Aristarchi Studiis homericis*³, p. 200, n. 122.

the grammarians with regard to Homer. One group, the so called *ἐνστατικοί*, indulged in charges (*κατηγορίαι*) against his writings, the others, named *λυτικοί* refuted the arguments of the accusers and came to his defence (*ἀπολογία*). The very terms of these grammarians prove their rhetorical methods.¹⁴³ We shall now consider one example of an *ἀπολογία* by one of the earliest Alexandrian grammarians, which is quite instructive.

We read in the Iliad (XI. 636 ff.):

ἄλλος μὲν μογέων ἀποκινήσασκε τραπέξης
πλείον ἔόν, Νέστωρ δ' ὁ γέρων ἀμογητὶ ἄειρεν

Another man would hardly move the cup from the table
When it was full, but Nestor, that old man, raised it easily.

Sosibius¹⁴⁴ the *λυτικός*¹⁴⁵ remarked:¹⁴⁶ Today the charge is brought against the Poet¹⁴⁷ that whereas he said all others raised the cup with difficulty, Nestor alone did it without difficulty. This statement of Homer seemed unreasonable (*ἄλογος*) to some of the grammarians. It appeared senseless to them that in the presence of Achilles, Diomedes and Ajax, Nestor should be represented as more vigorous than they, though he was more advanced in years. To this Sosibius replied: "Of these accusations then, we can absolve the Poet by resorting to the *anastrophe*."¹⁴⁸ He suggested that the word *γέρων* be transposed from line 637 to line 636 so that it will read:¹⁴⁹

ἄλλος μὲν γέρων μογέων ἀποκινήσασκε τραπέξης
πλείον ἔόν, ὁ δὲ Νέστωρ ἀμογητὶ ἄειρεν

Another old man would hardly move the cup from the table
When it was full, but Nestor raised it easily.

¹⁴³ Lehrs *ibid.*

¹⁴⁴ Flourished under Ptolemy Philadelphus, i. e. in the first half of the third century B. C. E.

¹⁴⁵ See Lehrs *ibid.*

¹⁴⁶ Athen. *deipn.* XI, 493d.

¹⁴⁷ Νῦν τὸ μὲν ἐπιτιμώμενόν ἐστι τῷ ποιητῇ.

¹⁴⁸ τούτων τοίνυν οὕτως κατηγορουμένων τῇ ἀναστροφῇ χρῆσάμενοι ἀπολύομεν τὸν ποιητήν.

¹⁴⁹ I. e. mentally, but not literally, without destroying the meter.

The Poet is singling out Nestor from among the old men only. The difficulty is removed, and the Poet is acquitted of the charge of *ἀλογία*.

An exact parallel to this difficulty and solution is extant in rabbinic literature. It is stated in *Sifre*:¹⁵⁰ " 'And they came before Moses and before Aaron¹⁵¹ on that day' (Num. 9:6) R. Josiah said: If Moses did not know is it possible that Aaron would?¹⁵² But the verse is to be *inverted* (סרסדה)¹⁵³ and expounded," i. e. the men first came to Aaron who did not know and then they came to Moses. See above note 149.

The Rabbis encountered the same difficulty in Num. 9:6, that the Alexandrian grammarians traced in II. XI. 636 ff. It seemed unreasonable (*ἀλογος*) to them that the people whose question Moses failed to answer would consult Aaron on the same subject. They solved the problem by means of *ἀναστροφή*, rearrangement of the verse, just as Sosibius did.

However, from the anecdote related by Athenaeus¹⁵⁴ we learn that the solution proposed by Sosibius seemed strange and ridiculous to his contemporaries,¹⁵⁵ which indicates that in the third century B. C. E. this method was not yet fully accepted.

¹⁵⁰ I 68, ed. Horovitz, p. 63.

¹⁵¹ I. e., they brought the problem before Moses and before Aaron.

¹⁵² Comp. *Sifre* *ibid.* 133, p. 177, and the formulation in *TB Baba Bathra* 119b.

¹⁵³ The verb סרס means to turn upside down (Comp. *Mishnah Niddah* III. 5 and Rashi *TB* *ibid.* 28a, s. v. מטורס) which is the literal equivalent of *ἀναστρέφειν*. In our case it has *no* relation to *τέμνειν*, to castrate, to distinguish (See Daube, *HUCA* XXII, p. 261). The latter may have some connection with the interpretation of סרים (II Kings 25:19) by *Shir Rabba* (III. 7. Comp. *TP Sanhedrin* I. 2, 18c top). The *Midrash* states: סרים זה מופלא שבבית דין. ולמה קורא אותו סרים שטסרס את ההלכה refers to the *Mufla* (the head) of the court. Why is he called *Saris*, because he defines (literally: cuts) the *Halakha*." Comp. *Vay. Rabba* IV. 1: ישבו בשער: זה הותך ששם חותכין את ההלכה. Some years after the first publication of my book Daube independently discovered his mistakes. Comp. his article in *Festschrift Hans Lewald* (Basel, 1953), p. 28. See also *ibid.*, p. 29. Comp. also, p. 30 *ibid.* and our discussion below, pp. 79–80.

¹⁵⁴ *Ibid.* 494d.

¹⁵⁵ See K. Lehrs, *De Aristarchi studiis homerici*³, p. 218.

In the time of R. Josiah¹⁵⁶ this means of interpretation was very common in the rabbinic schools.¹⁵⁷

The rhetor Theon¹⁵⁸ writes:¹⁵⁹ τὴν δὲ ἀναστροφὴν τῆς τάξεως πολλαχῶς ποιησόμεθα. "We shall frequently make use of the inversion of the order." But he is really referring to the rhetoric scheme of ὕστερον πρότερον,¹⁶⁰ as is obvious from the examples he cites. This kind of ἀναστροφή is also utilized by the Rabbis,¹⁶¹ but the more common rabbinic *anastrophe* is that employed by Sosibius the λυτικός.

The solutions (λύσεις) of the grammarians were not always complicated and artificial. They sometimes assumed much simpler forms. For instance, we read in the Iliad VIII. 555 ff. ὡς δ' ὄτ' ἐν οὐρανῷ ἄστρα φαεινὴν ἀμφὶ σελήνην φαίνειτ' ἀριπρεπέα ("Even as in heaven around the gleaming moon the stars shine very bright"). "It was asked (ἐξήτησαν): How now could the moon be gleaming when the stars [around it] were shining bright. To which Aristarchus solving this says:¹⁶² It does not mean that the moon was gleaming at that time, but that by its nature it is gleaming."¹⁶³

This kind of interpretation is common in rabbinic literature. The sages rule¹⁶⁴ that a man who takes a vow to derive no benefit from creatures that are born is forbidden to benefit from the creatures that are yet to be born. Creatures that are born means creatures whose nature it is to be born,¹⁶⁵ and not only those that have already been born.¹⁶⁶

Literary problems were solved in a similar way in the schools

¹⁵⁶ Flourished in the second century.

¹⁵⁷ See Bacher, *Terminologie* I, p. 136, s. v. סרס; *ibid.* II, p. 144.

¹⁵⁸ Flourished in the second century.

¹⁵⁹ *προγυμνάσματα* 193, ed. Spengel, p. 877.

¹⁶⁰ See Cicero, *Ad At.* I. 16, beginning.

¹⁶¹ See *BR* LXX. 4, 800⁶ and Bacher *ibid.*

¹⁶² δ' Ἀρίσταρχος τοῦτο λύων φησί.

¹⁶³ Ἄλλὰ τὴν φύσει λαμπρὰν (Apollonius Sophista, *Lexicon homericum*, ed. Bekker, Berlin 1833, p. 161).

¹⁶⁴ *Mishnah Nedarim* III. 9.

¹⁶⁵ שדרכן להיוולד. This is the reading of the majority of mss. See also מלאכה שלטמ a. l.

¹⁶⁶ Comp. also *ibid.* 7; *TB Sotah* 25b *passim*.

of Alexandria and those of Palestine. The methods of the rhetors and their discussions had at least a stimulating effect on serious treatment of legal texts.¹⁶⁷ The following part of this chapter may shed more light on some aspects of text interpretation and its origin.

The Hermeneutic Rules of the *Aggadah*

Some of the hermeneutic rules used by the Rabbis to interpret the narrative parts of the Bible at first appear to us very artificial and far-fetched. These norms form part of the so called "thirty-two"¹⁶⁸ hermeneutic rules of the *Aggadah*.¹⁶⁹ Let us consider a group of successive rules:

Rule 27. *Mashal*, i. e. parable or allegory or symbol. The *mashal* is already used in the Bible; as an allegory it is common in the *Midrash*.¹⁷⁰ Very often the interpretation by way of *mashal* is undoubtedly the only true explanation of the text. But some allegories are obviously far from the real meaning of the text.¹⁷¹

Rule 28. Paronomasia, amphiboly, i. e. playing with homonymous roots.¹⁷²

¹⁶⁷ See F. Schulz, *Principles of Roman Law*, p. 130, n. 3 end.

¹⁶⁸ Some mediaeval authors quote "thirty-six rules" (See D. Cohen in *Tarbiz* II, 1931, p. 249). Joseph Rhacenditus (*σύντομος ῥητορικῆς*, ed. Walz, *Rhetores Graeci* III, p. 479. See above, n. 76) repeats that the six *ἐργασίαι* can be applied to each *ἐπιχείρημα* forming together thirty-six rules.

¹⁶⁹ The text is now available as an introduction to the *Midrash* שנתנו ר' אליעזר discovered and published by H. G. Enelow, New York 1933, p. 10 ff. An English translation of these rules can be found in Strack's *Introduction to the Talmud and Midrash*, p. 96. For the time of its compilation see *ibid.*, p. 95; for the sources, translations and literature, see *ibid.*, p. 289, nn. 2-3.

¹⁷⁰ See the abundant material collected by Einhorn in his מדרש הנאים II, Wilno 1838, 30d ff. See also I. Heinemann, *Altjüdische Allegoristik*, p. 15 ff.

¹⁷¹ See Heinemann *ibid.*, p. 33 ff.

¹⁷² See Einhorn *ibid.* 33c; Bacher, *Terminologie* I, p. 111, s. v. טעל; Lieberman *GJP*, p. 22 ff. Comp. *BR XXXI*. 8, 2815 and Field, *Hexapla* (to Jer. 1:11), p. 573, n. 13. Comp. I. Heinemann, *The Methods of the Aggadah*, p. 257, n. 14.

broken in two parts, and the letters of the first part are transposed. The *notaricon* includes an *anagram* as well. The *Aggadah*¹⁸² frequently resorts to the application of the anagram.¹⁸³

Similarly אברך (Gen. 41:43) is interpreted by R. Judah¹⁸⁴ as רך רב. The name of the Patriarch ראובן is dissolved¹⁸⁵ into ראו בן.¹⁸⁶

The artificiality of the last four hermeneutic rules is evident. An anonymous *Midrash* appended at the end of the thirty-two hermeneutic norms¹⁸⁷ remarks: הרי הוא אומר כי בא החלום ברוב עניין. והלא דברים קל וחומר ומה אם דברי חלומות שאינן לא מעלין ולא מורדין חלום אחד יוצא לכמה ענינים, דברי תורה החמורים על אחת כמה וכמה שמקרא אחד יוצא לכמה טעמים "Behold it says: 'A dream carries much implication' (Eccl. 5:2). Now by using the method of *kal vahomer* (*a minori ad maius*) we reason: If the contents of dreams which have no effect may yield a multitude of interpretations, how much more then should the important contents of the Torah imply many interpretations in every verse."

The author of the anonymous *Midrash* possibly felt that some similarity exists between the methods of the interpretation of dreams and some of the hermeneutic rules of the *Aggadah*. Indeed, we shall demonstrate the striking fact that the hermeneutic rules mentioned above are also applied to the solution of dreams. In this realm they are quite understandable. It lies in the very nature of some dreams and most of the oracles to make their revelations in a concealed and disguised way. Dreams and oracles lend themselves to many and various kinds of interpretation. They are, of course, always right. The expounder will show by the remotest ways possible that they did

¹⁸² And in this category we count the אסמכתא (see above p. 63) parts of the *Halakha* as well.

¹⁸³ See *TP Nazir* VII. 2, 56b; *TB Mo'ed Katan* 9b; *Tanḥuma*, beginning etc. etc.

¹⁸⁴ *Sifre* II. 1 (end), ed. Finkelstein, p. 8. See *ibid.* the strong objection raised by R. Jose of Damascus to this interpretation.

¹⁸⁵ *Pirkei R. Eliezer* ch. 36, ed. Rabbi David Luria, 84a, and comp. n. 36 *ibid.*

¹⁸⁶ Comp. *TB Berakhoth* 7b.

¹⁸⁷ *Midrash Haggadol Bereshith*, ed. Schechter, p. XXV, ed. Margulies, p. 39.

not lie. Necessity often compelled the priests and interpreters to invent the most clever devices for explaining the meanings of oracles and dreams. The cleverer the trick, the deeper the impression on the inquirer of the dreams and oracles. We shall now consider in order the application of the five above-mentioned rules to the elucidation of dreams and oracles.

1. Symbols¹⁸⁸ and allegories¹⁸⁹ are the most common means for the explanation of dreams.¹⁹⁰ We need not bring examples for it, the phenomenon being universally known.

2. Paronomasia, the playing with homonyms, is an important element in the interpretation of dreams. Artemidorus gives a number of instances¹⁹¹ to this effect. Rabbinic literature¹⁹² has preserved a lengthy catalogue of dream interpretations. H. Lewy¹⁹³ demonstrated the close parallel between Artemidorus' *Onirocriticon* and the dream interpretations of the Rabbis.¹⁹⁴ Paronomasia plays an important part in it.¹⁹⁵ In many places the style of the Talmudic passages (*ibid.*) makes the impression of being excerpts from a manual on dreams which contained general principles. The Rabbis frequently employ such general formulas¹⁹⁶ as חוץ . . . כל, "All . . . except." For instance they say: כל מיני ירקוח יפין לחלום חוץ וכו' "All kinds of vegetables are of good omen in a dream except etc."¹⁹⁷ Dream books from all over the world and of all times have utilized similar methods.

¹⁸⁸ See Bouché-Leclerck, *Histoire de la divination* I, pp. 116 ff. and 312.

¹⁸⁹ See Artemidorus, *Onirocriticon* I. 2; Bouché-Leclerck *ibid.*, p. 302.

¹⁹⁰ See Rabbinowicz דקדוקי טופרים to *Berakhoth*, p. 315.

¹⁹¹ *Ibid.* I. 68; II. 12, s. v. αἴγες; III. 28 *passim*. See Bouché-Leclerck *ibid.*, p. 313 ff.

¹⁹² *TP Ma'aser Sheni* IV. 9, 55b, *Ekha Rabba* I, ed. Buber 26a ff. and particularly *TB Berakhoth* 55a-57b.

¹⁹³ *Rheinisches Museum f. Philologie* N. F. 48 (1893), pp. 398-419.

¹⁹⁴ *Comp.* also I. Wiesner, *Scholien zum Babylonischen Talmud*, I, p. 124 ff.

¹⁹⁵ See A. Kristianpoller, "Traum un Traumdeutung im Talmud" (*in Monumenta Talmudica* IV), p. 46 ff., Nos. 139-153; H. Lewy *ibid.*

¹⁹⁶ *TB Berakhoth* 57b (many times).

¹⁹⁷ *Comp.* Artemidorus *ibid.* I. 68: τῶν ὀσπρίων πάντα μοχθηρὰ πλὴν πῖσον. "All pulses are of a bad omen except peas."

3. The *gematria*, *ισόψηφα*, the numerical value of letters, is one of the most important components of the *onirocritica*.¹⁹⁸

To see the weasel in a dream is a bad portent, because the letters of *γαλῆ* (weasel) are of the same numerical value as *δίκη* (lawsuit or penalty).¹⁹⁹ Meeting a weasel on the way was believed in antiquity to be a bad portent,²⁰⁰ and the Rabbis condemned this belief.²⁰¹ Nevertheless they saw in the weasel some sinister symbol. They said:²⁰² *למה הוא מושל כל באי העולם בחולדה אלא מה החולדה הזאת גוררת ומנחת ואינה יודעת למי מנחת כך הן כל באי העולם גוררין ומניחין גוררין ומניחין ואינן יודעין למי הן מניחין. יצבר ולא ידע מי אוספם* "Why does it²⁰³ liken all inhabitants of the world to a weasel,²⁰⁴ because just as this weasel drags and stores up and does not know for whom it stores, so the dwellers of the world drag and store, drag and store, not knowing for whom they store, [as it is written]:²⁰⁵ *'He heapeth up riches, and knoweth not who shall gather them'*."²⁰⁶

Artemidorus²⁰⁷ similarly explains that the vision of a weasel in a dream is a bad omen because it spoils whatever it takes.²⁰⁸ The latter interpreted the dream of a weasel by means of *gematria* and a symbol; the Rabbis apply it in the *Aggadah* with the help of paronomasia.

Although there is no evidence in early rabbinic literature for the use of *gematria* (*ισόψηφα*) in the interpretation of dreams²⁰⁹

¹⁹⁸ See Artemidorus *ibid.*, ed. Hercher, *Index rerum*, p. 303, s. v. *ισόψηφα*; Buché-Leclercq *ibid.* I, pp. 313 and 318 ff.

¹⁹⁹ Artem. III. 28: *ἔστι γὰρ ἰσόψηφος δίκη καὶ γαλῆ.*

²⁰⁰ See H. Lewy, *Zeitschrift des Vereins f. Volkskunde* III, 1893, pp. 135–136. Comp. also Lieberman *GJP*, p. 98, n. 19.

²⁰¹ See Lieberman *ibid.*

²⁰² *TP Shabbath* XIV. 1, 14c.

²⁰³ I. e. Scripture, Ps. 49:2.

²⁰⁴ A play on *חלר* and *חולדה*.

²⁰⁵ Ps. 39:7. Comp. *ibid.* 6.

²⁰⁶ The Rabbis probably allude to the destruction of the weasel by the snake which then devours the food stored up by the former. See Arist. *Hist. anim.* IX. 1, 609b; *ibid.* 6, 612b.

²⁰⁷ *Ibid.* III. 28.

²⁰⁸ *ὁ τι γὰρ ἄν λάβῃ, τοῦτο σήπει.*

²⁰⁹ Comp. A. Loewinger, *Der Traum in der jüdischen Literatur*, p. 27, n. 7 and p. 30. See below n. 211.

we can assume the Rabbis were not unaware of this method in the *onirocritica*. The wide use of the *gematria* in the magic and mystic literature²¹⁰ argues for its general application in all occult sciences of the time.²¹¹

4. Substitution of letters, *Athbash*²¹² was widely practiced in antiquity.²¹³ No evidence is found for the application of *Athbash* in dream interpretations, but the common use of it suggests that the experts on dreams would not neglect this device when occasion arose. Rab²¹⁴ maintained²¹⁵ that Daniel had interpreted (Dan. 5:25) the oracle by the method of *Athbash*. This asserts its application in at least the interpretation of oracles.

5. *Notaricon* in all its forms and variations as it was employed by the Rabbis in the exposition of the *Aggadah*²¹⁶ is quite common in the interpretation of dreams among both Jews and Gentiles:

²¹⁰ See F. Dornseiff, *Das Alphabet* etc., pp. 91–118; Th. Hopfner, *Griechisch-Aegyptischer Offenbarungszauber*, p. 181; R. Eisler, *Weltenmantel*, p. 789, s. v. Isopsephie; idem, *Archiv f. Religionswissenschaft* XVI, 1913, p. 305, n. 2.

²¹¹ The use of letters as numerals is apparently a Greek invention which was adopted by the Semites at a much later time, see Dornseiff, *Das Alphabet* etc., p. 11. (Comp. now H. L. Ginsberg, *Studies in Koheleth*, p. 32 ff.) At some time during the second commonwealth the Jews inscribed α, β, γ (signifying 1, 2, 3) on the several baskets in the temple of Jerusalem (See *Mishnah Shekalim* III. 2), i. e. the Jews availed themselves of the Greek alphabet to employ letters as numerals (In the *Mishnah* *ibid.* R. Ishmael is only explaining the statement of the first *Tanna*). Comp. however Tosefta *Ma'asser Sheni* V. 1.

The numerical value of Greek letters was also utilized in the rabbinic dream interpretations. R. Jose (*BR* ch. 68. 12, 785, see also the sources referred to above, n. 192) explains (the dream about the treasure in) Cappadocia to signify *κάππα δοκοί*, twenty beams. This is, of course, no *ισόψηφον*. The absence of the latter in early Jewish *onirocritica* may be quite indicative of its origin.

²¹² See above n. 177.

²¹³ See Dornseiff, *Das Alphabet* etc., pp. 17 (and n. 2 *ibid.*), 125 and 136. Comp. also H. I. Marrou, *Histoire de l'éducation dans l'antiquité*, p. 212. For other ways of substitution of letters see Suetonius, *Jul.* LVI. 6 (A. Gelius, *Noct. Att.* XVII. 9. 1–5); idem, *Aug.* LXXXVIII. Comp. *TB Sukkah* 52b.

²¹⁴ Flourished at the beginning of the third century.

²¹⁵ *TB Sanhedrin* 22a.

²¹⁶ See above, nn. 180–185.

a. Every single letter is considered as an abbreviation of a word.²¹⁷ R. Joshua b. Levi said²¹⁸ that the vision of the letter ט"ח in a dream is a good omen. "Is it because ט"ח stands for טוב?"²¹⁹ Similarly, Artemidorus²²⁰ relates that once a military commander saw the letters ι κ θ in a dream inscribed on his sword.²²¹ The Jewish war in Cyrene²²² broke out, and the man who saw the dream died a hero's death. Consequently, the explanation of the dream was that the ι stood for 'Ιουδαίους, the κ for Κυρηναίους and the θ for θάνατος.

b. The anagram²²³ was a common device in the *onirocritica*. The Rabbis say:²²⁴ שְׁעוֹרֵיין בַּחלוֹם סָרוּ עוֹנוֹתָיו שְׁנֵאמַר וְסָר עוֹנֶךָ. "If a man sees barley in a dream it means that his sins were removed, as it is written (Isa. 6:7): 'And thine iniquity is taken away'." The letters שְׁעוֹרֵין (barley) are transposed and made to signify סָר עוֹן (sin is removed). It is a common procedure in the hermeneutic rules of the *Midrash*. TB²²⁵ formulates it: "One may remove [a letter] and add [one] and then interpret." From Artemidorus²²⁶ it is evident

²¹⁷ See above, n. 180. Comp. also the *Onirocriticon* of Rabbi Shlomoh Almoli פתרון חלומות Gate I, ch. 1 end.

²¹⁸ *TB Baba Kamma* 55a, see דקדוקי סופרים *ibid.*, p. 119.

²¹⁹ *TB* *ibid.* For ט"ח as an inauspicious sign, see Lieberman, *GJP*, p. 191. In the *Midrash* of the alphabet by the Samaritan Marqah (M. Heidenheim, *Der Kommentar Marqah's des Samaritaners*, p. XI, n. 2) this letter is the symbol of the snake which brought destruction into the world. Comp. however, Rettig, *Memar Marqa*, p. 23. Dornseiff (*Das Alphabet* etc.) who collected the material on the exegesis of the alphabet overlooked Marqah's *Midrash*. See H. Baneth, *Des Samaritaners Marqah an die 22 Buchstaben*, Berlin 1888, p. 50 ff.

²²⁰ IV. 24.

²²¹ οἷον ἔδοξε στρατοπεδάρχῃς ἐπὶ τῇ μαχαίρᾳ αὐτοῦ γεγράφθαι ι κ θ. ἐγένετο πόλεμος ὁ Ἰουδαϊκὸς ἐν Κυρήνῃ, καὶ ἠρίστευσεν ἐν τῷ πολέμῳ ὁ ἰδὼν τὸν ὄνειρον, καὶ τοῦτο ἦ δ εἶπομεν, ἀπὸ μὲν τοῦ ι Ἰουδαίους, ἀπὸ δὲ τοῦ κ Κυρηναίους, ἀπὸ δὲ τοῦ θ θάνατος.

²²² The reference is probably to the Jewish war against Trajan, see Schürer, *Geschichte* I³, p. 665.

²²³ See above n. 183.

²²⁴ *TB Berakhoth* 57a.

²²⁵ *Yoma* 48a; *Baba Bathra* 111b and parallels. Comp. *TP Sota* V. 1, 20a.

²²⁶ IV. 23: μεταθέντες . . . ἀφελόντες ἢ προσθέντες γράμματα. "Changing . . . removing and adding letters." Comp. *ibid.* I. 11.

that this was the practice of the Greek interpreters of dreams. The anagram was also widely employed in mystic and magic literature.²²⁷

c. The dissolution of one word into two parts²²⁸ was also generally practiced in the *onirocritica*. ישמעאל is there interpreted²²⁹ as ישמע אל, "The Lord will hear [his prayers]," and לו לב as לו לב "To Him is [his] heart."²³⁰ During his siege of Tyre Alexander the Great is said to have seen a satyr in a dream who mocked him at a distance. "The diviners, dividing the word "satyros" in two parts (sa Tyros), said to him plausibly enough 'Tyre is to be thine'."²³¹

We not only find the same methods employed in the *onirocritica* and in the *Aggadah*, but sometimes also come across the very same interpretations in both sources. The *Sifre*²³² playing on the word מורשה (Deut. 33:4), heritage, interprets it as if it were written מאורשה (betrothed), and, deriving from it that the Torah is betrothed to Israel, it draws certain conclusions.²³³ The identical exegesis is used in the solution of a dream.²³⁴ In the *onirocriticon* the betrothed girl symbolizes the Torah. In the *Aggadah* the Torah is betrothed to Israel.

The methods applied in the understanding of dreams were invented neither by the Jews nor by the Greeks. They go back to hoary antiquity. The ingenuity of the diviner or seer produced the most complicated solutions of dreams, oracles and magic, which lent themselves to similar ways of interpretations; they borrow from each other and supplement one another.

"Seventy years, as the period of its (i. e. Babylon's) desola-

²²⁷ See L. Blau, *Das altjüdische Zauberwesen*, pp. 147-148; Dornseiff, *Das Alphabet* etc., p. 63.

²²⁸ See above, nn. 181, 184-186.

²²⁹ *TB Berakhoth* 56b.

²³⁰ *Ibid.* 57a.

²³¹ Plut. *vit Alex.* XXIV. 5: οὐ δὲ μάντις τοῦνομα διαιροῦντες οὐκ ἀπιθάνως ἔρασαν αὐτῶ· Σὴ γενήσεται Τύρος. Artemidoros (IV. 24) ascribes this analysis to the famous seer Aristandros of Telmessus in Lycia. See on him Bouché-Leclercq, *Histoire de la divination* II, p. 76 ff.

²³² II, 345, ed. Finkelstein, p. 402. Comp. *Shemoth Rabba* XXXIII. 7.

²³³ See also *TB Sanhedrin* 59a and *Pesahim* 49b.

²³⁴ *TB Berakhoth* 57a.

tion, he (i. e. Marduk) wrote down (in the Book of Fate). But the merciful Marduk in a moment his heart was at rest (appeased) turned it upside down and for the eleventh year ordered its restoration."²³⁵ The Babylonian numeral "70" turned upside down, or reversed, becomes "11", just as our printed "9" turned upside down becomes "6".²³⁶

Writing or reading letters upside down was probably not limited to oracular interpretation only, but was practiced in magic as well. More than a thousand years later Plinius Medicus prescribed²³⁷ as a "remedy" for a persistent haemorrhage the writing of the patient's own name on his forehead in letters inverted upside down.²³⁸ The methods were the same at different times among different nations.

The Rabbis knew this truth. R. Abbahu²³⁹ was once involved in a controversy with non-Jews about the survival of children born after seven or eight months of pregnancy.²⁴⁰ The

²³⁵ The Black Stone of Esarhaddon of 680 B. C. E. (Luckenbill in *The American Journal of Semitic Languages* XLI, 1925, p. 242 ff.). Prof. H. L. Ginsberg has kindly drawn my attention to this inscription.

²³⁶ Luckenbill *ibid.*

²³⁷ I. 7, cited by Dornseiff, *Das Alphabet* etc., p. 56, n. 1.

²³⁸ Nomen ipsius, inversis literis, apices deorsum.

²³⁹ Died in the beginning of the fourth century.

²⁴⁰ According to a tradition quoted from an unknown source in the Yemenite *Midrash Haggadol* on Ex 2:2 (p. 13): "All the prophets were born after only seven months of pregnancy." *Protev. Jacobi* (V. 2) asserts (according to two manuscripts and the Armenian version) that Anna gave birth to Mary after seven months of pregnancy. The same was said about Dionysus and Apollo, see Gaster, *The Joshua Bloch Memorial Volume*, p. 118, n. 4.

Rabbi Simeon Duran in his book (composed at the beginning of the fifteenth century in Algiers) ויבן נשך relates: And they (i. e. the Gentiles) say that the reason a child born after eight months of pregnancy is not viable is that Jesus the Nazarene, who was born after eight months of pregnancy ordained that no child born after this period of pregnancy survive. Suspecting that the Rabbi drew his information from Moslem sources I inquired of Prof. Arthur Jeffery about this tradition in Arabic literature. Dr. Jeffery kindly supplied the following information: Ibrahim al-Tha'labi in his *Ḳiṣaṣ al-Anbiā* (i. e. *historiae prophetarum*), ed. Cairo 1921, p. 265 reports (The tradition goes back to Al-Kalbi): "The scholars differ as to the period of Mary's pregnancy and the time of her giving birth to Jesus. Some say that the measure of her

Rabbi remarked:²⁴¹ מדיכון אנא ממטי לכון זיטא איפטא איטה אכטו "From your own [alphabet] I will prove it to you ζ (ζῆτα) = ἐπτά, η (ἦτα) = ὀκτώ."²⁴² The most plausible explanation was suggested by O. Crusius:²⁴³ Since ζ equals 7 and η 8 the cryptogram has to be deciphered as: ζῆ τὰ ἐπτά <μᾶλλον> ἦ τὰ ὀκτώ, i. e. "Infants of seven months are more likely to survive than those of eight."²⁴⁴ R. Abbahu resorted here to the *notaricon*,²⁴⁵ paronomasia and the numerical value of letters, and combined them together²⁴⁶ for the purpose of investing letters of the Greek alphabet with mysterious significance. The method was well understood by Jew and Gentile alike.

To sum up, numberless methods for the interpretations of dreams, oracles and mystic writings existed in the ancient world from times immemorial. Very often the same phenomenon lent itself to various and even contradictory explanations.²⁴⁷

pregnancy was the same as other women, namely nine months. Others say it was *eight* months, and that that was an added miracle, since no eight months child has ever lived save Jesus. Others say it was six months, others three hours, and others, that it was a single hour." In this source, however, there is no mention that it was Jesus who decreed that no child born after eight months of pregnancy should survive. The Rabbi denied the claim, pointing out that Hippocrate (See *de nutr.* XLII and the commentary of Sabinus quoted by A. Gellius, *noctes Att.* III. 16) and Aristotle (See *hist. anim.* VII. 4 584b) who lived hundreds of years before Jesus possessed knowledge of this rule. Consequently, it cannot be ascribed to the decree of Jesus.

²⁴¹ BR XIV. 2, 1272 and parallels referred to by Theodor a. l.

²⁴² See A. Brüll, *Fremdsprachliche Redensarten*, Leipzig 1869, p. 16, n. 2; S. Krauss LW I, p. 154.

²⁴³ *Apud* L. Cohn in *MGWJ* XLIV, 1900, p. 569; see Lieberman *GJP*, p. 23.

²⁴⁴ Comp. Galen, *Phil. hist.*, ed. Kühn p. 333; Oribasius, *collect. med.* XXII. 5, ed. Bussemaker et Daremberg III, p. 63. The latter remarks that the theory according to which children born after eight months of pregnancy are not able to live is false, for they do live (τοῦτο δέ ἐστι ψεύδος· ζῆ γάρ). But the truth is that the number of surviving eight months infants is less than that of seven months children (ἦττον τῶν ἐπταμήνων).

²⁴⁵ I. e. breaking the names of the letters in two parts.

²⁴⁶ It is the same device employed by R. Jose in his dream interpretation where he dissolved Cappadocia in Κάππα δοκοί, twenty beams, see above n. 211.

²⁴⁷ See Cicero, *de divinat.* II. 70.

The Rabbis who flourished at the end of the first and the beginning of the second centuries (and among them we find R. 'Akiba, the famous interpreter of the Torah) already employed the shrewd and complicated methods of the *onirocritica* in their dream interpretations.²⁴⁸

For the interpretation of sacred *legal* texts, which were not as a rule formulated in an ambiguous language, different means were undoubtedly in use among the priests. The Rabbis applied comparatively few rules to the elaboration of the legal part of the Torah. They were the result of choice, discrimination and crystallization out of many ways for the exposition of texts. In the *Aggadah* however and in the *אסמכתות* ("supports") for the *Halakha*, the Rabbis resorted to well established devices which were current in the literary world at that time. Had the Rabbis themselves invented these artificial rules in their interpretations, the "supports" from the Bible would be ineffective and strange to the public. But as the utilization of instruments accepted all over the civilized world of that time their rules of interpretation of the *Aggadah* (and their "supports" for the *Halakha* from Scripture) were a literary affectation which was understood and appreciated by their contemporaries.²⁴⁹

However, although we possess no evidence that the Rabbis borrowed their rules of interpretation from the Greeks, the situation is quite different when we deal with formulation, terms, categories and systematization of these rules. The latter were mainly created by the Greeks, and the Jews most probably did not hesitate to take them over and adapt them to their own rules and norms.

The name *Mekhilta*, *Mekhilata* (literally: measure, measures), for the *Tannaitic* treatises which interpret the Bible²⁵⁰ cor-

²⁴⁸ *TP Ma'aser Sheni* IV, end, 55c.

²⁴⁹ We have suggested that some of the artificial rules in *Aggadic* hermeneutics were derived from the *onirocritica* rather than from the realm of oracles etc. because the former was in vogue among the Jews, whereas nothing of the latter was used by them in the rabbinic period save the *בא קול*, see Appendix I, below p. 194 ff.

²⁵⁰ Or for collections of rabbinic law, see J. N. Epstein, *Tarbiz* VI. 3, p. 102 ff.

responds exactly to *κανών, κανόνες*,²⁵¹ the treatise, or treatises, of logic.²⁵² Again the term *שורה שורה* appears to be the literal translation of the Greek *σύγκρισις πρὸς ἴσον*,²⁵³ which indicates the influence of Greek terminology.

Hence we may go a step further. Although the Rabbis cannot be definitely said to have adopted a certain method from the Greeks, they may nevertheless have learned from them the *application* of that method to a particular question. We shall cite one interesting instance.

It appears that the device of an acrostic in a composition to indicate the name of the author was already employed in the Orient in the second millenium B. C. E.²⁵⁴ According to Cicero²⁵⁵ Ennius Quintus wove into some of his verses the acrostic.²⁵⁶ Quae Q. Ennius fecit, "Quintus Ennius wrote it." In the view of modern scholars the Greek acrostic of this type²⁵⁷ is not earlier than the second century B. C. E.²⁵⁸

Perhaps we may venture the conjecture that even the early Alexandrian grammarians sought acrostics in Homer's books for the purpose of establishing the authorship of certain poems found in our Iliad and Odyssey.²⁵⁹ Athenaeus reports²⁶⁰ that Sosibius²⁶¹ was a recipient of a royal stipend from Ptolemy Philadelphus. The latter once commanded his stewards to refuse Sosibius his stipend and to tell him that he had already received it. The stewards obeyed the order of the king and, consequently, Sosibius went to him and complained of their action.

²⁵¹ See Hoffmann, *Zur Einleitung in die halachischen Midraschim*, p. 37 and Epstein *ibid.*

²⁵² Comp. *ὁ Ἐπικούρου κανών*, see Diog. Laert. X. 30 ff.

²⁵³ See above, p. 59 ff.

²⁵⁴ See B. Landsberger, *Zeitschrift f. Assyriologie* 1936, p. 33; R. Marcus, *Journal of Near Eastern Studies* VI, 1947, p. 109 and notes *ibid.*

²⁵⁵ *De divin.* II. LIV. 111, referred to by Graf in *PW RE* I, p. 1200.

²⁵⁶ Quae *ἀκροστιχίς* dicitur.

²⁵⁷ Notwithstanding the report of A. Gellius (*Noct. Att.* XIV. 6. 4) that some authors tried to find acrostics in the poems of Homer (see Graf *ibid.*).

²⁵⁸ I. e. not earlier than the previously mentioned Latin acrostic, see Graf *ibid.* and Dornseiff, *Das Alphabet etc.*, p. 147.

²⁵⁹ Comp. Seneca, *epist.* 88. 40.

²⁶⁰ *Deipn.* XI, 493f.

²⁶¹ See above n. 144.

Ptolemy asked for the records and, upon examining them, affirmed that his stewards were right in their assertion that Sosibius had already received his stipend. The records had the following list of names of people who had already been paid their allowances: Soterios, Sosigenos, Bionos, Appolloniou. The king said: Take the *so* from Soterios, the *si* from Sosigenos, the first syllable from Bionos and the last letters from Appolloniou, and you have: So-si-bi-ou. "You will find that you yourself received your due according to your own devices,"²⁶² i. e. the way of your interpretation of Homer.

This anecdote makes good sense only if we suppose that Sosibius liked to look for acrostics in the poems of Homer which might contain the names (signatures) of their authors. Ptolemy argued that by Sosibius' own methods he could prove that the latter's name was found in his records indicating that he had already received his pay. If our conjecture is true, Sosibius was the first to introduce the search for an acrostic as a literary criterion for the establishment of the authorship of a given work. This innovation seemed ridiculous to his contemporaries, and he was accordingly given his own medicine.

In early rabbinic literature this kind of acrostic is not mentioned.²⁶³ But the Rabbis were sometimes confronted with problems similar to the question of authorship in classic literature, and the possible discovery of an acrostic would be of some help.

For instance, the Rabbis differed as to the writer of the Second Tables. The Bible itself leaves room for doubt. Some verses imply (Ex. 34:1; Deut. 10:2, 4) that the Almighty wrote them (as He did the first ones). But other verses (Ex. 34:27, 28) indicate that Moses engraved the Second Tables. The prevalent rabbinic view is that both the First and the Second Tables were written by the Almighty Himself.²⁶⁴ But some

²⁶² εὐρήσεις σαυτὸν ἀπειληφότα κατὰ τὰς σὰς ἐπινοίας.

²⁶³ The only two instances are: *Pesikta Rabbathi* 46, ed. Friedmann, 187a which finds the acrostic למשה in לשבח שיר ליום השבת (Ps. 92:1) and *Tanhuma* 5 האויני where a *gematria* derived from an acrostic forms the name משה. In both cases we have apparently later interpolations.

²⁶⁴ See *Tosefta Baba Kamma* VII, 3581 ff. and *Debarim Rabba* III. 17.

rabbinic sources suggest that the latter were the work of Moses.²⁶⁵ Rabbi Isaiah the Younger (of Trani) states explicitly:²⁶⁶ וכחבתי על הלוחות לאו דווקא שהרי אמר כתוב לך ולא היה מכחב אלקים “*And I will write*” (Ex. 34:1) is not meant in the literal sense, for it is said (ibid. 27): ‘*Write thou*’. Only the First Tables were of the Lord’s own handwriting. The verse ‘*I will write*’ means I shall order thee to write.” Similarly Pseudo-Philo²⁶⁷ records: Et dixit ei Deus . . . rescribe in eis iusticias etc. “And the Lord said to him . . . write upon them the laws etc.”

Consequently the opinions of the Rabbis were divided as to the handwriting of the Second Tables. Both parties found their evidence in אָנֹכִי, the first word of the Tables, which they rated as an acrostic. The prevalent opinion read it²⁶⁸ to mean: אָנֹכִי נִפְשִׁי כִתְבִית יְהוִיָּה “I Myself wrote [and] gave [them].” In this view the first word of both the First and the Second Tables indicates that they were both written by the Lord Himself.

However an anonymous statement preserved in the Yemenite *Midrash Haggadol*²⁶⁹ records: אָנֹכִי רַבָּנָן אָמְרֵי אָנֹכִי נִפְשִׁי כִתְבִית יְהוִיָּה “The Rabbis said אָנֹכִי is to be resolved into: I *nomico* (νομικός) wrote [and] gave [them].” Here it is the νομικός who wrote and gave the Tables. There can be no doubt that the νομικός is none other than Moses. The Samaritan Marqah,²⁷⁰ in enumerating the titles of Moses, calls him מִיִּסְטָה,²⁷¹

²⁶⁵ *Shemoth Rabba* XLVII. 9, end. Comp. ibid. 2 and *Tanhuma* ibid., ed. Buber 59a and n. 123 ibid.

²⁶⁶ אָנֹכִי טוֹב, *Hebräische Beilage zum Magazin* of Berliner and Hoffmann, 1885, p. 16.

²⁶⁷ XII. 10, ed. Kisch, p. 149.

²⁶⁸ *TB Shabbath* 105a; *Pesikta Rabbathi* XXI, ed. Friedmann 105a; *Pesikta deR. Kahana* XII, 109a.

²⁶⁹ To Deut. 5:6 in הסגולה XVIII, p. 53; *Midrasch Tanna'im*, ed. Hoffman, p. 20, note *.

²⁷⁰ M. Heidenheim, *Bibliotheca Samaritana* III, p. 114; H. Baneth, *Des Samaritaners Marqah an die 22 Buchstaben*, p. 48.

²⁷¹ This was the surname of Moses in the Jewish Hellenistic writings, see W. Bauer, *Griechisch-deutsches Wörterbuch z. d. N. T.*, s. v. μείστης. Likewise in *ascensio Mosis* (I. 14; III. 12) Moses is styled *arbiter*. The rabbinic writings as well term Moses סַרְסוּר, see *TP Megillah* IV. 1, 77d; *Pesikta deR. Kahana*

μεσότης, middleman, and נומיקה, νομακός, *iuris prudens*, or scribe, notarius.²⁷² The Samaritans²⁷³ and the Palestinian *Targumim*²⁷⁴ call Moses ספר. In the Greek of the Byzantine period νομακός was simply *tabellio*,²⁷⁵ notary.²⁷⁶ The Rabbis who maintained that the Second Tables were engraved by Moses explained that in these the נ' in נומי stands not for נפשי (Myself) but for נומיקה, νομακός, Moses.

V, 45a (twice) and parallels; *Shemoth Rabba* III. 5; *ibid.* XXXIII. 1; *Debarim Rabba* III. 12 *passim*. Prof. Louis Finkelstein (*Tarbiz* XX, p. 96) discovered that Moses was also called בניי, middleman. He is also termed שליח (*Sifra*, end, 115d), agent. See also *Pesikta Rabbathi* XV, ed. Friedmann 69a and *Shir Rabba* I. 4, ed. Rom 5a.

²⁷² And not law-giver, as translated by A. E. Cowley, *The Samaritan Liturgy* II, Glossary, p. LXII, s. v. נומיקה. *Aggadath Bereshith* (XXXVI, ed. Buber, Krakau, 1903, p. 72) in referring to איה טופר (Is. 33:18) renders it: איה הן הנומקין שלה "Where are her νομακοί" (Comp. S. J. Miller, *The Samaritan Molad Moshe*, p. 6012, where the plural is spelled נומיקים).

²⁷³ See Marqah, ed. Baneth *ibid.*, p. 42.

²⁷⁴ See ps.-Jonathan Num. 21:18 *passim*. He is also called ספרא רבה (TB *Sota* 13b, Onkelos Deut. 33:21, *passim*) which corresponds to כתבה רבה of the Samaritans, see Heidenheim, *op. c.* II, p. 138.

²⁷⁵ See Goetz, *CGL* II, 1493 and Preisigke, *Fachwörter d. öffentlichen Verwaltungsdienstens Ägyptens*, p. 130, s. v. νομακός.

²⁷⁶ Comp. also Payne Smith, *Thesaurus Syriacus*, p. 2232.

THE PUBLICATION OF THE *MISHNAH*

In addition to the canonical Hebrew Scripture¹ the Jews of the second commonwealth possessed a compilation of laws, customs and ethical sayings known as *Mishnah*.² This is the main source of the earlier statements of the *Halakha*³ which

¹ And other books such as the *Targumim* etc.

² In this chapter the term *Mishnah* is employed in the sense given to it by the ancient and mediaeval Rabbis. The *Baraitoth* are also included under this name. See J. N. Epstein, *מבוא לניסוח המשנה*, pp. 805, 811 ff.

³ The origin of this word is not definitely established. Leopold Wenger (*Canon in den römischen Rechtsquellen und in den Papyri*) undertakes to prove that canon as *regula iuris* (see pp. 47-71) derived its meaning from canon, rent annually paid by the tenant to the land owner (*κανὼν ἐμφυτευτικός*) and canon, land tax paid to the government. "The characteristic features of the economic and financial *canon* are that its amount is fixed beforehand as a regular, annual payment which, on principle, is unchangeable. These features are the bridge which connects the two meanings of the term. *Canon* as synonymous with *regula* shows the same traits as the various payments covered by the term: stability, regularity and fixedness, although moderation is not excluded." (A. Berger, *Seminar* VII, 1944, p. 96). Although Wenger's study covers a later period (*canon* as land tax is not attested by sources earlier than the fourth century C. E.) his research and reasoning may perhaps elucidate our term. In Ezra (4:13 passim) the tax הלך is mentioned. It has been identified (see Gesenius-Buhl, s. v. הלך) with the Babylonian *ilku* (tax) which is already extant in the laws of Hammurabi. From the Aramaic Indorsements on the Documents of the Muraššû Sons (A. T. Clay in *Old Testament and Semitic Studies in Memory of W. R. Harper* I, p. 308, No. 26; p. 316, No. 48) we learn that a land tax was called הלכא. Hence it is possible that the term הלכה, *regula*, fixed rule (הלכה קצובה), has its origin in the name of the fixed land tax.

In practice הלכה has the same meaning as *ὄρος* (literally "boundary") which means *regula*, and especially a statement of the law, a juristic principle, in antithesis to case law (מעשה), see F. Schulz, *History of Roman Legal Science*, p. 137, n. 4. The Rabbis (*Sifre* II 188, ed. Finkelstein, p. 227) interpreted the verse (Deut. 19:14) "Thou shalt not remove thy neighbor's boundary" (גבול). The Septuagint and Symmachus render it *ὄρια*) as a reference to the deliber-

forms the bulk of Jewish oral law. The word *משנה*, *Mishnah*, in its broader sense signifies the whole body of the early Jewish oral transmission (including the *Halakhic Midrashim*, see n. 2) and was rendered *δευτέρωσις* by the Christian Church fathers.⁴ We now have the oral law in the form of books, but there is a persistent tradition (see below) that once upon a time there was an injunction against putting the oral Law in writing.⁵

Mediaeval scholars disagree as to the time when the *Mishnah* was indited. Some assert⁶ that every scholar wrote the *Mishnah* for his private use, whereas others maintain⁷ that the *Mishnah* and the Talmud were not reduced to writing until the post-Talmudic period. Modern scholars are divided in the same two camps.⁸ As for the rabbinic sources themselves, they state clearly⁹ that the oral Law is not to be put down in writing. At the same time there is abundant evidence indicating that the Rabbis were in possession of written *Halakhoth*.¹⁰

Upon a closer analysis of the rabbinic sources, however, we shall see that Rab Sa'adiah Gaon and his followers were undoubtedly right in their view regarding the writing of the *Mishnah*. Modern scholars have failed to treat the whole

ate change of the traditional *halakha* (See Lieberman, *Tosefeth Rishonim* IV, p. 52). Comp. also Dionysius of Alexandria quoted by Eusebius, *Historia Eccles.* VII. 7. 5 and A. Rahlfs, *Septuaginta Studien* I, 1904, p. 76.

The הלכות רופאים mentioned in *Sifre* (II. 247, ed. Finkelstein, p. 276 and parallel) have no relation with the *ῥοι λατρικοί* of Pseudo-Galen (ed. Kühn XIX, p. 446 ff.). The latter are only definitions.

⁴ See Bacher, *Terminologie* I, p. 122 ff.; Juster, *Les Juifs dans l'empire Romain* I, p. 372, n. 6.

⁵ See Strack, *Introduction to the Talmud* etc., pp. 12 ff., 243 ff. and see below.

⁶ Rab Sa'adiah Gaon (ספר הלוי in A. Harkavy's *לראשונים* V, p. 194. See also Schechter, *Sadyana*, p. 5), R. Samuel b. Hofni (מבוא התלמוד) ed. B. M. Lewin, p. 1) and many others (See the long list compiled by J. N. Epstein, *מבוא לנוסח המשנה*, p. 693).

⁷ Rashi on *Baba Mezi'a* 33b, 'Erubin 62b. See Epstein *ibid*.

⁸ See the list drawn by Epstein *ibid*.

⁹ *TP Pe'ah* II. 6, 17a and parallels; *ibid. Megillah* IV. 1, 74d; *Tanḥuma* יריא 5; *ibid. חשא* 34; *TB Gittin* 60b and *Temurah* 14b *passim*.

¹⁰ See Strack *ibid.*, pp. 16, 245; Epstein *ibid.*, pp. 693 and 699 ff.

problem properly, because they missed the basic point at issue.

Let us begin with this question: Was the *Mishnah* published? Publication in antiquity was achieved in two ways. Books which had, or were expected to have, a large circulation were handled by special publishers. They employed many professional copyists to whom the text was dictated, and thousands of copies would be produced in a short time.¹¹ The Bible could not be published in this way, for every scroll had to be copied from another scroll and could not be written by dictation.¹² The particularly sacred character of the Jewish writings and the minute care required from the Scribe would not encourage a large production of books.¹³

But there was a second way of publication in antiquity. The authentic original copy would be deposited in a temple, a library or the archives. Such an act guarded the book against possible forgeries. In case of doubts or controversies regarding readings in the given book, the copy placed in the archives would be decisive.¹⁴ Such deposition was designated by various verbs such as ἀποτιθέσθαι (to store away, to deposit, see below), εἰσφέρειν (to enter, to bring in),¹⁵ *referre*¹⁶ and others.¹⁷

According to rabbinic tradition, some Jewish books were

¹¹ See Th. Birt, *Das antike Buchwesen*, p. 118; W. Schubart, *Das Buch bei den Griechen etc.*, p. 151 ff.; E. Bickerman, *JBL* LXIII, 1944, p. 341, n. 13; H. L. Pinner, *The World of Books in Classical Antiquity*, p. 32 ff. and nn. *ibid.*, p. 61.

¹² See *TP Megillah* IV. 1, 74d; *TB* *ibid.* 18b and parallels.

¹³ Comp. *TB Pesahim* 50b. It appears there that the copyists of Jewish sacred books were not counted among the rich. See also *Koheleth Rabba* II 17; *TB Baba Bathra* 155b and comp. *Gittin* 45b.

¹⁴ See on the deposition of a copy in the archives or libraries, E. Peterson, *Eis theos*, pp. 217–220 (The correct explanation of Ignat. *ad Philad.* VIII. 2 was already suggested by S. Reinach; see *Anatolian Studies Presented to Sir W. M. Ramsay*, 1923, p. 339 ff. and p. 340, n. 1 *ibid.*); E. Bickerman, *JBL* LXIII, 1944, p. 352 ff.

¹⁵ See Bickerman, *ibid.* p. 345, n. 37. Comp. below, n. 49.

¹⁶ Tacit. *Dial.* XXI. 6: *fecerunt enim et carmina et in Bybliotheças retulerunt*. "For they (i. e. Caesar and Brutus) did write poems and deposited them in the libraries."

¹⁷ See Peterson and Bickerman *ibid.*

published in this second way. In the *Midrash*¹⁸ it is stated:¹⁹ [משה] כתב שלש עשרה תורות י"ב ל"ב שבטים וא' הניח בארון שאם [Moses] wrote thirteen Scrolls, twelve for the twelve tribes and one which he *deposited in the ark*,²⁰ so that if one wished to forge something they would produce the Scroll deposited in the ark," i. e. and thereby prove the authentic reading. A book which was laid away in the temple was thereby published;²¹ no forgeries could be made in the other copies. The Rabbis relate that the Palestinian Jews had hesitated to adopt the Purim festival, because they feared the consequences of making the contents of the Esther scroll known. But Mordecai and Esther reassured them that the story related in it was written and *entered* in the archives²² (כתובה ומעלה בארכיים), i. e. it was already published.

כתוב ומונח, written and deposited,²³ is equivalent to "it is published." The *Sefer Gezeratha* of the Zadokites was כתוב ומונח, written and deposited, and whenever a question was encountered the book decided it.²⁴ This law book, in other words, was published. The *Megillath Ta'anith* (the Scroll of Fasting) was written and deposited (כתיבא ומנחה),²⁵ i. e. published. In the post-Talmudic period they wrote down and deposited (כתבין) the *Halakhoth*,²⁶ i. e. they published them. In case of doubts and controversies these books could be consulted.

¹⁸ *Debarim Rabba* IX.9; *Midrash Tehillim* XC. 3, ed. Buber, p. 386; *Pesikta deR. Kahana* XXVI, 197b; interpolation in *Sifre* II. 1, ed. Finkelstein, p. 1 (See variants and notes *ibid.*). See Appendix II, below p. 200 ff.

¹⁹ I copy from *Debarim Rabba*, ed. prin.

²⁰ Comp. Berthelot, *Alchim Gr.*, p. 320 (quoted by Peterson *ibid.*, p. 219):
 δε ἀπέθευτο εἰς ἕκαστον ἱερόν.

²¹ Comp. I Sam. 10:25.

²² *TP Megillah* I. 7, 70d. In mss. of *TB* (*ibid.* 7a): כתובה אני ומנחה על: ספר וכי. See *Aggadah Esther* IX, ed. Buber, p. 80, n. 108.

²³ See above, n. 21.

²⁴ *Megillath Ta'anith* IV, ed. H. Lichtenstein, p. 75.

²⁵ *TB 'Erubin* 62b; see *ibid. Shabbath* 13b.

²⁶ See *TB Temurah* 14b and שמה מקובצת *ibid.* n. 4; Lewin, Introduction to the *Epistle of Rav Scherira*, p. LII, n. 4; Epstein, מבוא לנוסח המשנה, p. 696. This passage is a later interpolation in the Talmud, for the *Gaon* records it (*Festschrift z. 50 jährigen Bestehen d. Franz-Josef-Landesrabbiner-Schule in Budapest*, 1927, Hebrew part, p. 96) as his own comment. See Epstein *ibid.*

Since in the entire Talmudic literature we do not find that a book of the *Mishnah* was ever consulted in case of controversies or doubt concerning a particular reading²⁷ we may safely conclude that the compilation was *not published in writing*, that a written *ἔκδοσις* of the *Mishnah* did not exist. On the other hand it is well known that the Rabbis possessed written *Halakhoth* and comments.²⁸ Those *Halakhoth* were written in *מגילות סתרים* (secret, i. e. private rolls),²⁹ or on *πίνακες*, writing tablets.³⁰ The decisions and comments of the masters were put down by their pupils on *πίνακες*³¹ or on the *wall*.³² Since all those writings had the character of private notes they had very little legal authority. If in the course of an argument a Rabbi had produced his notes they would have had no more authority than his oral assertion. The character of the notes recorded on the writing tablets, or the wall,³³ makes it obvious that we have to do with private *ὑπομνήματα* (notes) put down only for the use of their writer.

ὑπομνήματα as a rule were not suitable material for publication,³⁴ and very often their reliability was highly questionable. When disciples of a great master issued an edition (*ἔκδοσις*) of their notes, the result sometime was that the teacher felt compelled to publish his work in order to correct the errors and blunders in the edition of his pupils.³⁵ The pupils of Galen also issued their notes behind the back of their teacher

²⁷ On *TP Ma'aser Sheni* V. 1, 55d see below, n. 107.

²⁸ See Epstein *ibid.*, p. 700 ff.

²⁹ *TB Shabbath* 6b; *ibid. Baba Mezi'a* 92a.

³⁰ *TP Ma'asereth* II. 4, 49d; *Menahoth* 70a.

³¹ *TB Shabbath* 156a, *TP Kila'im* I. 1, 27a. See Appendix III, below p. 203.

³² *TP* *ibid.*

³³ See *TP Kila'im* *ibid.*

³⁴ See T. W. Allen, *Homer*, p. 307 ff. G. Zuntz, *Byzantion* XIV, 1939, p. 560.

³⁵ Quintilianus relates (*Inst.* I, praef. 7-8) that two books of his art of rhetoric were issued by his pupils on the basis of lecture-notes which they had jotted down hastily. He says that the intention of the good pupils was noble, for they desired to glorify their teacher, but the master was compelled to reedit the books with many alterations, still more additions, better system and more elaboration (*multa mutata, plurima adiecta, omnia vero compositora et, quantum nos poterimus, elaborata*).

and distorted his views.³⁶ When a Babylonian Rabbi produced in evidence a list of Mar b. Rabina concerning relatives among whom intermarriage is forbidden, his colleagues disregarded it. It was argued. "Mar b. Rabina did not sign it" (לאו מר בריהו דרבינא חתים עלייהו).³⁷ The list was prepared by the pupils of that great master, but he was not responsible for it.

Thus, the written notes of the Rabbis had no more value than the oral statements of their owners, and carried no weight as written documents.

We have now arrived at the conclusion that the *Mishnah* was not published in writing. But we have good evidence to establish that it was published in a different way. A regular oral *ἔκδοσις*, edition, of the *Mishnah* was in existence, a fixed text recited by the *Tannaim* of the college. The *Tanna* ("repeater", reciter) committed to memory the text of certain portions of the *Mishnah* which he subsequently recited in the college in the presence of the great masters of the Law. Those *Tannaim* were pupils chosen for their extraordinary memory, although they were not always endowed with due intelligence. The Rabbis characterized these reciters as follows:³⁸ רטין מנושא ולא ידע מאי אמר. חני תנא ולא ידע מאי אמר "The magian mumbles and understands not what he says. [Similarly] the *Tanna* recites and he understands not what he says." Indeed the stupider the *Tanna*, the more reliable his text; he was not suspected of "doctoring" it.³⁹

When the *Mishnah* was committed to memory and the *Tannaim* recited it in the college it was thereby published and possessed all the traits and features of a written *ἔκδοσις*. When Rabbi Judah the Prince, the מחקן (the διορθωτής, editor, see below) of the *Mishnah*, changed his mind regarding a law in the *Mishnah*, and wanted to alter it, his son refused to accept

³⁶ Galen, *de libris propriis*, praef. 10.

³⁷ *TB Yebamoth* 22a.

³⁸ *TB Sotah* 22a.

³⁹ There were, of course, notable exceptions of great scholars who fulfilled the function of college-*Tanna*. The name *Tanna* for the college reciter was apparently introduced in the time of R. 'Akiba (the first half of the second century), as correctly indicated by J. N. Epstein, מבוא לנוסח המשנה, p. 674.

the modification. He preferred to adhere to the law as preserved in the first edition.⁴⁰ Some printed texts and some manuscripts of the *Mishnah* have preserved the reading of the first edition. In his recension of the *Mishnah* Rabbi Judah the Prince often left the *old* text unrevised, although the law was subsequently repealed. *לא זזה ממקומה* "The *Mishnah* was not removed from its place."⁴¹ Once the *Mishnah* was accepted among the college *Tannaim* (reciters) it was difficult to cancel it.

Jerome⁴² complains that once he has written something he is not able to correct it, for his letters are immediately published. In this connection he quotes the words of Horace:⁴³ *Delere licebit quod non edideris; nescit vox missa reverti.* "You can delete what you did not publish. The word that is sent abroad you can never revoke."⁴⁴ As an established text in the mouths of the *Tannaim* the *Mishnah* was a *vox missa*.

The authority of the college-*Tanna* was that of a published book. In case of doubt he was consulted as to the sequence or the arrangement of the several clauses in the *Mishnah*.⁴⁵ The *Midrash Yelamdenu*⁴⁶ states that there were various *Tannaim* who respectively recited the different collections of the *Mishnah*. "One recites [the *Mishnayoth*] of Bar Kappara, the other those of R. Hiyya, and the third those of our sainted teacher" (i. e. R. Judah the Prince). And the *Midrash* remarks: *כולן נכנסין אחד* "All of them⁴⁷ enter the college, all of

⁴⁰ *TP Baba Mezi'a* IV. 1, 9c. Comp. *TB* *ibid.* 44a; *TP 'Abodah Zarah* IV. 4, 44a, *TB* *ibid.* 52b. For the later period comp. Lieberman *הירושלמי* כפשוטו, p. 400.

⁴¹ *TB Abodah Zarah* 35b and parallels.

⁴² *Epist.* 49, to Pammachius.

⁴³ *Ars poetica* 389.

⁴⁴ In asking his publisher to erase the name of L. Corfidius, Cicero (*ad Att.* XIII. 44) mentions three copyists whom he wants to undertake the job of deleting this name from all the copies. The fact that three men were required for the removal of one word indicates that most of the copies were still in the publishing house and were not sent abroad. The correction was therefore possible.

⁴⁵ *TB Baba Mezi'a* 34a; *Niddah* 43b.

⁴⁶ *Yalkut* Num. 771; Grünhut *ספר הלכות* IV, 72a. Comp. also ps.-Jonathan to Num. 24:6.

⁴⁷ I. e. all of the mentioned collections of *Mishnayoth*.

them 'are given from one shepherd'.⁴⁸ Thus it is obvious that the phrase "all of them enter the college" means all of them are authoritative (for all of them are given from one shepherd). To "enter the college" seems to be a technical term like *εἰσφέρειν εἰς τὴν βιβλιοθήκην*,⁴⁹ to bring in (to deposit) into the library, thereby to give authority to the copy deposited, to publish it. This is firmly corroborated by the statement in *TP*:⁵⁰ "Any *Mishnah* which did not enter the college is not trustworthy." Similarly *TB*⁵¹ formulates the rule: "Any *Mishnah* which was not taught in the college of R. Hiyya or R. Hoshai is faulty."⁵² Hence the prerequisite for making a *Mishnah* trustworthy is to bring it (*εἰσφέρειν*) into the college and recite it there,⁵³ i. e. to publish it.

Evidently the *Tanna* was a living book, or, as *TB*⁵⁴ characterizes him, a basket full of books (צנא דמלי סיפרי). But the question is: What was the nature of that book? How was the mass of diverse material arranged and systematized before it was delivered to the *Tanna*, before he memorized it?

We shall first consider the technical terms used by the Rabbis to denote the edition of the *Mishnah*. They are סדר⁵⁵ and חקן.⁵⁶ The two verbs are synonymous;⁵⁷ they signify to bring in order, to arrange, to systematize. But the Aramaic חקן translates the Hebrew יָשַׁר,⁵⁸ διορθοῦν, which has the same technical meaning in Greek, viz., to edit. Having spoken of the rabbinic technical terms for systemizing and editing, we

⁴⁸ Eccl. 12:11. The allusion is to בעלי אסופות *ibid*.

⁴⁹ See above n. 15.

⁵⁰ 'Erubin I. 6, 19b.

⁵¹ *Hullin* 141a, bot.

⁵² Comp. also *TB Gittin* 73a.

⁵³ After it was approved by the masters of the school.

⁵⁴ *Megillah* 28b.

⁵⁵ See Bacher *Terminologie* II, p. 133.

⁵⁶ *TB Yebamoth* 64b. Comp. also סדר תנאים ואמוראים (ed. K. Kahan, 1935, p. 8): ולא חקנו מהלל ושמואל אלא ששה סדרים: See also B. M. Lewin, *Epistle of Rav Sherira Gaon*, Introduction, p. XIV.

⁵⁷ See Bacher *ibid.* I, p. 204, s. v. חקן.

⁵⁸ ויישרם in II Chr. 32:30 is translated by the *Targum* וחקננו. See also Jastrow, *Dictionary* etc., p. 1690, s. v. חקין 2. Both the Aramaic and the Greek verbs signify: to correct.

shall now consider the work of those Rabbis whom tradition counts among the first editors of the *Mishnah*. We read in *TP*⁵⁹: זה ר' עקיבא שהתקין מדרש הלכות ואגדות, ויש אומרים אלו אנשי כנסת הגדולה. "It is R. 'Akiba who systemized (or: edited) the *Midrash*, the *Halakhoth* (*Mishnah*) and the *Aggadoth*. Some say this was done by the men of the Great Synagogue, what R. 'Akiba instituted⁶⁰ were general and specific rules."⁶¹

Thus the Palestinian Talmud credits R. 'Akiba with editing the *Midrash* and the *Mishnah*.⁶² The *Tosefta*⁶³ portrays a part of his editorial work more fully. It is reported there: כשהיה ר' עקיבא מסדר הלכות לחלמידים אמר כל מי ששמע טעם על חבירו יבוא ויאמר "When R. 'Akiba systematized *Mishnayoth* for his pupils he said: If anyone has heard some reasonable argument against his fellow student⁶⁴ let him come forth and tell it." A series of traditions is recorded there⁶⁵ which were delivered to R. 'Akiba by his pupils.⁶⁶ In many cases the Rabbi accepted the versions of his pupils in preference of his own.⁶⁷

What R. 'Akiba actually did was to consult the *ὑπομνήματα*, the notes,⁶⁸ of his pupils as well as those of R. Ishmael. The character of pupils' notes was outlined above (p. 87). Pupils are not always exact in their notes. They sometimes mix the tradition of one teacher with that of another. It also happens that the master has changed his mind: some pupils have heard the older version, others the revised version and still others

⁵⁹ *Shekalim* V. 1, 48d.

⁶⁰ The word התקין means also to institute. But even here it may signify to edit, to systematize, see below.

⁶¹ See below.

⁶² Comp. also *TB Sanhedrin* 86a. See Frankel, דרכי המשנה, 1923, p. 221.

⁶³ *Zabim* I. 5, 676³³ ff.

⁶⁴ *RASH* a. l. reads: מחבירו, "From his fellow student," see Lieberman, *Tosefeth Rishonim* IV, p. 120.

⁶⁵ *Ibid.* I. 5-8.

⁶⁶ At least one pupil of another school (of R. Ishmael) participated in the discussion (*ibid.* 8).

⁶⁷ *Ibid.* 6; *Mishnah Ta'anith* IV. 4; *Tosefta Shebi'ith* II. 13, 6317; *'Ukatzin* III. 2, 68831. Comp. *Sifre* I, 4, ed. Horovitz, 721; *Sifre Zuta* *ibid.* 2328; *TP Abodah Zarah* II. 4, 41b.

⁶⁸ Retained either in writing or orally.

have heard both, situations which are attested in both the Palestinian and Babylonian Talmuds.⁶⁹

The *Tosefta*⁷⁰ remarks: כל שרבו חלמידי שמיי והלל שלא שימשו כל צרכן הרבו מחלוקות בישראל ונעשו שתי חרות שחמאי ושלל, who did not wait upon their masters⁷¹ sufficiently increased in number, controversies multiplied in Israel, and [the Torah] became [like] two *Toroth*.⁷² Thus the growth of divergences of opinions among the pupils is blamed on their unsatisfactory attendance of their masters' instruction.

We find exactly the same phenomenon in Greek classic literature. K. Lehrs⁷³ remarks that the constant revision by Aristarchus of his "edition" of Homer accounted for the many contradictory opinions in the notes of his pupils. Some of the pupils put down his former views not knowing that he subsequently revised them. Hence the frequent quarrels among his pupils and successors concerning his Homeric readings.⁷⁴ E. Ludwig⁷⁵ correctly assumes that the pupils of Aristarchus were guided by their notes which they wrote for themselves; they jotted down there the items in which they were particularly interested. They sometimes added what they heard from other teachers as well as their own interpretation etc.

We further learn from the *Tosefta*⁷⁶ that the discussion of R. 'Akiba and his pupils involved the *Mishnah* of the two schools of Shammai and Hillel. At the time of that great master the body of the *Mishnah* comprised only the opinions of the

⁶⁹ *TP Baba Kamma* II, end, 3a; *TB Bezah* 24b.

⁷⁰ *Ḥagigah* II. 9, 235¹⁴ (Cod. Vienna) and parallels; *TP Sanhedrin* I, 19c; *TB* *ibid.* 88b.

⁷¹ I. e. were not in permanent personal contact with their masters, and may have sometimes missed their explanations. See *TB Berakhoth* 47b; *ibid.* 7b; *Sotah* 22b.

⁷² On the controversies of pupils regarding the opinions of their teachers, see J. N. Epstein, *מבוא לנוסח המשנה*, pp. 5-7.

⁷³ *De Aristarchi studiis homericis*³, p. 16.

⁷⁴ See T. W. Allen, *Homer*, p. 308, n. 1, who remarks that among doctors also doubts existed about the views of Erasistratus and Chrysippus (*Galen* XI, ed. Kühn, 151).

⁷⁵ *Aristarchs homerische Textkritik* I, p. 25 ff.

⁷⁶ *Ibid.*, see above, n. 63.

representatives of these two schools and their predecessors. This *Mishnah* was "published" and taught. But in the course of time a mass of interpretations had accumulated. The interpretations were not published, but were rather taught by the teachers themselves. The pupils would put down the explanations of their masters in their private notes, which had all the characteristics of the *ὑπομνήματα* mentioned above. The task which fell to R. 'Akiba was to sift through that *mixtum compositum* and to crystallize it in an exact and definite shape. His work resulted in the compilation of a new *Mishnah*.

Then the procedure adopted by the master was probably something like the following. He taught the new *Mishnah* to the first *Tanna*; afterwards he taught it to the second *Tanna* (in the presence of the first), then to the third etc. Subsequently the first *Tanna* repeated the *Mishnah* to the second, to the third etc. Then the second *Tanna* recited it to the third, to the fourth etc.⁷⁷ *TB* (*ibid.*) reports an anecdote according to which one Rabbi repeated the *Mishnah* to his pupil four hundred times! After the *Mishnah* was systematized,⁷⁸ and the *Tannaim* knew it thoroughly by heart, they repeated it in the college in the presence of the master who supervised its recitation, corrected it (תני תנא קמי דר' פלוני . . . א"ל)⁷⁹ and gave it its final form.

Thus, the old *Mishnah* was augmented by a new stratum formed of the later interpretations. The new material was incorporated in the old version, the compilation was systematized and edited, committed to the memory of a group of *Tannaim*, and finally "entered the college."⁸⁰ The new *Mishnah* was thus published in a number of "copies" (*ז'סא*) in the form of living books, which subsequently spread and multiplied.

However the editorial performance of R. 'Akiba was not limited merely to the introduction of some of the later inter-

⁷⁷ The picture (*TB 'Erubin* 54b) of Moses reciting the *Mishnah* to Aaron, to his children, to the elders etc. was most likely taken from the practice of the academies.

⁷⁸ סדורה, see *TB ibid.* and comp. *Ta'anith* 8a.

⁷⁹ See Epstein מבוא לנוסח המסנה, p. 676 and n. 1 *ibid.*

⁸⁰ נכנסה לחבורה, see above nn. 49-50.

pretations into the body of the *Mishnah*. As an editor, he undoubtedly contributed to the systematization of the material. It was stated above⁸¹ that some version in the Palestinian Talmud attributes to him the introduction of general and specific rules.⁸² But general rules had been formulated in the *Mishnah* before the time of R. 'Akiba.⁸³ R. Joshua's share in this formulation⁸⁴ and in the edition of the old *Mishnah*⁸⁵ is quite evident. The entire tractate save for a few additions of *Kinnim* ("Bird-offerings") which is preserved in our edition of the *Mishnah* is supposed to be the work of R. Joshua.⁸⁶ The greater part of this tractate contains such complicated hypothetical cases that it would do honor to the most brilliant *προγυμνάσματα* of the rhetors. A *Mishnah* of the same character by R. Joshua is also preserved in our edition of the tractate *Niddah*.⁸⁷ In the Babylonian Talmud⁸⁸ it is reported that when R. Joshua visited Alexandria the people of that city posed twelve puzzling questions before him. All those riddles were in the typical spirit of the Alexandrian schools of that time. At least one of these questions pleased R. Joshua definitely and won his praise.⁸⁹ The contact of R. Joshua with this particular branch of Alexandrian "exercises" is thus well established; it

⁸¹ See above n. 59.

⁸² מה שהתקין זה כללין ופרשין.

⁸³ The greater part of the material was collected and analyzed by Rabbi Opfenheim in his article "The general rules in the *Mishnah* and the *Tosefta*" in *כנסת ישראל* ed. S. P. Rabbinowicz, I, 1886, p. 351 ff.

⁸⁴ See *Mishnah Hullin* II. 4; *Me'ila* I. 1; *ibid.* IV. 3; *Zabim* V. 1. Comp. Frankel *דרכי המשנה* 1923, p. 88 ff.

⁸⁵ See *Pesahim* IX. 6; *Yebamoth* VIII. 4; *Parah* I. 2.

⁸⁶ See *TB Zebahim* 67b-68a.

⁸⁷ VI. 14. Comp. *TB ibid.* 54a. It appears that there were opponents to this kind of complicated *προγυμνάσματα* by R. Joshua. This is probably the import of R. Eleazar Hisma's remark (*Aboth* III, end): קינין ופחתי נדה הן: הן נופי הלכות [The rules about] Bird-offerings and the calculations about the onset of menstruation — these are the essentials of the *Halakhoth*." The reference is probably to the above mentioned teachings of R. Joshua, which R. Eleazar defended.

⁸⁸ *Niddah* 69b.

⁸⁹ *Tosefta Nega'im* end. See in detail on this and similar passages of the "Alexandrian Talmud" in the "Response" by Lieberman, *Proceedings of the Rabbinical Assembly of America* XII, 1948, pp. 273-276.

can be therefore safely assumed that he was acquainted with the methods and practices prevalent in the rhetorical schools of Alexandria at that time.

However, R. 'Akiba is explicitly credited with an edition of the *Mishnah* as well as with introducing general and specific rules, and this tradition cannot be disregarded. We also read in *Aboth deR. Nathan*:⁹⁰ למה ר' עקיבא דומה לפועל שנמל קופתו ויצא לחוץ מצא חטים מניח בה. מצא שעורים מניח בה. כוסמין מניח בה עדשים מניח בה כיון שנכנס לביתו מברר חטים בפני עצמן שעורין בפני עצמן פולין בפני עצמן כך עשה ר' עקיבא. ועשה כל התורה טבעות טבעות "To whom may R. 'Akiba be likened? To a laborer who took his basket and went out; he found wheat and put it in, he found barley and put it in, he found spelt⁹² and put it in, he found lentils and put it in. When he came home he assorted the wheat by itself, the barley by itself, the beans by themselves, the lentils by themselves. R. 'Akiba acted similarly, and he converted the whole Torah into rings."⁹³ These rings seem to signify general rules,⁹⁴ i. e. R. 'Akiba used to convert case law into abstract general rules.⁹⁵ At any rate the part played by R. 'Akiba as a systemizer of the *Mishnah*⁹⁶ is quite evident from the tradition reported in *Aboth deR. Nathan*.

⁹⁰ I, ch. 18, ed. Schechter 34a.

⁹¹ Ms. of *collectanea* on *Aboth* (see Schechter *ibid.* 73a) reads: פולין.

⁹² Variant reading: beans, see above, n. 91, and see below.

⁹³ *Kύκλα?* Comp. *TB Shabbath* 138a top and *'Abodah Zarah* 42b where Abaye and R. Shesheth are credited with collecting the rings of the *Mishnayoth* (מנקה אבני חומרי מתנייהא) [and forming it into a chain]. *Catena* in this sense is used only in mediaeval Christian literature.

⁹⁴ See *Rashi Shabbath* *ibid.* s. v. חומרי. Comp. also *Sifre* II, 306, ed. Finkelstein, p. 33614, 33810, *TB Shabbath* 75b and the remarks of Rabbi Joseph Engel in his גליוני הש"ס *ibid.*

⁹⁵ For the introduction of abstract general rules in Roman law, see F. Schulz, *Principles of Roman Law*, p. 49 ff. The rabbinic attitude to the import of general rules is reflected in the statement of R. Johanan (*TB 'Erubin* 27a and parallels): "No inference may be drawn from general rules even when the exceptions were specified." Comp. also *TP Terumoth* I. 2, 40c and parallels.

⁹⁶ The general rules of R. 'Akiba are frequently mentioned in the *Mishnah*, see *Shebi'ith* VI. 2; *Shabbath* XIX. 1 *passim*. Comp. also *Sifra* קדושים IV. 12, ed. Weiss 89b (*TP Nedarim* IX. 4, 41c) and J. Bernays, *Gesammelte Abhandlungen* I, p. 275.

The disciples of R. 'Akiba⁹⁷ continued their teacher's work; they added the comments of R. 'Akiba and his contemporaries to the body of the new *Mishnah*. A large number of different versions of the *Mishnah* was created by R. 'Akiba's disciples around the middle of the second century. The various *Tannaim* in the different colleges memorized divergent superpositions on R. 'Akiba's *Mishnah*. The multiplication of such different versions of the latter would eventually result in multiplying and deepening controversies in Israel. For this reason R. Judah the Prince undertook a new edition of the *Mishnah* around the end of the second or the beginning of the third century C. E. His *Mishnah* was virtually canonized; the rest of the *Mishnayoth* were declared "external," *Baraitoth*, which had only a secondary authority in comparison with the *Mishnah* of R. Judah the Prince.

We do not know exactly what part Rabbi Judah the Prince played in the systematization of the *Mishnah*.⁹⁸ It is a well established tradition that he adopted the *Mishnah* of R. Meir as the basis of his edition,⁹⁹ eliminated those parts of it which were unacceptable to him and added the rulings of other rabbinic sages. In his youth R. Judah the Prince would attend the school of R. Eleazar b. Shammu'a for the purpose of discovering the teachings¹⁰⁰ of that master.¹⁰¹ Once R. Eleazar's pupils refused to reveal to him certain specific details of a law laid down by their teacher.¹⁰² For this reason R. Judah the Prince was compelled, in his edition of the *Mishnah*, to limit the scope of that rule to one specific case only.¹⁰³ Subsequently when he became Patriarch he was probably granted access to the traditions of the different colleges and was thus able to

⁹⁷ R. Meir, R. Judah, R. Simeon, R. Nehemiah, R. Jose etc.

⁹⁸ See Frankel, *דרכי המשנה* 1923, p. 224 ff.; J. N. Epstein *מבוא לנוסח המשנה*, p. 7 ff. Comp. *TP Kiddushin* III. 6, 64b.

⁹⁹ *TP Yebamoth* IV. 11, 6b; *TB 'Erubin* 96b and parallels.

¹⁰⁰ למצות מדותיו, literally to "drain" his canons.

¹⁰¹ See *TB Menahoth* 18a; *Tosefta Zebahim* II. 17, 4835.

¹⁰² *TP Yebamoth* VIII end, 9d.

¹⁰³ On the relation among the several rabbinic colleges see *TP Kiddushin* II. 8, 63a; *TB* *ibid.* 52b and *Nazir* 49b. On the relation between the Cassiani and Proculiani see Schulz, *History of Roman Legal Science*, p. 120 ff.

superpose and incorporate the comments and traditions of R. 'Akiba's pupils into the old *Mishnah*, in other words, to edit a new corpus of *Mishnayoth*. The new collection was committed to memory by the *Tannaim* of the colleges, and the *Mishnah* was published.

This oral publication possessed all the traits and features of the written publications of that time.¹⁰⁴ The *Tannaim* were distinguished by all the qualities and characteristics of books in circulation. The most valuable copies were, of course, those which were revised by a learned grammarian or by the author himself. Such texts were known as *ἐξητασμένα*¹⁰⁵ which is the literal equivalent of the Hebrew *בהנחה*,¹⁰⁶ tested, revised. R. Judah the Prince, the editor of our *Mishnah*, testified that to the *Tanna* of his school, R. Isaac the Great, the whole *Mishnah* was *בהנחה*,¹⁰⁷ i. e. *ἐξητασμένα*. R. Ze'ira censured his elders for not having revised (*דלא בהנחה*) the *Mishnah* in accordance with the tradition of their contemporary, R. Isaac.

Many *Tannaim* were known as being *דיוקני*,¹⁰⁸ i. e. they were like the *ἡκριβωμένα*,¹⁰⁹ accurate copies. Their accuracy consisted in the fact that they sometimes noted (*סיים*) that the particular *Mishnah* was based on the opinion of one particular Rabbi only and consequently had no authority.¹¹⁰ Such *Tannaim* did not incorporate their short notes in the body of the *Mishnah*, they only added it as a kind of oral marks.¹¹¹ They are similar to the *χαρίστερα* copies¹¹² which contained the critical marks,¹¹³ but not many deliberate changes of the text. Some *Tannaim* did sometimes deliberately incorporate the comments of the masters in the body of the *Mishnah*,¹¹⁴ but as

¹⁰⁴ See above p. 88 ff.

¹⁰⁵ See A. Ludwich, *Aristarchs homerische Textkritik* I, p. 19.

¹⁰⁶ See in Ps. 11:4, 5 is translated by the Septuagint *ἐξετάξεν*.

¹⁰⁷ *TP Ma'aser Sheni* V. 1, 55d: *ד. בהנחה ליה כל מחניהא*. In Hebrew it would be: *שכל המשנה בחונה לו*.

¹⁰⁸ *TB Yebamoth* 43a. ¹⁰⁹ See Ludwich *ibid.* p. 24 ff.

¹¹⁰ *זו אינה משנה*, "This is not a [n authoritative] *Mishnah*."

¹¹¹ See Epstein, *מבוא לנוסח המשנה*, p. 680.

¹¹² See Ludwich *ibid.* (above n. 105), p. 46.

¹¹³ See T. W. Allen, *Homer*, p. 307.

¹¹⁴ See *TB Zebahim* 114b.

a rule the early *Tannaim* did not correct the reading of the *Mishnah*¹¹⁵ on account of difficulties of the text. From the time of Resh Lakish,¹¹⁶ however, the Rabbis began to alter the text of the *Mishnah* because of difficulties. Resh Lakish corrected the reading of the *Mishnah*,¹¹⁷ because it seemed unreasonable (i. e. *ἄλογος*) to him that "a holy mouth should have said such a thing."¹¹⁸

The corrections and the emendations of the *Tannaim* and the masters of the rabbinic academies affected our text of the *Mishnah* to a certain degree,¹¹⁹ but the great majority of alterations remained outside of the text. These emendations influenced our texts approximately as much as the corrections of Aristarchus affected the texts of Homer¹²⁰ and those of Galen our books of Hippocrates.¹²¹

We must not lose sight of the fact that the *Mishnah* is not only a literary work; it is also a law book. Some *Tannaim* changed the text of the *Mishnah* in order to have it correspond to authoritative law,¹²² but this never attained such dimensions as the alterations in the Roman law books.¹²³ Some Babylonian Rabbis attempted to epitomize certain *Mishnayoth*,¹²⁴ but it is highly doubtful that such pure epitomes existed independently. We have probably cases of commenting epitomes, i. e. a kind of commentary in which the *Mishnayoth* are condensed for the purpose of elucidating them. This was widely practiced in connection with the works of the classical Roman jurists.¹²⁵ Paraphrases and epitomes of the *Mishnah* were particularly common in quotations from the *Mishnah* in the Talmud;¹²⁶ in such quota-

¹¹⁵ See Epstein *ibid.*, pp. 245, 350 ff.

¹¹⁶ Flourished in the middle of the third century.

¹¹⁷ *TB Sanhedrin* 23a.

¹¹⁸ The reference is to R. Meir.

¹¹⁹ See Epstein, *מבוא לניסוח המשנה*, pp. 168 ff., 180, 201 and 352.

¹²⁰ See T. W. Allen, *Homer*, pp. 304 ff., 309 ff.

¹²¹ *Ibid.*, p. 311 ff.

¹²² See *TP Mo'ed Katan* III. 1, 81d; J. N. Epstein *ibid.*, p. 680.

¹²³ See F. Schulz, *History of Roman Legal Science*, p. 142 ff.

¹²⁴ *TB Shabbath* 138a; 'Abodah Zarah 42b.

¹²⁵ See Schulz *ibid.*, p. 185 ff.

¹²⁶ See Epstein *ibid.*, p. 782 ff.

tions *Mishnayoth* and *Baraitoth* were fused together¹²⁷ as if they are drawn from a single source. We find exactly the same phenomenon in Roman juristic works.¹²⁸

We have included this chapter in our essay as illustrating some features in the formal aspects of literary transmission which were common to the Mediterranean civilized world.

¹²⁷ Ibid., p. 797 ff.

¹²⁸ Schulz *ibid.*, pp. 185–186. When rabbinic literature was committed to writing, it was affected with the same fusion and confusion of the lemmata with the commenting text (See Lieberman, *Tosefeth Rishonim* I, pp. 61, 96 *passim*). Moreover, the *Mishnaic* lemma sometimes represents a different text from that which the commentator had before his eyes (See Epstein *ibid.*, p. 923 ff.), a phenomenon which is paralleled in Greek texts (See T. W. Allen, *Homer*, p. 312). In our manuscripts of the Talmud, the *Mishnayoth* which are commented upon are sometimes written outside the text (*ἐκθεσις*) either in the margin or preceding the commentary (See Epstein *ibid.*, p. 922). The original Talmudic manuscripts comprised a continuous commentary with small lemmata of the *Mishnah* (Epstein *ibid.*, p. 927). Exactly the same practice was employed by the Greek and Roman commentators of literary and juristic texts. See Schulz *ibid.*, p. 183 ff.; H. Lewy *apud* Zuntz in *Byzantion* XIV, 1939, p. 580 ff.

THE ALLEGED BAN ON GREEK WISDOM

It is universally accepted that the Rabbis imposed a ban on the study of Greek Wisdom. However, upon a closer examination of the sources this well rooted opinion seems to have no basis whatever.

We read in *TB*: שאל בן דמה בן אחותו של ר' ישמעאל את ר' ישמעאל עליו המקרא הזה . . . והגית בו יומם ולילה צא ובדוק שעה שאינה לא מן היום ולא מן הלילה "Ben Dama the son of R. Ishmael's sister asked R. Ishmael: Is a man like myself who has mastered the whole Torah allowed to study Greek Wisdom? R. Ishmael applied the verse in Joshua (1:8) to him: . . . 'Thou shalt meditate therein (i. e. in the Torah) day and night,' go and find a time when it is neither day nor night and study Greek wisdom."

Thus, it is clearly stated that the study of Greek Wisdom is not forbidden *per se* but only because it leads to the neglect of the study of the Torah.²

Tosafoth (a. l.) observe: "The question of Ben Damah is surprising: did he not know that there was a ban on the study of Greek Wisdom?"³ However, no source is known to me which forbids the study of Greek Wisdom. A famous *Baraita*⁴ records that in the course of the war between Hyrcanus and Aristobulus it was decreed: cursed be the man who *teaches his son* Greek Wisdom. Later on the ban was extended to the teaching of the language as well. So we read in the *Mishnah*:⁵ בפולמוס של

¹ *Menahoth* 99b.

² Comp. also *Sifre Deut.* 34, ed. Finkelstein 61 and my remarks in *Kiryath Sefer* XIV, p. 333.

³ See *Tosafoth* *ibid.* 64b and the commentary of Rabbi Samson Sens on *Pe'ah* I. 1.

⁴ *TB Sotah* 49b; *Baba Kamma* 82b and *Menahoth* 64b.

⁵ *Sotah*, end.

הם ילמד אדם בנו יונית "During the war of Quietus⁶ קיטוס גורו . . . שלא ילמד אדם בנו יונית they decreed . . . that no man should *teach his son* Greek."⁸ *TP*⁹ inquiring into the reason for this injunction quotes the *Tosefta*¹⁰ which states: R. Joshua¹¹ was asked whether one is allowed to *teach his son* Greek¹² and he replied: "Let him teach him Greek at a time when it is neither day nor night, for it is written '*Thou shalt meditate therein day and night*' " (Josh. 1:8). *TP* rejected it as a valid reason for the ban, since its only objection is that it leads to the neglect of the study of Torah. If a man, it argues, wants his son to take up Greek as a possible profession he should be allowed to teach him, just as he is permitted to teach his son any trade. The Talmud therefore concludes that the ban on Greek was aimed at the *delatores*, informers (מפני המסורות).¹³

In all the above-mentioned sources there is no hint of a ban on the *study* of Greek Wisdom or the Greek language;¹⁴ the

⁶ So codd. Cambridge and Parma.

⁷ Governor of Judea in 117.

⁸ See *Tosafoth Baba Kamma* 82b and שמה מקובצת *ibid.* But from *TP* (see below) it is clear that at the time of Quietus the ban included the language as well as Greek Wisdom. *TB* follows a different tradition, according to which instruction in Greek language was never forbidden, see *ibid.* 83a and below n. 13.

⁹ *Sotah* a. l. and *Pe'ah* I. 1, 15c.

¹⁰ '*Abodah Zarah* I. 20, 46120.

¹¹ Flourished at the end of the first and the beginning of the second centuries.

¹² The reading in the *Tosefta* *ibid.* is ספר יוני, a Greek book. Some mediaeval authorities quoted from *TP* חכמת יונית, Greek Wisdom (See Ratner אהבה ציון *ibid.* on *Pe'ah*, p. 6-7 and below, n. 23). It is an obvious interpolation from *Midrash Tehillim* (I. 17, ed. Buber, p. 16, which is a combination of *TB Menahoth* 99b and the *Tosefta*) and has no basis whatever in the manuscripts of *TP*.

¹³ The study of Greek may induce young people to become *rhetoires*, and wittingly or unwittingly betray the interests of the group and the private individuals. This danger, of course, was real in Palestine only (where Greek was spoken in government offices) but not in the Persian empire. Accordingly *TB* (*Baba Kamma* 83a) ruled that the teaching of only Greek Wisdom was forbidden, but not the language.

¹⁴ The question in *TB* (*Baba Kamma* 82b) "why was Greek Wisdom forbidden", coming as it does after R. Judah the Prince's praise of Greek, means why was it prohibited to *teach children* Greek Wisdom.

injunction involves only the *teaching of children*. The fear that the teaching of Greek may produce or give aid to future informers could be entertained only with regard to children whose development was not yet certain, but not to mature people who seek self-instruction.¹⁵

Again we read in the *Tosefta*:¹⁶ החירו להם לבית רבן גמליאל "Permission was granted to the House of Rabban Gamaliel to teach the children"¹⁸ Greek owing to its relation with the (Roman) government." Hence we may summarize. None of the early rabbinic sources mentions the direct prohibition of the study of either the Greek language or Greek Wisdom. An old ban was in force on the teaching of Greek Wisdom to children. In the time of Quietus (117 C. E.) it was extended to the teaching of Greek in general. But even this involved only instruction and only to children. Study was not enjoined.

This conclusion altogether unnoticed by modern scholars was already reached by at least one mediaeval authority. The prominent Talmudist and scholar, Rabbi Israel of Toledo,¹⁹ writes in his commentary to *Aboth*:²⁰ אמרו ארור שילמד את בנו חכמת

¹⁵ In the late *Midrash Pirka deRabbi*, ed. Grünhut, p. 58 (See Lieberman שקיעין (1939), p. 17 and p. 98 on the time of its compilation) we read: 'אמר ר' R. Johanan said . . . a man should not teach his daughter Greek and he himself is forbidden to study Greek'. This is, of course, the individual opinion of the late compiler of the *Midrash* who combined the statement of *TP* with R. Ishmael's statement in *TB Menahoth* 99b. See Lieberman *GJP*, p. 24, n. 56.

¹⁶ *Sotah* XV. 8. Comp. *TP Shabbath* VI. 1 and parallels.

¹⁷ So ed. pr. and cod. Vienna and *TP* *ibid*.

¹⁸ In *Tosefta* cod. Erfurt the word בנייהן "their children" is missing, but it does not alter the sense, for ללמד means to teach and not to study. *TB* (*Sotah*, end, and *Baba Kamma* 83a. See Rabbinovicz, *variae lectiones* *ibid.*, p. 187, n. 2) records: של בית רבן גמליאל החירו להן חכמת יוניה "Greek Wisdom was permitted to the House of Rabban Gamaliel", which means that they were allowed to teach their children Greek, as is obvious from the context *ibid.*, from the codices of the *Tosefta* and from *TP*.

¹⁹ Flourished in the thirteenth century. See S. Sachs' catalogue of Baron Ginzburg's mss., col. 26 ff. (Only 48 columns were printed.)

²⁰ II. 14, as quoted by Rabbi Isaac b. Solomon; see Sachs *ibid.* col. 31. Part of the quotation is also available in מדרש שמואל by Rabbi Samuel of

יונית ולא אמ' שילמוד חכמת יונית . . . ועוד אמרו שאלו את ר' יהושע מהו שילמוד אדם את בנו חכמת יונית אמ' להם ילמדנו בשעה שאינה לא מן היום "They said:²¹ 'Cursed be the man who teaches his son Greek Wisdom,' [they said 'who teaches his son'] but did not say [cursed be the man] who studies for himself . . . They further said:²² R. Joshua was asked whether a man is allowed to teach his son Greek Wisdom²³ etc. Here again they mentioned the son only." R. Israel clearly discriminates between the education of children and self-instruction which he allows without qualifications, unlike some other mediaeval authorities who permitted the pursuit of secular studies only after a man has reached a certain age.²⁴ The Rabbi further quoted the statement of R. Eliezer the Great:²⁵ מנעו בניכם מן ההגיון "Prevent your children from [engaging in] the science of logic"²⁶ (or dialectics and sophistry).²⁷ In this connection he again draws a difference between the education of children and self-education.²⁸

Uceda a. l., Venice 1579. Fragments of his commentary in Arabic are available in the Bodleiana, Oxford; see the catalogue of Neubauer-Cowley II, No. 2859.17.

²¹ *TB Sotah* 49b and parallels.

²² *TP Pe'ah* I. 1, 15c.

²³ See above, n. 12.

²⁴ Twenty five years; see, for instance, מנחת קנאות, 70, p. 141 ff.

²⁵ *TB Berakhoth* 28b. Comp. II *Aboth deR. Nathan* XXXI, ed. Schechter, p. 67. See Brüll's *Jahrbücher* etc. IX, p. 137. G. Allon's ingenious explanation (*Tarbiz* XXI, p. 106 ff.) is not acceptable to me.

²⁶ See *Otzar Hageonim* a. l. I. 2, p. 39 bot.

²⁷ See R. Joseph 'Aknin's explanation in the *Jubilee Volume in honor of N. Socolov*, p. 382, bot. Comp. below n. 62.

²⁸ Comp. also 'Aknin *ibid.*; the preface to *Menorath Hamaor* by Abohab, Light IV, 3.3.1 and יחסין השלם 124b. The reading *עצמכם* quoted in the *Geonic responsa* ed. Harkavy 302, p. 144 is a scribal error; see the editor's note 14 a. l.

Cato the Elder whose hatred for Greek rhetoric is well known (*Plin., nat. hist.* VII. 30, 112; *Plut. Cato mai.* XXII) undertook in his old age the study of Demosthenes (*Plut. ibid.* II). His instructions to his son in this respect are therefore quite instructive. He warned him (*Plin. ibid.* XXIX. 7. 14): "It is a good plan to become acquainted with their literature, but not to learn it thoroughly" (*bonum sit illorum litteras inspicere, non*

Evidently Rabbi Israel realized clearly that the rabbinic injunction against Greek Wisdom covered only the education of children. As regards self instruction the early Rabbis no more objected to the study of Greek Wisdom than they did to the learning of a trade.

The special permission which was granted to the House of the Patriarch to give the children a Greek education was not only theoretical. *TB*²⁹ records in the name of R. Simeon³⁰ son of Rabban Gamaliel: אלה ילדים. אלה בנות עירי. מהם אלא אני כאן ובן אחי אבא בעסיא היו בבית אבא חמש מאות למדו תורה וחמש מאות למדו חכמת יונית ולא נשתייר [The verse] 'My eye [has been left like] a gleaning-grape³¹ alone of all the daughters of my city'³² [could be applied to the] thousand young men in my father's house; five hundred of them studied Torah while the other five hundred studied Greek Wisdom and out of all of them only I have remained here and the son of my father's brother in Asia."³³

We have no reason to disbelieve this statement. Nobody would have invented this kind of a tradition, for there is no possible ground for such an invention by the Babylonian Rabbis. A rabbinic statement which is not in harmony with the general

perdiscere). See H. I. Marrou, *Histoire de l'éducation dans l'antiquité*, p. 333 ff. Comp. below, n. 63.

²⁹ *Baba Kamma* 83a and parallel.

³⁰ Flourished in the middle of the second century.

³¹ This is how the Rabbi interpreted the verse, as the following context shows. Comp. LXX: ἐπιφυλλιεῖ. The commentaries explain it differently.

³² Lam. 3:51.

³³ A similar passage is available in *TB Gittin* 58a, *TP Ta'anith* IV. 8, 69a and *Ekha Rabba* III. 51, ed. Buber, p. 138. Greek Wisdom is not mentioned there. But these sources bear an obviously legendary stamp, as is evident from the exaggerated numbers mentioned there (sixty four million students according to the Babylonian source; more than a quarter of a million according to the Palestinian source). Moreover, the teaching of Greek Wisdom is not essential to the thread of the story there, and it may have been deliberately eliminated by the *Aggadist*. The passage quoted by us in the text is recorded in *TB* in a *Halakhic* context and has all the marks of reliability as we shall presently see. It is also noteworthy that the number of sixty four million drops to one thousand in our text!

attitude of the Rabbis³⁴ is, as a rule, quite trustworthy. We have here explicit testimony to the effect that the young men belonging to the House of the Patriarch who studied Greek Wisdom were numerically at least approximately equal to those who studied Torah, and whose number must have been considerable.

Although we do not know exactly what the Rabbis designated by the term *חכמה יונית*, Greek Wisdom,³⁵ it is obvious that in our case it comprised information which could help the individual in his association with the educated Hellenistic circles of Palestine.³⁶ The Rabbis had therefore a Jewish channel through which Hellenistic culture could be conveyed to them if they wanted to avail themselves of it.

The question now arises: What material does Talmudic literature contain which may indicate rabbinic acquaintance with Greek literary sources that do not have a direct bearing on the practical life?

The only Greek author whom the Rabbis mention by his name is Homer. The pertinent passages have been dealt with

³⁴ As, for example, their objection to teaching children Greek Wisdom. On the Greek education of the children of the later Patriarchs see M. Schwabe *להולדות טבריה*, Jerusalem 1949, p. 36 and n. 91 *ibid*.

³⁵ See Maimonides' commentary on *Mishnah Sotah*, end; Me'iri *ibid*. and *מקובצת* on *TB Baba Kamma* 82b; Responsa of R. Isaac b. Shesheth, 45, and Rabbi Simeon Duran's commentary on *Aboth* II. 14 *passim*.

³⁶ In the beginning of the third century C. E. the law school of Berytus was already a famous center. In a speech pronounced around 240 C. E., Gregorius Thaumaturgus (*PG* X, 1065 b ff.) relates that he studied the Latin language and Roman law in order to be prepared to go from Cappadocia to Berytus. See Paul Collinet, *Histoire de l'école de droit de Beyrouth*, p. 26 ff. The young men belonging to the House of the Patriarch certainly did not study in the law school of Berytus (even if we accept the early foundation of the school, see Collinet *ibid*. p. 17 ff.). At that time the language of instruction of the school was Latin and not Greek and, furthermore, only Roman and not the provincial law was studied there (See Collinet *ibid*., p. 211 ff. and p. 209, n. 1). Hence the House of the Patriarch had no particular interest to attend the school of Berytus, and their knowledge of Greek would not qualify them for the studies in that school. On the children of the later patriarchs, see M. Schwabe *ibid*. (see above, n. 34).

by many Jewish and non-Jewish scholars,³⁷ but it is advisable for our purpose to review all the material and explain it. We read in the *Mishnah*:³⁸ אומרים צדוקין קובלין אנו עליכם פרושין שאחם אומרים כתבי קדש מטמין את הידים ספרי המירס אינן מטמין את הידים. אמ' רבן יוחנן בן זכיי וכי אין לנו על הפרושים אלא זו בלבד, והרי הן אומ' עצמות חמור טהורים ועצמות יוחנן כהן גדול טמאים . . . כתבי הקדש לפי חיבתן היא טומאתן (שלא יעשה אדם)⁴⁰ ספרי המירס שאינן חביבין לפי מטמין את הידים.

J. Derenbourg⁴¹ and especially N. Brüll⁴² realized that the language of our *Mishnah* is in the *polemical* style of the academies, and our passage should accordingly be translated: "The Sadducees say: 'We complain against you, O ye Pharisees, for according to you⁴³ the Holy Scriptures defile the hands [whereas] the writings of המירס would not⁴⁴ defile the hands.' Rabban

³⁷ See Krauss LW II, p. 230, s. v. המירס. Add: M. Friedmann in *Haggoren* III, 33, n. 1 and 35, n. 1; L. Ginzberg in *JBL* XLI, 1922, 127 ff.; A. M. Honeyman *JQR* XXXVIII, 1947, 151 ff.; R. Gordis *ibid.* 1948, 359 ff. and others whom we shall mention below.

³⁸ *Yadaim* IV. 6. I quote from edition Lowe IV. 14.

³⁹ המירס is also the reading of cod. Parma. *Tosefta* *ibid.* 6842, cod. Vienna: המירס. The anonymous Gaon (*Der Gaonäische Kommentar*, ed. J. N. Epstein, p. 136): המירס. Cod. Munich and early editions read: המירס which is almost the same as המירס (For in some Hebrew mss. it is hard to discriminate between ם and ס.). The word was corrupted (cod. Kauffmann and 'Aruk) into מירין. Some read here, as well as in parallel passages: מירוס, מירוס, all of which are, of course, corruptions or emendations of [ה]מירוס, [ה]מירוס and [ה]מירון. The ה' of המירוס was taken by the scribes as the definitive article preceding a proper noun, and following correct usage they dropped it. The reading המירוס can be dismissed without further discussion. See below.

⁴⁰ A dittography from the previous line, and it is missing in the other editions and mss.

⁴¹ *Essai* etc., p. 133.

⁴² *Beth Talmud*, ed. Weiss, II, p. 319.

⁴³ Derenbourg *ibid.* translates: *selon vous* etc. We may add that this is the usual polemical style of the academy. In *Tosefta Sotah* VI. 1, *Shebu'oth* I. 7 אמרה means "You will admit" (אמרה, אמרה) in the sense of "it follows" is very frequent in the *Halakhic Midrashim*).

⁴⁴ See Derenbourg and Brüll *ibid.* The correctness of this translation is assured by the second clause of the *Mishnah*: עצמות יוחנן כה'נ וכי אומרים. . . . The Rabbis certainly never explicitly stated that the bones of Johanan the High Priest are unclean. Nobody doubted it.

Johanán b. Zakkai said: 'Have we naught against the Pharisees save this! According to them, the bones of an ass are clean and the bones of Johanán the High Priest are unclean'. . . Even so the Holy Scriptures: as is our love for them so is their uncleanliness; the writings of המירס which are worthless⁴⁵ do not defile the hands'."

Let us first examine the second half of the discussion. The Rabbi ironically remarked that the bones of an ass are clean whereas the bones of Johanán the High Priest are unclean; of course he chose two extremes.⁴⁶ However, the retorts of the Rabbis are usually very pointed, and we deem it not impossible that the Rabbi had the flute in mind when he referred to the bones of the ass. Flutes made from such bones were quite common,⁴⁷ and they were preferred to those made of any other bones.⁴⁸ It is therefore plausible to assume that when the Rabbi argued that bones of an ass do not defile the hands he was thinking of the common handling of such bones converted into flutes. This contrast between the flute and the bones of Johanán

⁴⁵ Literally: "not dear". אינן חביבין is used in contrast to חביבין in the first part of the clause.

⁴⁶ See Brüll *ibid.*, p. 319, n. 4. Comp. Geiger *Jüdische Zeitschrift* II, p. 21 ff.

⁴⁷ Plinius, *nat. hist.* XVI. 66 end; Philostratus, *Vita Apoll.* XXI.

⁴⁸ Plin. *ibid.* XI. 87: asinorum ad tibias canora. "[The bones] of asses are resonant enough to use as flutes". Plutarch (*sept. sap. conv.* 5, 150e) puts in the mouth of Aesop: τοὺς νῦν αὐλοποιοὺς ὡς προέμενοι τὰ νεβρέϊα, χρώμενοι τοῖς ὄνελαις, βέλτιον ἡχεῖν λέγουσιν. "The modern flute-makers have given up the use of bones from fawns, and use bones from asses, asserting that the latter have a better sound". The Jews used pipes made not only of reeds (κάλαμος, βόμβιξ) and metals (See *Tosefta 'Arakhin* II. 3 and parallels), but also of the bones of animals (*Mishnah Kinnim* III. 6, *Midrash Haggadol Bereshith*, ed. Mann [*The Bible as Read* etc., p. 67] and *Midrash Haggadol Bereshith*, ed. Mordecai Margulies, p. 356).

It is noteworthy that R. Joshua quotes (*Kinnim* *ibid.*) a (popular?) saying: "While [the animal] lives it has but one voice, after it is dead it has seven voices, viz. its two horns become two trumpets, its two leg-bones become two flutes etc." It is similar to the remark of Plutarch who said (*ibid.*): So we may well be astonished that the ass, which otherwise is most gross and unmelodious, yet provides us with a bone which is most fine and melodious. (This translation as well as the previous one is from the Loeb Class. Library).

the High Priest, in the second clause of our *Mishnah*, will be a harmonious parallel to the first clause, if we grant that the latter sets the books of Homer ("The Prophet of All"),⁴⁹ the Greek Bible,⁵⁰ versus Scripture.⁵¹

That the ספרי המירס are books of heretics or books of Christian sects is completely ruled out by the following rabbinic sources. We read in *TP*:⁵² ר' עקיבא אומר אף הקורא בספרים החיצונים כגון ספרי בן סירא וספרי בן לענא⁵³ אבל ספרי המירס⁵⁴ וכל ספרים שנכתבו מכן והילך הקורא בהן כקורא באיגרת⁵⁵ מאי טעמא ויותר מהמה בני היוזר ונו' להגיון ניתנו ליגיעה לא נתנו

⁴⁹ ὁ τοῦ Πάντος προφήτης, see above, p. 20, n. 2.

⁵⁰ A very interesting illustration of similarity of the attitude on the part of the Jews and Greeks towards the Scripture and the books of Homer respectively is available in the ancient sources. The Jewish rule is that the king must always wear the Scroll on his person (See Deut. 17:19). *TB (Sanhedrin 21b and 22a)* remarks to this effect: אוהה שיוצאה וכנסה עמו עושה אוהה "That [Scroll] which is to go in and out with him he shall make in the form of an amulet and fasten it to his arm". This is exactly what the Roman Emperor Julian reports about his treatment of Homer and Plato (Letter to his uncle Julian, ed. Bidez, No. 80): καὶ ταῦτα δὲ αὐτὰ τοῖς περιάπτοις ἔοικε καὶ φυλακτηρίους δέδεται γὰρ αἰεῖ. "And these (i. e. Homer and Plato) are like amulets and talismans, for they are always fastened [on me]." Comp. also Plut. *Alex.* VIII and the spurious letter ascribed to Julian (Sp. 383a, Bidez, No. 190).

⁵¹ We want to make it clear that we do not use this argument to establish the identity of the המירס; that will come later. We try only to explain the *Mishnah* in the light of our subsequent conclusions.

⁵² *Sanhedrin* X. 1, 28a.

⁵³ That is the reading and vocalization of the *Yerushalmi Fragments from the Genizah* (ed. L. Ginzberg, p. 262, l. 18). I copy from the photostats of the manuscripts. The editions read לענה; Duran (in his commentary to *Aboth* II. 14, ed. prin. 33a) quotes יענה; *Koheleth Rabba* XII. 12 reads תולא. We are not able to identify the man, nor can we accept the various emendations of modern scholars.

⁵⁴ This is the reading of our editions and Duran *ibid.* The *Fragments* read הומירס (or הומירס). The vocalization eliminates the י.

⁵⁵ This is also the reading of the *Fragments*. Duran reads: באגרות, "In [books of] legends". Our reading is probably the correct one, see *TP Berakhoth* IV. 3, 8a.

⁵⁶ N. Krochmal in his מורה נבוכי הזמן, Lemberg 1851, p. 101, explains it to mean reading them aloud in the synagogue, and treating them like Scripture. This interpretation disagrees with *TB Sanhedrin* 100b and *Pesikta Rabbathi*

the extra-canonical⁵⁷ books⁵⁸ such as the books of Ben Sira and the books of Ben La'aga⁵⁹ [has no share in the world to come], but he who reads the books of Homer and all other books that were written beyond that⁶⁰ is considered like one who is reading a secular document,⁶¹ for [it is written]: 'And furthermore, my son, beware of making many books, and much study⁶² [of them] is a weariness of flesh' (Eccl. 12:12). Hence casual reading⁶³ is permissible but intensive study is forbidden,"

III, ed. Friedmann, 9a. Rabbi David Frankel, in ש"י a. l., explains that the prohibition of the reading of Ben Sira was based on the assumption that the reader may mistake this book for Scripture, owing to its arrangement and style.

⁵⁷ Krochmal *ibid.* compares the expression החיצוניים to *Baraita* (in relation to the *Mishnah*). Comp. also (Swete, *Introduction to the Old Testament in Greek*, 1914, p. 281) τὰ ἕξω.

⁵⁸ The words עקיבא אומר אף הקורא בספרים החיצוניים are a quotation from the *Mishnah* (פיסקא). The rest is a later comment. Comp. *TB Sanhedrin* 100b.

⁵⁹ See above n. 53.

⁶⁰ I. e. beyond Scripture, comp. the references by Lieberman in *Tosefeth Rishonim* IV, p. 157. This meaning of מכאן והילך is common in *TP*, see *Kethuboth* II. 1, 26a, bot.; *ibid.* IV. 14, 29b *passim*.

⁶¹ This is usually the meaning of איגורא in *TP*. See *Terumoth* X. 7, 47b; *Kethuboth* II. 3, 26b. Comp. also *Mishnah Gittin* VI. 5; *Mekhilta deRashbi*, ed. Hoffmann, p. 86; Mann, *The Bible as Read and Preached in the Old Synagogue*, Hebrew section, p. 56.

⁶² The Septuagint translates ולה הרבה και μελέτη πολλή. It renders both לה and הגיון, as well as שיעורים and שיעורים, μελέτη. μελετᾶν had a special connotation among the Jews. See Blondheim, *Les parlers Judeo-Romans* etc., pp. 76 ff. and 167. Hesychius defines μελετάω as = ἀσκέω, ἐπιμελόμαι, γυμνάζομαι, i. e. "exercise one self in". It is therefore very near to the Hebrew עסק, "to engage in". להגות means both to pronounce, to recite, to engage in the study of the Torah as well as to derive, to deduce (see Jastrow, *Dictionary* etc. s. v. הגי). Both Sophocles (*Lexicon*, s. v. μελετάω) and Blondheim omitted the latter meaning of μελετᾶν which follows from a passage in Irenaeus (*Contra Haer.* I. 9. 4, PG VII, 544b): ἔπειτα πειρωμένους ἐκ τῶν Ὁμήρου ποιημάτων μελετᾶν αὐτάς. "And then try to derive them from the poems of Homer". The expression הגיון תורה frequently occurs in the *Mishnah* of R. Eliezer, ed. Enelow. See *ibid.* pp. 255, 367.

The explanation of הגיון as dialectics, sophistry, *progymnasmata* and even logic (see above nn. 27, 26) is therefore plausible.

⁶³ See the preceding note. Comp. the instruction of Cato to his son, above, n. 28.

(for only *much study* is a weariness of flesh, but not casual reading).⁶⁴

The permission of the Rabbis to read the books of המירס shows that those works could not be heretical or Christian, but innocuous writings.⁶⁵ We are therefore justified in accepting the *Geonic* interpretation that ספרי המירס are the books of Homer.

Again we read:⁶⁶ אמר ר' שמעון בן לקיש הרבה מקראות שראויין לישראל כספרי מירס ויהן הן גופי תורה העוים היושבים בחצרים עד ר. Simeon b. Lakish said: There are many [single] verses which [one might think] may be⁶⁸ burnt like the books of מירס, but [in reality] they are essentials of the Torah. [It is written, for instance]: '*And the Avvim that dwell in villages as far as Gaza*' (Deut. 2:23); so what of it, etc." The comparison of these verses with the books of מירס suggests that one might think that they are of the same character: descriptions of the past and stories. This again favors the explanation that המירס is Homer.⁶⁹

Likewise it is stated in *Midrash Tehillim*:⁷⁰ ולא יהו קורין בהם כקורין בספרי מירס אלא יהו קורין בהן ונוטלין שכר עליהם כנעים [David prayed] that men shall not read his words as they read the books of מירס, but shall read them [and engage in their study]⁷² so that they receive reward for doing it as they

⁶⁴ Comp. *TB Shabbath* 31b, *Koheleth Rabba* VII. 17. The reading of the *Genizah Fragments* ליינקה נחוו "they were given for intensive study" is undoubtedly a scribal error (See *JBL* XLI, 1922, p. 131, n. 40), for it is not only against the reading of the editions, the quotation by R. Simeon Duran (see above n. 53) and *Koheleth Rabba*, but also necessitates a very forced interpretation of the verse. The explanation of the latter by Rabbi Moses Almosnino in *Eccl. a. l.* (53a) is untenable. The *Targum* (*Eccl.* 12:12) is based on *Bemidbar Rabba* XIV. 4. It has nothing to do with our tradition in *TP* and *Koheleth Rabba* which explains the "many books" to refer to profane literature (but not to the Oral Law).

⁶⁵ As correctly observed by Rabbi Samuel Jaffe in his *מראה* a. l.

⁶⁶ *TB Hullin* 60b.

⁶⁷ See Rabbinovicz, *variae lectiones* 80b, n. 4. Add: Rabbenu Nissim (בספר מדיון: Amsterdam 1746, 35a, bot.) and *Midrash Haggadol Bereshith*, ed. Schechter, p. 695, ed. Margulies, p. 791.

⁶⁸ Literally: fit.

⁶⁹ See L. Ginzberg in *JBL* XLI, 1922, p. 128, n. 32.

⁷⁰ I, ed. Buber 5a. I quote from ed. pr.

⁷¹ So ed. pr. Buber has in his text מירס, and in his note he quotes מירס.

⁷² See ed. Buber. See above n. 62.

would for studying *Nega'im* and *Ahiloth*."⁷³ The contrast between *Nega'im* and *Ahiloth* and the books of מִירוֹם and the distinction between the hymns of David and the latter again suits the identification of מִירוֹם with Homer. This identification was already made by the *Gaon* in his comment⁷⁴ to the *Mishnah* under discussion.⁷⁵ The majority of modern rabbinic scholars adopt his view.

A serious objection to this opinion was raised by M. Friedmann.⁷⁶ He contends that it is impossible that the Rabbis can have permitted the reading of Homer's books which are replete with the names of idols. It is, he maintains, a transgression of the law (Ex. 23:13): "And make no mention of the name of other gods, neither let it be heard out of thy mouth."

As a matter of record Friedmann's objection was already raised by an ancient author. Tertullian⁷⁷ protested against the Christians who taught pagan literature and he referred to the same Scriptural verse.⁷⁸ However, even Tertullian censured only its teaching, but explicitly permitted its study;⁷⁹ he asserted that while teaching heathen literature one involuntarily commends and affirms the praises of the idols. This distinction obviates Friedmann's objection as well, as we shall presently see. Indeed, the *Tannaitic* sources interpret the "mention of the names of idols" to mean not to swear by them, not to praise them⁸⁰ and not to designate the pagan temples and their vicinity as meeting places.⁸¹

⁷³ These laws were regarded as the most abstruse parts of the Torah. See *TP Mo'ed Katan* II. 5, 81b; *TB Baba Mezi'a* 59a. In *TB (Ḥagigah* 14a, *Sanhedrin* 38b, 67b) these parts are contrasted with אגדה, legends.

⁷⁴ *Der Gaonäische Kommentar*, ed. Epstein, p. 136.

⁷⁵ See above n. 38.

⁷⁶ *Haggoren* III, p. 33, n. 1.

⁷⁷ *De idolat.* X, *CSEL*, vol. XX, p. 40.

⁷⁸ Si fidelis litteras doceat . . . cum lex prohibeat, ut diximus, deos pronuntiare. "If a believer teach literature . . . whereas the Law, as we have said, prohibits the names of gods to be pronounced".

⁷⁹ Comp. also *Const. Apost.* I. 6.

⁸⁰ See *Mekhilta* a. l., ed. Horovitz, p. 332, ed. Lauterbach III, p. 181, l. 24; *Sifre* Deut. 61, ed. Finkelstein, p. 127.

⁸¹ See *Mekhilta* *ibid.* *Tosefta 'Abodah Zarah* VI. 11, 47015 and parallels. Comp. also H. A. Wolfson, *Philo* I, p. 174 seq.

Some Rabbis seem to go as far as prohibiting the mere mention of the names of idols. We read in the *Mekhilta*:⁸² וּשְׁמֵי אֱלֹהִים אַחֲרִים לֹא תִזְכְּרוּ . . . וְלֹא תֹאמַר לּוֹ הִיכַן אַתָּה שְׂרוּי בְּמִקּוֹם עִזְּ פְלוֹנִיָּה 'And make no mention of the name of other gods' (Ex. 23:13). This means . . . do not say to any one: Where do you live? In the place of such and such an idol. [Nor say] wait for me at the place of such and such an idol."⁸³ But the later Rabbis understood that this injunction applies only to cases where the mention of the idol could be avoided, when the given place could be designated by another appellation; otherwise it was not prohibited to mention places which bear the names of idols, for the *Mishnah* and the Talmud incidentally do mention such places.⁸⁴

The early Christians adopted the same attitude. Tertullian maintains:⁸⁵ deos nationum nominari lex prohibet non utique nomina eorum pronuntiemus, quae nobis ut dicamus conversatio extorquet. nam id plerumque dicendum est: in templo Aesculapii illum habes, et in vico Isidis habito. "The Law prohibits to name the gods of the nations, not, of course, that we are not to pronounce their names, the mention of which is required by conversation. For this must frequently be said: You find him in the temple of Aesculapius and I live in the Isis street."

Furthermore, there was no prohibition to mention the names of idols in derision and mockery.⁸⁶ While they studied — and possibly taught — Homer the Jews enjoyed the charm of his style and plots, but certainly saw Homer's mythology as mere fairy tales and as a good occasion of making fun of idol worship. The Christians of the fourth century followed the Jewish tradition. It was not in vain that the emperor Julian issued his famous decree forbidding Christians to teach classic literature. He demanded: "Let them first really persuade their pupils that

⁸² Ibid.

⁸³ See also *TB Sanhedrin* 63b where 'Ula is criticized for having said that he had spent the night at *Kalnebo*. Comp. *Meiri* a. l. p. 239.

⁸⁴ See שְׂרִיחַ חוֹחַ יֵאִיר, resp. 1, ed. princ. 5b-6a.

⁸⁵ *De idolatria* XX, *CSEL* *ibid.*, p. 54.

⁸⁶ See *Tosefta Abodah Zarah* VI. 4, 469²⁴ and parallels; *TB Sanhedrin* 63b.

neither Homer nor Hesiod nor any of these writers whom they expounded, and have declared to be guilty of impiety, folly and error in regard to the gods etc."⁸⁷ The Christian school teacher made fun of Homer's treatment of the gods, as the church fathers did (see below). Thus the reading and teaching of Homer could be performed by both Jews and Christians without the formal violation of the verse in Ex. 23:13.

The books of Homer were not probably included in the category of חכמה יונית (Greek Wisdom), and they were employed as exercises for those children who in any case did not study Torah. It is likely that the Greek book — ספר יוני — whose use for the instruction of the young was a topic of discussion⁸⁸ was a Homeric epic, the text from which the children got their first education in Greek literature. Moreover, in all likelihood, there were in Palestine many Jews who did not live up to the high religious standards of the Rabbis, and they studied the Greek epics as well as "Greek Wisdom." Hence we can safely assume that the contents of Homer's books were well known in certain Jewish circles of Palestine.⁸⁹

However it is very hard to prove that the Rabbis made direct use of the Odyssey or the Iliad. Homer was so popular that all the ancient Greek speaking world quoted from him; many of his phrases became mere commonplaces. His myths were known even to the half educated masses who never read Homer. It is, of course, natural that traces of Homeric myths and phrases can also be discovered in rabbinic literature. The Rabbis, for instance, mention the siren⁹⁰ by name; they know of the monster Centaurs⁹¹ etc. It was not necessary to read Homer in order to be acquainted with the popular Greek myths.

As for Homeric phrases which occur in rabbinic literature we shall content ourselves with the following example. In the *Midrash*⁹² the swiftness of Asahel is described as follows: שהיה

⁸⁷ Letter 36, 423b.

⁸⁸ See above, n. 12.

⁸⁹ See the Greek epigram published by M. Schwabe in the *Bulletin of the Palest. Explor. Soc.* VI, 1939, p. 107 ff.; *ibid.* 159 ff.

⁹⁰ As a human being dwelling in the water, see below, p. 183, n. 29.

⁹¹ *Bereshith Rabba* XXIII. 6, ed. Theodor, p. 227.

⁹² *Koheleth Rabba* IX. 11.

רץ על סמסי שיבלייא ואינן משתברין "He used to run on the ears of corn and they were not broken."⁹³ This phrase occurs in Homer verbatim. He says⁹⁴ about the half-divine horses of Erichonius: ἄκρον ἐπ' ἀνθρῆκων καρπὸν θεῶν οὐδὲ κατέκλων. "They would run over the topmost ears of ripened corn and did not break them."⁹⁵ Virgil,⁹⁶ for instance, says the same about Camilla: Illa vel intactae segetis per summa volaret gramina nec teneras cursu laesisset aristas etc. "She might either fly over the topmost blades of an unreaped cornfield and not have bruised in her course the tender ears etc."⁹⁷ The Rabbis may have heard this figure from some orator, or have read it in some Jewish apocryphon⁹⁸ composed by a Hellenistic Jew.⁹⁹

Nevertheless, although rabbinic acquaintance with the Homeric epics cannot be proved, the ensemble of all the above mentioned sources gives the impression that some of the Rabbis who knew Greek most likely did read Homer. Now one may ask: Why did they not utilize the contents of the Odyssey and the Iliad for the purpose of ridiculing idol worship, as some of the ancient Greeks and church fathers did? In order better to resolve this difficulty it is in place to analyze rabbinic polemics against idolatry in general.

⁹³ See also *Yalkut Shime'oni* on Jer. sect. 285. An anonymous *Midrash* quoted by Rabbi David Hanagid (in his Arabic commentary on *Abboth* IV. 4) ascribes this quality to king Asa. *Sefer Hayashar* on ויני credits the Patriarch Naphtali with the same skill.

⁹⁴ *Il.* XX. 227. Comp. Dio Chrysostomus, *or.* 33, 21, and the editor's note in the Loeb Classical Libr. Vol. III, p. 293, n. 7.

⁹⁵ See also Oppian, *Cynegetica* I, 231.

⁹⁶ *Aen.* VII, 808 ff.

⁹⁷ He borrowed the picture from Homer, as observed by Macrobius, *Saturn.* V. 8. 4.

⁹⁸ See above n. 93, end.

⁹⁹ The Rabbis were exceedingly fond of utilizing famous sayings for the illustration of the Bible. The well known utterance ascribed to Archimedes (Pappus Alexandrinus, *collect.* VIII. 11. 10) δὲς μοι ποῦ στῶ καὶ κινῶ τῆν γῆν (or: πᾶ βῶ καὶ κινῶ τὰν γᾶν. Simplicius in *Arist. Phys.* VII. 5, ed. Diels, p. 1110s) found its way into rabbinic literature. The anonymous *Midrash* quoted in *Yalkut Shime'oni* and by Rabbi David Hanagid (see above, n. 93) contends that Abner used to say: מועה בן הייתי מועה לאחוז בו הייתי מועה "If the earth had a place where one could get hold of it I would shake it."

RABBINIC POLEMICS AGAINST IDOLATRY

The Rabbis had a fair knowledge of the rites and practices of idol worshippers and of the various regulations bearing on heathen divinities;¹ they were aware of their wide ramifications. In a text which abuses the idols a Rabbi of the second century remarked:² אלו נפרט שמה של עבודה זרה לא ספקו להם כל עירות שבועולם "If the name of every idol were to be specifically mentioned, all donkeys in the world would not suffice [to carry them]." In a similar context it was observed by Clement of Alexandria:³ ἀλλὰ γὰρ ἐπιόντι μοι τοὺς προσκυνουμένους ὑμῖν τάφους, ἐμοὶ μὲν οὐδ' ὁ πᾶς ἂν ἀρκέσαι χρόνος. "If I were to go through [the names of] all the tombs worshipped by you, the whole of time would not suffice." Both the Jews and the Christians engaged in polemics against idol worship. The rabbinic sources frequently contain material which they call⁴ ריה דעבודה זרה, "Ridiculing of idols." The Iliad and the Odyssey provide the richest collection for this purpose. Many of the ancient Greek philosophers attacked these fables.⁵ The Christian church fathers made ample use of them to demonstrate the absurdity of heathen beliefs.⁷ Unlike the church

¹ See below. Comp. I. Lévy, *REJ* XLIII, 1901, p. 183 ff.; Lieberman, *JQR* XXXVII, 1946, p. 44 ff.

² *Sifre* II, 43, ed. Finkelstein, p. 97. Comp. also *Mekhilla Bahodesh* VI, ed. Horovitz, p. 224; Lauterbach II, p. 240.

³ This is the correct reading; see J. N. Epstein in *לשוננו* XV, 1947, p. 104. I now accept the interpretation of the latter. For the use of the phrase, see Lieberman, *JQR* XXXVI, 1946 p. 346, n. 122.

⁴ *Protrept.* III, end. Comp. John XXI. 25.

⁵ *TB Megillah* 25b and parallel.

⁶ See Geffcken, *Zwei griechischen Apologeten*, Einleitung, p. XVIII ff.; Ch. Clerc, *Les théories relatives au cultes des images*, p. 89 ff.

⁷ See Clement of Alexandria, *Protrept.* II, *PG* VIII, 100c ff. 108a ff.; *ibid.* VII, 185a; Athenagoras, *Apol.* XVIII; *ibid.* XXIX and many others; see below.

fathers the Rabbis never allude to the ridiculous tales about the gods contained in the writings of Homer.

However, a perusal of the *ליצנותא דעבודה זרה* (ridiculing of idols) found in early Talmudic sources will convince us that there is a great difference between the rabbinic and Christian attacks on idolatry. In rabbinic writings we possess only comparatively few scattered passages on this topic. The whole tractate of *'Abodah Zarah* which deals with idol worship and worshippers almost ignores this subject. It only records and discusses laws and precepts, but does not engage in refutations of the principles of idol worship.⁸ We may say that the kind of polemics against idol worship in which men like Clement of Alexandria, Athenagoras, Theophilus of Antioch, Tertullian, Arnobius, Lactantius and others indulge is almost not to be found in rabbinic literature.

The Rabbis occasionally dramatize the abuse of the idols available in the Prophets, relatively in the same spirit which is predominant in the Epistle of Jeremy. A typical example of it is contained in *Debarim Rabba*.⁹ The rabbis portray a poor man ordering a wooden idol from the artisan. The latter tells him: "Not every tree is suitable for this. If you utilize a tree which grows in a field watered by rain¹⁰ it is good; if you use another kind of tree you achieve nothing,¹¹ as it is written (Is. 44:14):

⁸ The polemics in Rome between the Rabbis and the philosophers (*Mishnah 'Abodah Zarah* IV. 7; *Tosefta* *ibid.* VI. 7, 46931 and parallels) as well as the disputation of the philosopher and Rabban Gamaliel (*TB* *ibid.* 54b and parallel, see Lieberman *GJP*, p. 126 ff.) lack the specific features of *ליצנותא דעבודה זרה*, the derision of idol worship, or the refutation of its principles.

⁹ Ed. Lieberman, p. 56; *Midrash Hallel* in *Beth Hamidrash* ed. Jellinek V, p. 98 ff. The earlier parallels are referred to in Lieberman's note a. l.

¹⁰ I. e. not by artificial irrigation.

¹¹ An interesting statement in regard to the material of wooden images is made by the Rabbis in *Mekhilta deRashbi* (ed. Hoffmann, p. 2). In explaining why the Almighty appeared to Moses on the bush and not on any other tree, they declare: *מפני שהוא טהור ואין אומות העולם עושין אותו ע"ז* "Because it (i. e. the bush) is clean, and the Gentiles do not make it an idol". The Hebrew is ambiguous and can also be translated: "and the gentiles do not worship it" (like any other tree). But the mediaeval authorities who drew on this source had a more explicit reading: *ואין יכולה לחרוט בו פרצוף צלם*, "And it is impossible to carve from it a face of an image" (*Hiskuni* a. l., ed. prin. 53c. Comp. also Kasher,

'He heweth him down cedars [and taketh the ilex and the oak, and strengtheneth for himself one among the trees of the forest; He planteth a bay-tree, and the rain doth nourish it].'¹² And if he makes a standing idol it cannot sit, and if he makes a sitting idol it cannot stand, as it is said (ibid. 46:7): '[And set in his place and he standeth, from his place he doeth not remove]. Yea, though one cry unto him, he cannot answer'.¹³ The Midrash goes on further to depict the plight of a poor man who replaces his gold idol with one of silver, of copper, of wood until the final denouement. "The man had nothing to eat; he had to [bake] a fourth of a *kab* of flour which he had in his house. Outside it was raining and he could not go to the field on account of the rain. Meanwhile turning to the corner of the house he stumbled over the idol, and he said: 'What is this doing in the house?' He took the axe, cleft the idol, built a fire with one half of it and worshipped the other half, as it is said (Is. 44:16-17): 'He burneth the half thereof in the fire . . . And the residue thereof he maketh a god'."

Clement of Alexandria made fun of the idols in a similar way. He quoted the famous anecdote of Diagoras.¹⁴ "Taking an image of Heracles made of wood (for he happened most likely to be cooking something at home) he said: 'Come, Heracles, now is your time to undertake for us this thirteenth labor, as you did the twelve for Eurystheus, and prepare the food for Diagoras!' Then he put it into the fire like a log of wood."

The rabbinic satire is only a literary elaboration of the Bible;¹⁵

Torah Shelemah VIII, p. 119, n. 40). This is undoubtedly the correct reading as appears from Theodoret. (*PG* LXXX, 229c): *φασί δὲ τινες, ἐν βάτω φανῆναι τὸν θεόν, καὶ οὐκ ἐν ἄλλῳ φυθῶ δια τὸ μὴ δύνασθαι τινα ἐκ βάτου γλύψαι θεόν*, which is literally the same as recorded by the above-mentioned Hebrew source. This passage was also used in mediaeval Judeo-Christian polemics; see Berliner פלישת סופרים, p. 29 and Z. Kahn in *Festschrift . . . A. Berliner*, Hebrew part, p. 82. On the kind of wood out of which men of old made images, see Frazer on Pausanias IV, p. 245 ff.

¹² Comp. Frazer *ibid.*

¹³ Comp. also the Epistle of Jeremy 26.

¹⁴ *Protrept.* II, *PG* VIII, 93a. Comp. *schol. Aristoph. Nubes* 830.

¹⁵ See also *Debarim Rabba* *ibid.*, p. 53 and the parallels referred to in the notes; *ibid.* p. 56, top, and comp. Geffcken *ibid.* (see above, n. 6), p. 23.

the sarcasm of the Christian church father is based on an anecdote about the notorious atheist drawn from the classics. In preparing their attacks against idolatry both parties had different listeners and readers in mind. The arguments were seasoned for the consumption of the audiences according to their background and taste. Instances from the classics convinced the Greeks; illustrations from the Bible appealed to the Jews. The Rabbis were mainly interested in elucidating the Bible. The latter combats the worship of idols, but ignores pagan mythology. The Jewish sages who commented on the narrative portions of the Bible had no suitable opportunity to take Homer's mythology to task. The Rabbis failed to utilize the latter in their scoffs at idolatry (independently of Scripture) not on account of ignorance, but because they probably knew that their gentile neighbors themselves treated them as mere fairy tales.¹⁶ As for the church fathers, as correctly noted by many scholars,¹⁷ they simply used pagan literary sources which ridiculed the old tales; it was only a literary genre which they adopted for the purpose of combatting idolatry.

Here we may go a step further and consider the character of the rabbinic attacks on idolatry in general. The Hellenistic Jews had concentrated their attacks on the gods of their new environment,¹⁸ on the divinities of the Greeks and the Egyptians. The same practice was adopted by the Christian church fathers. The Rabbis, on the other hand, assail the idols mentioned in the Bible and idolatry in general, but they do not denounce the Greek gods specifically. They do not stigmatize the heathen mystery cults, although they certainly knew some-

¹⁶ The *pantomimi Caesareae* in Palestine of the fourth century were the most famous in Syria (see Schürer, *Geschichte* etc. II⁴, p. 51 and p. 49, n. 90; comp. Lieberman *GJP*, p. 33, n. 24); certain performances of such *pantomimi* could not fail to impart to the spectators the impression that the pagans themselves did not take their myths too seriously. Comp. Lucian, *de saltatione*, 37-40.

¹⁷ See the references above, n. 6, and J. Bidez, *Vie de Porphyre*, p. 143. Comp. Clerc, *Les théories relatives au culte des images*, p. 89 ff. See also Arnobius, *adversus nationes* III. 7, regarding the suppression of certain books of Cicero.

¹⁸ See H. A. Wolfson, *Philo* I, p. 14 ff.

thing about them. The Greek word *μυστήριον* frequently occurs in rabbinic literature,¹⁹ and it sometimes means mystery in its religious connotation.

The Rabbis seem to have known certain rites of the mysteries which are not explicitly mentioned in any other source. The *Mishnah*²⁰ rules that it is forbidden to derive any benefit from hides pierced at the heart, from the so called עוריות לבובים²¹, for the cut indicates that the animal was used for idol worship. R. Simeon b. Gamaliel explains²² that they are forbidden only when the incision is circular. *TP* (a. l.) comments that the round shape of the hole shows that the incision was made when the animal was still alive, and the skin was able to corrugate. The Rabbis, it appears, had in mind rites of the mysteries of Demeter, Attis and Cybele. The information which we glean from them may shed light on a description by Clement of Alexandria. Among the mysteries of these divinities he numbers:²³ *καὶ πόμα χολῆς, καὶ καρδιουλκίαι, καὶ ἀρρήτουργίαι*. "The drink of bile, the extraction of the hearts [of the victims] and unspeakable obscenities." It is evident from the context that the *καρδιουλκία* was as repulsive to him as the drinking of bile and the unspeakable obscenities; it points to an operation which was performed upon the animal while it was going through the death struggle, before it was skinned.²⁴

¹⁹ Although it often means merely "a secret" (see Krauss *LW* II, p. 346), the Rabbis also used it as a technical term. So, for instance, circumcision is the mystery of God (*Tanhuma* I, Buber 40a and parallels, see notes *ibid.*). Similarly, the *Mishnah*, the oral law (in contradistinction to the Scriptures which were translated into Greek), was termed the mystery of the Lord. (*Pesikta Rabbati* V, ed. Friedmann 14b and parallels; comp. *TP Pe'ah* II. 6, 17a, where the term mystery is not mentioned). Comp. also *Bereshith Rabba* L. 9, p. 524, and see H. A. Wolfson, *Philo* I, p. 43 ff., p. 92, n. 33.

²⁰ *Nedarim* II. 1; *'Abodah Zarah* II. 3.

²¹ The literal translation can be rendered in German: entherzte Tierfelle.

²² *'Abodah Zarah* *ibid.*

²³ *Protrept.* I. 2, *PG* VIII, 76a.

²⁴ It appears from Lucian (*de sacr.* 13) that the *καρδιουλκία* was performed after the animal was cut to pieces. But Lucian is not talking about the rites of the mysteries. Moreover, it is possible that he did not intend to describe the acts of the priest in their consecutive order, but to recall several rites which stained the priest with blood. K. J. Popma, *Luciani de sacrificiis*, Amsterdam 1931, p. 35, overlooked the passage of Clement.

This extraction of the living heart from the sacrifice is not known to have been practiced in the regular rites of idolatry.²⁵ It was most probably connected with the oriental mystery-worship.

As a matter of fact documentary evidence is hardly necessary to prove that the Rabbis knew something about the heathen mysteries. It is inadmissible that religious rites which excited the curiosity of the multitudes, practices which were constantly talked about, praised and attacked, can have entirely escaped the notice of the Jews. Yet, not the slightest allusion is extant in rabbinic literature to the symbols and formulas of the heathen mysteries, to their phallic rites²⁶ and licentiousness.

The Rabbis of the third century mention the shameless practices of the heathen in illustration of Amos (6:1-7),²⁷ and the maïouma (μαϊοῦμας) festivals served them as a good example of these verses.²⁸ The obscene rites of idolatry are cited by them when dealing with Num. 25:1-5²⁹ and other Biblical passages.³⁰ But the Rabbis never directly and explicitly assailed the heathen rites of mysteries. They simply had no reason to engage in such attacks. Unlike the earlier Hellenistic Jews the Rabbis were no longer struggling with gentile paganism. They mostly preached to Jews. To Judaism the mysteries represented no danger. A Jew had to become an idol worshipper before he could be initiated into the mysteries. In the first centuries C. E.

²⁵ In his *Sepher Haschoraschim* (ed. Bacher, p. 238, s. v. לבב) Rabbi Jonah Ibn Gānaḥ (born towards the end of the tenth century) remarks on our *Mishnah*: "And this was the custom of some nations, and particularly the Greeks, who used to pull out the heart of the beast while it was still alive; they split the breast of the animal, extract its heart and sacrifice it to the idol, according to what we have found written in the history of the Greeks and in their literature". The source (or sources) of the Rabbi is not known to me.

²⁶ See below, n. 30.

²⁷ See *TB Kiddushin* 71b; *Vayyikra Rabba* V. 3, passim.

²⁸ See the excellent article of A. Büchler in *REJ* XLII, 1901, p. 125 ff.

²⁹ See *Sifre* I, sect. 131, ed. Horovitz, 170 ff. and parallels.

³⁰ See *TB Sanhedrin* 63b passim. The Biblical בעל, *Ba'al*, according to the Rabbis, was a phallos of the [shape and] size of a *bean* (*TP Shabbath* IX. 1, 11d and parallel). Comp. Diogenes Laert. VII. 34; Lucian., *vit. auct.* 6; A. B. Cook, *Zeus* III, p. 1032o.

the Jews were so far removed from clear-cut idolatry that there was not the slightest need to argue and to preach against it.

The bulk of rabbinic sources which have come down to us is of the third and fourth centuries, and by that time the Rabbis had already abandoned the effort to win proselytes.³¹ Those few Jews who worshipped idols in order to identify themselves with the gentiles did it for lucrative reasons, and there was, of course, little hope of reclaiming this type of apostate with moral tracts. The problem of idolatry and its *raison d'être* no longer had any practical significance for the Rabbis. They were concerned with the heathen rites only in so far as they affected the social and commercial contact of the Jew with the gentile, and they occasionally utilized contemporary idol worship to illustrate Biblical passages. Although they repeatedly emphasized that idolatry is one of the gravest abominations (like murder and incest), they did it in order to deter Jews from falling victims to it under duress or for lucrative reasons. Their derision of the idols consisted in distorting the appellations of the divinities,³² in stressing that the heathen gods are lifeless matter,³³ and in dramatizing the pertinent passages of the Scriptures.³⁴ Their mockery lacks the pathos of the Jewish Hellenistic and Christian literature. It is sometimes no more malicious than the famous satire of Horace.³⁵

Furthermore, there is a basic difference between the apologetics of the Hellenistic Jews³⁶ and the Christians on the one

³¹ See *TP Kiddushin* IV. 1, 65b; *TB Yebamoth* 47b.

³² *Tosefta 'Abodah Zarah* VI. 4, 469²⁴ and parallels.

³³ It appears from the earlier non-rabbinic Jewish sources that the Jews believed demonic spirits to lurk behind the dead images. See W. A. L. Elmslie, *The Mishna On Idolatry*, pp. 42-43. On this belief of the gentiles comp. E. Bevan, *Holy Images*, London 1940, p. 90 ff. See also *Corp. Herm. Asclep.* 24 and 37, ed. Nock-Festugière, pp. 326, 347 and nn. *ibid.*; A. D. Nock, *Harvard Theological Review* XXVII, 1934, p. 92. Even the Jews of the second century were of the belief that daimons governed the idols. See *Sifre* I, sect. 131, ed. Horowitz, p. 171¹² ff. and parallels. On the later Jewish belief in the efficacy of incubation in pagan temples, see Lieberman, *Debarim Rabba*, p. 75, n. 1.

³⁴ See above, n. 9.

³⁵ *Sat.* I. 8. 1 ff.

³⁶ See H. A. Wolfson, *Philo* I, p. 14 ff.

hand and the preaching of the Rabbis on the other. These Jews had argued along the lines of a certain literary genre, drawing from Greek literary sources,³⁷ interpreting and presenting them in a good literary form. The Christian church fathers had before them a well established pattern. Christians such as Athenagoras, Theophilus of Antioch, Clement of Alexandria, Arnobius and others were pagans converted to Christianity; they wanted to convince others as well as themselves; their fierce attacks on heathenism are very understandable. They utilized Greek and Jewish criticism of idolatry and entered the fray³⁸ in the accepted literary way. The Rabbis, on the other hand, drew most of their material from personal contact and oral information. They often applied their knowledge towards the elucidation of the Bible, and they were not interested in utilizing it for an impassioned derision of idolatry which presented no practical problem to them.

We shall finish with a very instructive illustration. Herodotus relates an amusing tale about king Amasis:³⁹ "At first, the Egyptians contemned Amasis and held him in but little esteem, as being a former commoner and of a house that was not illustrious. But afterwards Amasis won them over, by cleverness, not by arrogance. He had among his countless

³⁷ See Geffcken, *Zwei griechischen Apologeten*, Einleitung, pp. XVIII, XXIII.

³⁸ See Geffcken *ibid.*, p. XXII and E. Bevan, *Holy Images*, London, 1940, p. 64 ff.

³⁹ II. 172: τὰ μὲν δὴ πρῶτα κατώνοτον τὸν Ἀμασιν Αἰγύπτιοι καὶ ἐν οὐδεμῇ μοίρῃ μεγάλη ἤγον ἅτε δὴ δημότην τὸ πρὶν ἔοντα καὶ οἰκίης οὐκ ἐπιφανέος· μετὰ δὲ σοφίῃ αὐτοῦς ὁ Ἀμασις οὐκ ἀγνωμοσύνη προσηγάγετο· ἦν οἱ ἄλλα τε ἀγαθὰ μυρία ἐν δὲ καὶ ποδανιπτήρ χρύσεος, ἐν τῷ αὐτὸς τε ὁ Ἀμασις καὶ οἱ δαιτυμόνες οἱ πάντες τοὺς πόδας ἐκάστοτε ἐναπενίζοντο· τοῦτον κατ' ὦν κόψας ἄγαλμα δαίμονος ἐξ αὐτοῦ ἐποίησατο, καὶ ἴδρυσε τῆς πόλιος ὄκου ἦν ἐπιτηδεότατον· οἱ δὲ Αἰγύπτιοι φοιτῶντες πρὸς τῷγαλμα ἐσέβοντο μεγάλως. μαθὼν δὲ ὁ Ἀμασις τὸ ἐκ τῶν ἀστῶν ποιούμενον, συγκαλέσας Αἰγυπτίους ἐξέφηνε φᾶς ἐκ τοῦ ποδανιπτήρος τῷγαλμα γεγονέναι, ἐς τὸν πρότερον μὲν τοὺς Αἰγυπτίους ἐνεμέειν τε καὶ ἐνουρέειν καὶ πόδας ἐναπονίζεσθαι, τότε δὲ μεγάλως σέβεσθαι. ἦδη ὦν ἔφη λέγων ὁμοίως αὐτὸς τῷ ποδανιπτήρι πεπηργέναι· εἰ γὰρ πρότερον εἶναι δημότης, ἀλλ' ἐν τῷ παρεόντι εἶναι αὐτῶν βασιλεύς· καὶ τιμᾶν τε καὶ προμηθέεσθαι ἐνωτοῦ ἐκέλευε.

possessions a golden footbath, in which both Amasis himself and all his banquet guests always had their feet washed. This he broke in pieces and made thereof a god's image, which he set in the most suitable part of the city. And the Egyptians resorted to the image and revered it greatly. When Amasis learned what was being done by the townsmen, he called the Egyptians together and disclosed that the image had been made out of the footbath, into which, before that, the Egyptians had been wont to vomit, to pass water and to have their feet washed, but which now they greatly revered. Now, then, he said, he himself had fared even as the footbath. For if before he was a commoner, now he was their king. And he ordered them to honor and show regard for him."

The Christians were fond of alluding to this story⁴⁰ as an example of gods made of base material. We can prove that the Rabbis also availed themselves of that tale, but in an amazingly different way.

We find the first allusion to it in *Bereshith Rabba*,⁴¹ in connection with the account of the Almighty's consultation with the angels regarding the creation of Adam. A Rabbi of the third century objected:⁴² "There is no [question of] taking counsel here. But it may be likened to a king who was strolling at the door of the palace and saw a nugget (*βωλάριον*) lying about. Said he: 'What shall we do with it'? Some said: 'Public baths' (*δημόσια*) and some said: 'Private baths' (*πριβᾶτα*). 'I will make a statue of it', said the king, 'Who can interfere?'" Whoever is familiar with the keen parables of the rabbis will agree that this one is pointless. It makes sense only if we assume that the Rabbi alluded here to the well known story.

The advisers of the king suggested that a public or a private bath-tub be prepared from the nugget, but the king decided to

⁴⁰ The material was collected by Klette in his note on the *Acta Apollonii* 17 and by Geffcken *ibid.* XXI, n. 1. See M. J. Milne, *American Journal of Archaeology* XLVIII, 1944, p. 32, n. 44.

⁴¹ VIII, 8, p. 62.

⁴² ליה הכא מלכו. אלא למלך שהיה מטייל פתח פלשין וראה בולרין אחת מושלכת אמר. מה נעשה בה. מהן אומרים דימוסיות ומהן אומרים פרבטיות. אמר המלך אדריינטיס אני עושה אותה מי מעכב.

make a statue of it. The parable will be better understood if we take into consideration that according to a certain Jewish tradition Adam was lying around as a lump, as a shapeless mass, for six days.⁴³ The angels objected to the creation of a man from the lump,⁴⁴ but the Lord did not listen to them. The Rabbis applied the tale of Herodotus to the creation of man who was shaped in the image of the king from a lump of earth.

The second instance is much more instructive. We read in the *Midrash*:⁴⁵ מַשַּׁל לַעֵץ נָאֵה שֶׁהָיָה נִתּוּן בְּבֵית הַמֶּרְחָץ נִכְנַס פְּרוּפְסִיטוֹס⁴⁶ לְרַחוּץ הוּא וְכָל עֲבָדָיו וּדְרָשׁוּ אֶת הָעֵץ וְכָל הַפְּגָאִין וְכֵן כָּל אֶחָד וְאֶחָד מֵהֵן (מִתְאֵוִים לְכַרוּעַ לְפָנָיו).⁴⁷ לְאַחַר יָמִים שֶׁלַח פְּרוּטוֹמוֹ שֶׁלּוֹ לְאוֹתָהּ מְדִינָה שִׁיעֵשׂוּ⁴⁸ לוֹ אִיקוֹנִין וְלֹא מִצְאוּ⁴⁹ עַץ חוּץ מֵאוֹתוֹ שֶׁהָיָה בְּמֶרְחָץ. אָמְרוּ הָאוֹמְנִין לְשַׁלְטוֹן אִם מִבְּקַשׁ אַתָּה לְהַעֲמִיד הָאִיקוֹנִין הַבֵּא אֶת הָעֵץ שִׁישׁ בְּמֶרְחָץ שְׁאִין לְךָ טוֹב מִמֶּנּוּ הַבִּיאֹהוּ וְחִקְנֵנו אוֹתוֹ כִּרְאוּי וְהִבִּיא⁵⁰ צִיִּיר וְצִיִּיר אֶת הָאִיקוֹנִין עֲלָיו וְהַעֲמִידָה בְּתוֹךְ הַפְּלָטִין. בֵּא הַשְּׁלֵטוֹן וְכָרַע לְפָנָיו וְכֵן דּוֹכּוֹס וְאַפְרָכּוֹס וְכֵן הַפְּרוּפּוֹסִיטוֹן⁵¹ וְכֵן הַלְּגִיוֹנוֹת וְכֵן דִּימוֹס וְכֵן כָּלֶם.⁵² אָמְרוּ לֵהֵן אוֹתָן הָאוֹמְנִין אֲתִמּוֹל הֵייתֶם מְדִישִׁין אֶת הָעֵץ הַזֶּה בְּמֶרְחָץ וְעַכְשָׁיו אַתֶּם מִשְׁתַּחֲוִים לְפָנָיו. אָמְרוּ לָהֶם אֵין אֲנוּ כּוֹרְעִים לְפָנָיו בְּשִׁבְלֵוֹ אֲלֵא בְּשִׁבְלֵוֹ פְּרוּטוֹמוֹ שֶׁל מֶלֶךְ שֶׁהָיָה חֲקוּקָה עֲלָיו. כִּךְ אוֹמ' הַמְּלָכִים⁵³ עַד עַכְשָׁיו הֵיינוֹ עוֹשִׂים בְּיִשְׂרָאֵל מָה שְׁאִי אֲפֻשֶׁר, שֶׁנ' לְבוֹזֵה נֶפֶשׁ לְמַתְעֵב גּוֹי וְעַכְשָׁיו יִשְׂרָאֵל אֲנוּ מִשְׁתַּחֲוִים. אָמַר לָהֶם הַקַּב"ה הֵן בְּשִׁבְלֵוֹ שְׁמִי

⁴³ A passage to this effect from a manuscript of *Yalkut Tora* (citing *Midrash Ruth* VII as its source) was published in *הגדה* IV, p. 35. The learned author observed that this *Midrash* is not found in our *Midrash Ruth* nor in any other *Midrash*. However, the whole passage has been available for some four hundred years in the *אמת* to *Midrash Ruth* VII. 2 on the authority of *מדוייקת* (= נוסחא אחת) ג"א, "An exact text".

⁴⁴ See L. Ginzberg, *Legends of the Jews* V, p. 79.

⁴⁵ *Shemoth Rabba* XV. 17. I copy from ed. prin. and cod. Oxford, Hebr. 147, f. 192b.

⁴⁶ So cod. Oxf. Ed. prin.: פְּרוּפְסִיטוֹס. *Yalkut Hamakhiri* on Is., p. 176: פְּרוּכְסִיטוֹס, which is probably a misprint for פְּרוּפְסִיטוֹס, *πραιπόσιτος*, *praepositus*.

⁴⁷ The words in parentheses are an obvious dittography from the previous lines in the *Midrash*; they were correctly deleted by *אמת*. The reading of the modern editions follows a correction of *כהונה*, which has no basis.

⁴⁸ So cod. Oxf. and *Makhiri*.

⁴⁹ So *Makhiri*.

⁵⁰ So cod. Oxf. and *Makhiri*. Ed. pr. בִּיד.

⁵¹ So cod. Oxf.

⁵² So cod. Oxf. and modern editions. Ed. pr. and *Makhiri*: בּוּלִי, *βουλή*.

⁵³ So ed. pr., cod. Oxf. and *Makhiri*.

שכתוב עליהם שני' למען ה' אשר נאמן "It may be likened to a choice [piece of] wood which lay in the bathhouse. When the prefect (*πραιπόσιτος*, *praepositus*) and his attendants came in to bathe they trod on it and similarly all the commoners (*παγαυοί*) and everyone else. By and by [the king] sent his bust (*προτομή*) for the purpose of having an image (*εἰκόνη*) of himself made. The only suitable [piece of] wood they found was the one in the bathhouse. Accordingly, the artisans said to the governor: 'If you want to set up the image (*εἰκόνη*), bring hither the [piece of] wood that is in the bathhouse, for there is none better than it.' It was fetched and properly prepared for the purpose. And he (i. e. the governor) brought an artist (literally: a painter) who designed the image on it and set it up in the palace. The governor came and knelt before it; and the dux, the *eparchos*,⁵⁴ the prefect (*praepositus*), the legionaries, the people (*δῆμος*) and everybody else did likewise.⁵⁵ Then did those artisans say unto them: 'Yesterday you were trampling this [piece of] wood in the bathhouse, and now you prostrate yourselves before it!' But they replied: 'It is not for its own sake that we kneel before it, but for the sake of the king's bust (*προτομή*) which is engraved upon it'. So the kings will say: until now we have been treating Israel in an unspeakable manner, as it is written (Is. 49:7): 'To him that is despised of soul, detested of nations', and shall we now prostrate ourselves before Israel? But the Holy One blessed is He will answer them: Yes, for the sake of My name which is inscribed upon them,⁵⁶

⁵⁴ The last word appears here by attraction as part of the standard combination דוכסין ואפרכין, a *lapsus* designated *ashgarah*, which is very frequent in rabbinic literature. See S. H. Margulies, *L'Ashgara nella letteratura tal-mudica*, in *Rivista Israelitica* I, 1904, p. 3 ff.

⁵⁵ See Alföldi, *Mitteilungen d. deutschen archaeol. Inst.*, Roemische Abteil., 49, 1934, p. 70 ff.

⁵⁶ Comp. Jos. *Ant.* XI. 8. 5 (333): οὐ τοῦτον, εἶπεν, προσεκύνησα, τὸν δὲ θεόν, οὗ τῆν ἀρχιερωσύνην οὗτος τετίμηται. "I did not prostrate myself before him", he said (i. e. Alexander the Great), 'but before God by Whom he was honored with the high-priesthood'." According to Josephus Alexander added that he saw the high-priest in a dream urging him to conquer Asia. Rabbinic literature (*Megillath Ta'anith*, ed. Lichtenstein, p. 340; *Vayyikra Rabba* 13, end; *TB Yoma* 69a, *Pesikta deR. Kahana*, 41a. Comp. also *TP Berakhoth* VI. 1, 9a) stressed only the detail about the dream, but

as it is written (Isa. *ibid.*): 'For the sake of the Lord Who is faithful, [of the Holy One of Israel who has chosen thee]'.⁵⁷

The rabbis here state clearly that it is not to the piece of wood from the bathhouse that the Romans were kneeling, but to the symbol behind it, to the emperor. The gentile kings, required to prostrate themselves before Israel, will be persuaded by the argument that they are really asked to kneel before the Lord whose name is inscribed on Israel. The Rabbis employed the tale of Herodotus not, like Philo and the church fathers,⁵⁸ for an attack on idolatry but for the purpose of elucidating the Bible. Their understanding of the tale is worthy of the Greeks of the time. The statues are only symbols! We would expect the argument from some one like Maximus Tyrius or Dio Chrysostomus, but not from the Rabbis.

However, the truth is that to the Rabbis symbols⁵⁹ are the same idols as mere fetishes. Although the Rabbis were not so naive as to think their heathen contemporaries to be mere fetishists,⁶⁰ this distinction did not in their eyes lessen the idolatrous character of their worship.

To summarize. Some of the Jews probably read Homer in their childhood. We have no definite traces of his mythology in rabbinic literature, because the Rabbis had no occasion to mention it. If the Bible had contained material about the mythology of the heathen gods we might have expected to find in rabbinic sources some material drawn from Homer's books.

Josephus emphasized (*ibid.* 331) that the high-priest was dressed in the golden plate on which God's name was inscribed (ὡς τὸ θεοῦ ἐγγέγραπτο ὄνομα). It goes without saying that the existence of this Alexander legend does not affect our conclusions about the general character of our rabbinic parable.

⁵⁷ The text is anonymous. From the abundance of the Greek words and from its general style it seems to be a Hebrew translation from an Aramaic *Yelamdenu Midrash*, i. e. a source of the third or fourth century.

⁵⁸ See above n. 40.

⁵⁹ As they were understood at that time, see A. Harnack, *Lehrbuch der Dogmengeschichte* I⁴, p. 228. The Jews did not deny the heathen belief that demons are lurking behind the idols, see above, n. 33. Comp. also Maimonides *ע"ר הלכות* III. 6.

⁶⁰ Even the ancient Philistines, according to the Rabbis, worshipped not the statue of *Dagon*, but the Genius who dwelt in (or behind) it. See *TB 'Abodah Zarah* 41b. Comp. also Maimonides, *Guide* III, ch. 46.

But since the Bible contains no such references, the Rabbis found no occasion to utilize Homer. They composed no theoretical treatises on idolatry for gentile consumption; hence no evidence is available that the Rabbis were acquainted with the literary works of the Greeks which either condemned idolatry or commended it. The Jewish teachers were primarily concerned with the practical rites of idolatry in so far as they might affect the behavior of the Jews, and they composed a whole tractate ('*Abodah Zarah*) on this subject. The material contained therein is taken not from literature but from personal contact⁶¹ and oral information, and is consequently of precious value for the understanding of the religious rites and practices of the heathens. We shall therefore devote the following chapters to this subject.

⁶¹ See *Mishnah 'Abodah Zarah* and the sources referred to above n. 8. See also Bacher, *Die Agada d. Tannaiten* 1, p. 83 ff.

HEATHEN IDOLATROUS RITES IN RABBINIC LITERATURE

We have maintained in the previous chapter that the Rabbis did not deem it necessary to engage in theoretical discussions against "Alien Worship." The Jews of that time had no need of such arguments. Instead, the Rabbis enacted a series of laws for their co-religionists restricting their association and negotiations with the heathen during the latter's religious festivals. They prohibited all action by the Jews which may result in conferring any benefit on idols (or a heathen temple) or in deriving any profit from them. In these laws pagan rites and practices are naturally mentioned very frequently. A long tractate devoted to such legislation forms part of the Talmud. It is the well known treatise '*Abodah Zarah*, "Alien Worship," which consists of *Mishnah*, *Tosefta*, Palestinian and Babylonian Talmuds.¹ In addition, the Rabbis left us a long catalogue of the so called "Amorite Practices," i. e. popular heathen superstitions.² Many isolated items on idolatry and idol worshippers are scattered all over rabbinic literature. It would require a large volume to treat this topic and it would have to include a full translation of the greater part of '*Abodah Zarah*.

In the following chapters we shall confine ourselves to a comparative study of pagan pre-sacrificial rites and the parallel Jewish practices³ which are not explicitly mentioned in the Bible. This subject too cannot be handled exhaustively without the translation of a great part of *Seder Kodashim*. However, a few remarks may be sufficient to demonstrate how much his-

¹ On the translation of these sources into Latin and modern languages, see H. L. Strack, *Introduction to the Talmud and Midrash*, Philadelphia 1931, p. 142 ff.; *ibid.* pp. 157-158. Add: *Mishnah and Tosefta* translated into Russian by H. Perefervkovitz, St. Petersburg, 1902-1906.

² *Tosefta Shabbath* chps. VI-VII, 1173 ff.

³ We omit here the bloodless sacrifices.

torians of religion can learn from the rabbinic knowledge of sacrifices and how greatly Talmudists can benefit from a study of the *leges sacrae* of the pagans.

We may safely assume that the overwhelming majority of defects and blemishes which disqualify an animal from sacrifice according to the *leges sacrae* of the heathen also obtained among the Jews. On the basis of the verse (Mal. 1:8): “*And when ye offer the lame and sick, it is no evil Present it now unto thy governor*” (הקריבהו נא לפחחך) the Rabbis would disqualify any animal which the gentiles consider unworthy of being offered to their divinity.⁴ They would consequently apply many of the limitations set by the gentiles on animals to be offered in addition to their own restrictions.⁵

With these introductory remarks we shall now dwell on certain phases of Jewish sacrificial procedure and compare it with the general practice of the time, as described by Jewish and non-Jewish sources. The Jewish oral tradition relating to sacrifices is undoubtedly very old, but we have explicit testimony in our sources that some unessential changes were subsequently introduced in the ceremonial. Such modifications, according to the Rabbis stemmed from a desire to differ from the heathen. Nevertheless well rooted and firmly established ancient rites could not be relinquished merely because “the ways of the heathen should not be followed,” for in such cases the Jews could maintain that the heathen were following Jewish practices and not vice versa.⁶ Moreover it is safe to assume that the tendency to avoid pagan customs was not always strictly followed in practice. In matters of external decorum the Jews

⁴ See *TB Sukkah* 51a and parallels. On the basis of the same verse it was forbidden to make the sacred vessels of the Jerusalem Temple of base material; see *TB Sotah* 14b. The same verse is offered by some of the mediaeval rabbinic authorities as the reason for the disqualification of some sacrifices, although in the Talmud it was based on an allusion in the Pentateuch. See Maimonides, הלכות איסורי מנחה II. 10, and *Tosafoth Zebahim* 35b, s. v. אלא.

⁵ See *TB Gittin* 56a; comp. also *Mishnah 'Abodah Zarah* I. 5 and *Sifra Nedabah* VI. 3, ed. Weiss 8b (and parallels). According to *TP 'Abodah Zarah* (I. 5. 39d) the heathen [sometimes] offered maimed animals to their divinities. Comp. P. Stengel, *Die griechischen Kultusaltertümer*³, p. 121, nn. 10–12.

⁶ See *TB 'Abodah Zarah* 11a and commentaries *ibid.*

might imitate the gentiles without any feeling that they are breaking the law; after all it was commendable "to adorn a religious act" (הדרור מצוה). Similarly, as is generally known, the Temple of Herod, although built in close conformity with the ancient plan of the Sanctuary, was marked by some details which are not known from the description in the Bible. In matters of external beauty various adornments were gradually introduced in the Temple, and the sacred vessels were continually improved.⁷ There was a general pattern in the ancient world of temples and sacrifices with which the Jews shared.

Since we shall have to discuss the heathen rites and practices which are cited in rabbinic literature, we must say a few words about the several foreign cults reflected in it. We find there a record of most of the well known objects of pagan worship: Astral bodies,⁸ mountains and hills,⁹ seas, rivers and wildernesses,¹⁰ marshes,¹¹ sources of rivers,¹² bricks,¹³ the dust of the feet,¹⁴ heaps of grain,¹⁵ standing corn,¹⁶ houses,¹⁷ fire,¹⁸ water,¹⁹

⁷ See *Mishnah Yoma* III. 9-10.

⁸ *Mishnah 'Abodah Zarah* IV. 7; *Tosefta Hullin* II. 18, passim. The Rabbis were more lenient towards the worshippers of these bodies than to those who adored other objects (*Sifre* II, 318, ed. Finkelstein, p. 364). This is also the view of the author of the *Wisdom of Solomon* XIII. 6. See also *Deut.* 4:19 and *Field Hexapla* *ibid.* n. 29. *Comp. Just. Mart. Dial.* LV; *Clement of Alexandria, Strom.* VI. 14; *Julian the emperor, Letter* 20 (63) end, 454b. See also *Mekhilta Bahodesh* XIV, ed. Horovitz 512; *Lauterbach* I, p. 112; *TB 'Abodah Zarah* 55a.

⁹ The worship of the latter seems to have been very common in the time of the Rabbis. See *Mishnah 'Abodah Zarah* III. 5; *Tosefta* *ibid.* VI. 8, 470s; *TB Hullin* 40a; *Sanhedrin* 61a; *'Abodah Zarah* 46a passim. *Lactantius, de mort. pers.* XI (CSEL XXVII. 1, p. 185), reports that the mother of Galerius was: *deorum montium cultrix*, "A worshipper of the gods of the mountains". The reading *genitium* instead of *montium* (see variants *ibid.*) is to be dismissed. *TB Hullin* *ibid.* mentions the Genius (גניוס ῥύχη) of the mountains.

¹⁰ *Mishnah Hullin* II. 8.

¹¹ λειμῶνες? *TP 'Abodah Zarah* III. 6, 43a.

¹² See *JQR* XXXVI, 1946, p. 321.

¹³ *TB 'Abodah Zarah* 46a; *Sanhedrin* 107b (in the uncensored editions).

¹⁴ *TB Baba Mezi'a* 86b.

¹⁵ *TP Pesachim* II. 3, 29a.

¹⁶ *TB 'Ab. Zar.* 46b.

¹⁷ *Mishnah* *ibid.* III. 7.

¹⁸ *Bereshith Rabba* XI. 13, p. 363; *TB Ta'anith* 5b, *Nedarim* 62b passim.

¹⁹ *BR* and *Ta'anith* *ibid.*

vapors,²⁰ winds and clouds,²¹ trees,²² eggs,²³ doves,²⁴ small worms,²⁵ all kinds of animals,²⁶ reflections,²⁷ angels,²⁸ altars²⁹ and all kinds of statues and images.³⁰

According to the Rabbis the heathen of their time did homage to Pe'or by uncovering themselves, by purging themselves and by similar indecencies.³¹ It is related³² that a certain governor (שלטון) resented this manner of worship, and the idol attendants were beaten by his order.³³ In *TB*³⁴ it is recorded that a sick heathen woman refused to adore Pe'or in this ugly way, declaring that she would rather remain sick than perform such ritual. The Rabbis assert³⁵ that hair was offered to Kemosh³⁶ and that as late as the third century human sacrifices

²⁰ Mephitic? *Sifre* II. 320, ed. Finkelstein, p. 367: "They worship the vapor arising from a [boiling] pot".

²¹ *BR* *ibid.* On sacrifices to winds, see Frazer's commentary on Pausanias, vol. III, p. 74 ff., and P. Stengel, *Opferbräuche der Griechen*, p. 146 ff. On sacrifices to clouds, see Cook, *Zeus* III, p. 69 ff.

²² *Mishnah 'Abodah Zarah* III. 7, *passim*.

²³ *TP* *ibid.* III. 6, 43a; *TB* *ibid.* 48a. Comp. Cook, *Zeus* II, 1033 ff. Frazer's commentary on Pausanias, III, p. 339.

²⁴ *TP 'Abodah Zar.* V. 4, 44b; *TB Hullin* 6a.

²⁵ *Tosefta Hullin* II. 18. Comp. *Mekhilta Jethro* VI, ed. Horovitz, p. 225.

²⁶ See below.

²⁷ *Sifre* II, 320, ed. Finkelstein, p. 367; *TB 'Ab. Zar.* 47a, *Hullin* 41b, and the sources referred to in my *Tosefeth Rishonim* II, p. 226, *bot.* Comp. also *Mekhilta* *ibid.*

²⁸ *Tosefta Hullin* II. 18. Comp. *Mekhilta* *ibid.*

²⁹ See *JQR* XXXV, 1944, p. 32, n. 201; *REJ* XLIII, 1901, p. 203.

³⁰ *Mishnah 'Ab. Zar.* III. 1-3, *passim*.

³¹ *Sifre* I, 131, ed. Horovitz, p. 171, *TP Sanhedrin* X, 28d *passim*.

³² *Ibid.*

³³ A similar story is told by Herodot. (III. 29). The Egyptian priests were flogged by order of Cambyses after they brought Apis into his presence and declared the bull to be their god. He rebuked them in much the same manner that the governor employed with the attendants of Pe'or, according to the Rabbis.

³⁴ *Sanhedrin* 64a.

³⁵ *Mekhilta deRashbi* to Ex. XX. 5, ed. Hoffmann, p. 105.

³⁶ See D. Künstlinger in *Hakedem* III, German part, p. 18 ff. This should not be confused with Greco-Roman customs; see *Mishnah 'Ab. Zar.* I. 3 and Elmslie in his edition, p. 24.

were offered to an idol (Prince of rain?), for the purpose of bringing rain.³⁷

The representative idol of the Greco-Roman Pantheon in rabbinic literature is Mercurius or Merkulis, as they call it;³⁸ the names of other Greco-Roman divinities occur only rarely. The *Mishnah*³⁹ records that Rabban Gamaliel⁴⁰ was washing in the bathhouse of Aphrodite in Akko (Ptolemais), which was adorned by [a statue of] Aphrodite.⁴¹

We also read in *TP*:⁴² ר' שמעון בן לקיש הוה בבוצרה חמתון מולפין ליהדא אפרודיטי אמר לון לית אסיר. אחא שאל לר' יוחנן אמר ליה . . . אין להדא אפרודיטי אמר לון לית אסיר. אחא שאל לר' יוחנן אמר ליה . . . אין להדא אפרודיטי אמר לון לית אסיר. "R. Simeon b. Lakish was in Bostra and he saw that they (i. e. Gentiles) were pouring [water] to Aphrodite. He asked them (i. e. the Jews): 'Do not [the waters] become forbidden?' He⁴³ came and asked R. Johanan. The latter replied: 'A public object does not become prohibited through use in idol worship.'" A commentary ascribed to Rabbi Elijah of Wilna explains it to mean that they offered water libations to Aphrodite, and that the Rabbi wanted to prohibit the use of the river (from which the water was taken) to the Jews. If this were so we should have to assume that we have here a case of 'Αφροδίτη Οὐρανία to whom wineless libations (νηφάλια) were offered.⁴⁴

But it is very difficult to understand the *halakhic* problem according to this interpretation; nor does it fit the whole context in *TP* *ibid.* The text of Rabbi Shelomo Siriliu reads בהדה אפרודיטי instead of להדא אפרודיטי, and it has been shown elsewhere⁴⁵ that *TP* very frequently uses the preposition ל instead

³⁷ *TB* *ibid.* 55a. See A. Lewy, *Philologus* LXXXIV (1928–29), pp. 377–78; Grégoire-Kugener, *Vie de Porphyre*, p. 127.

³⁸ The Greek 'Ερμης never occurs in rabbinic literature. See Lieberman *JQR* XXXVII, 1946, p. 42 ff.

³⁹ 'Ab. Zar. III. 4.

⁴⁰ Flourished at the end of the first and the beginning of the second centuries.

⁴¹ See *JQR* *ibid.*, p. 45 and nn. 32, 33 *ibid.*

⁴² *Shebi'ith* VIII end, 38b–c.

⁴³ I. e. R. Simeon b. Lakish.

⁴⁴ Polemon in schol. on Soph. *Oed.* col. 100. See Frazer, Pausanias, vol. III, p. 583; Stengel, *Opferbräuche der Griechen*, pp. 181, 180, n. 2, 36 ff.

⁴⁵ *Ginze Kedem*, ed. Lewin V, p. 180 ff.

of ב.⁴⁶ Hence we ought to translate our text: "R. Simeon b. Lakish was in Bostra and he saw them (i. e. the Jews) sprinkling water [over themselves] in that [Bath of] Aphrodite.⁴⁷ He asked them: 'Is not this forbidden?'"⁴⁸ But R. Johanan ruled that the waters are public property and could not be forbidden by virtue of its being a pagan sanctum.⁴⁹

Similarly it is stated in *TP*:⁵⁰ ר' אחא בר יצחק עאל מיסחי עם [ר'] בא בר ממל בטרים בר יטסי⁵¹ חמא חד בר נש מולף על גרמיה וכו' "R. Aha b. Isaac accompanied by R. Abba b. Memmel came to wash in [the Bath of] the Three Graces (τρεῖς χάριτες), and he saw a man sprinkling water on himself etc."

Likewise we read in the *Midrash*:⁵² למה הוא דומה לנמפיין⁵³ שהיה משקה כל המדינה והיו הכל⁵⁴ משבחין אותו ואמר להם אחד שבתו למעין שמשפיק לזה "It may be likened to a sanctuary of the Nymphs⁵⁵ which provided water to the whole city, and everybody used to offer praise to it. Somebody remarked to them: Offer praise to the source which supplies it (i. e. the Νυμφαῖον) [with water]."⁵⁶

⁴⁶ As εἶς is used instead of ἓν in Hellenistic Greek.

⁴⁷ Comp. the passage of *TP Shabbath* cited below. The verb זלף in the sense of sprinkling water (washing) in the bathhouse occurs there half a dozen times.

⁴⁸ I. e. is it not forbidden to use the waters of this Bathhouse? The waters probably belonged to this deity.

⁴⁹ This explanation is in harmony with the parallel passage in *TB 'Abodah Zar.* 58b-59a.

⁵⁰ *Shabbath* III. 3. 6a.

⁵¹ In the Genizah fragments: כריטה. J. N. Epstein (*Tarbiz* I, fasc. II, p. 126) accordingly emended our text: בטרים כריטס. There can be no doubt about the correctness of this emendation.

⁵² *Shemoth Rabba* XXXI. 3.

⁵³ This is the reading of Cod. Oxford, Hebr. 147, f. 220b. *Tanḥuma Mishpatim* 8, ed. prin. and ed. Venice read: לינמפיין. Comp. also *Arukh* s. v. נמפיין. The readings quoted by Krauss (*LW* 364) from the modern editions of the *Tanḥuma* are worthless. He further misunderstood the whole passage. The asterisk on Νυμφαῖον should be dropped there.

⁵⁴ So Cod. Oxford.

⁵⁵ Νυμφαῖον. See Liddell and Scott s. v. Νυμφαῖον II. The *Nymphaeum* was sometimes like a regular *castellum*. See Daremberg et Saglio IV, p. 313 ff.

⁵⁶ Comp. *Tosefta 'Abodah Zar.* VI. 5 (and parallels): מעיין היוצא מביית עבודה וזה "A source which issues from a heathen sanctuary".

Again we read in *TP*:⁵⁷ ר' חיייה בר ווא הווא לי קווקין והווא טיכי דרומי ציירה בנווה אתא שאל לרבנין אמרין מכיון שהמים צפין על גבה דבר של בויון הוא (τύχη) of Rome⁵⁹ was painted. He came and consulted the Rabbis.⁶⁰ They said: 'Since the water is flowing over it (i. e. the Fortuna)⁶¹ the vessel is considered a common object'.⁶²

We have seen that the Greco-Roman deities are mentioned only incidentally in rabbinic literature, yet it is clear that the Rabbis had a fair knowledge of these divinities,⁶³ their worship and their festivals.⁶⁴

In order to eliminate any possible imitation of the heathen art of sacrificing the Rabbis imposed special restrictions on the Jewish way of slaughtering. We read, for instance, in the *Mishnah*:⁶⁵ אין שוחטין לא לתוך ימים ולא לתוך נהרות ולא לתוך כלים אבל שוחטין לנומא כל עיקר. אבל עושה נומא בתוך ביתו בשביל שיכנס הדם לתוכה ובשוק לא יעשה כן שלא יחקה את המינין or into rivers or into vessels. But they may slaughter into a basin filled with water. And [when a man is] on a ship he may slaughter on the outside of vessels. One may by no means slaughter into a hole (or pit), but a man can make a hole within his house for the blood to flow into it.⁶⁷ He may not however

⁵⁷ Ibid. III. 3, 42d. I quote from the *Genizah* fragment published in *Tarbiz* III, p. 19.

⁵⁸ *καυκίον*. So correctly Krauss in *LW* II, p. 502. Comp. Liddell and Scott, s. v. *καῦκος*.

⁵⁹ See Wissowa, *Religion und Kultus der Römer*, p. 264.

⁶⁰ He feared that the Fortuna was worshipped by the previous owners. It is not stated where the Rabbi acquired the cup. From *TP* (*Ma'aser Sheni* IV. 1, 54a) we know that he once visited Rome.

⁶¹ When the cup is filled with water.

⁶² I. e. the heathen do not worship figures painted on common objects. The images on such objects are considered only as ornaments. See *Mishnah* 'Abodah Zar. III. 3.

⁶³ See *ibid.* III. 1-3 *passim*.

⁶⁴ Saturnalia, Kalendae and others, see *ibid.* I. 3, *passim*.

⁶⁵ *Hullin* II. 9.

⁶⁶ This is the correct reading, see *Tosefeth Rishonim* II, p. 227, top.

⁶⁷ I. e. if the man slaughters the animal in the courtyard and does not want the ground to be soiled with the blood, he is allowed to let it flow from the

do so in the market place lest it appear that he is following the laws⁶⁸ of the Gentiles."⁶⁹

*TB*⁷⁰ explains that it is forbidden to slaughter into the sea because it may look as if the man is sacrificing to the Prince of the sea.⁷¹ It further states⁷² that one is not allowed to slaughter on board ship only if the blood flows directly into the sea, but it is permissible to let it fall into the sea after running over the sides of the ship. If a victim is slaughtered to Poseidon on board ship, its blood has to flow directly into the sea.⁷³ The rabbinic stipulation that an animal may be slaughtered into a basin⁷⁴ only if it contains dirty⁷⁵ water is also designed to counter a pagan practice.

It is further obvious from the language of the *Mishnah* that the heathen practice was to have only the head of the animal over the sea, or river, or hole⁷⁶ into which the blood gushed. Hence לתוך הנומא, לשחוט לתוך הנהר, which is the exact equivalent of σφάγειν εἰς τὸν ποταμόν, εἰς τὸν βόθρον, frequently

place of slaughter into a pit. But he must not slaughter over the pit. See *TB* *ibid.* 41b.

⁶⁸ My translation of the word יחקה is based on *Tosefta* *ibid.* (II. 19, 5038) where the formulation is: מפני שעושה אח חוקי מינין.

⁶⁹ On מינין, gentiles, see Lieberman *GJP*, p. 141, n. 196. The subsequent conclusion in the *Tosefta* *ibid.* (5039) does not contradict this translation. A man who follows the practices of the heathen incurs the suspicion of being a heretic and is to be investigated.

⁷⁰ *Ibid.* 41b.

⁷¹ *TP* (*Sanhedrin* VII. 19, 25d) relates that the Prince of the sea twice obeyed R. Joshua's orders; once in Tiberias and once in Rome. In the latter instance this prince of the sea, of course, was Neptune-Poseidon. For the Semitic name of the Prince of the sea as mentioned in later *Midrashim* see Ginzberg, *Legends of the Jews* VI, p. 8, n. 42. Princes of waters, rivers, mountains, hills, abysses, wildernesses, astral bodies are mentioned in *Seder Rabba Dibereshith, Batei Midrashoth*, ed. Wertheimer I, pp. 7-8.

⁷² On the authority of a *Baraita*. Comp. however *Tosefta* *ibid.* II. 19, and my remarks in *Tosefeth Rishonim* II, p. 227.

⁷³ Comp. Eur. *Hel.* 1088: αἵματος δ'ἀπορροαὶ ἐς οἶδμ' ἔσηκόντιζον. "The blood-gush spurled to the surge".

⁷⁴ I. e. σφαγεῖον.

⁷⁵ See *TB* *ibid.*

⁷⁶ The *Mishnaic* נומא means a small hole (or pit) into which the whole animal would hardly fit.

mentioned in connection with heathen sacrifices,⁷⁷ means to have the blood gush directly into the river or the pit.⁷⁸ In the marketplace a Jew was forbidden to let the blood flow into a pit because he may be considered to be following the laws of the gentiles. Perhaps the Rabbis had the Romans in mind who sometimes sacrificed in such a way that the blood was not gushing directly into the pit.⁷⁹

The Rabbis also refer frequently to the Egyptian deities. Animal worship is not only mentioned in the tractate dealing with idolatry,⁸⁰ but the term נעבד (a deified animal) occurs throughout rabbinic literature.⁸¹ Furthermore, Isis and Sarapis are specifically mentioned. The *Tosefta*⁸² numbers among the idols "an image of a woman nursing [her child] and Sarapis."⁸³ This is quoted in *TB*⁸⁴ which comments on it: מניקה על שם חוה שמניקה כל העולם כולו. סר אפים על שם יוסף שסר והפיים⁸⁵ את כל העולם כולו. והוא דנקיט גריוה וכא כיל. והיא דנקיטה בן וקא מניקה "A woman nursing [a child] represents Eve⁸⁶ who suckled the whole

⁷⁷ See Pausan. II. 12. 1; Strabo XV. 14; Herodot. VII. 113; Dittenberger *Syl.* 1024. 37. All these sources are referred to by Stengel, *Opferbräuche der Griechen*, p. 120.

⁷⁸ This definitely solves the doubts of Stengel *ibid.*

⁷⁹ See S. Eitrem, *Opferritus und Voropfer der Griechen und Römer*, Kristiania 1915, p. 430.

⁸⁰ I. e. 'Abodah Zarah. See *Tosefta* *ibid.* II. 1; V. 10; *TP* *ibid.* III. 6, 43a; *TB* *ibid.* 22b, 54a *passim*.

⁸¹ See, for instance, *Mishnah Zebahim* VIII. 1; IX. 3; XIV. 2; *Temurah* VI. 1.

⁸² 'Abodah Zar. V. 1.

⁸³ דמות מניקה וטרפיים.

⁸⁴ *Ibid.* 43a.

⁸⁵ So Cod. New York, a Spanish manuscript of 1290.

⁸⁶ The Rabbis not only identified Eve with Isis (see below), but apparently also compared the Biblical Eve to the Greek one. R. Simeon b. Yoḥai likened Adam to a man who stored various kinds of fruits in a jar (חבייה), and after having placed a scorpion on them he sealed the jar hermetically. He warned his wife not to open the jar under any circumstance. However, the latter was overcome by her curiosity and opened the jar, whereupon she was stung by the scorpion (I *Aboth deR. Nathan* I, ed. Schechter, p. 6 and parallels). This parable was certainly appreciated by the people who were familiar with the myth of the Greek Eve-Pandora who out of curiosity "took off with her hands the great lid of the jar" (Hes., *opera et dies* 94: ἀλλὰ γυνή χεῖρεσσι πίθου μέγα πῶμ' ἀφελούσα) and let loose all the evils contained therein.

world. Sarapis stands for Joseph⁸⁷ who saw⁸⁸ and quieted [the

⁸⁷ M. Sachs (*Beitraege zur Sprach- und Alterthumsforschung* II, p. 99) was the first to understand the whole passage properly. He quoted Suidas s. v. *Σάραπης*, who mentions the identity of Sarapis with Joseph. (For other scholars who followed in his footsteps, see the references in Krauss' *LW* II, p. 412). Drexler in Roscher's *Mythologisches Lexicon* (II. 433) made reference to a number of articles dealing with the "Sarapis = Joseph" thesis. Most of them are not accessible to me. We shall refer to the sources found in the collection of Th. Hopfner's *FHRA*. The following Christian authors connect Sarapis with Joseph: Melito Sardinianus, *Apol.* (ed. de Otto) 5 (*FHRA* p. 343); Tertullianus, *ad nat.* II, 8 (ibid. 380); Firmicus Maternus, *de errore prof. rel.* 13. 2 (ibid. 520); Paulinus Nolanus, *carm.* XIX 100 ff. (ibid. 647). According to the rabbinic tradition the body of Joseph was put in a metal coffin and thrown into the Nile etc. (*Tosefta Sotah* IV. 7 and parallels). It is similar to what according to an Egyptian tale (See Plut. *de Is. et Osir.* 13 passim) Typho did to Osiris (= Sarapis). This connection between the two legends was first pointed out by Jellinek (*apud* Weiss in his edition of the *Mekhilla*, Introduction, p. XXI). Comp. also J. H. Bondi, *Dem Hebraeisch-Phoenizischen Sprachweige angehoerige Lehnwoerter*, p. 120 ff.

In the light of the preceding we may perhaps understand a very strange anonymous *Midrash* (?), quoted by Rabbi David Hanagid in his Arabic commentary on *Aboth* II. 7. According to it Hillel the Elder saw Pharaoh's skull floating on the water and he said to it: "Because thou drownedst they drowned thee etc." This sounds like sacrilege, for the continuation in the *Mishnah* ibid. is: "And at the last they that drowned thee shall be drowned" (The explanation of Rabbi David is along mystical lines). However, we know that the Rabbis sometimes interpreted the Mishnah by the same methods as they interpreted Scripture (See *TP Rosh Hashanah* I. 10, 57c. Comp. also I. Heinemann, *The Methods of the Aggadah* [Hebrew], p. 198, n. 28). It is therefore possible that the wording of the *Mishnah* (ibid. טוּפּוֹ הָיָה מְשֻׁמָּה עַל מַטְיַפֵּי יוֹפֵינוּ) which repeatedly stresses the root טוּפּ (tuḥ) conveyed to some later Rabbi the association with Typho who drowned Osiris, the ancient Pharaoh of Egypt. This association may have been suggested to the Rabbi by the legend that "A human head comes every year from Egypt to Byblos (Phoenicia) floating on its seven days' journey thence, and the winds drive it by some divine guidance and it does not turn aside but comes only to Byblos". (Luc., *de Syria dea* 7: κεφαλὴ ἐκάστου ἔτεος ἐξ Αἰγύπτου ἐς τὴν Βύβλον ἀπικνέεται πλώουσα τὸν μεταξὺ πλόον ἑπτὰ ἡμερῶν, καὶ μὴ οἱ ἄνεμοι φέρουσι θείῃ ναυτιλῇ· τρέπεται δὲ οὐδαμὰ, ἀλλ' ἐς μούνην τὴν Βύβλον ἀπικνέεται). This head of Osiris which according to the legend floated from Egypt to Byblus had to pass on its way through the sea facing Palestine, and some Rabbi having heard of the legend made Hillel apply his famous saying to it: "Because thou drownedst they drowned thee, and at the last they that drowned thee shall be drowned".

⁸⁸ I. e. in advance. See *'Arukh* s. v. טוּ II.

fear]⁸⁹ of the whole world. [A genuine Sarapis is] only one who holds a measure (i. e. a *modius*) and is measuring,⁹⁰ and [a genuine Isis is] only one who is holding a child and nursing it" (i. e. Horus).

Again, it is likely that the *Mishnah*⁹¹ had the Egyptian cult in mind. We read there: המנפף והמנשק והמכבד והמרבץ והמרחיץ "He who embraces, or kisses [the idol], sweeps, or besprinkles [the floor before the idol], washes,⁹² anoints, clothes or shoes⁹³ [the idol] transgresses only a negative commandment."⁹⁴ Although every single act mentioned in the *Mishnah* is well known from the Greek and Oriental ritual, the *ensemble* of these acts suits the daily cult of the Egyptians in particular.⁹⁵

We see from the preceding material that the Rabbis were acquainted with the various rites of idolatry prevalent in the Middle East in their day.⁹⁶ It is therefore sometimes impossible to define precisely the heathen cult they had in mind in their allusions to certain rites of idolatry.

⁸⁹ I. e. by storing up grain for the seven years of hunger. The Rabbis interpreted Sarapis to consist of *sar* which means "he saw" in Aramaic and *appis* which means "he quieted" in this language. According to Firmicus Maternus (see above n. 87) Sarapis meant *Σάρπας παῖς*, for Joseph was Sarah's great grand-son (*Sarrae pronepos fuerat*).

⁹⁰ Comp. Tertullian, *ad. nat.* II. 8.

⁹¹ *Sanhedrin* VII. 6.

⁹² In *TP* ('*Abod. Zar.* III. 6, 42d) it is stated that they used to wash the idol with water and rub it with salt. Comp. the Epistle of Jeremiah 23 and Arnobius, *adv. gent.* VII. 32 (*aliqua fricione cinderis*).

⁹³ *Tosefta Sanhedrin* X. 3, adds: והמטעף, "And he who covers" (with a garment). Perhaps this is a variant for והמנעיל (shoes), the latter coming by attraction (*ashgarah*, see above, p. 125, n. 54), since it is frequently associated with המלביש, see *TP Kiddushin* I, 7, 61a; *TB* *ibid.* 22b (and parallel) *passim*.

⁹⁴ But is not subject to the death penalty.

⁹⁵ See A. Moret, *Le rituel du cult divin journalier en Egypte* (Paris 1902), p. 87, n. 1 (on embracing and kissing); p. 200 ff. (on spreading sand before the idol, which required previous sweeping and subsequent sprinkling; see *Aruch Completum* VII, 249, s. v. רבץ); pp. 172, 175 (about besprinkling and washing); p. 190 ff. (about anointing) and p. 178 ff. (about clothing).

⁹⁶ The Rabbis expressly referred (*TB 'Ab. Zar.* 11b) to the temple of Heliopolis (Baalbek) and other temples. See N. Brüll in his *Jahrbücher* etc. I (1874), p. 138 ff.; Krauss, *Semitic Studies in Memory of A. Kohut*, p. 343; Isidor Lévy, *REJ* XLIII (1901), p. 192 ff.; Lieberman, *JQR* XXXVII (1946), p. 43.

THE THREE ABROGATIONS OF JOHANAN THE HIGH PRIEST

It is stated in the *Mishnah* that Johanan the High Priest did away with three acts which were performed in the Temple. Rabbinic tradition explains this action of the High Priest. In order the better to understand the material which will be discussed, it is in place to say a few words about the method to be followed in the investigation of the sources. We must discriminate between the reasons openly given by the Rabbis in justification of a new enactment of theirs and the real motives which prompted it. *TB*¹ records: " 'Ulla' said: When an ordinance is issued in the West (i. e. Palestine) its reason is not disclosed for the first twelve months, lest there be some who may not agree with the reason and will slight the ordinance." This offers explicit testimony that the Rabbis were sometimes reluctant to reveal the reasons which moved them to enact a new law. Moreover, in order to make the people accept a new ordinance the Rabbis occasionally substituted some formal legalistic grounds for the real motive.

Good evidence to this effect is available in *TP*. The *Mishnah*² states: "A man may not go out [on the Sabbath] shoed with a nailstudded sandal." According to the sources⁴ this prohibition resulted from the recollection of a disaster caused by the sight or the noise of the nailstudded sandals worn by the soldiers;⁵ according to another version⁶ Jews wearing

¹ 'Abodah Zarah 35a.

² Flourished in the third century.

³ *Shabbath* VI.2.

⁴ *TP* a. l. 8a; *TB* *ibid.* 60a; *Debarim Rabba* ed. Lieberman, p. 81.

⁵ פולחין in *Debarim Rabba* *ibid.* means soldiers, as in Palestinian Syriac; see F. Schulthess, *Lexicon Syropalaestinum*, p. 157 s. v. פלח and פלוח. In a Palmyrene bilingual inscription of the year 251 (ed. Vog, 22, G. A. Cooke, *North-Semitic Inscriptions*, p. 284) פלחא corresponds to the Greek στρατώτης. Comp. also A. Büchler in *REJ* XL, 1900, p. 155 ff.; B. Jacob *ibid.* XLI, p. 216; W. Bacher *ibid.*, p. 221.

⁶ See *TP* and *TB* *ibid.*

this kind of sandals once stampeded in a panic⁷ and many casualties were caused by the sandals.

The question was raised: If these are the reasons, why were the nailstudded sandals forbidden only on Saturdays and not on weekdays? *TP* (ibid.) gives the curious reply: לא אורחיה דבר נשא מיהוי ליה תרין סנדלין חד לחולא וחד לשבתא "People do not usually own two [pairs of] sandals, one for the weekdays and one for the Sabbath."⁸ In other words, if the Rabbis forbade the use of certain kind of objects on the Sabbath its use was *eo ipso* eliminated on weekdays as well; people would not buy shoes which they could not wear on the Sabbath. It is clear that the earlier Rabbis did not make public their reason for the injunction on the nailstudded sandals which, for social or sentimental reasons, they sought to ban altogether. Instead they linked the law to the Sabbath, a domain in which their competence could not be questioned, and thus achieved their actual purpose circuitously. Evidently a distinction must sometimes be drawn between the public reasons (for a decree) given by the authorities and the actual motives impelling the action.⁹

In the light of the preceding we shall be able properly to understand the material bearing on the abrogations of Johanan the High Priest.

We read in the *Mishnah*:¹⁰ יהונן כהן גדול העביר הודיית מעשר. אף הוא בטל את המעוררים ואת הנוקפים "Johanan the High Priest did away with the *Declaration*¹¹ concerning the Tithe. He also

⁷ See H. Ehrentreu, *Magazin* etc., ed. Berliner and Hoffmann XX, 1893, p. 213.

⁸ See the reason given in *TB* ibid. 60a, bot.

⁹ Comp. also *TB* ibid. 14a passim.

¹⁰ *Ma'aser Sheni* V. 15.

¹¹ הודייה is rendered "Confession" or "Avowal" by all the commentaries, translations and dictionaries. The *Mishnah* (ibid. 10) and the Talmuds repeatedly call it מעשר וידוי. However, וידוי originally is not "confession" but "declaration". The Septuagint (Lev. 5:5; 16:21; 26:40; Num. 5:7 passim) often translates the Hebrew החורה *ἐξαγορεύειν*, which means "to declare". The same term was also used by the pagans. Plutarch (*de superst.* 7, 168d) expresses himself: *ἐξαγορεύει τινας ἀμαρτίας αὐτοῦ*, "He confesses (announces) various sins of his". Comp. also Dittenberg *Syl.*³ 1179 and 1180. The literal rendering of confession is *δμολογία*, see Liddell and Scott, s. v.

abolished the Awakeners and Knockers."¹² Let us first consider the "Knockers."¹³ The *Tosefta*¹⁴ explains it: נוקפין אילו שמכין את העגל בין קרניו כדרך שעושין לעבודה זרה. אמר להן יוחנן כהן גדול: עד דעד "The Knockers are those who strike the calf between its horns as they do in [the practice of] idol worship. Said Johanan the High Priest to them: 'How long will you feed the altar with *Terephoth*'"¹⁵ We are told explicitly that the real reason for the removal of the "Knockers" was that they followed the practices of the heathen *victimarii*. This habit of stunning the ox before slaughtering was very widely used in pagan worship,¹⁶ and the desire not to imitate the heathen rites motivated Johanan's abolition of the custom.¹⁹

ὁμολογέω II. 2; R. Petazzoni, *Harvard Theological Review* XXX, 1937, p. 8, n. 22 and p. 9 *ibid*.

The standard Hebrew confession began with the words (*Vayyikra Rabba* III. 3, according to codd. Vatic. and London): "Let it be declared: Whatever I did etc." (The reading of the editions and of *TP Yoma* end, 45c, are to be corrected accordingly). On the identity of the הוראה with וידוי see *Bereshith Rabba* LXXI. 5, 8282; *TP Shebu'oth* V. 1, 36a; *ibid.* VIII. 9, 38d; comp. also *ibid.* I. 8, end, 33b.

¹² The other reforms of Johanan the High Priest mentioned in the *Mishnah* *ibid.* are not related to these three abrogations.

¹³ Most of modern scholars discount entirely the early rabbinic explanations of the *Mishnah*, and advance their own conjectures. See, for instance, Rapaport *apud* Geiger, *Lehrbuch zur Sprache der Mishnah* II, p. 11; Jacob Brüll, *Einleitung in die Mischnah* (Hebrew) I, pp. 17-18; comp. also *Jewish Studies in Memory of G. A. Kohut*, Hebrew part, p. 56 ff.

¹⁴ *Sotah* XIII. 10.

¹⁵ So ed. princ. and cod. Vienna.

¹⁶ So ed. princ. and cod. Vienna.

¹⁷ I. e. animals which are mortally wounded and may not be used for either food or sacrifice. *TP* (*ibid.* IX. 24a) reads נבילות, carcasses, instead of טריפות (comp. also *TB* *ibid.* 48a). This may be correct, for the struck animal sometimes looks only stunned, whereas it is actually dead; see P. Stengel, *Opferbräuche* etc., p. 114, n. 2.

¹⁸ See *Odys.* XIV. 425; Apoll. Rhod. I. 425 ff.; P. Stengel *ibid.* pp. 110, 114. For archaeological evidence see J. Carcopino, *Mélanges d'arch. et d'hist.* XXVII, 1907, p. 233, n. 2 and plates V-VI *ibid*.

¹⁹ He instituted instead special metal bands to hold the animal while it was being slaughtered. See *Mishnah Sukkah* end, Rashi *ibid.* 56a s. v. ושבטעה, *TP* *ibid.* 55d; *Sotah* IX. 11, 24a and parallel; *Mishnah Tamid* IV. 1; *Middoth* III. 5. Comp. ערוה הבושט ed. Urbach, I, p. 61.

However he justified his abrogation of the practice on the ground that the animal became unfit for sacrifice after it was stunned.²⁰ Certainly, the High Priest's authority in all matters pertaining to the altar could not be challenged. Thus the public understood the High Priest's action in one way while its real purpose was something other.

Let us now proceed to the third abrogation, the abolition of the "Awakeners". All the rabbinic sources²¹ agree that the "Awakeners" were those in the Temple who used to recite the verse (Ps. 44:24): "*Awake, why sleepest Thou, O Lord?*"²² The fact that an objection was raised to the recitation of a verse from Scripture in the Temple because it was unseemly speaks for itself. Johanan had no intention to eliminate the verse from the Bible, for he probably understood it as a literary figure. Why then was he shocked by its recitation in the Temple?

Here again the chanting of this Psalm (in the morning) closely resembled a heathen ceremony. The Egyptian temples were, as was the Jewish Temple, closed at nights.²³ At the opening of the former the god was invoked in a hymn with the recurrent refrain: "Awake in peace."²⁴ The commencement of the daily service in the temple of Sarapis is portrayed by Porphyrius Tyrius²⁵ as following: "For even now, in the opening of the sanctuary of Sarapis the worship is performed through fire and water; the singer of the hymns making libation with the

²⁰ Comp. I. H. Weiss, דור דור ודורשי, pp. 28–29. He, however, completely misunderstood the purpose of the knocking.

²¹ *Tosefta Sotah* XIII. 9; *TP* *ibid.* IX. 11, 24a; *TB* *ibid.* 48a.

²² According to the *Tosefta* and *TB* *ibid.* it referred to the Levites who used to recite this verse daily. It has nothing to do with the daily singing of the Levites (*Mishnah Tamid* VI. 4), for it is stated here that they used to recite the same verse every day. *TP* does not mention the Levites but merely says: "Those who used to say: *Awake etc.*" This version seems to be more original, and the "Awakeners" may have been priests.

²³ See, A. Moret, *Le rituel du cult divin journalier en Egypte*, p. 9 *passim*.

²⁴ *Ibid.*, p. 122 ff.

²⁵ *De abstin.* IV. 9 (T. Hopfner, *FHRA* p. 467): ὡς πού ἐτι καὶ νῦν ἐν τῇ ἀνοίξει τοῦ ἁγίου Σαράπιδος ἡ θεραπεία διὰ πυρός καὶ ὕδατος γίνεται, λείβοντος τοῦ ὑμνωδοῦ τὸ ὕδωρ καὶ τὸ πῦρ φαίνοντος, ὀπηνίκα ἐστὼς ἐπὶ τοῦ οὐδοῦ τῇ πατριῷ τῶν Αἰγυπτίων φωνῇ ἐγείρει τὸν θεόν.

water (i. e. of the Nile) *and exhibiting the fire*;²⁶ then standing upon the threshold, he *awakens the god in the native Egyptian language.*"²⁷ Johanan apparently abolished the whole ceremony of the singers who sang (in the morning) the Psalm: "*Awake why sleepest Thou O Lord [. . . arise for our help and redeem us for Thy mercy's sake]*", for it sounded like a repetition of the service in a heathen temple.²⁸ The above discussion makes it very probable that the object of some of the abrogations of Johanan was to purify the Temple service and to keep out of it all traces of pagan worship. For reasons of tact he did not divulge his purpose to the public. But the desired effect was achieved, and the Rabbis gave him the deserved praise for it.

²⁶ See *Mishnah Tamid* I. 3.

²⁷ Comp. also Apuleius, *Metam.* XI. 20 (T. Hopfner *ibid.* 324 ff.); Arnobius, *Adv. gent.* VII. 32. Comp. F. Cumont, *The Oriental Religions in Roman Paganism*, Chicago 1911, pp. 95, 236.

²⁸ Rabbinic sources advance various reasons for the first abolition, i. e. the elimination of the Declaration. (See *Tosefta Sotah* XIII, 320a, according to the reading of cod. Erfurt. Comp. *TP* *ibid.* IX, 24a and parallel; *TB* *ibid.* 48a). The generally accepted opinion is that during the priesthood of Johanan, the tithes were given to (or forcibly taken by) the priests instead of the Levites. The statement of Deut. 26:13 (*And I gave it to the Levite etc.*) in the Declaration would therefore be untrue. Accordingly, the High Priest, who most probably supported the priesthood, was opposed to the Declaration because it would remind the worshipper that he broke the law by letting the tithes go to the priests, and therefore abolished it altogether. However, it is very unlikely that Johanan revealed his motive publicly. He probably found some other excuse. Perhaps his pretext is preserved in a different tradition (see *Tosefta*, *TP* and *TB* *ibid.*): he claimed that the people in general did not strictly observe the laws of tithes (i. e. gave them neither to the Levites nor to the priests), and he therefore canceled the Declaration in order not to cause some people to utter a lie in the Temple. Comp. now my conjecture in *Tarbiz* XXVII (1958), p. 186, n. 34. In other words, as in the case of the Knockers, he was guided by one reason while he formally motivated his action by another.

HEATHEN PRE-SACRIFICIAL RITES IN THE LIGHT OF RABBINIC SOURCES

It was shown that the authorities of the Jerusalem Temple tried to eliminate the practices and rites which resembled those of the heathen too closely. However, outside of the Temple certain customs connected with the prospective victim, which were sanctified by age, continued in force despite their identity with heathen behavior.

An old *Mishnah*¹ describes the ancient ceremony of the bringing of the First-fruits to Jerusalem:² "How do they take up the First-fruits [to Jerusalem]? The men of all the smaller towns that belonged to the *Ma'amad*³ gather together in the town of the *Ma'amad*; they spend the night in the open place of the town and come not into the houses⁴. . . Before them goes the bull (intended as a sacrifice), *its horns overlaid with gold and a wreath of olive-leaves on its head*.⁵ The flute is played before them until they draw nigh to Jerusalem etc."

The Bible does not make the slightest suggestion about adorning the sacrifice with a wreath and gilding its horns. Nor does the *Mishnah* mention it anywhere save here. The entire

¹ Undoubtedly older than the destruction of the Temple.

² *Bikkurim* III. 2-3.

³ See Schurer, *Geschichte* etc. II⁴, p. 338 and nn. 5, 6 *ibid*.

⁴ The *Tosefta* (*ibid.* II. 8 and *TP* *ibid.* III, 2, 65c) explains that they did not enter any house for fear of defilement (by possibly being under one roof with a human corpse, or parts of it). A similar practice was adopted by the pilgrim to Hierapolis, according to Lucian (*de Syria dea* 55) who depicted it as follows: Starting from his house he passes into the road . . . He always sleeps on the ground; for he may not go up to his bed before his pilgrimage is completed and he comes back to his own country (ἄρας δὲ ἀπὸ τῆς ἑωυτοῦ ὁδοιπορείαι . . . καὶ ἐς πάμπαν χαμοκοιτέων' οὐ γὰρ οἱ εὐνήs ἐπιβῆναι ὄσιον πρὶν τὴν τε ὁδὸν ἐκτελέσαι καὶ ἐς τὴν ἑωυτοῦ αὐτίς ἀπικέσθαι). Comp. *TP* 'Abodah Zarah II. 2 (end), 41b. The *Tosefta* (*Bikkurim* *ibid.*) stresses that the First-fruit carriers were treated like every one else upon their return to their homes.

⁵ According to *Aggadath Shir Hashirim* II, ed. Schechter, p. 28 (= *Midrasch Suta*, ed. Buber, p. 24) the participants in the procession wore golden crowns on their heads (ועטרה של זהב בראשן), but it is apparently a scribal error. The text is to be corrected in accordance with our *Mishnah* and *Yalkut* a. l.; see Schechter *ibid.* p. 108.

ceremony described above is not even hinted in the Bible. The text of Scripture (Deut. 26:1-11) does not imply that First-fruits are to be brought by a group of people; it appears to be a private duty incumbent on the individual. The entire procedure is recorded in the *Mishnah* not in the form of a law but as an account of a custom. It was only natural that an occasion like the *Bikkurim* should assume the character of a *πανήγυρις*, a popular festival. Philo also describes it as such,⁶ although he does not speak of the details portrayed in our *Mishnah*.⁷ It is not surprising that the *πανήγυρις* shared all the features of a religious public festival customary among all the Mediterranean nations of the time.

The bull was adorned with a wreath⁸ and his horns were overlaid with gold. This is a regular heathen rite. Diomedes promises Athene to sacrifice a heifer whose horns he will overlay with gold;⁹ it was agreeable to the deity. Theophrastus¹⁰ maintains: οὐ γὰρ ἄν ποτε τοῦ Θεταλοῦ ἐκείνου <τοῦ> τοῦς χρυσόκερως βοῦς καὶ τὰς ἐκατόμβας τῷ πυθίῳ προσάγοντος

⁶ *De spec. leg* II, XXXIV-XXXV, 215-216. See Grätz in *MGWJ* XXVI, 1877, p. 433 ff.

⁷ Philo states that there were no sacrifices on this occasion. It is clear from the context that he means to say that there were no sacrifices prescribed as on the other holidays. But it is likewise obvious that he did not know of the rabbinic law which requires a sacrifice on this occasion. See *Mishnah Bikkurim* II. 4; *Tosefta* *ibid.* II, 10130, *TP* *ibid.* a. 1.

⁸ *στέμμα*. See Aristoph. *Pax* 948; Lucian, *de sacr.* 12; P. Stengel, *Die griechischen Kultusaltertümer*³, p. 108, n. 7; G. Wissowa, *Religion und Kultus der Römer*², pp. 416-417 and n. 1. *ibid.* On the pictures of the Synagogue in Dura-Europos, the bull (intended as a sacrifice) seems to be adorned with a wreath; see E. L. Sukenik, *בית הכנסת של דורה אברופוס*, pp. 139, 141. It is, of course, taken from heathen life as mirrored in pagan literature and works of art. Our *Mishnah* is older by some two hundred years than the Dura-Europos Synagogue; see D. Hoffmann, *Die erste Mischnah*, p. 15.

In *Aboth deR. Nathan* (XXXIV) XXXV we find כבשים המצוייריים "painted sheep," as prospective victims. This is undoubtedly the correct reading (See the variants recorded by Prof. Finkelstein, *A. Marx Jubilee Volume*, Hebrew part, p. 355, n. 89), as we hope to prove elsewhere.

⁹ *Il.* X. 294 (= *Odys.* III. 384): χρυσὸν κέρασι περιχέυας. See also *Odys.* *ibid.* 437. Virgil, *Aen.* IX. 627: et statuam ante aras aurata fronte iuvenum. "I shall place a young bullock with gilded horns before your altars". Comp. also Prudentius, *Perist.* X. 1024.

¹⁰ As quoted by Porphyrius, *de abst.* II. 15.

μαλλον ἔφησεν ἡ πυθία τὸν Ἑρμιονέα κεχαρισθαι θύσαντα τῶν ψαιστῶν ἐκ τοῦ πηριδίου τοῖς τρισὶ δακτύλοις. "Otherwise the Delphic priestess would not have said once, when that Thessalian sacrificed a hundred oxen with *gilt horns* to Apollo, that the man of Hermione who had offered a pinch of barley-meal taken with three fingers out of his bag had made the more gratifying sacrifice."¹¹ In certain solemn public sacrifices it was the accepted rule in the Roman Empire¹² to cover the horns of bulls and heifers with gold.¹³

The behavior of the people agreed with the conventional character of public religious festivals, and the proper authorities did not protest. But it does not seem likely that the prescribed public sacrifices of the Temple service were garlanded and gilded; there is not a single allusion to it in the vast rabbinic literature which deals with the Temple sacrifices. The decoration of the bull who came with the *Bikkurim* was exceptional; it was a concession to the people who considered it a מצוה, "an adorning of a pious deed."

¹¹ An interesting parallel is found in *Vayyikra Rabba* III. 5, where it is related that King Agrippa once decided to sacrifice a thousand burnt-offerings in one day. He bade the priest not to accept offerings from anybody else. A poor man, however, prevailed upon the priest to sacrifice two doves of his on that day. It was shown to King Agrippa in a dream that the offering of the poor man was more gratifying to the Lord than his sacrifices. It is further related (*ibid.*) that a priest, who regarded disdainfully a handful (קומץ) of flour offered by a poor woman, was told in a dream that her gift was equivalent to a sacrifice of her life.

We are not told the nature of the thousand holocausts offered by Agrippa. It was perhaps a *χλιόμβη* brought in behalf of the Roman emperor (see below n. 12). Our text is probably of the fourth century, and it mirrors the customs of its time.

¹² See Henzen, *Acta fr. Arv.*, p. 144; P. Stengel *ibid.* p. 108, n. 9. S. Eitrem, *Opferrius and Voropfer* etc., p. 195, n. 3. Macrobius (*Sat.* III. 5. 8) quotes *Aen.* IX. 627 (see above n. 9) as an example of Virgil's exactness in his description of sacrifices.

¹³ *TP (Bikkurim* III. 3, 65c) adds an interesting detail: יחיד שנתעצל ולא כסף יחדו מצופות כסף, "An individual who procrastinated and did not join the procession [of First-fruit carriers] has to bring a kid whose horns are overlaid with silver". Some commentators who were not aware of the popular custom reflected in this passage misinterpreted it; see Ratner in *אהבה ציון* אהבה ציון on *Bikkurim*, p. 151. Its meaning however cannot be doubted.

THE CONSECRATION OF A VICTIM IN HEATHEN RITES

According to Jewish law any object becomes sacred as soon as the owner dedicates it to God even by word of mouth. The *Mishnah*¹ formulates it: אמירתי לגבוה כמסירתי להדיוט "Dedication to God by word of mouth is equal to the act of delivery to a common person." On the other hand, regarding consecration to idols the Rabbis ruled:² אמר שור זה לעבודה זרה בית זה לעבודה זרה לא אמר כלום שאין הקדש לעבודה זרה "If one says: This ox is [dedicated] to an idol, or this house is [dedicated] to an idol, he has said nothing, because there is no dedication to an idol."³ If however some act was performed on the animal for the purpose of offering it to an idol it could not be used on the Jewish altar; it became מוקצה, *Muktzeh* (set aside for a sacrifice to an idol). The *Tosefta*⁴ rules: מאמתי נקרא מוקצה משנעשה בו מעשה "When does an animal become *Muktzeh*?⁵ From the time that an act (of consecration) was done to it." The *Tosefta* does not specify the deed which will make it *res sacra* and thereby disqualify it from the Jewish altar.⁶

But *TB*⁷ has preserved a number of opinions on this point.⁸ According to one the consecration becomes effective from the time the animal was "put under guard" (שעושיין לו שימור), i. e. after it was examined for fitness to be sacrificed.⁹

Another Rabbi explains that the consecration becomes effec-

¹ *Kiddushin* I. 6.

² *Tosefta* 'Ab. Zar. V. 10, 469^b; *ibid.* *Temurah* IV. 3, 555²⁰; *TB* 'Ab. Zar. 44b.

³ See G. Wissowa, *Religion und Kultus der Römer*¹, p. 385, n. 5.

⁴ 'Ab. Zar. V. 9, 469^b and parallel.

⁵ I. e. consecrated to an idol.

⁶ In case the heathen was prevented from slaughtering the victim and it was seized by the Jews.

⁷ *Temurah* 29a.

⁸ On the ruling of Resh Lakish which is recorded *ibid.* 28b, see below n. 22.

⁹ This is the accepted interpretation of שימור in rabbinic literature; see *Sifre* I, 142 (to Num. 28:2), ed. Horovitz, p. 188 and the sources referred to in n. 14 *ibid.*

tive when the animal is delivered to the attendants¹⁰ of the idol and is fed *Karshinim*¹¹ which is the property of the latter.¹²

The concluding opinion is that of R. Johanan¹³ that the consecration takes effect when the animal is shorn and an act of worship is performed with it¹⁴ (עד שיגזז ויעבדו בו).

But Hezekiah, a contemporary of R. Johanan, taught that the *consecratio* is performed by "Pouring wine to an idol between the horns of the animal."¹⁵ The four preceding opinions of the Rabbis about the consecration of the victim indicate that they were not unfamiliar with the several rites of the various cults. Let us analyze these opinions in the order in which they are recorded.

1. THE PROBATION MAKES THE CONSECRATIO EFFECTIVE.

According to rabbinic law the public Daily Whole-offering as well as the Paschal Lamb had to be examined by specialists (to find whether they are perfect) four (or three) days before they were laid on the altar.¹⁶ A special college existed in Jerusalem of inspectors of intended sacrifices, who drew their fees

¹⁰ משרתים, ὑπηρέται.

¹¹ A kind of vetch, ὄροβος, see E. Löw, *Die Flora der Juden* II, p. 484 ff.

¹² עולא אמר ר' יוחנן עד שימסרוהו למשרתי ע"ז . . . עולא נמי כי קאמר הוא דס פ י ליה כרשני ע"ז (So cod. Mun.).

¹³ Flourished in the third century.

¹⁴ I have translated the passages of the Talmud almost verbatim. As we shall presently see they are perfectly understandable in the light of heathen practices. Some commentators who were not familiar with the heathen rites tried to give the passages a forced interpretation. Maimonides, however, guided by the simple meaning of the words interpreted them correctly (ה' עולא איסורי מובה IV. 4), although he too was unaware of the true significance of these rites.

¹⁵ *TB 'Ab. Zar.* 54a (according to cod. Mun.): שניסך לע"ז יין בין קרניה. The Talmud cites it as an example of נעבד, "worshipped animal," but argues that according to Hezekia's formulation not the animal is worshipped but the idol. It is obvious that the definition of Hezekiah deals with the *consecratio* of the victim which the Rabbis wanted to extend to the regulation regarding animals worshipped.

¹⁶ See *Mekhilla Bo V*, ed. Horovitz, p. 16; *Sifre I*, 142, ed. Horovitz, p. 188 and parallels referred to in n. 14 *ibid.* On the inspection of private sacrifices see *TP Bezah* II. 4, 61c and parallel.

from the Temple treasury.¹⁷ Philo¹⁸ relates that "the most highly esteemed of the priests, selected as the most qualified for the inspection in regard to blemishes, examine them (i. e. the sacrifices) from the head to the extremities of the feet." He states further that this examination is conducted most minutely and exactly.¹⁹ This inspection was also applied by the heathens carefully and conscientiously.²⁰ The author of the first opinion in *TB* saw in this *probatio* by the heathens the actual *consecratio* of the victim.²¹

2. CONSECRATION BY WAY OF FEEDING THE ANIMAL BY THE ATTENDANTS OF THE HEATHEN TEMPLE. We have found no evidence in classical literature that the feeding of the victim was important as a special pre-sacrificial act.²² However, Plutarch in describing the practices at Delphi²³ states that in addition to the examination of the body of the sacrifice the soul of the

¹⁷ *TP Shekalim* IV. 3, 48a; *TB Kethuboth* 106a.

¹⁸ *De spec. leg.* I. XXXIV (166 ff.): οἱ δοκιμώτατοι τῶν ἱερέων ἀριστίνδην ἐπικριθέντες εἰς τὴν τῶν μύμων ἐπίσκεψιν ἀπὸ κεφαλῆς ἄχρι ποδῶν ἄκρων ἐρευνῶσιν.

¹⁹ However, it is possible that he was influenced by the Egyptian practice; see Herodot. II. 38.

²⁰ See Herodot. *ibid.*; Aristoph. *Lysistr.* 84; Tertullian, *ad. nat.* I. 10; Lucian, *de sacr.* 12; B. Brissonius, *de formulis et solemnibus populi Romani verbis* I, XXI, p. 12; Stengel, *Die griechischen Kultusaltertümer*³, p. 121, nn. 13, 14; G. Wissowa, *Religion und Kultus der Römer*², p. 416 and n. 2 *ibid.*

²¹ Of course, the Rabbi did not discriminate between public and private heathen sacrifices.

²² From the style of the Talmud it appears that the Rabbi does not refer to the general fattening of the heathen sacrifices (see on it Plut., *Cleomed.* XXXVI; G. Wissowa *ibid.*, p. 416, n. 4; Stengel *ibid.*, p. 121, n. 15), but to a single act. This fattening was termed ר'גל טטטט by the Rabbis (see *Bereshith Rabba* LXXXVI, 10546. Comp. also *TB Sotah* 43a and parallels).

According to the view of Resh Lakish (*TB Temurah* 28b) the consecration becomes valid only after [the animal was fattened for] seven years. See *Targum* to Jud. 6:25 and *Redak* *ibid.* We omitted the opinion of Resh Lakish in our analysis because he deals with an animal set apart for eventual worship, not for sacrifice (see *TB* *ibid.*). Hence this kind of *Muktzeh* has nothing to do with the animals consecrated to be sacrificed.

²³ *De defectu orac.* 49.

victim was also tested. He says (*ibid.*): "They test the soul²⁴ by setting barley-groats²⁵ before the bulls and peas before the boars; the animal that does not taste them is not considered healthy."²⁶ What purpose the sacrifices were meant to serve²⁷ does not concern our inquiry. The important fact is that in some heathen sanctuaries the prospective victim was fed by the priests as a final test. The Rabbis considered this act a consecration.

A highly interesting detail regarding the treatment of the victim immediately before it was slaughtered is preserved in the *Mishnah*. We read there:²⁸ אף זהב. של זבח. אף "They gave [the lamb that was to be] the Daily Whole-offering to drink from a golden bowl. Although it had been inspected the evening of the day before, they inspect it again by the light of torches." Neither the *Mishnah* nor the Talmud supplies the reason for the practice of watering the victim before it was slaughtered.²⁹ It seems to have been an ancient rite related to the inspection with which it is associated in the *Mishnah*.³⁰

This custom of which there is no hint in Scripture was probably prevalent among other nations as well. On a Greek painting³¹ Nike is represented as pouring water from a pitcher

²⁴ According to Jewish law the prospective victim has to be healthy (*Mishnah* Bekhoroth VI. 7). One Rabbi rules (*ibid.* VII. 6) that an animal which is not of sound mind (שוטה. See also *Mishnah* Baba Kamma V. 6) is not "of the choicest", as the law requires it (see Deut. 12:11).

²⁵ In Palestine vetches (see above n. 11) was a staple animal fodder.

²⁶ τὴν δὲ ψυχὴν δοκιμάζουσι, τοῖς μὲν ταύροις ἔλφιτα τοῖς δὲ κάπροις ἐρεβίνθους παρατιθέντες. τὸ γὰρ μὴ γευσάμενον ὑγιαίνειν οὐκ οἴονται.

²⁷ See Legrand in *Revue des études grecques*, 1901, p. 55, n. 1.

²⁸ *Tamid* III. 4.

²⁹ The mediaeval commentators (see Rashi, *Hullin* 90b; *Aruch Completum*, ed. Kohut IV, p. 267, s. v. כס IV) explain that it is easier to skin an animal which drank before it was slaughtered (see *TB Bezah* 40a).

³⁰ It is possible that the lamb was given water to drink as a final test of its good health; perhaps they simply wanted the thirsty animal (see Arist., *hist. anim.* VIII. 12. 1, about the thirst of the sheep which were fed for the purpose of fattening them) not to look miserable. But whatever its original explanation, the act became an integral part of the sacrificial ritual.

³¹ Of the middle of the fifth century B. C. E.



(ὕδρα) into a bowl for a decorated bull about to be sacrificed.³² A. Furtwängler³³ remarks that Nike's performance is an entirely incidental action³⁴ in the sacrificial rite. But in the light of the preceding we may perhaps surmise that the painting portrays the customary final ritual act before the slaughtering of the victim.

3. CONSECRATION BY WAY OF CUTTING SOME OF THE VICTIM'S HAIR AND OFFERING IT TO THE GODS. R. Johanan's opinion, which is conclusive, is that "the consecration takes effect when the animal is shorn and an act of worship is performed with it." It was the regular practice of the Greeks to cut some hair of the victim immediately before slaughtering and offer it to the gods.³⁵ The Rabbi correctly took the offering of the hair as the actual *consecratio* of the victim.³⁶ R. Johanan defined the *consecratio* according to the *graecus ritus* which was followed by many heathens in Palestine, Syria and Egypt.

4. CONSECRATION BY WAY OF POURING WINE BETWEEN THE HORNS OF THE VICTIM. R. Johanan's older contemporary, Hezekiah, ruled that the consecration becomes effective "When he poured wine between the horns of the victim."³⁷ The phrase *בין קרניו יין ניסך* is verbatim *vinum fundit inter cornua*, an expression of frequent occurrence in Latin literature.³⁸ It is of no import whether this is part of *probatio*, a test of the sensi-

³² A. Furtwängler and K. Reichhold, *Griechische Vasenmalerei* I, plate 19; P. Stengel, *Die griechischen Kultusaltertümer*³, plate V, fig. 22.

³³ In his comment on this picture, p. 83.

³⁴ Eine ganz nebensächliche episodische Handlung.

³⁵ *Il.* XIX. 254; *Odys.* III. 445. *Comp. Il.* III. 273. For many other references to this practice in Greek classic literature see P. Stengel, *Opferbräuche der Griechen*, pp. 40-47.

³⁶ *Comp. Liddell and Scott*, s. v. *κατάρχεσθαι* II. 2; Stengel, *ibid.*, p. 41 seq.; *idem*, *Die griechischen Kultusaltertümer*³, pp. 111, 260.

³⁷ See above n. 15.

³⁸ *Comp. Ov. met.* VII. 594: et fundit purum inter cornua vinum; *Virg. Aen.* IV. 61: inter cornua fundit; Silius Ital., *Punica* XIV. 461: et large sacra inter cornua fundit. See A. S. Pease in his edition of *Virgil, Aen.* IV, p. 138, n. 61.

tivity of the animal,³⁹ or part of *immolatio* according to the *Romanus ritus*.⁴⁰ The Rabbi regarded the sprinkling of the wine on the head of the victim⁴¹ as the final act of consecration. He issued his ruling on the basis of the practice of the Roman troops in Palestine and the neighboring countries.⁴²

All these rabbinic passages⁴³ regarding the *Muktzeh*, which hitherto were almost meaningless, become pertinent in the light of the actual heathen practices of the time.

³⁹ See Serv. *ad Aen.* IV. 61 and VI 244; Plut. *quaest. conv.* VIII. 8. 3, 729f; idem, *de defectu orac.* 49. Comp. Legrand, referred to above, n. 27.

⁴⁰ In which cutting of the victim's hair apparently did not take place. See G. Wissowa's remark (*Religion und Kultus der Römer*², p. 417, n. 7) on Virg., *Aen.* VI. 245.

⁴¹ See Wissowa *ibid.*, p. 417, n. 6; Latte in *PW RE*, IX. 1, s. v. *immolatio*, p. 1128.

⁴² As soon as the *immolatio* was performed, all the decorations were apparently removed from the victim (see Latte *ibid.*). This is confirmed by the *Mishnah* (*Temurah* VI. 1) which ruled that only the consecrated animal becomes forbidden, not its decorations (for they constituted a temporary dressing only and were to be removed when the animal was sacrificed).

⁴³ Some of the above-mentioned passages were discussed by me in *Mélanges Grégoire, Annuaire de l'Institut de Philologie et d'Histoire Orientales et Slaves* IX, 1949, p. 414 ff.

BLEMISHES IN SACRIFICES

It is self evident and natural that animals for sacrifice be of the choicest.¹ The Rabbis style² such offerings מובחר, "the choicest."³ According to the Palestinian Talmud⁴ the lambs for the Daily Whole-offering were so large that their legs reached the ground even when they were carried on camels. Private offerings also were sometimes chosen from the flocks of Kedar⁵ which were already famous in Biblical times.⁶ The Talmud perhaps did not exaggerate in the above-mentioned description of the large size of the lambs. Herodotus relates⁷ that the Arabians have marvelous varieties of sheep. Their tails are sometimes so long that "they would get wounds by rubbing them on the ground."⁸ But as it is, every shepherd there knows enough of carpentry to make little carts (ἀμαξίδας) which they fix under the tails, binding the tail of each several sheep on its own cart." We find the same in the *Mishnah*:⁹ "Rams may not go out [on Saturday] with their cart (בעולה) under their tail." *TB*¹⁰ explains the purpose of the carts: כי היכי דלא ליהמטן אליהו "So that they might not hurt (literally: knock) their tails."¹¹ It appears from the *Mishnah* that this kind of sheep was also extant in Palestine.

¹ See Deut. 12:11; Gen. 4:4 and *TP Megillah* I. 12, 72b.

² See Kosowsky, *Concordance to the Mishnah*, p. 353; idem, *Concordance to the Tosefta* II, p. 67 passim.

³ For the localities from which the choicest animals came, see *Tosefta Menahoth* IX. 13, 52622 and *TB* *ibid.* 87a.

⁴ *Pe'ah* VII. 4, 20a, bot. Comp. *Bereshith Rabba*, LXV. 17, p. 729. Comp. the opinion of R. Judah in the *Tosefta* and *TB* *ibid.*

⁵ See *Tosefta Hagigah* II. 11, 2367 and parallels in *TP* and *TB*. The reading of the *Tosefta* was perhaps influenced by Isa. 60:7.

⁶ Isa. *ibid.*

⁷ III. 113.

⁸ Ἐλκεα δὲ ἔχουσιν ἀνατριβομέντων πρὸς τῇ γῆ τῶν οὐρέων.

⁹ *Shabbath* V. 4.

¹⁰ *Ibid.* 54b.

¹¹ The account of Herodotus confirms fully the explanation of Rashi that מט means to "hurt". Rabbenu Hananel a. l. and *'Arukh* s. v. מט explain it differently.

The *Mishnah*¹² devotes a whole chapter to the description of the choicest produce¹³ to be used for Meal-offerings¹⁴ and to the specification of the best oils and wines for sacrificial purposes. It states:¹⁵ לא היו כונסים אותו בחצבים גדולים אלא בחביות קטנות. ואין ממלא את החבית עד פיה כדי שיהיה ריחו נודף. אינו מביא לא מפיה מפני הקמחון ולא משוליה מפני השמרים אלא מביא משלישה ומאמצעה “They did not put [the wine] in large store-vessels, but in small jars, and they did not fill the jars up to the brim, so that its vapors might escape. They did not take the wine that was in the mouth of the jar because of the scum nor that of the bottom because of the lees, but from the third part that was in the midst thereof.”¹⁶

This corresponds to the description of the quality of the wine accepted in ancient times. We read in the *Geoponica*: “When transferring wine from the storage jars to small vessels one must observe the seasons of the stars.”¹⁷ “The wine which is transferred into the pitchers should not fill them up to the brim but until a little below the neck, so that it may not suffocate but be able to breathe.”¹⁸ “The sages,¹⁹ particularly

¹² *Menaḥoth* VIII.

¹³ Comp. also M. Olitzki, *Flavius Josephus und die Halacha*, Berlin 1885, p. 41.

¹⁴ According to the *Tosefta* *ibid.* IX. 3, 52535 (comp. *TB* *ibid.* 85a) special fields were set aside (מיוחדות) for the purpose of producing the best grain. Comp. the exegesis of *eximius* by Veranius as quoted by Macrobius, *Sat.* III. 5. 6.

¹⁵ *Ibid.* 7.

¹⁶ Comp. *Tosefta* *ibid.* IX. 10, 52615 ff. for different details.

¹⁷ VII. 6. 6: *χρηθὲ δὲ ἡνίκα ἀπὸ τῶν πίθων εἰς μικρὰ ἀγγεῖα μεταβάλλομεν τὸν οἶνον φυλάττεσθαι τὰς ἐπιτολὰς τῶν ἀστέρων.*

¹⁸ *Ibid.* 10: *Δεῖ δὲ τὸν μεταγγιζόμενον εἰς τὰ κεράμια οἶνον, οὐ μέχρι τοῦ χεῖλους τῶν κεράμων ἐμβάλλεσθαι, ἀλλ' ἕως ὑποκάτω μικρὸν τοῦ τραχήλου, ὥστε μὴ πνίγεσθαι, ἀλλὰ διάπνοιαν ἔχειν.*

¹⁹ *Ibid.* 7-8: *Συμβουλεύουσι δὲ οἱ σοφοί, μάλιστα δὲ Ἡσίοδος, ἀνοικομένου πίθου, τὸν ἐν τῇ ἀρχῇ τοῦ πίθου οἶνον, καὶ τὸν περὶ τὸν πυθμένα δαπανᾶν, τὸν δὲ μέσον τοῦ πίθου οἶνον φυλάττειν, ὡς ἰσχυρότερον καὶ μονιμώτερον, καὶ πρὸς παλαιώσιν ἐπιτήδειον. ὁ μὲν γὰρ πρὸς τῷ στόματι τοῦ πίθου οἶνος, ὡς προσομιλῶν τῷ ἀέρι, ἀσθενέστερός ἐστι διαπνεόμενος· ὁ δὲ πρὸς τῷ πυθμένι ταχέως τρέπεται, ὡς πλησιάζων τῇ τρυγί.*

Hesiod,²⁰ advise that when a jar is opened the wine at the top be consumed and the wine in the middle be conserved as being more potent and more lasting and suitable for aging. For the wine at the mouth of the jar being in contact with the air is weaker as a result of exhalation; that near the bottom quickly turns because of its proximity to the lees."²¹

But what provoked the greatest care was that the victim be without defect. Scripture enjoins that all sacrifices be perfect, but it lists (Lev. 22:21-24; Deut. 15:21) only a comparatively small number of defects which renders the animal unacceptable for the altar. However, the Rabbis record²² a detailed series of such blemishes many of which are not mentioned in the Bible.

The oral law to this effect certainly followed an ancient tradition. There were certain rules regarding defects that make the animal unfit for sacrifice, which were common to Jews and non-Jews alike. The mere consideration by the gentiles of a certain flaw in an animal as disqualifying it from sacrifice affected the Jewish law. What is improper for the table of the idol can certainly not be brought on the Jewish altar.²³ We can therefore expect striking similarities between the Jewish and non-Jewish rules regarding defects and blemishes. We shall cite an interesting example:

Huic tantum animali omnium quibus procerior cauda non statim nato consummatae ut ceteris mensurae; crescit uni donec ad restigia ima preveniat. quamobrem victimarum probatio in vitulo ut articulum suffraginis contigat: brevior non litant.²⁵

זנב העגל שאינו מגיע לערקוב. אמרו חכמים כל מרבית העגלים כן כל זמן שהן מגדילין הן נמתחות. לאיזה ערקוב אמרו ר' חנינא בן אנטינוס אומר לערקוב שבאמצע הירך.²⁴

"Of all the animals that have a comparatively long tail this (i. e. the bull) is the only one whose

"If a calf's tail does not reach the knee-joint? The

²⁰ *Opera et dies* 368 ff.

²¹ The *Tosefta* (*Baba Mezi'a* VI. 14, 38421) states that in Jerusalem they sold wine from the top of the jar, from its middle and from the bottom at different prices (see also *ibid.* 13, 38418).

²² *Mishnah Bekhoroth* VI. 1-12; *Tosefta* *ibid.* IV. 1-16 *passim*.

²³ See Mal. 1:8.

²⁴ *Mishnah* *Ibid.* VII. 11.

²⁵ Plinius, *nat. hist.* VIII. 70, 182-183.

tail is not of the proper size from birth; and in this animal alone it continues to grow until it reaches right down to the feet. *Consequently the test of victims in case of a calf is that the tail must reach the joint of the hock; if it is shorter the sacrifice is not acceptable*".

sages said: The majority of calves have this characteristic;²⁶ while they grow their tails grow longer. Of which knee-joint did they speak? R. Ḥaninah b. Antigonos says: The knee-joint in the middle of the thigh".²⁷

Both these texts are striking in their similarity. A comparison of both makes it obvious that although the tail of a calf is small at birth and it continues to grow, it must be at least long enough to reach the joint of the hock. If it is shorter than this it is considered a defect. When the Sages of our *Mishnah* said: "The majority of calves have this characteristic," they meant that the tails of most calves reach at least to the knee-joint. If they are no longer than these it does not matter, for they continue to grow with the growth of the animal. There is no divergence of opinion in our *Mishnah* between the Sages and R. Ḥaninah b. Antigonos. Both explain the first clause which ruled: "If the calf's tail does not reach the knee-joint [it is a blemish]." The Sages explain why the short tail of a calf is not considered a defect if it reaches the knee-joint; R. Ḥaninah b. Antigonos defines the exact location of that joint.²⁸

However, if the Rabbis may have taken notice of the heathen judgment of bodily defects which disqualified animals from the altar, they certainly ignored other prerequisites of prospective victims required by the pagans. For instance, the Rabbis ruled²⁹ that only the Red Heifer becomes disqualified for the ritual purpose if a "yoke came upon her"³⁰ even by chance, not

²⁶ See below.

²⁷ *Tosefta* *ibid.* IV. 14, 53921 and *TB* *ibid.* 41a explain that it means the upper of the two joints in the hind legs.

²⁸ The comparison with Plinius seems to prove the correctness of Rashi's interpretation of the *Mishnah* against the opinion of Maimonides. Comp. also Rav Hai *המקח והמסכר*, gate XLV, 83b.

²⁹ *Sifre* I, 123, ed. Horovitz, p. 153. Comp. the sources referred to in n. 1 *ibid.*

³⁰ See Num. 19:2.

with the intention of work (בעול שלא לעבודה); but no yoke renders any other animal unfit for sacrifice. Similarly, a Red Heifer which was broken is disqualified, but no other victim is affected by it.³¹

This ruling meant to emphasize that the Jews do not follow the heathen practice in this respect. Diomedes said in his vow to Athene: "I shall sacrifice a heifer . . . *unbroken which no man has yet led beneath the yoke.*"³² The Romans also sometimes adopted this practice. They had a class of victims called *iniuges*, i. e. that were never broken nor came under the yoke.³³ The Rabbis did not recognize such laws for victims that were to be offered on the Jewish altar.

Likewise, they decided³⁴ that an animal which was shorn did not thereby become unfit for sacrifice.³⁵ In this too the Jews did not follow the custom of the heathen who stipulated of certain sacrifices that they should be *intonso*, i. e. that they should have never been shorn.³⁶ At first blush the rabbinic declaration that the shearing of an animal does not at all affect its fitness for the altars seems to be superfluous; there is no reason to suppose that this should have any influence. But the Rabbis were aware of the heathen sacred law, and they taught the Jews to ignore this practice. In the last two instances the exegesis of the Rabbis was aimed at the heathen *leges sacrae*, although they did not specifically mention them.

However, the Talmudic sources are sometimes more explicit. We read in the *Mishnah*:³⁷ לא היו כופתים את השלה אלא

³¹ See *TB Sotah* 46a; *Tosefta Parah* II. 5, 63119 and *Tosefeth Rishonim* III, p. 214.

³² *Il. X.* 292 (= *Odys.* III. 382): ῥέξω βοῦν . . . ἀδμήτην, ἦν οὖ πω ὑπὸ ζυγὸν ἤγαγεν ἀνήρ.

³³ Macrobius, *Sat.* III. 5. 5: iniuges vocatur, id est quae nunquam domitae aut iugo subitae sunt. See Wissowa, *Religion und Kultus der Römer*, p. 416, n. 4.

³⁴ *TP Pesahim* IX. 4, 37a.

³⁵ From *Pirkei R. Eliezer* XXI and *Midrash Aggada* (Gen. IV. 5, ed. Buber, p. 11) it would appear that unshorn sheep were preferred for sacrificing.

³⁶ See *Virg. Aen.* XII. 170 and Servius a. 1.

³⁷ *Tamid* IV. 1.

מַעֲקִידִים אֹתוֹ "The lamb³⁸ was not [wholly] bound but only tied."³⁹ According to one Babylonian Rabbi,⁴⁰ the Jews did not [wholly] bind the lamb so as not to imitate the gentiles [who use to bind the sacrifice]. As far as we know, the Greeks and the Romans did not bind their sacrifices, as is obvious from all the existing paintings.⁴¹ But the Babylonian Rabbi undoubtedly referred to an Oriental cult. The Egyptians, apparently, used to bind the legs of the victim very tightly.⁴²

A general question is in order at this point. Did the Jews stress the apparent voluntary submission of the victim to its fate? The heathen attached the greatest importance to the external behavior of the sacrifice. Whenever the victim showed signs of resistance it was a bad omen; by artificial means they contrived to produce the impression that the animal agreed to be sacrificed.⁴³ They used not to drag the victim by force, for the very resistance of the animal demonstrated that it was not acceptable to the divinity.⁴⁴ The practice of the Jews in ancient times to stun the victim before it was slaughtered⁴⁵ indicates that they too attached importance to the non-resistance of the sacrifice.

We have traces of such popular beliefs in many places in our literature. It is related in the *Midrash*⁴⁶ that they tried to

³⁸ I. e. the Daily Whole-offering.

³⁹ The LXX render both כָּפַח and קָרַר *συμποδίζειν*. But the Rabbis discriminated between the two verbs. קָרַר according to them (see *TB Shabbath* 54a. Comp. *Tosefta* *ibid.* IV. 3, 11510 and variants *ibid.*) meant "the tying together of the forefoot and the hindfoot, or the two forefeet or the two hindfeet". The animal was prevented by this kind of tying from running away, but not from walking; see *Mishnah Shabbath* V. 3. According to Maimonides the lamb was not tied at all, but simply held by its forefeet and hindfeet; see above, p. 141, n. 19.

⁴⁰ *TB Tamid* 31b.

⁴¹ See Latte in *PW RE IX*. 1, s. v. *immolatio*, p. 1228.

⁴² See the upper figure in *Annales de philosophie chrétienne*, March 1870, p. 20.

⁴³ See P. Stengel, *Die griechischen Kultusaltertümer*³, p. 63, nn. 8-10.

⁴⁴ See B. Brissonius, *de formulis et solemnibus populi Romani verbis* I, XXII, p. 13; Wissowa, *Religion und Kultus der Römer*², p. 416, n. 6.

⁴⁵ See above, p. 141 ff.

⁴⁶ *Tehilim* XXII, ed. Buber, p. 196.

draw a bull towards the altar but it refused to go. A poor man came and stretched out a bundle of endives to it; the bull ate it⁴⁷ and followed the poor man to the altar. In a dream the owner of the bull heard the act of the poor man commended. Similarly it is told in the *Midrash*⁴⁸ that the bull destined to be Elijah's sacrifice⁴⁹ followed the prophet willingly, whereas the one intended as the victim of the Ba'al's prophets resisted so violently that all the false prophets were not able to make it budge.⁵⁰

In the light of this we shall perhaps better understand a certain procedure adopted in the cases of the Red Heifer and the Scape-goat. The *Mishnah*⁵¹ relates: וכבש היו עושים מהר הביית וההר המשחה . . . שבו כהן השורף את הפרה ופרה וכל מסעדיה יוצאין להר המשחה "They made a causeway from the Temple Mount to the Mount of Olives . . . by it the priest that was to burn the Heifer and the Heifer and all her attendants went forth to the Mount of Olives." The *Mishnah* (ibid.) explains that this procedure was adopted so as to avoid possible defilement by an unknown grave in the depth of the earth. The causeway was built in a way which would prevent any such defilement. The commentaries realized the difficulty of the explanation. According to Jewish law the Heifer could never be defiled as long as it was alive; why then go to the expense⁵² and trouble of leading the Heifer through the embankment?

The true reason for the causeway is probably implied in the immediately following *Mishnah*: לא היתה פרה רוצה לצאת אין 'וכו' מוציאין עמה שחורה . . . ולא אדומה וכו' "If the Heifer refuses to go forth they may not send out with her a black heifer . . . nor

⁴⁷ Comp. *Vayyikra Rabba* III. 5. The version in the later source (i. e. *Midrash Tehilim*) seems to be more original.

⁴⁸ *Tanḥuma* מסעי 6, ed. Buber, p. 165.

⁴⁹ See I Kings 18:25 ff.

⁵⁰ Comp. also *Mishnah Sukkah* II, end.

⁵¹ *Parah* III. 6. See *Tosefta* ibid. III. 9, 63224 ff. and *Tosefeth Rishonim* III, p. 219.

⁵² According to the *Tosefta* (*Shekalim* II, p. 1763) and *TP* (ibid. IV. 3, 48a) such a causeway used to cost the high priests more than sixty talents of gold.

another Red Heifer etc."⁵³ Here it is clearly stated that the Red Heifer was not dragged by force.⁵⁴ The causeway *supplied with a rampart*⁵⁵ made it easier to lead the Heifer, for it could be easily lured to go forward.

A causeway was also provided for the Scape-goat and its leader "Because the Babylonians⁵⁶ used to pull its hair,⁵⁷ crying to him: 'Bear [our sins] and be gone! Bear [our sins] and be gone!'"⁵⁸ Here the *Mishnah* openly admits that the causeway was built on account of the popular desire to get rid of the Scape-goat as soon as possible. The popular impatience may also have stemmed from the fear that the goat might escape. A high and narrow embankment made the flight of the goat much more difficult. From *TP*⁵⁹ it is obvious that the flight of the goat was considered a bad omen.⁶⁰ The escape of an animal about to be sacrificed was regarded by the heathen as a sign of disaster.⁶¹

Certain definite fears were common to the ancient world. The reasons given by the Rabbis for the causeway are based on good tradition. They belong to the many motives which tended to legalize old practices which the authorities were not able to uproot;⁶² the Rabbis gave the ancient customs a good Jewish dressing.

⁵³ Comp. the similar stratagem recorded in *Bereshith Rabba* LXXXVI. 2, p. 1052.

⁵⁴ Comp. משנה אחרונה a. l. The explanation given by the author is unacceptable to me; see *TP Pesahim* VI. 1, 33a.

⁵⁵ See *TP Shekalim* IV. 3, 48a.

⁵⁶ According to the *Tosefta Yoma* IV.13, 18811 (and parallels): Alexandrians.

⁵⁷ Comp. the Epistle of Barnabas, VII. 8 and S. Lieberman, in *A. Marx Jubilee Volume* (Hebrew part), p. רצ"ו, n. 52.

⁵⁸ *Mishnah* *ibid.* VI. 4.

⁵⁹ *Yoma* VI. 3, 43c.

⁶⁰ Comp. also the questions addressed to R. Eliezer, regarding a case where the goat or its leader would get sick (*Tosefta* *ibid.* IV. 14, 18815 ff.). See the view of R. Eliezer, regarding the causeway for the Red Heifer, in *Tosefta Parah* III. 7, 63216.

⁶¹ See G. Wissowa, *Religion und Kultus der Römer*², p. 416, n. 6 ff.

⁶² See Lieberman *GJP*, p. 103 ff. A similar method was followed by the Christian church fathers; see J. Toutain, *Nouvelles études de mythologie et d'histoire des religions antiques*, Paris 1935, p. 193.

The inquiry into the heathen sacrificial rites and practices may help us to understand some rabbinic figures and symbols. For instance, the Rabbis state:⁶³ כל הקבור בארץ ישראל כאלו קבור תחת המזבח . . . וכל הקבור תחת המזבח כאלו קבור תחת כסא הכבוד "He who is buried in the Land of Israel is as if he were buried under the altar."⁶⁴ . . . And he who is buried under the altar is as if he were buried under the throne of the Divine Majesty."⁶⁵ This statement of the Rabbis is quite surprising. To bury under the altar means to commit sacrilege,⁶⁶ for it would defile the sacrifices offered on it. The prophet Haggai reproaching the priests charged (2:14): "And that which they offer there is unclean." The Palestinian Talmud⁶⁷ explains that the Prophet had in mind the victims which became unclean because they found the skull of Ornan the Jebusite⁶⁸ under the altar. The skull, the Rabbis say,⁶⁹ was discovered by the exiles on their return from Babylonia⁷⁰ when they were engaged in enlarging the altar.⁷¹ The discovery of a skull under the altar would certainly upset the Jews,⁷² although, said the Rabbis, by grace of the

⁶³ *Aboth deR. Nathan* XXVI, ed. Schechter, 41b and parallels, see below.

⁶⁴ See also *Tosefta 'Abodah Zarah* IV, 466b; *TB Ketuboth* 111b.

⁶⁵ See Lieberman, *Tosefeth Rishonim* II, p. 192.

⁶⁶ The Rabbis maintain (*I Aboth deR. Nathan* XII, 25b; *TB Shab.* 152b) that the souls of the righteous are treasured under the throne of the Divine Majesty (ננוות תחת כסא הכבוד). But there is, of course, a great difference between the expression of the "soul being treasured under the throne" and "the body being buried under the altar".

⁶⁷ *Sotah* V. 3, 20b.

⁶⁸ See I Chr. 21:18 ff. II Sam. 24:18 ff.

⁶⁹ *Aggadath Shir Hashirim* III. 4, ed. Schechter, p. 33; Rabbi Abigedor Cohen Zedek (in his commentary to Songs, ed. Bamberger, p. 21) quotes it in the name of the *Pesikta*.

⁷⁰ On the seemingly contradictory view of *TP* (*Pesahim* IX. 1, 36c) see Lieberman, הירושלמי כפשוטו, p. 508.

⁷¹ See *Mishnah Middoth* III. 1, *TB Zebahim* 61b, Rashi *ibid.* s. v. שיחין, and רקדוקי סופרים, p. 116, n. 1.

⁷² Titus Livius (I. 55. 5) records the legend that when they were digging the foundations of the temple of Jupiter the Capitoline, they found a human head with its features intact (*caput humanum integra facie*). The Romans considered it a good omen, interpreting it to signify that the place would be the head of the world.

Lord the sacrifices offered on the altar before the skull was removed were not disqualified.

The question therefore may be raised again: What did the Rabbis mean by exalting him who was buried under the altar and comparing such burial to that under the throne of the Divine Majesty? Perhaps we shall find the answer in the rabbinic conception concerning the attempted offering of Isaac. The Rabbis looked upon the ram sacrificed by Abraham as though it were Isaac.⁷³ In the view of the Rabbis the ashes of the burnt ram formed the foundations of the inner altar.⁷⁴ They further relate that when the Jews returned from the Babylonian exile they looked for the exact place of the outer altar. They established the correct spot because they found the ashes of Isaac heaped and deposited in that place.⁷⁵ According to this version the ashes of Isaac formed the foundations of the outer altar.⁷⁶

Altars built of ashes of victims were quite common among the heathens. Pausanias states:⁷⁷ "[The altar of the Olympian Zeus] is made of the ashes of the thighs of the victims sacrificed to Zeus, just like the altar at Pergamus. The altar of the Samian Hera is also made of ashes etc."⁷⁸ In view of this we suggest that the parable of the Rabbis, in which they liken

⁷³ See BR LVI, 9, p. 606 and parallels referred to by Theodor a. l.; J. Mann, *The Bible as Read and Preached in the Old Synagogue* I, Hebrew part, p. 67 and the parallels referred to in n. 135 *ibid.*; Ginzberg, *Legends of the Jews*, V, p. 252, n. 245. See now the excellent article of S. Spiegel in *A. Marx Jubilee Volume*, Hebrew part, p. א'ה' ff. Comp. *Tosafoth* in *TB Ta'anith* 16a, s. v. אפר.

⁷⁴ *Pirkei R. Eliezer* XXXI, end; *Midrash Haggadol* Gen., ed. Schechter, p. 325, ed. Margulies, p. 358; *JQR*, N. S. VII, 1916, p. 132.

⁷⁵ *TB Zebahim* 62a, according to the correct reading and explanation by Rabbi Judah b. Barsilai of Barcelona in his commentary to יצירה, p. 109.

⁷⁶ As correctly observed by Rabbi David Luria in his commentary to *Pirkei R. Eliezer* XXXI, 72a, n. 71. Comp. also *Targum* to I Chr. 21:15.

⁷⁷ V. 13. 8: πεπολιηται δε ιερελων των θνομενων τω Διι απο της τεφρας των μηρων, καθ'απερ γε και εν Περγαμω. Τεφρας γαρ δη εστι και τη Ηρα τη Σαμια βωμος κτλ.

⁷⁸ See also *ibid.* 14.8 and 10; 15. 9 and IX. 11. 7. Comp. Frazer a. l. III, p. 557; P. Stengel, *Die griechischen Kultusaltertumer*, p. 13, n. 18.

burial in the Land of Israel to burial under the altar, was an ancient phrase adapted to the ashes of Isaac.⁷⁹ The latter formed the foundation of the altar, directly under the throne of the Divine Majesty.⁸⁰ This will still be better understood in the light of a Semitic heathen custom. Porphyrius reports⁸¹ that the Dumatii,⁸² a people of Arabia, annually *sacrificed a boy whom they buried under the altar* which was used by them as a god.

The Rabbis converted a pagan rite⁸³ into material for a Jewish legend, and they transformed a reality of heathen cult⁸⁴ into a Jewish symbol. The ashes of Isaac are deposited under the altar directly beneath the throne of the Divine Majesty; "He who is buried in the Land of Israel is as if he were buried under the altar . . . And he who is buried under the altar is as if he were buried under the throne of the Divine Majesty."

We repeat again: In these chapters only some of the pre-sacrificial rites were discussed. But they are sufficient to demonstrate the common patterns of worship which prevailed in the Mediterranean world during the first century B. C. E. and C. E.

⁷⁹ There may have been a view among the Jews that Adam was buried under the altar; see L. Ginzberg, *Legends of the Jews* V, p. 125 ff., n. 137. However, the Rabbis could hardly hold such views. See the opinion of R. Yanai in *TP Nazir* VII. 2, 56b and comp. *TB* *ibid.* 54a.

⁸⁰ *Tanḥuma* וירא 41, ed. Buber 55a (*Aggadath Bereshith* XXXI. 1): טעש הכבוד אה המזבח מכוון כנגד כסא הכבוד "[Abraham] has built the altar directly beneath the throne of the Divine Majesty". Comp. *Mekhilla, Shirah* X, ed. Horovitz, p. 150 and parallels referred to in the notes *ibid.* See also P. Stengel, *ibid.*, p. 12, n. 1.

⁸¹ *De abst.* II. 56: Καὶ Δουματηνοὶ δὲ τῆς Ἀραβίας κατ' ἔτος ἕκαστον ἔθνον παιδα, δν ὑπὸ βωμὸν ἔθαπτον, ᾧ χρώνται ὡς ξοάνω.

⁸² See Gen. 25:14; Is. 21:11.

⁸³ I. e. the building of altars of victims' ashes.

⁸⁴ The burying of the sacrificed boy under the altar.

THE TEMPLE: ITS LAY-OUT AND PROCEDURE

The attitude of the ancients towards their sanctuaries was expressed in certain laws which marked their respect for the holy places. There was, of course, a rule common to Jew and gentile that ritually unclean persons or people improperly dressed were barred from the temple premises.¹ To these the Orientals, the Greeks² and the Romans³ added certain moral transgressions as well as the state of mourning over relations.⁴ According to Jewish law, a man who touched a dead body is allowed to enter the Temple Mount⁵ whereas a mourner is barred from it during the first two (or three) days of mourning.⁶ Although the strict *Halakhah* does not exclude morally

¹ See A. Bickerman, *Syria XXV*, 1946-48, pp. 70-71; Lieberman *JQR XXXVII*, 1946, p. 45 nn. 32, 33. Comp., however, Herodot. II. 64.

² See W. M. Ramsay, *The Cities and Bishoprics of Phrygia I*, Oxford 1895, p. 149, No. 41; Th. Wächter, *Reinheitsvorschriften im griechischen Kult*, Giesen 1910, p. 8 ff.; E. Fehrle, *Die kultische Keuschheit im Altertum*, p. 231 ff.; P. Stengel, *Die griechischen Kultusaltertümer*³, p. 155 ff.; A. D. Nock, *Harvard Theological Review XXVII*, 1934, p. 73, n. 61; S. Spiegel, *ibid.*, p. 121 ff.

³ See B. Brissonius, *de formulis et solemnibus populi Romani verbis*, I, IV, p. 4; Th. Wächter *ibid.*, p. 10, n. 2; Wissowa, *Religion und Kultus der Römer*², p. 416, n. 3.

⁴ κηδος. See Dittenberger, *Syl.*³, 982 and 983; Wächter *ibid.* pp. 49, n. 1, 56 ff. and 62; Frazer, *The Golden Bough, Adonis, Attis, Osiris II*, New York 1935, p. 228, n. 1. Death *per se* seems to impart a kind of contamination to the relations of the deceased. When Xenophon in the course of sacrificing heard that his son fell in battle he stopped and removed the garland from his head. He resumed the act only when he decided that the glorious death of his son was not to be lamented (Plut. *cons. ad Apoll.* 119a, *passim*). Similarly in Jewish law mourning, legally, is not related to contact with the dead or attendance at the funeral. The relative of the dead becomes a mourner even when the corpse has not been recovered (as in case of drowning).

⁵ *Mishnah Kelim* I. 8.

⁶ See below. Contact with a dead body makes the person unclean whether he is related to the deceased or not. Sight of a corpse in the open or presence at a funeral four cubits away from the corpse does not impart uncleanness.

unclean persons⁷ or people in mourning⁸ from the Temple, there is good ground to assume that in practice they were barred from the sanctuary at some time during the second commonwealth. The minor tract *Semahoth*⁹ states that a mourner is not to enter the Temple Mount during the first two (or three) days of his mourning.¹⁰ From *TB*¹¹ it appears that his exclusion from the Temple proper lasted all the seven days of mourning.¹²

A restriction is imposed only on the High Priest who is not allowed to attend a funeral or to see the coffin (*Mishnah Sanhedrin* II. 1). Comp. Lucian, *de Syria dea* 53.

⁷ See *Mishnah Bekhoroth* VII. 7 and *Tosafoth Yom Tob* *ibid.* Comp. *Tosafoth Yebamoth* 7a s. v. שְׂנֵאֵמֵר, referred to by Rabbi 'Akiba Eiger a. l.

⁸ According to Biblical law the period of mourning (אִינִיָּה) associated with the partaking of some sacred food (see Lev. 10:19; Deut. 26:14) may have consisted of one day only. Distress caused only by death (of a near relative) imparted some kind of contamination. (*TP Pesahim* VIII. 8, 36b and parallels: אִין אִינִיָּה מִטְמֵא אֵלֵא לִמָּה בִּלְבָד). Of course, it had nothing to do with contact with the dead body, see above, n. 6.

⁹ VI. 11, ed. Higger, p. 134. Comp. the reading of Nahmanides, חוּרָה הָאֵדָם ed. Venice, 71a.

¹⁰ Comp. *Mishnah Mo'ed Katan* III. 5 and *TP* *ibid.* 82b; *Bereshith Rabba* C. 8, p. 1290 and notes *ibid.*; *Semahoth* *ibid.* 2-7. From all these sources it is obvious that in post-Biblical times the first stages of mourning lasted two or three days. Comp. שְׂאִילָחוֹת וְעַתְמָה שְׂאִילָה, Jerusalem 1948, p. 196 and note *ibid.*

¹¹ *Mo'ed Katan* 15b; *Tosefta Zebahim* XI. 1, 49527 and my note in *Tosefeth Rishonim* II, p. 214.

¹² The only exception was made for the High Priest. He remained in the Temple even during the time of his mourning (Lev. 10:7; 21:12. See *Mishnah Sanhedrin* II. 1; *Tosefta Zebahim* XI. 3, 49531 and parallels). *TB* (*Mo'ed Katan* 14b) formulates it: כְּהֵן גְּדוֹל דְּכָל הַשָּׁנָה כְּרֹגֵל לְכוּלֵי עֵלְמָה דְּמִי, "A High Priest all through the year is like any other person on a holiday". Gellius (X. 15. 16) defines the status of the Flamen Dialis in identical terms: Dialis cotidie feriatu est. "Every day is a holiday for the Dialis". The same applied to the Rex sacrorum. See Macrobius, *Sat.* I. 16. 9; G. Wissowa, *Religion und Kultus der Römer*², p. 507, n. 1.

In ancient times the Flamen Dialis was not allowed to pass a single night outside of Rome (Liv. V. 52. 13. See Wissowa *ibid.*, p. 505, n. 5). The Jewish High Priest was not allowed to leave Jerusalem (Maimonides in *הַמְקָדָשׁ* כְּלֵי הַמְקָדָשׁ V. 7, from an unknown source. Comp. *Mishnah Sanhedrin* II. 1). The Dialis never enters a place of burial and never touches a dead body (Gellius *ibid.*). The same is true of the Jewish High Priest (Lev. 21:11). The death of the Dialis' wife deprives him of his sacrificial office for ever (see Wissowa *ibid.*,

The *Targum*¹³ expressly states that sinful persons (חטאיִים) do not enter the [Holy] House.¹⁴ It likewise appears from the *Mishnah*¹⁵ that an excommunicated person was barred from entering the Temple.¹⁶

For our purpose the ruling of an old *Mishnah* is even more instructive. We read there:¹⁷ כל הנכנסים להר הבית נכנסין דרך ימין ומקיפין ויוצאין דרך שמאל חוץ ממי שאירעו דבר שהוא מקיף לשמאל. מה "Whoever enters the Temple Mount enters on the right, goes round, and leaves from the left,¹⁸ save any whom aught befell, for he goes round to the left. 'What aileth thee that thou goest to the left?' 'Because I am a mourner . . . Because I am under a ban' etc." As said before, the mourner and the person under a ban were not allowed to enter the Temple itself, but in the Temple Mount¹⁹ they turned to the left because the left was a token of misfortune. Here again we come across the general attitude of the time.

The proper behavior in entering a temple, according to the Pythagorean symbol, was to enter from the right and leave from the left,²⁰ exactly like the statement of our *Mishnah*. The

p. 506, n. 4, end). The death of the wife of the Jewish High Priest prevents him from officiating in the Temple on the Day of Atonement. See *Mishnah Yoma* I. 1. The other particulars of the Dialis enumerated by Gellius (X. 15) were not shared by the Jewish High Priest.

¹³ II Sam. 5:8. Comp. Ps. 24:3-4 and Spiegel, *op. c.* (above, n. 2, end), 126.

¹⁴ Comp. also *Targum* to Cant. 6:6. The cleanliness from the defilement of robbery mentioned there refers to the priests and Levites and not to the sacrifices and tithes.

¹⁵ *Eduyoth* V. 8 (according to the correct explanation of G. Allon, *Tarbiz* IX, 1938, p. 278 ff.).

¹⁶ Comp. also Joseph. *Ant.* XIX. VII. 4, 332; *ibid.* VIII. III. 9, 96 and G. Allon *ibid.*, p. 279, n. 10, and p. 283, n. 20. See also the interpolation in *contra Ap.* II. XXVI, 205.

¹⁷ *Middoth* II. 2. Comp. *TP Sukkah*, V. 8, 55d.

¹⁸ Comp. also *Mishnah Zebahim* VI. 3; *TB* *ibid.* 64b.

¹⁹ The mourner was admitted to it after the second (or the third) day of his mourning, but was barred from the Temple itself for five (or four) days more; see above.

²⁰ Jambl. *de vit.* *Pyth.* 156: εἰσιέναι δὲ εἰς τὰ ἱερά κατὰ τοὺς δεξιούς τόπους παραγγέλει, ἐξιέναι κατὰ τοὺς ἀριστερούς. Comp. Ezek. 46:8-9.

use of the left was standard in chthonian rites,²¹ which is in keeping with the behavior of the mourner and the excommunicated person. The Jews paid no heed to the original meaning of the custom. In the course of time it became merely a pattern of behavior, and the Jews did not hesitate to follow it.²²

A *Baraita*²³ reads: "ובשמונים ושתיים ריבוה" נעשיה "[The veil of the Temple] was made by eighty-two young girls." A mediaeval author²⁴ explains that "the girls did not reach the age of puberty (*menses muliebres*), and were consequently ritually pure." A. Büchler called attention²⁵ to the Syriac Apocalypse of Baruch (X.19) and to *Pesikta Rabbathi*²⁷ where it is clearly stated that the girls who were weaving the veil of the Temple were virgins. S. Krauss²⁸ correctly associated the reading of our *Mishnah* with the story in *Protevangelium Iacobi* (X.1). It is related there that the council of the priests (*συμβούλιον τῶν ἱερέων*) decided to make a veil for the Temple. And the priest said: *καλέσατέ μοι ὀκτώ²⁹ παρθένους ἀμίαντους ἀπὸ τῆς φυλῆς Δαυὶδ κτλ.* "Call unto me eight undefiled virgins"³⁰

²¹ See S. Eitrem, *Opferritus und Voropfer d. Griechen und Römer*, Kristiania 1915, p. 41 ff. R. 'Akiba alluded to this chthonian rite in his reference to the *Minim* (*Tosefta Yoma* III. 2, 18511 *TB* *ibid.* 40a; see דקרוקי סופרים a. l.). It is obvious (see *TB* *ibid.*) that the question necessarily involved the moving of the Scape-goat to the left. Comp. also *Mishnah Parah* III. 3 and *Tosefta* *ibid.* 63137 and see below n. 33.

²² See the excellent review article by A. D. Nock, "Sarcophagi and Symbolism" in the *American Journal of Archaeology* vol. L, 1946, p. 150, n. 4.

²³ Interpolated in the *Mishnah*, *Shekalim* VIII. 5. See J. N. Epstein *המשנה* מבווא לניוסח הסמנה, p. 952.

²⁴ This is the correct reading, see Epstein *ibid.*

²⁵ The commentary on *Tamid* (29b) ascribed to *RABAD*.

²⁶ *JQR* XVI, 1904, p. 20, n. 1.

²⁷ XXVI, ed. Friedmann, 131a.

²⁸ *Festschrift in honor of A. Harkavy*, German part, p. 177 (addenda and corrigenda to p. 62, n. 5). Comp. *Tarbiz* XI, 25, n. 3; *ibid.*, p. 223.

²⁹ Some mss. read *ἑπτὰ*, seven; some omit the number, but from the continuation of the story it is clear that there were eight virgins.

³⁰ Here *παρθένοι ἀμίαντοι* most probably mean בחולות לדמים, virgins who never menstruated (comp. *Mishnah Niddah* I. 4). See *Protev.* *ibid.* VI.1: *τὰς θυγατέρας τῶν Ἑβραίων τὰς ἀμίαντους*, where it means small girls who did not yet reach the age of puberty. This sense is particularly obvious in VIII. 2, where it is stated that when Mary became twelve years old (i. e. the age of

of the tribe of David etc.” The author who maintained that when called to participate in the work of the veil Mary was twelve years old probably wished to emphasize that she was morally undefiled.³¹ But in the light of the rabbinic sources it is obvious that the information about the *παρθένοι ἀμίαντοι* (in its technical sense) was probably taken from a well informed Jewish source. As suggested above, *παρθένοι ἀμίαντοι* in the strict sense of the word means “virgins who have not yet menstruated” regardless of their age. But in our case it means virgins who have not reached the age of puberty, a very natural precaution when working on an object of the sanctuary.³² The virgins were below the age of twelve,³³ the normal age of puberty.

To sum up. A college of eighty-two³⁴ noble virgins below the age of puberty participated in the weaving of the veil of the Temple;³⁵ they drew their salaries from the treasury of the Temple.³⁶ The veils on which there were embroidered lions and eagles³⁷ were exhibited to the public before they were used in the Temple.³⁸

This, of course, reminds us of the girls who wove the Peplos

puberty), the priests decided to remove her from the Temple, because “she may pollute the sanctuary of the Lord”. (*μήπως μιάνη τὸ ἅγλασμα κυρίου*. Cod. C: *μήπως ἐπέλθῃ αὐτῇ τὰ γυναικῶν καὶ μιάνη κτλ.*).

³¹ X. 1: *ἀμιαντος ἦν τῷ θεῷ*.

³² See *Tosefta Kelim, Baba Bathra* I. 2, 590₂₁ (and parallels).

³³ A similar procedure was adopted in the preparation of the water of purification. Small boys of seven or eight acted as the water carriers (*Tosefta Parah* III. 2, 631₃₂, according to the correct reading of the mediaeval authorities; see Lieberman, *Tosefeth Rishonim* III, p. 215). Comp. Th. Hopfner, *Griechisch-Aegyptischer Offenbarungszauber* I, p. 236 No. 846. See above, n. 21.

³⁴ It is a round number; comp. *TP Berakhoth* II. 5, 4d, bot. The remark of Samuel (*TP Shekalim* VIII. 4, 51b; *TB Tamid* 29a) about the exaggerated numbers refers to the end of our *Mishnah*, and not to the number of the girls, which is an interpolation in our *Mishnah*; see above n. 23 and comp. the commentary of Rabbi Judah b. Barsilai of Barcelona on ספר יצירה, p. 27 ff.

³⁵ Two veils were prepared every year; see *Mishnah* *ibid.* Comp. *Tosefta* *ibid.* III. 15, p. 178₂₇.

³⁶ *Tosefta* *ibid.* II. 6 and parallels.

³⁷ *TP* *ibid.* 51b. Comp. Joseph. *bel. iud.* V. 5. 4, 212.

³⁸ *Mishnah* *ibid.* 4.

of Athene. They all were of noble birth, and some of them were between seven and eleven years old.³⁹ The number of the workers (*ἐργαστῖναι*) on the robe sometimes grew to one hundred or one hundred and twenty.⁴⁰ When finished, the robe of Athene was carried in procession at the Panathenaic festival.⁴¹

The similarity between the Jewish way of weaving the veil of the Temple and the Athenian manner of preparing the Peplos is quite striking. However, we have no sound grounds to establish any connection between the two. It is quite natural that weaving and embroidery are done by women, and it is altogether normal for sacred objects to be guarded from possible contamination. Since girls are subject to periodic uncleanliness it is certainly in the nature of things that young virgins who did not reach the age of puberty be chosen for handling the sacred objects. It is again a pattern naturally common to human sanctuaries.

It is well known that much of the external architecture of the Temple of Herod was in Greek style.⁴² It is obvious from the Hellenistic sources that the Temple served as a depository for private citizens.⁴³ The *Mishnah*⁴⁴ states: "Hillel the Elder ordained that he⁴⁵ could deposit⁴⁶ his money in the [Temple] chamber." It is safe to assume that this money was deposited in the Treasury Chamber of the Temple.⁴⁷

³⁹ *Etym. magn.* 149.19: τέσσαρες δὲ παῖδες ἐχειροτονοῦντο κατ' εὐγένειαν ἀρρηφόροι, ἀπὸ ἐτῶν ἑπτὰ μέχρι ἕνδεκα. See A. Mommsen, *Heortologie*, p. 184 ff.; Frazer, *Pausanias* II, 574 ff.; *ibid.* III, 592 ff.; L. Deubner, *Attische Feste*, Berlin 1932, p. 11 ff. and Plate I. 1 *ibid.*

⁴⁰ See Frazer *ibid.* II, p. 575, n. 6.

⁴¹ See Deubner *ibid.*, p. 29 ff.

⁴² See Schürer, *Geschichte* etc. II⁴, p. 64 ff.

⁴³ II Macc. III. 10; *Jos. bell. iud.* VI. 5. 2, 282; See Schürer *Geschichte* etc. II⁴, p. 325 ff.; E. Bickerman, *Annuaire de l'Institut de Philol. et d'Hist. Orientales et Slaves* VII (1939-44), p. 14 ff.

⁴⁴ *Arakhin* IX. 4.

⁴⁵ I. e. the seller of a house who wishes to protect his right to redeem it.

⁴⁶ חולל, literally: to cast in.

⁴⁷ The money was probably put in a vessel together with a note containing the name of the man to whose credit the money was deposited. See Bickerman, *ibid.*, p. 18.

In addition to the regular yearly payment to the Temple there were, of course, special contributions in gold made by Jews.⁴⁸ These often included *ex voto* offerings in gold. A rich woman, for instance, once made a vow that if her daughter recovered from her illness she would give the equivalent of her weight in gold [to the Temple].⁴⁹ A special chest in the Temple was designated for those who wanted to contribute gold⁵⁰ לְכַפֶּרֶת which perhaps means "For redemption."⁵¹ This gold was used to make golden plates for the Holy of Holies only,⁵² and apparently could not be spent on Temple repairs (בְּדֶק הַבַּיִת) in general.

Gold was also contributed in the form of leaves, berries and clusters which were hung on the golden vine standing over the entrance to the Sanctuary.⁵³ The golden chain dedicated by king Agrippa to the Temple⁵⁴ was probably also a votive offering as an expression of gratitude.⁵⁵ All this gold was not stored in one chamber.⁵⁶ There is also no evidence of the existence of a special chamber exclusively for the *Shekalim*.⁵⁷

It appears that the same rooms contained not only coins but gold-dust as well. If we are right in our assumption we shall the better understand the precautions taken against the man who entered the Treasury Chamber for the purpose of taking part of the *Terumah*.⁵⁸ He was not allowed to wear a tunic with

⁴⁸ For contributions of gentiles, see Schürer *ibid.* p. 360 ff.

⁴⁹ *Tosefta 'Arakhin* III. 1, 54526. Comp. *Mishnah* *ibid.* V. 1.

⁵⁰ *Mishnah Shekalim* VI. 5-6 and *TP* *ibid.*

⁵¹ I. e. *ex voto* offerings; see commentaries and מְלֹאכֶת שְׁלֵמָה a. l.; *Aruch Completum* s. v. כֶּפֶר, p. 305a.

⁵² See *Tosefta* *ibid.* III. 6, 1787 and variants *ibid.*

⁵³ *Mishnah Middoth* III. 8. On the golden vine see Jos., *antiq.* XV. 11. 3, 395; *bel. iud.* V. 5. 4, 210. Comp. the numerous parallels quoted by A. B. Cook, *Zeus* II, p. 281, n. 4.

⁵⁴ Joseph. *antiq.* XIX. 6. 1, 294.

⁵⁵ Herodot. relates (I. 90) that Croesus sent his shackles to Delphi as a reproach to the gods.

⁵⁶ See *Mishnah Shekalim* V. 6.

⁵⁷ See Exod. 30:13.

⁵⁸ On the access to the Treasury Chamber, see *Tosefta* *ibid.* II. 15, 1776 and *TP* *ibid.* V. 3, 49a. Comp. *Tosefeth Rishonim* I, p. 182.

folds⁵⁹ or to wear shoes or sandals.⁶⁰ He was compelled to talk all during his stay in the Chamber,⁶¹ in order not to be suspected of putting his money in his mouth. In addition, his body, *including his hair*, was inspected upon his leaving the Chamber.⁶² A man with long curly hair⁶³ was altogether barred from taking of the *Terumah*,⁶⁴ lest he be suspected of hiding gold in his hair.⁶⁵

All these precautions remind us of the anecdote told by Herodotus⁶⁶ about Alcmeon whom Croesus permitted to take out of his treasury as much gold as he could carry on his person. The former put on a wide tunic leaving a deep fold in it⁶⁷ and shod himself with the most spacious buskins that he could find. He then packed the fold of his tunic and his buskins with gold-dust; in addition, he strewed dust in the hair of his head and

⁵⁹ פרוור חפוח, *παραγώδης*. The spelling *παραγώδης* is found several times in one ms. of Ioannes Lydus' *de magist. pop. rom.* (see the variants in ed. Wuensch, pp. 21, n. 20; 58, n. 22; 69, n. 7). The word חפוח is explained by 'Arukh (s. v. חפח) to mean "with sleeves". According to Lydus (*ibid.* I. 17): *παραγαῦδαι* (or: *παραγώδαι*), *χιτῶνες . . . περιχειρίδας ἔχοντες*. "The *paragaudae* . . . are tunics with sleeves". However ps.-Rashi to *Bereshith Rabba* LXXV. 5 and a marginal note in cod. Oxf. a. l. (see Theodor-Albeck *ibid.*, p. 883, n. 5) explain חפח as synonymous with חיק, *κόλπος*, *sinus*, bosom. Comp. also *Aruch Completum* III, p. 468. I therefore prefer to render פרוור חפוח — like *παραγώδης κολπωτός* — a "bosomed" tunic, a tunic with folds. Comp. the *χιτῶν κολπωτός* (usually worn by women) mentioned by Plut., *reg. et imp. ἀροφήη*. 173c.

⁶⁰ *Mishnah Shekalim* III. 2. Comp. *TB Yebamoth* 102b.

⁶¹ *Tosefta Shekalim* II. 1, 175^a; *TP* *ibid.* III. 2, 47c.

⁶² *TP* *ibid.*

⁶³ קוץ. Maimonides trying to rationalize the tradition explained the word to mean a poor man who is sick and tired of life, and who might be suspected of stealing in a fit of despair. All the other commentaries rejected this interpretation of the word and took קוץ in its usual meaning. See, for instance, Me'iri a. l., p. 74.

⁶⁴ *TP* *ibid.*

⁶⁵ This injunction may have been only purely theoretical, but it is reported in the name of R. Ishmael who in his youth must have attended the Herodian Temple. As the son of a high priest (see *Tosefta Halla* I. 10, 9810) he most probably knew the nature of the gold deposited in the Treasury Chamber.

⁶⁶ VI. 125.

⁶⁷ ἐνδὺς κιθῶνα μέγαν καὶ κόλπον βαθὺν καταλιπόμενος τοῦ κιθῶνος.

took more of it in his mouth.⁶⁸ The injunction on a man with long curly hair not to enter the Treasury Chamber (despite the usual search) could make sense only if the Chamber contained gold-dust.

We do not know the exact location of the Treasury Chambers,⁶⁹ but we have good reason to assume that they were behind the innermost recesses of the Temple.⁷⁰ We read in the *Sifre*:⁷¹ מקום היה אחורי בית הפרוכה⁷² ששם בודקים יחסי כהונה "There was a place behind the Holy of Holies where the priestly genealogy was investigated." However, according to the *Mishnah*⁷³ and the *Tosefta*⁷⁴ they investigated the priestly pedigree in the *Lishkath Haggazith* which was situated in the North end (or the South end) of the Temple.⁷⁵ Nevertheless there is *no* divergence of opinion between the sources. It is obvious from the *Mishnah* and the *Tosefta* (*ibid.*) that the final investigation of the priestly lineage took place in the *Lishkath Haggazith*, and there the decision of the High Court⁷⁶ was rendered. The chamber behind the Holy of Holies was used for the preliminary examination of the pertinent documents which were deposited in this chamber. This is the regular *ᾠπισθῶδομος*, the back chamber, common to the gentile temples.⁷⁷

Thus the Treasury Chambers were *ᾠπισθῶδομοι* which, like in all other temples of the time, contained among other items — such as the votive offerings and the private deposits — the priestly archives as well.

Let us now turn our attention to the summit of the Temple

⁶⁸ ἐς τὰς τρίχας τῆς κεφαλῆς διαπάσας τοῦ ψήγματος καὶ ἄλλο λαβῶν ἐς τὸ στόμα.

⁶⁹ See A. Schwarz, *MGWJ* LXIII, 1919, p. 246 ff.

⁷⁰ See Joseph. *bel. iud.* V. 5. 2, 200.

⁷¹ I, 116, ed. Horovitz, p. 13312.

⁷² So *Yalkut* and cod. Vat. Comp. *Tosefta Temurah* IV. 8, 5562; *ibid. Zebahim* VII. 1, 48918; *TB Yoma* 21a; *Zebahim* 55b; *Temurah* 30b *passim*.

⁷³ *Middoth*, end.

⁷⁴ *Hagigah* II. 9, 23517 and parallels.

⁷⁵ *Middoth* V. 4 and variants *ibid.* Comp. Schürer, *Geschichte* etc. II⁴, p. 264.

⁷⁶ For in this place its regular sessions were held.

⁷⁷ See Van Buren in *PW RE* XVIII, p. 686 ff. s. v. *Opisthodomos*.

building in Jerusalem. The *Mishnah*⁷⁸ states that on its roof the Temple had a "raven-scarer" (כלה עורב) one cubit high. The form of the scarecrow is not described in the early rabbinic sources.⁷⁹ Rabbenu Shemaiah a. l. explains that it was spikes fixed in the roof. This opinion agrees with the description of Josephus who stated:⁸⁰ "From its top protruded sharp golden⁸¹ spikes to prevent birds from setting upon and polluting the roof." Eupolemus,⁸² in his portrayal of Solomon's Temple, related:⁸³ "He made also two brazen rings of chain work, and set them upon machinery rising twenty cubits in height above the Temple, and they cast a shadow over the whole Temple; and to each net-work he hung four hundred brass bells of a talent in weight, and the net-works he made solid that the bells might sound and frighten away the birds,⁸⁴ that they might not settle upon the Temple nor nest upon the panels of the gates and porches, and defile the Temple with their dung."⁸⁵ This description by Eupolemus has no historic value, for it is based on the translation of the Septuagint.⁸⁶ The translators probably ascribed

⁷⁸ *Middoth* IV. 6.

⁷⁹ See the various commentaries quoted and referred to by Kohut, *Aruch Completum* IV, p. 226, s. v. לכה.

⁸⁰ *Bel. iud.* V. 5. 6, 224: κατὰ κορυφήν δὲ χρυσεῖους ὀβελούς ἀνεῖχευ τεθηγμένους, ὡς μή τιμι προσκαθεζομένῳ μολύνουτο τῶν ὀρνέων.

⁸¹ According to *TB Shabbath* 90a and *Menaḥoth* 107a the "raven scarer" was of iron.

⁸² According to Euseb., *praef. ev.* 451, ed. Gifford I, p. 562; Freudenthal, *Hellenistische Studien* II, p. 298. Prof. E. Bickerman kindly referred me to the description of Eupolemus.

⁸³ ποιῆσαι δὲ καὶ δακτυλίους δύο χαλκοῦς ἀλυσιδωτοῦς, καὶ στῆσαι αὐτοὺς ἐπὶ μηχανημάτων ὑπερεχόντων τῷ ὕψει τὸν ναὸν πήχεις κ', καὶ σκιαῖζειν ἐπάνω παντὸς τοῦ ἱεροῦ· καὶ προσκρεμάσαι ἐκάστη δικτύϊ κώδωνας χαλκοῦς ταλαντιαίους τετρακοσίους· καὶ ποιῆσαι ὄβελους τὰς δικτύας πρὸς τὸ ψοφεῖν τοὺς κώδωνας καὶ ἀποσοβεῖν τὰ ὄρνεα, ὅπως μὴ καθίζῃ ἐπὶ τοῦ ἱεροῦ, μηδὲ νοσσεῖν ἐπὶ τοῖς φατνώμασι τῶν πυλῶν καὶ στοῶν, καὶ μολύνειν τοὺς ἀποπατήμασι τὸ ἱερόν.

⁸⁴ Heracles in one of his labors chased away the birds of the Stymphalian lake by a bronze rattle which made a terrible noise. See Diod. Sic. IV. 13. 2.

⁸⁵ The translation is of Gifford *ibid.* III, p. 479.

⁸⁶ II Chr. 4:12-13. See Gifford *ibid.* IV, p. 371.

to the Temple of Solomon the existence of a mechanism used in the Egyptian temples of their time.⁸⁷

The very opposite is maintained by Rabbenu Hananel⁸⁸ who contended that the Temple of Solomon had no raven-scarer at all.⁸⁹ He drew his conclusion from II *Aboth deR. Nathan*⁹⁰ which, among the miracles wrought in the Temple, counts: ולא נמצא ולא עבר העורף על גביו "And no fly was found in the slaughterhouse [of the Temple],⁹¹ . . . and no bird passed over the Sanctuary." From this statement the Rabbi inferred that there was no need for a raven-scarer in the Temple of Solomon.⁹² However nobody will doubt the evidence given by the *Mishnah* and Josephus that the Herodian Temple did have a raven-scarer on its top.

Furthermore, it is recorded in the *Baraita di-Mlekheth ha-Mishkan*⁹³ that the altar of the Tabernacle was provided with a raven-scarer.⁹⁴ All this will be properly understood in the light of sanctuary buildings of the time.

It is a well established fact that the ancient statues very often had discs⁹⁵ or spikes⁹⁶ on top to protect them from pollution by birds. In particular similar measures had to be taken in temples.⁹⁷ Pausanias counts among the wonders of the altar at Olympia that "the kites molest none of the people who sacrifice at Olympia."⁹⁸ Plinius likewise tells that the kites never

⁸⁷ See below.

⁸⁸ *TB Shabbath* 57b.

⁸⁹ See *Tosafoth 'Arakhin* 6a, s. v. כנון.

⁹⁰ XXXIX, ed. Schechter, p. 105.

⁹¹ See *Mishnah Aboth* V. 5.

⁹² According to the opinion of R. Jose b. Bun (in *TP Yoma* I. 4, 39a) the miracles took place in Solomon's Temple only. But see below.

⁹³ XI, ed. M. Friedmann, p. 71. It is a *Tannaitic* source; see Friedmann *ibid.* p. 7. The date of the final compilation is unknown.

⁹⁴ The reading is attested by the mss. and quotations from mediaeval authors; see *ibid.*, p. 73; its authenticity is beyond question.

⁹⁵ Schol. to Aristoph. *aves* 1114. See H. Lechat, *Μηγίσκος*, in *Bulletin de Correspondance Hellénique* XIV, 1890, p. 337 ff.

⁹⁶ See the figures reproduced in Daremberg et Saglio *Dictionnaire* etc. III, pp. 1718-19.

⁹⁷ See E. Petersen, *Athen. Mittheil.* XIV, 1889, p. 233 ff.

⁹⁸ V. 14. 1: οἱ γὰρ ἰκτῖνες . . . ἀδικοῦσιν οὐδὲν ἐν Ὀλυμπίᾳ τοὺς θύοντας.

snatch any edible from the altar at Olympia.⁹⁹ Lucretius¹⁰⁰ maintains that crows (*cornices*) never approached the temple of Pallas Tritonia on the Acropolis of Athens even "when the altars were smoking with offerings."¹⁰¹ Petersen¹⁰² cleverly remarked that these miracles were based on facts. Effective precautions were taken to make it impossible for big birds of prey to nest or even to rest in the temples and their vicinity. Sharp spikes were planted on the flat surfaces which prevented the big birds from resting on them. And then the miracle happened; those feathered creatures got out of the habit of dwelling near the temples and consequently did not annoy the sacrificers too much.

The same situation existed in Jerusalem.¹⁰³ The flesh of the sacrifices was salted on the Ramps (כבש) of the altar.¹⁰⁴ Many victims were burnt on the altar which stood in an open place,¹⁰⁵ and the odor certainly attracted the big birds of prey. Kites¹⁰⁶ and ravens abound in Palestine. The audacity of the kites is well known. Aristotle relates:¹⁰⁷ "They say that [in Elis] there are kites which snatch the meat from persons carrying it through the market-place, but do not touch the flesh offered in sacrifice." Similarly it is told in *TP*:¹⁰⁸ "A man was carrying meat

⁹⁹ *Nat. hist.* X. 12. 28 (referred to by Frazer, III, p. 558): *Milvi . . . nihil esculenti rapere numquam . . . Olympiae ex ara.*

¹⁰⁰ *De rerum nat.* VI, 750.

¹⁰¹ *Non cum fumant altaria donis.* Comp. also below, n. 107.

¹⁰² *Ibid.* (see above n. 97), p. 235.

¹⁰³ The stone which was in the Holy of Holies in the Jerusalem Sanctuary (the *Eben Shetiyyah*) was considered by the Jews as the navel of the world. It was the Jewish *μυσόμφαλος, γῆς δμφαλος*, like the Navel-stone of the Greeks. See Frazer, Pausanias, vol. V, pp. 318-319; Eisler, *Philologus* LXVIII, p. 117 ff.; Feuchtwang *MGWJ* LIV, 1910, p. 719 ff.; *ibid.* LV, 1911, p. 43 ff.; Ginzberg, *Legends of the Jews*, V, p. 15 ff.

¹⁰⁴ *Tosefta Menahoth* VI. 3, 51926; *TB* *ibid.*, 21b.

¹⁰⁵ See the commentary of Rabbi Simeon Duran on *Aboth* V. 5, s. v. וכלי כבו.

¹⁰⁶ The LXX translates the Hebrew דיה (Deut. 14:13) *ικτίνας*.

¹⁰⁷ *Mirab.* 123, 842a: *εἶναι δέ φασι, παρ' αὐτοῖς καὶ ἰκτίνους, οἳ παρὰ μὲν τῶν διὰ τῆς ἀγορᾶς τὰ κρέα φερόντων ἀρπάξουσι, τῶν δὲ ἱεροθύτων οὐχ ἄπτονται.*

¹⁰⁸ *Shekalim* VII. 5, 50c; *Abod. Zar.* II. 9, 41d. Comp. *TB Baba Mezi'a* 24b.

in the market place;¹⁰⁹ a kite appeared and snatched it from him."¹¹⁰

In order to keep the birds away from the Temple area, "raven-scarers" were probably planted not only on the roof of the Temple but also near the altar (see above), on the stoas and columns.¹¹¹ All these precautions helped the miracle, and indeed no bird flew over the Temple.

Pausanias, after recounting the wonderful behavior of the kites in regard to the altar of Olympia, adds¹¹² that the Eleans are said to sacrifice to Zeus the Averter of Flies (*'Απόμυιος*) when they are about to drive the flies out of Olympia.¹¹³ We have seen¹¹⁴ that the rabbinic source also connects the same two miracles, that no fly was found in the slaughterhouse of the Temple and that no bird flew over the Sanctuary.

The birds were averted with the aid of "raven-scarers," but the Jews had neither an *'Απόμυιος* (Fly-avertter) nor a *Μυίαγρος* (Fly-catcher).¹¹⁵ They had no need of them. The dry Jerusalem climate and the draughty air on the Temple Mount offered sufficient help to the miracle, and no flies were seen in the slaughterhouse. Some of the ancient Rabbis explicitly expressed their opinion to this effect. Very strict measures were taken¹¹⁶ to prevent the High Priest from a *pollutio nocturna* on the Day of Atonement, although according to the miracles of the Temple¹¹⁷ such a thing would never happen to

¹⁰⁹ Somewhere in Babylonia.

¹¹⁰ חר בר נש הוה מהלך בשוקא טעין קופד אחא דייחא וחטפתיה מיניה.

¹¹¹ I have not been able to find a parallel to Eupolemus' "raven scarer" in the form of bells. This was probably one of the many inventions of the Alexandrian mechanics who by some device placed the bells high above the temple. The bells perhaps operated by force of the wind.

¹¹² V. 14. 2.

¹¹³ Frazer a. l. III, p. 558, adduces a series of parallels from Greek and Latin authors who assert that the flies disappear (or perish) immediately after the sacrifice is offered.

¹¹⁴ Above, p. 174.

¹¹⁵ Some special ingredients were probably included in the sacrifices to these gods, the smell of which either exterminated or drove away the flies.

¹¹⁶ See *Mishnah Yoma* I. 4; *TP* *ibid.* 39a; *TB* *ibid.* 18a

¹¹⁷ *Mishnah Aboth* V. 5 and parallels.

the High Priest on that day. R. Abun remarked¹¹⁸ that those precautions had to be taken because it is written (Deut. 6:16): "Ye shall not try the Lord your God."¹¹⁹ A miracle is well deserved only when all the proper natural actions have been performed to create the miracle.¹²⁰

Usually the ancients did not deny the miraculous "facts" which happened in the temples. Although the Jews tried to rationalize some wonders performed in heathen temples¹²¹ they did not deny the stories themselves. Measures were taken all over the ancient world to make miracles possible in the temples, and the resulting wonders were accepted everywhere in the same spirit.

We shall now conclude with the later mechanical improvements introduced into the Temple of Jerusalem. The *Mishnah*¹²² relates: "Ben Katin¹²³ made twelve stop-cocks for the laver (כִּיּוֹר, LXX: λουτήρ) which before had but two. He also made a device (μηχανή¹²⁴) for the laver that its water should not be rendered unfit by remaining overnight." The nature of this μηχανή is not clear. We know from the *Mishnah*¹²⁵ that it was made of wood, and that, according to a Rabbi of the fourth century,¹²⁶ it had a wheel by which the huge mass of the laver

¹¹⁸ *TP* *ibid.*

¹¹⁹ A more forceful remark about another miracle in the Temple is available in *TP* Shekalim VI. 4, 50a. Comp. also *TB Pesahim* 64b.

¹²⁰ As a matter of fact Josephus relates (*Ant.* XVII. 6. 4, 166) that a *pollutio nocturna* once did happen to the High Priest, a fact also corroborated by I *Aboth deR. Nathan* (XXXV, ed. Schechter, p. 105) and by *TP* (*Yoma* I. 1, 38d top and parallels; see Ratner *ציון וירושלים* a. l. p. 8). See Schürer, *Geschichte* etc. II⁴, p. 270, n. 7. But exceptions do not invalidate a miracle (comp. also the *Baraita* quoted in *TB Pesahim* 64b); it is simply a bad portent. See Pausanias V. XIV. 1.

¹²¹ See *Debarim Rabba* ed. Lieberman, p. 75 and n. 7 *ibid.*

¹²² *Yoma* III. 10.

¹²³ See Ratner *ציון וירושלים* on *TP Yoma*, p. 60) who tries to identify him with Ben Gamala mentioned in the preceding *Mishnah*. On the latter see Schürer, *Geschichte* etc. II⁴, p. 273 and n. 21 *ibid.*

¹²⁴ מוכני or מוכני; see *Der Mišna-Traktat Tamid*, ed. A. Brody, p. 48, n. 44; *ibid.* 62, n. 22; H. L. Ginsberg, *MGWJ* LXXVII, 1933, p. 423, n. 3.

¹²⁵ *Tamid* I. 4; III. 8.

¹²⁶ *TB Yoma* 37a.

full of water was moved.¹²⁷ According to some tradition, a *μηχανή* was also employed to lift the Red Heifer on the pile of wood, where it was to be slaughtered.¹²⁸

The sources do not state whether the *μηχαναί* were prepared in Palestine or imported from the outside. From the *Tosefta*¹²⁹ we know that the bronze gates of Nicanor were imported from Alexandria.¹³⁰ When some vessels of the Jerusalem Sanctuary got out of order, the authorities resorted to artisans from Alexandria.¹³¹ Specialists from that city were brought to Jerusalem for the purpose of baking the Show-bread and preparing the incense,¹³² but they failed in their mission. Thus we see that the Temple authorities frequently utilized the skill of the Alexandrian professionals.

Now Hero Alexandrinus relates¹³³ that at the entrance of the Egyptian temples the vessel containing lustral water (*περιρραντήριο*¹³⁴) was supplied with a bronze wheel, and when the wheel was turned the water for sprinkling flowed from the vessel.¹³⁵ The wheel in the laver at the Herodian Temple seems to have had a different function (see above). The devices of the Egyptian priests went so far as to introduce an automaton for selling holy water; after dropping one coin of five drachmae the lustral water automatically flowed out.¹³⁶ The mechanism of this automaton was very simple,¹³⁷ and its production would be

¹²⁷ Comp. however, Maimonides' commentary a. l.

¹²⁸ *Tosefta Parah* III. 9, 6232a. Comp. *Tosefeth Rishonim* III, p. 218.

¹²⁹ *Yoma* II. 4, 18322; *TB* *ibid.* 18a.

¹³⁰ See Schürer *Geschichte* etc. II⁴, p. 64, n. 165.

¹³¹ *Tosefta 'Arakhin* II. 3-4, 54420 ff. and parallels.

¹³² *Tosefta Yoma* II. 5-6, 183 ff. and parallels.

¹³³ *Pneumatica* XXXII, ed. Schmidt, p. 148.

¹³⁴ See P. Stengel, *Die griechischen Kultusaltertümers*³, p. 22, n. 6; E. Bickerman, *Syria* XXV, 1946-48, p. 71, n. 1.

¹³⁵ ἐπιστραφέντος τοῦ τροχοῦ ὕδωρ ἐξ αὐτοῦ ἐπιρρέειν εἰς τὸ περιρραίνεσθαι.

¹³⁶ Hero *ibid.* XXI: εἰς ἕνια σπονδεῖα πενταδράχμου νομίσματος ἐμβληθέντος, ὕδωρ ἀπορρέει εἰς τὸ περιρραίνεσθαι. Comp. the editor's note on p. 111, n. 1. See also H. Diels, *Antike Technik*, Leipzig und Berlin 1924, p. 68 and n. 3 *ibid.*

¹³⁷ See the description of Hero and fig. 22 *ibid.* Comp. also Diels *ibid.*, p. 69.

very inexpensive. The *μηχανή* of the laver in the Jerusalem Temple was probably not automatic,¹³⁸ but it was a new device which was possibly constructed by the Alexandrian mechanics who invented the various contrivances for the *περιρραντήρια* of the Egyptian temples.

Again we see that the many ways of behavior in the Temple of Jerusalem, many features in its structure and furniture were common to all the sanctuaries of the time. This, of course, detracts nothing of the exclusive holiness of the place; it only increases its many attractions by appealing to human nature and feeling.

¹³⁸ An automatic device which was counted among the wonders of the world existed in Jerusalem, according to Pausanias VIII. 16. 4. Comp. Th. Reinach, *Textes d'Auteurs Grecs et Romains Relatives au Judaïsme*, p. 172.

THE NATURAL SCIENCE OF THE RABBIS

The problem of how well the Rabbis of the first four centuries were informed regarding the natural sciences can certainly not be solved in one chapter. Even a superficial perusal of the four volumes of I. Löw,¹ or the work of Lewysohn,² J. Preuss³ and others⁴ will convince the reader that many parallels exist between the rabbinic natural science and that of the Greeks and the Romans of that time. For our purpose it will be sufficient to discuss in this chapter some details which will tend to demonstrate the necessity of a thorough and methodical examination of the rabbinic material bearing on this field. For no definite opinion can be pronounced until all that the Rabbis said about it is collected. Correct texts and exact information as far as possible regarding time and place of the particular scholar mentioned there must be established.

It would be of special interest to investigate the scientific definitions of the Rabbis, their general principles and their classification of natural facts and phenomena. For instance, the Rabbis offer the following definition:⁵ זה הכלל כל המוציא עליו "This is the general rule: Any plant that sheds forth its leaves from its roots is a species of herb, and any plant that does not shed forth its leaves from its roots is a species of tree." *TP*⁶ elaborates: "That which grows [branches] from its stem is a species of tree, from its roots is a species of herb. An objection was raised

¹ *Die Flora der Juden*, Wien, 1926–1934.

² *Die Zoologie des Talmuds*, Frankf. a. M., 1858.

³ *Biblich-talmudische Medizin*; see below, n. 62.

⁴ See Strack, *Introduction to the Talmud and Midrash*, p. 193 ff.

⁵ *Tosefta Kil'aim* III. 15, 785 and parallels; see Lieberman, *Tosefeth Rishonim* I, p. 91 ff.

⁶ *Ibid.* V, end, 30a: ההיבון הרי מין אילן משרשיו מין ירק. ההיבון הרי מין ירק. הכרוב הרי הוא עולה מנועו. כן בודאי כן בספק

[against this definition]: Why, the cabbage branches from its stem [yet it is considered an herb]? [The reply]: The latter is a sure case,⁷ and the former [applies to the] uncertain."⁸ The Rabbis sought to give an exact definition of tree and herb. But by the example of the cabbage plant they demonstrated that their delimitation holds true only in doubtful cases; there are exceptions to the general rule.

Theophrastus⁹ classifies all plants in four groups: trees, shrubs, under-shrubs and herbs.¹⁰ "A tree," he says, "is a thing which grows from the root with one stem having many branches¹¹ and knots, and it cannot be easily uprooted . . . An herb is a thing which sends forth its leaves from the root, has no [main] stem, and the seed is borne in the stalk."¹² However, immediately after this definition Theophrastus points out that the latter can be applied only generally and on the whole, for in some instances this definition overlaps. He further develops the idea¹³ that an exact classification of plants is impossible, and in some cases he suggests classification by other principles, such as size, comparative robustness or length of life. The cabbage, he says, has the character of a tree since it grows only one stem (and consequently branches from it), although it is certainly not a tree.¹⁴ For this reason, he asserts, some call the cabbage a tree-herb (*δενδρολάχανον*).

The Greeks and the Rabbis describe and reason in a similar way, with the difference that for the Rabbis it was not a matter

⁷ I. e. there is a tradition that cabbage is considered an herb, and therefore we disregard the definition.

⁸ I. e. the definition is applied only to uncertain cases where there is no clear tradition whether the given plant is a tree or an herb.

⁹ *Hist. pl.* I. 3. 1.

¹⁰ The Rabbis do not single out shrubs and under-shrubs as special classes; see *Otzar Hageonim, Berakhoth* I, p. 91.

¹¹ I. e. the branches grow from the stem and not from the roots, like the definition in *TP*.

¹² δένδρον μὲν οὖν ἐστὶ τὸ ἀπὸ ρίζης μονοστέλεχος πολύκλαδον ὄζωτον οὐκ εὐαπόλυτον . . . πῶα δὲ τὸ ἀπὸ ρίζης φυλλοφόρον προϊὼν ἀστέλεχος, οὗ ὁ καυλὸς σπερμοφόρος.

¹³ *Ibid.* 4.

¹⁴ See *ibid.* VI. 1. 2.

of logical classification, but an issue of practical value. For the purpose of certain rituals¹⁵ the Jew had to know whether the particular plant is an herb or a tree. The Rabbis did not have to consult special treatises on botany for their needs. The Jewish peasant was fully acquainted with the products of the earth in his vicinity. Even abstract generalizations about plant species may have been based on observation dictated by the duty of fulfilling the laws of the Torah. It was practical life itself which gave birth to the different classifications of herbs into groups such as,¹⁶ תבואה קיטניא ירק, cereals,¹⁷ pulse (literally: "small vegetable")¹⁸ and greens. In order to avoid the sowing of *Kil'aim*, the Rabbis arranged¹⁹ many plants into families and species.²⁰

The same religious motives prompted them to give a series of general rules regarding animals and their nature.²¹ At least part of their information was based on personal observation;

¹⁵ Such as 'Orlah, *Kil'aim* and benedictions to be pronounced before partaking of the food.

¹⁶ *Sifra Kedoshim* I. 7, ed. Weiss 87b and parallels.

¹⁷ Theophrastus (*ibid.* VII. 1. 1) divides the herbs into pot-herbs and cereals.

¹⁸ It seems to be the same vegetable which in Egypt and Palestine was called *λεπτολάχανον*. See *vita Porphyrii* by Marcus the Deacon 102, and the long note in the edition of H. Grégoire and M. A. Kugener, p. 144. It was usually eaten raw (see *ibid.* and comp. *Sifre* II, 105 ed. Finkelstein, p. 1653. See the editor's note *ibid.*, p. 16412). The Egyptian sources (*Apophthegmata Patrum*, PG LXV, 152c and *pap. Oxyrh.* 1656) mention both beans and *λεπτολάχανα* together. The reason is that the Egyptian beans were considered a species of greens (and not *kitnith*) when they were fresh (*Mishnah Nedarim* VII. 1) and a kind of cereal when they were dry (*Tosefta* *ibid.* IV. 3, 27917; *TP* *ibid.* 55b).

¹⁹ *Mishnah*, *Tosefta* and *TP Kil'aim*.

²⁰ Comp. also *Tosefta Nedarim* III. 6–IV. 3, p. 2794–17.

²¹ See Lewysohn, *Zoologie des Talmuds*, p. 6 ff. He seems to have overlooked the fact (p. 14) that the rule laid down by the *Mishnah* (*Niddah* VI. 9: כל שיש לו קרניים יש לו טלפים: "All animals that have horns have cloven hoofs") is recorded by Aristotle, *de anim. hist.* II. 2. 9, 499b16. Similarly the rule given by the *Baraita* (*TB Hullin* 59a, see Lewysohn *ibid.*): Any animal that has no teeth in the upper jaw is certain to be ruminating and cloven footed (except the camel) is also reported by Aristotle, *de part. anim.* III. 14, 674a23 ff.; *de anim. hist.* II. 17. 5, 507a34 ff.

there were Rabbis who themselves examined the anatomy of the human body;²² some performed experiments on animals²³ and others deduced their conclusions by simply watching the phenomena of life. For example, we read in *TB*:²⁴ "It was inquired:²⁵ Does the hair grow from its roots or at its tips . . . [Judge from the fact that] when old men dye their beards, these grow white again at the roots. From this we can infer that hair grows from the roots. This proves it." Aristotle²⁶ simply remarks: "If a hair be cut, it does not grow at the point of section; but it gets longer by growing upward from below."

However, some passages in rabbinic literature concerning natural science suggest that they are not the result of observation, but are borrowed from literary sources or oral information.²⁷ The Rabbis wished to be guided by the *Halakha* even in regard of legendary beings. They discuss whether or not the dead "Field-men"²⁸ and the dead sirens²⁹ impart impurity like human beings.

The *Mishnah*³⁰ rules: "If a man touches the flesh of a mouse which is half flesh and half earth he becomes unclean; but if he touches the earth he remains clean." The existence of such a mouse was taken for granted by many ancient authors.³¹

²² *TB Bekhoroth* 45a.

²³ *TB Hullin* 57b and *Vayyikra Rabba* XX. 4; *ibid.* XIX. 1.

²⁴ *Nazir* 39a: איבעי להו האי מניא מלחח רבי או מלעיל . . . כד צבעין סביא דיקנהון . . . חוורין עיקבי נימהון ש"ט מלחח רבי ש"ט.

²⁵ It corresponds to the Greek technical term *ζητείται*, it is asked; see above, p. 48, n. 12.

²⁶ *De anim. hist.* III. 11. 10, 518b: οὐκ αὐξάνεται δὲ θριξὶ ἀποτμηθεῖσα, ἀλλὰ κάτωθεν ἀναφρομένη γίνεται μείζων.

²⁷ *Comp. Tosefta Bekhoroth* I. 10-11, 534³⁷ ff.; *TB ibid.* 7b bot. and see Lewysohn, *ibid.*, p. 9.

²⁸ אדני השדה. *Mishnah Kil'aim* VIII. 5; *Sifra*, ed. Weiss, 51d. See Lewysohn *ibid.*, pp. 64 and 356; Ginzberg, *Legends of the Jews*, vol. V, p. 50, n. 148; Lieberman, *Tarbiz*, VIII, p. 367.

²⁹ *Sifra*, ed. Weiss, 49d.

³⁰ *Hullin* IX. 6: עכבר שחציו בשר וחציו אדמה הנוגע בבשר טמא באדמה טהור; *Comp. TB ibid.* 127a and *Sifra* 52b.

³¹ See Ovid. *met.* I. 423 seq.; Pomponius Mela, *Chorogr.* I, 9. 3, 52.

Plinius cites it³² as a "fact" which could confirm the credibility of other wonderful creatures. He reports: "But the inundation of the Nile gives credit to all these things by a marvel that surpasses them all. For when it subsides little mice are found with the work of generative water and earth uncompleted: in one part of their body they are already alive, while the most recently formed part of their structure is still of earth."³³ It is exactly the mouse described by the Rabbis. It appears from the account of Plinius that the parts of earth in the mouse subsequently turn into flesh; this is also the belief of the Rabbis.³⁴ Maimonides in his commentary³⁵ maintains that many people have claimed to have seen such a mouse.³⁶ The information about that kind of mouse the Rabbis probably got from Egyptian sources. When the alledged existence of the miraculous creature was brought to their attention they commented on its would-be *Halakhic* status.³⁷

It is therefore evident that the rabbinic sources can sometimes be understood only in the light of the natural "science" of the time. We shall quote a few examples. The *Tosefta*³⁸ rules: אין משרבטין ומסרטיין³⁹ את הבהמה ואין נופחים בקרביים ואין מטילין בשר אין משרבטין ומסרטיין³⁹ את הבהמה ואין נופחים בקרביים ואין מטילין בשר "It is forbidden to whip or to scratch cattle [for the purpose of giving it an appearance of fatness]⁴⁰ or to inflate the

³² *Nat. hist.* IX. 84, 179.

³³ Verum omnibus his fidem Nili inundatio adfert omnia excedente miraculo; quippe detegente eo musculi reperiuntur inchoato opere genitalis aquae terraemque, iam parte corporis viventes novissima effigie etiamnum terrena.

³⁴ See *TB Sanhedrin* 91a.

³⁵ *Hullin* IX. 6.

³⁶ Comp. also בועז in *Mishnah* ed. Romm. The book referred to by the author is inaccessible to me.

³⁷ See Lieberman, *Studies in Memory of Moses Schorr* (Hebrew), New York 1944, p. 184 ff.

³⁸ *Baba Mezi'a* III, end, 3792.

³⁹ So ed. prin. Cod. Vienna: אין מסרטיין את הבהמה. Zuckerman does not record the variant מסרטיין from the editions and cod. Vienna.

⁴⁰ And thereby deceive the purchaser. *TB* (ibid. 60b) explains the word משרבטין in a different way. But from *TP Shabbath* VII. 2, 10c, it is evident that משרבטין in regard to בהמה means to whip the animal with a rod. It will be demonstrated below that this was the Palestinian explanation of the *Tosefta*. Comp. the second explanation of the latter in *TB* ibid.

entrails, or to soak meat in water."⁴¹ The commentaries explain the prohibition of inflating the entrails to refer to entrails displayed in a shop. One is not allowed to inflate them and to give them an appearance of a larger size for the purpose of deceit.

However *TP*⁴² discusses the question of whipping (למיחבוט) cattle,⁴³ or inflating it (למינפוח) during the mid-festival days. It is therefore obvious that the inflation of the entrails has to do with living cattle and not with those displayed in the butcher shop. It is likewise evident that the practice of whipping and inflating the cattle was performed by the husbandmen for some other reason and not only with the intention of cheating; for the question is only whether one is allowed to do these things during the mid-festivals, but it is taken for granted that one may do it in the week days.

It appears that the whipping of the cattle was practiced in order to affect the color of the skins.⁴⁴ The reason for inflating the cattle is disclosed by Aristotle.⁴⁵ He maintains that the older cattle will fatten if they be fed after an incision has been made into their hide and air blown thereinto.⁴⁶ Similarly, Plinius asserts⁴⁷ that the oxen and cows fatten by making an incision in the hide and blowing air into the entrails with a reed.⁴⁸ Now the meaning of the operation is quite clear. The peasants believed that by blowing air into the entrails of the animal it would absorb more water and actually fatten.⁴⁹ But

⁴¹ To make it look fat, for the purpose of deceiving the purchaser.

⁴² *Betza* III. 7, 62b.

⁴³ See Rabbenu Hananel on *TB* *ibid.* 28a and Ratner *ציון וירושלים* אהבה א. 1., p. 30. Z. W. Rabinovitz (שערי חורח ארץ ישראל), p. 285) correctly associated the text in *TP* with our *Tosefta*.

⁴⁴ See *TP Shabbath* referred to above n. 40.

⁴⁵ *De anim. hist.* VIII. 7 (9). 1, 595b.

⁴⁶ *ἐὰν τις τὸ δέρμα ἐντεμῶν φυσήσῃ.*

⁴⁷ *Nat. hist.* VIII. 70, 178: si quis incisa cute spiritum harundine in viscera adigat.

⁴⁸ Perhaps we should read in the *Tosefta* *ibid.* (see above n. 39): אין משרבטין באין משרבטין ונופחין בקרבים, אה הבהמה ואין משרבטין ונופחין בקרבים, "One is not allowed to whip cattle, nor to make an incision and blow air into the entrails".

⁴⁹ Just as they used to fatten sheep by mixing salt with their food. See Aristotle *ibid.* VIII. 10 (12). 1, 596a.

fattening by the inflation of the entrails was only an illusion; it had to be subsequently fed in order actually to increase its fat content. The prohibition against inflating the cattle was directed against the process of making it look fat without feeding it in order to cheat the purchaser.

Again we read in the *Mishnah*:⁵⁰ ומגדלין אותן עד שיהיו משולשין וחמור עד שחמא טוענת מקבלין עגלין וסייחין למחצה "A man may undertake the care of calves and foals in return for half the profits and rear them until they have reached the third of their growth;⁵¹ and of a she-ass until it can bear a burden." It is evident from the rule pertaining to asses that the rearing is to be continued until the animal becomes fully able to work. In case of oxen the custom was to break them when they were three years old. Plinius states:⁵² "Oxen should be broken when three years old; after that is too late and before that too early."

This supports the reading שלשין⁵³ which can mean only three years old.⁵⁴ The calves are to be reared until they reach the age of three years. They are not yoked before that age and consequently are useless to the husbandman.

In *TP*⁵⁵ we read: רב חייה בר אשי הוה יתיב קומי דרב חמיחיה מבעת. אמר ליה מהו כן. אמ' ליה חמרתי מעברה והיא בעיה מילד ואנא בעי מרבעתה "R. Hiyya b. Ashi was sitting before Rab who noticed that the former was worried. When he asked him: What is the matter? he replied: My ass is gestating and she is about to cast, and I want to copulate her before she cools off."⁵⁶

⁵⁰ *Baba Mezi'a* V. 4.

⁵¹ This is the explanation of משולשין by Rashi and his followers. Comp. also his commentary on Genesis 15:9 and Ibn Ezra *ibid*.

⁵² *Nat. hist.* VIII. 70, 180: domitura boum in trimatu, postea sera, ante praematura.

⁵³ Ed. Naples, W. H. Lowe, Kauffman (the latter reads שלושין and is corrected by a later hand to משולשים) and *TP*. Comp. also מלאכה שלמה a. l. See דקדוקי סופרים on *TB* *ibid*. 68a, p. 192, n. א and *Tosafoth Yom Tob* a. l.

⁵⁴ As correctly explained by Alfasi in an Arabic responsum (cited in *Parah* I. 1 where it is explicitly stated that שלשה means three years old. *Mishnah* *Parah* I. 1 where it is explicitly stated that שלשה means three years old.

⁵⁵ *Yebamoth* IV. 11, 6a and *Niddah* I. 4, 49b.

⁵⁶ This is the meaning of צנן in our context. See *Tosefta Mo'ed Katan* II. 11, 2317; *TP Pesahim* IV. 8, 31b. *Bereshith Rabba* (XX. 6, 189e) reads: שמת חיצן וחמות, "Lest she catch cold and die". This is an obvious scribal

It is evident from the anecdote that the Rabbi was eager to mate his ass immediately after her delivery lest she cool off afterwards. His anxiety may be understood only in the light of the beliefs of his time.

Aristotle maintains:⁵⁷ Seven days after parturition the she-ass submits to the male, and it is best impregnated if put to the male on this particular day, but she will also receive it afterwards. Plinius⁵⁸ merely asserts: It has been observed that she-asses are best coupled on the seventh day after parturition. He further declares:⁵⁹ *equas autem post tertium diem*⁶⁰ aut post unum ab enixu utiliter admitti putant; coguntque invitae. "It is thought advisable to have the mare covered after three days, and even after *one day* of her foaling. When they are unwilling compulsion is used." Apparently it was the custom to mate the mare immediately after her parturition. The passage in *TP* indicates that it was customary in Babylonia and Palestine⁶¹ to cover the asses on the same day that they cast their foals.

The field of medicine is widely represented in rabbinic literature. Dr. Julius Preuss in his voluminous book⁶² treats

error (or a lapsus from p. 1337 *ibid.*). The commentaries on *TP* misunderstood the passage completely. Jastrow, *Dictionary*, p. 1445, s. v. רבע II, translated ואנא בעי מרבעה "And I want to assist at her *lying down* (for delivery) before she cools off".

⁵⁷ *De anim. hist.* VI. 23. 2, 577a: Τεκούσα δὲ βιβάζεται ἐβδόμη ἡμέρα, καὶ μάλιστα δέχεται τὸ πλῆγμα ταύτη βιβασθεῖσα τῇ ἡμέρα. λαμβάνει δὲ καὶ ὕστερον.

⁵⁸ *Nat. hist.* VIII. 69, 172: *feminas a partu optime septimo die impleri observatum.*

⁵⁹ *Ibid.* X. 83. 179.

⁶⁰ This is the reading of all the mss. in ed. Sillig. Only β (see *praefatio* *ibid.*, p. V) has: *annum.*

⁶¹ The story itself took place in Babylonia, but since it is reported in Palestinian sources with no comments it seems to have been taken for granted in that country. This suggests that both countries followed the same practices in our case.

⁶² *Biblich-Talmudische Medizin*, Berlin 1911, and reproduced *ibid.* 1921. It is still the standard book on the subject. It is a matter of regret that Jewish scholars do not make more frequent use of this valuable book. Prof. H. Torczyner published (*Louis Ginzberg Jubilee Volume*, Hebrew part, p. 217 ff.) a learned article on the story of R. Meir who pretended that he felt pain in his eye and asked a woman to spit in it. (The woman's tyrannical husband

this subject with great erudition. The field of popular medicine is also not devoid of interest. Notwithstanding their knowledge of the actual effectiveness of cures in certain diseases, the Rabbis did not entirely discourage the popular remedies. For instance, they stated categorically:⁶³ "Let nobody tell you that he was bitten by a mad dog and survived," but this did not prevent them from recording remedies against rabies which were accepted by the ancient physicians.⁶⁴ We shall discuss some instances which escaped the notice of Preuss.

In *Shir Hashirim Zuta*⁶⁵ it is stated: והרשעים נמשלו לכלבים שאין מהם הנייה שנאמר כלם כלבים אלמים לא יוכלו לנבוח. מה הכלב הזה שהוא [נושך] את האדם בקש אדם ממנו נימה [למדונו] [למכתו]⁶⁶ אינו יכול

had ordered her to spit in the face of the famous Rabbi). Emending the text, Torczyner claimed that the woman did not actually spit in the eye of the Rabbi but used an incantation accompanied by the customary expectoration in front of the latter. But both rabbinic and non-Jewish sources inform us explicitly that saliva is a proved remedy against various eye diseases, as correctly recorded by Preuss *ibid.*, p. 321 ff. As a matter of fact Plinius (*nat. hist.* XXVIII. 22, 76) says expressly that a woman's fasting spittle (*Mulieris quoque salivam ieiunam. Saliva ieiuna* = rabbinic רוק חפל) is considered a powerful remedy against bloodshot eyes. The assertion that the woman actually spat in the eye of the Rabbi is also confirmed by an otherwise unknown rabbinic source quoted by Rabbi David Hanagid in his commentary on *Aboth* I. 12, 8a. A similar rabbinic anecdote is preserved in the commentary to the same *Mishnah*, published in *Machzor Vitry*, p. 473 (Comp. ps.-Rashi *ibid.*) which states: ורוק שלך רפואתי ורוקקה לו בעיניו "And thy spittle is my remedy, and she spits in his eyes".

Incidentally, the whole thesis of Dr. Torczyner is based on the misprint of a single letter in our editions of *Debarim Rabba* V. 15. מהפסק is to be read מתקסק, fidgeting (see אוח אמת a. l.). A *Genizah* fragment of this *Midrash* published in הצופה לחכמת ישראל XIII, p. 113, reads: עשה ר' מאיר עצמו כאלו הוא חושש בעיניו, "R. Meir pretended that he felt pain in his eye". The source quoted by Rabbi David Hanagid (see above) read: "R. Meir began to tie his eyes". All this corresponds to the reading in *TP* (*Sotah* I. 4, 16d), which Torczyner discredited.

⁶³ *TP Berakhoth* VIII. 6, 12b; *Yoma* VIII. 5, 45b.

⁶⁴ See Preuss *ibid.*, pp. 224, n. 7 and 225, n. 1.

⁶⁵ VI. 6, ed. Buber, p. 36; *Aggadath Shir Hashirim*, ed. Schechter, p. 40, l. 1192. I copy from the quotation in *Yalkut Hamakhiri* on Is. 56:10, p. 216.

⁶⁶ The נ was split into נו and hence was read למכנו, and subsequently corrected to למדנו. Ed. Schechter reads למרוט; in his manuscript the נו was combined into a ט.

לכך נמשלו ככלבים שאין בידם לא מעשה טוב ולא מצוה. The passage makes no sense. We must therefore preface some remarks before translating it. The *Midrash* comments on the verse (Is. 56:10): "They are all dumb dogs, they cannot bark." *TP*⁶⁷ gives the symptoms of a mad dog. "These are the signs (*σημεία*) of a mad dog: His mouth is open, the saliva is dripping, his ears flap, his tail is hanging between his thighs, he walks along the edges [of the road] and dogs bark at him; some say: He also barks but his voice is not heard."⁶⁸ Philostratus, telling the miraculous cure of a mad dog, adds:⁶⁹ "He began to bark, a thing which mad dogs rarely do, and folding back his ears he wagged his tail."

It is therefore most plausible to assume that the Rabbis refer here to a mad dog which cannot bark; they want to demonstrate that no benefit can be drawn from the body of such a dog.⁷⁰ Among the remedies against the bite of a mad dog Plinius counts⁷¹ the insertion into the wound of some burnt hairs from the tail of the dog which inflicted the bite. Now our passage becomes comprehensible. It says: "And the wicked ones are likened to dogs from [whose body] no benefit can be derived, as it is said (Is. 56:10): 'They are all dumb dogs, they cannot bark'. [They are] like this [kind of] dog which [bites] the man, yet will allow no one to procure a hair from him for the wound. Therefore they⁷² are compared to dogs, because they have neither good deed nor charity⁷³ [to their credit]."

⁶⁷ *Yoma* VIII. 5, 45b; *TB* *ibid.* 83b.

⁶⁸ All these signs are, of course, correct, and they are based on sound observation. Their formulation and arrangement give the impression of a passage from a standard medical treatise. Comp. the signs of a mad dog (*κυνὸς λυσσῶντος σημεῖα*) enumerated by Philumenus (*de venenatis animalibus* I. 1. 1 ff.), Paulus Aegineta (V. 3, ed. Heiberg in *CMG* IX, p. 8) and Theophanes Nonnus (*epitome de curatione morborum* 271, ed. Bernard, 1795, p. 324, see notes *ibid.*).

⁶⁹ *Vita Apoll.* VI. 43: *φωνήν τε ἀφῆκεν, ὅπερ ἤκιστα περὶ τοὺς λυτῶντας τῶν κυνῶν ξυμβαίνει, καὶ τὰ ὦτα ἀνακλάσας ἔσεισε τὴν οὐράν κτλ.*

⁷⁰ Contrary to sheep which supply us with wool etc., see the *Midrash* *ibid.*

⁷¹ *Nat. hist.* XXIX. 32, 98: *intus ipsius caudae pilos combustos inseruere volneri.*

⁷² I. e. the wicked ones.

⁷³ For *חסד*, *ἐντολή*, charity, see Lieberman, *JBL* LXV, 1946, p. 69 ff.

Again we read in *TB*:⁷⁴ דילמא מתחוי מיה אלא בנובתא רילמא מתחוי לא לישחי מיה אלא ליה כלביה⁷⁵ ומסתכן lest he see his dog,⁷⁷ and be endangered." The Rabbis attributed hydrophobia to the horror evoked by the image of the mad dog which the bitten man would supposedly see in the water. Naḥmanides and Rabbenu Baḥya in their commentaries on Num. 21:9 refer to our text in *TB* and remark that this is also recorded in the "medical books." I was not able to find any reference to it in the early Greek and Latin medical works.

The first physician who mentions it is Paulus Aegineta⁷⁸ who informs us that "it is thought that the bitten man sees in the water the image of the dog who inflicted the bite."⁷⁹ From Paulus it was taken over in later medical literature.⁸⁰ However, Paulus Silentarius⁸¹ already refers to this belief in an amatory epigram: "They say that a man bitten by a mad dog sees the brute's image in the water."⁸² The rabbinic text which credits Abaye⁸³ with the advice to a man bitten by a mad dog that he drink water from a tube in order to avoid the image of the dog seems to be the earliest instance on record of the previously cited belief.

Many of the popular remedies mentioned in rabbinic literature (and especially in the Babylonian Talmud) probably have their origin in the Orient where they were acquired by the Rabbis through direct contact with the eastern peoples. However, the Greek and the Roman records are important for the

⁷⁴ *Yoma* 84a.

⁷⁵ This is the reading of the mss. and mediaeval authorities; see קדוקי טופריים a. l., p. 281 nn. ט and נ.

⁷⁶ I. e. the man bitten by a mad dog.

⁷⁷ I. e. the image of the mad dog reflected in the water.

⁷⁸ Flourished in the beginning of the seventh century.

⁷⁹ V. 3, ed. Heiberg, p. 820: οἰεσθαι τὸν δακόντα κύνα ἐν τοῖς ὕδασι ἐικονίζεσθαι.

⁸⁰ See Theophanes Nonnus *ibid.* (see above n. 68).

⁸¹ Flourished in the sixth century; see I. Merian-Genast, *de Paulo Silentario Byzantino*, Lipsiae 1889, p. 2 ff.

⁸² *Anthol. Palat.* V, epigr. amat. 266 (265): 'Ανέρα λυσσητηῆρι κυνὸς βεβολημένον ἰὼ ὕδασι θηρείην εἰκόνα φασὶ βλέπειν.

⁸³ Flourished in the first half of the fourth century C. E. in Babylonia.

understanding of the rabbinic sources dealing with popular medicine and similar subjects. They sometimes help us to establish definitively the correct reading in the rabbinic text. We find, for instance, in the *Tosefta*:⁸⁴ גוזזין לו . . . שונכו נחש . . . כרישין⁸⁵ "If one was bitten by a snake . . . leek from the ground may be cut for him [on the Sabbath]." But one mediaeval authority⁸⁶ reads in the *Tosefta* כרשינין⁸⁷. I. Loew⁸⁸ prefers the reading כרישין, leeks, because this reading is also quoted by Rabbenu Hananel. Of course, this evidence is not decisive. Only if we can establish the vegetable popularly used in the treatment of the bite of a serpent will we succeed in finally determining the correct reading. Indeed, Plinius⁸⁹ claims that leek (*porrum*) with vinegar is employed against the bites of wild beasts as well as of serpents and other venomous creatures.⁹⁰ The reading כרישין is therefore assured.

Furthermore, even Jewish figurative expressions can be properly understood in the light of the accepted popular notions regarding animal life. For example, the Jews⁹¹ called לשון הרע (slander, calumny, denunciation) שלישי [לשון] or שלישי תליתאי⁹² the third tongue.⁹³ Sirach⁹⁴ also uses the same expression: γλώσσα τρίτη πολλοὺς ἐσάλειψεν . . . γλώσσα τρίτη γυναικας ἀνδρείας ἐξέβαλεν. "The third tongue hath shaken many . . . the third tongue hath cast out brave women." The

⁸⁴ *Shabbath* XV. 14, 1347 and *TB Yoma* 83b.

⁸⁵ Allium Porrum, *πράσιον*, leek.

⁸⁶ See Lieberman, *Tosefeth Rishonim* I, p. 145. This reading is corroborated by cod. Oxford of *TB* *ibid*.

⁸⁷ Vicia, *δροβος*, vetch.

⁸⁸ *Flora der Juden* II, p. 134.

⁸⁹ *Nat. hist.* XX. 21. 45.

⁹⁰ Bestiarum morsus ex aceto, item serpentium aliorumque venenatorum. See Sillig's note in his edition vol. III, p. 301.

⁹¹ *TP Pe'ah* I. 1, 16a; *Vayyikra Rabba* XXV. 2; *Pesikta deR. Kahana* IV, 32a; *Bemidbar Rabba* XIX. 2; *Debarim Rabba* V. 10; *Tanhuma* IV, ed. Buber, 54a; *Midrash Tehilim* CXX. 4, ed. Buber, p. 504.

⁹² *TB 'Arakhin* 15b; *Midrash Tehilim* XII, 2, ed. Buber, p. 106, and see n. 22 *ibid*.

⁹³ The Aramaic תליתאי may also be translated the threefold, the triple; see *TB Shabbath* 88a and see below, n. 100.

⁹⁴ XXVIII. 14-15.

Rabbis remarked:⁹⁵ "Why do they call it (i. e. calumny) 'the third tongue', because it kills three: the slanderer, him who accepts the slander and the slandered person." M. Friedmann understood⁹⁶ that the interpretation of the Rabbis is only homiletical, and he explained תליחאי, שלישי to mean strong, vehement, a rough tongue.

However, the only correct explanation of the expression is given by Bochart⁹⁷ who properly understood that לישנא תליחאי originally meant the three-forked, the triple tongue, viz. the snake. He quotes many classic authors who mentioned the three-forked tongue of the serpent both literally and figuratively.⁹⁸ The nearest parallel to the Jewish personification of the *delator* by the snake is presented by the remark of Seneca:⁹⁹ "Here a savage serpent drags its huge body along, darts out its forked tongue and seeks against whom it is to come death dealing." It is therefore clear that לישנא תליחאי originally meant the triple tongued,¹⁰⁰ the serpent whose quick vibrations of the tongue gives the observer the impression that it is three-forked.¹⁰¹

It is likely that the expression διγλωσσος, double-tongued,¹⁰² is nothing but another appellation for the snake. Bochart,¹⁰³ describing serpents, cites many instances of *lingua duplex* of the snake. Plautus expresses himself:¹⁰⁴ "He's like a snake with that two-forked villainous tongue of his." רכיל (Lev. 19:16) is rendered לישנא תליחאי (threefold tongue) by the Palestinian

⁹⁵ See above n. 91.

⁹⁶ *Beth Talmud*, ed. Weiss, V, p. 200, n. 12.

⁹⁷ *Hierozoicon*, part I, I, ch. 4, p. 25 ff.

⁹⁸ Although Bochart was referred to by Schleusner (*Lexicon in LXX* etc. s. vv. γλώσσα and τρίτος. See also M. Grünbaum, *Neue Beiträge z. Semitischen Sagenkunde*, p. 288) none of the modern editors of Sirach paid attention to it. For a similar neglect by the editors of Ben Sira, see Lieberman *REJ* XCVII, 1934, p. 54.

⁹⁹ *Medea* 686: Hic saeva serpens corpus immensum trahit trisidamque linguam exertat et quaerit quibus mortifera veniat.

¹⁰⁰ See above, n. 93.

¹⁰¹ See Bochart *ibid.*

¹⁰² Septuagint Prov. 11:13; Sirach V, 9, 14; VI. 1; XXVIII. 13.

¹⁰³ *Ibid.*, p. 24.

¹⁰⁴ *Persa* 299: tamquam proserpens bestias bilinguis et scelestus.

Targumim a. l., and the same Hebrew word in Proverbs (11:13) is rendered *διγλωσσος* by the Septuagint *ibid.* Hence, *γλῶσσα τρίτη* and *διγλωσσος* refer to the same creature. Similarly *ψιδυρον και διγλωσσον* (the whisperer and double-tongued) mentioned by Sirach¹⁰⁵ are probably synonymous. The *ψιδυρος*, the whisperer, is the rabbinic designation¹⁰⁶ for the delator-serpent; he is identical with *διγλωσσος*, the double-tongued.

It was stated above that the Rabbis interpreted the expression "the three-forked tongue" to signify that it kills three persons. The *Midrash*¹⁰⁷ preserved another exposition which corresponds to the expression double-tongued. It states: *הלשון המקבל והמקבילו* "This [vicious] tongue kills two: the slanderer and him who accepts the slander." Both terms — the three-forked tongue and the double-tongued — can be correctly understood only in the light of the designation of the snake's tongue by the ancients.

We have sought to demonstrate in the several chapters of this book the great similarities between the methods, behavior, practices and notions prevalent among Jews and gentiles alike. Although some of them may have been the heritage left by a more distant and simpler age, many of the others were nevertheless probably the result of direct contact and close relations among the various peoples in the Hellenistic Mediterranean world.

¹⁰⁵ XXVIII. 13.

¹⁰⁶ See *Shemoth Rabba* IX. 3 and the parallel in *Tanhuma* *ibid.* For *חלח*, whisper, as the hiss of a snake, see *Mishnah Aboth* II. 10 and comp. *Tosefta Menahoth* XIII. 21, 53335, *TB Pesahim* 57a.

¹⁰⁷ *The Mishnah of R. Eliezer*, ed. Enelow, p. 176.

APPENDIX I (To p. 78, n. 249)

Bath Kol ב ת ק ו ל

We read in the *Tosefta*:¹ משמת חגי זכריה ומלאכי נביאים האחרונים "When the latter prophets, Haggai, Zechariah and Malachi died the Holy Spirit departed from Israel; nevertheless they were informed [of the unknown] by means of a *Bath Kol*." Rabbi Meir Abulafia² remarks that the Palestinian Talmud explains *Bath Kol*, ב ת ק ו ל, to mean הברת קול, a reverberating sound, an echo.³ Rab Sa'adiah Gaon⁴ compares it to an echo rebounding from the mountains.⁵

From the earlier sources⁶ it is obvious that *Bath Kol* very often means simply *vox, verbum*,⁷ a voice or a word heard without seeing the person who uttered it, or a word heard from a person who was not conscious of the import of his saying, i. e. the *Bath Kol* is nothing but *φήμη* or *αλληδών*.⁸ *TP*⁹ and *TB*¹⁰ read in the above-mentioned *Tosefta*: ה י ו מ ש ת מ ש י ן

¹ *Sotah* XIII. 2, 31822.

² In his רמב"א to *Sanhedrin* 11a.

³ This explanation is not extant in our editions of *TP* but is found in codd. Leiden and Rome of *TP Sotah*, See Lieberman כפשוטו (Jerusalem 1934), Introduction, p. כ"ה. The quotation in *Tarbiz* XVIII, 1947, p. 24, n. 9, is not exact. Comp. *Shir Rabba* I. 2, ed. Rom 6^d.

⁴ Quoted in *Machzor Vitri*, p. 556; see Introduction *ibid.*, p. 196.

⁵ The Syriac translation of *Sap. Solom.* (חכמת רבא) XVII. 18) reads: "או קלא דברת קלא מן בינה טוֹרָא", "or a sound of an echo (*bath Kol*) from between the mountains".

⁶ *Mishnah Yebamoth* XVI. 6 and parallels; see E. A. Urbach in *Tarbiz* XVIII, 1947, p. 23 ff.

⁷ See Payne Smith *Thesaurus Syriacus*, p. 596, s. v. ברת קלא.

⁸ See P. Stengel, *Die griechischen Kultusaltertümers*, p. 55 and below n. 17.

⁹ *Sotah* IX. 14, 24b.

¹⁰ *Ibid.* 48b.

בבה קול "They were wont to make use of the *Bath Kol*."¹¹ The expression להשתמש בבה קול or להשתמש ברוח הקודש is awkward in Hebrew. It looks like a literal translation of the Greek *χρησθαι* (with the Dative) which means both to make use and to consult a god or an oracle.¹² The Hebrew phrases should accordingly be rendered: to consult a *Bath Kol*, to consult the Holy Spirit.

The manner of consulting the *Bath Kol* is reported many times in rabbinic literature. *TB*¹³ relates: ואמר ר' שפטיה אמר ר' יוחנן מנין שמשתמשין בבה קול שנא' ואזניך תשמענה דבר מאחריך "R. Shefatiah said in the name of R. Johanan: Whence do we know that we may consult a *Bath Kol*? Because it is said (Isa. 30:21): 'And thine ears shall hear a word¹⁴ behind thee saying' etc."¹⁵ R. Johanan himself followed it. We are told¹⁶ that R. Johanan and Resh Lakish desired to see Samuel personally. Before undertaking the journey to Babylonia, they decided to follow the "hearing"¹⁷ of a *Bath Kol* (נלך אחר שמיעת בה קול). They passed the synagogue where they heard a school-boy reciting the verse: "And Samuel died."¹⁸ They concluded that Mar Samuel of Babylonia is no longer alive, and they consequently abandoned their project.¹⁹

This procedure of consulting the verses casually uttered by children in the synagogue was the most frequent among the Rabbis.²⁰ Such verses answered the questions of the consultants.

¹¹ This expression also occurs in *TB Megillah* 32a. In *Bereshith Rabba* (XXXVII. 7, 3496) we read: שהיו משתמשין ברוח הקודש, "They were wont to make use of the Holy Spirit".

¹² See Liddell and Scott s. v. *χράω* A. III and C. II.

¹³ *Megillah* 32a.

¹⁴ *Verbum* = *Bath Kol*.

¹⁵ Comp. the similar version in the name of R. Eleazar in *TP Shabbath* VI. 9, 8c.

¹⁶ *TP* *ibid*.

¹⁷ Perhaps שמיעה = שמועה, *κληδών*, which means tidings, repute (comp. שומעיה and שומעניה in *TB Megillah* 25b, which correspond to *κληδών* *αίσχρά* and *κληδών* *καλή*) and an omen contained in a chance uttering. The latter is indeed the real substance of the *Bath Kol*, see below.

¹⁸ I Sam. 28:3.

¹⁹ Comp. *TB Hullin* 95b.

²⁰ *TB Hagigah* 15a ff. (*Koheleth Zuta* VII. 8, ed. Buber, pp. 110-111; *Midrash Mishle* VI. 20, 29a); *ibid. Gittin* 68a; *Esther Rabba* (to Esth. 3:9), ed. Romm 13a.

In *TB Gittin* 56a this means of divination is ascribed to Nero! It is further

The Egyptians had a similar way of divination.²¹ According to Plutarch's explicit statement²² the Egyptians think that small children possess the power of prophecy,²³ particularly "when they are playing in temples and happen to say things."²⁴ This is also confirmed by Pausanias who, in describing the oracle of Hermes in Pharae, reports:²⁵ "He who wants to inquire from the god whispers his question in the ear of the god. Then he stops his own ears and leaves the market place. When he is gone a little way outside, he takes his hands from his ears and whatever words he hears he regards as an oracle."²⁶ Pausanias

related there that the emperor shot an arrow towards the East, but it altered its course and fell [towards] Jerusalem. He then shot one towards the West and then towards the other directions of the wind and achieved the same result. It is hard to decide whether the Rabbis described a practice which was customary in their time or had in mind the mantic devices of the king of Babylonia (see Ezek. 21:26). The Palestinian *Midrashim* (*Ekha Rabba* Proem. 23, ed. Buber 10a; *Koheleth Rabba* and *Zuta* to Eccl. 12:7) which comment in detail on the performance of the king provide no particulars about the means of divination by arrows. Jerome (to Ezek. *ibid.*, *PL* XXV, 206c) contents himself with the observation: hanc autem Graeci *βελομαντίαν* sive *ῥαβδομαντίαν* nominant. It seems that *βελομαντεία* was in use in the time of Jerome. In *Midrash Tehilim* (LXXIX. 2, ed. Buber 180a) the *βελομαντεία* of the king of Babylonia is described in the following way: He shot an arrow meant for (אב) Antiochia, one meant for Tyre and one meant for Laodicea. These arrows broke. But when he shot an arrow meant for Jerusalem it did not break. This indicated to him that Jerusalem was to be destroyed by him. Here again we cannot be positively sure that the Rabbis described the heathen practices of their time. Their account may have been guesswork. Comp. Th. Nöldeke, *Archiv f. Religionswissenschaft* XVI, 1913, p. 308 ff.

²¹ See Bouché-Leclercq, *Histoire de la divination* III, p. 387 and n. 3 *ibid.* He refers to Dio Chrys., *Orat.* XXXIII. 13, to Ael., *hist. anim.* XI. 10 and Pausanias VII. 22. 4.

²² *Is. et Osir.* 14, 356e, overlooked by Bouché-Leclercq.

²³ Comp. *TB Baba Bathra* 12b.

²⁴ *παιζόντων ἐν ἱεροῖς καὶ φθεγγομένων ὃ τι ἂν τίχῃσι.* From the description of Xenophon of Ephesus (*Ephesiaca* V. 4. 11) one does not gain the impression that the children playing in the temple area of Apis uttered their prophecies by chance. Comp. also Plinius, *nat. hist.* VIII, 71, 185.

²⁵ VII. 22. 3.

²⁶ *καὶ ἡσινος ἂν ἐπακούσῃ φωνῆς, μάντευμα ἡγεῖται.* In *TP Shabbath* (VI. 9, 8c) it is related (I translate according to the correct text of the *Yerushalmi Fragments from the Genizah*, ed. L. Ginzberg, p. 28, and in the quotation

adds: "The Egyptians have a similar way of divination at the temple of Apis." Thus it is evident that in Egypt the method of divination was to learn from what children who are in the temple or its premises happened to say. It is worthy of note that many of the Greek writers stress the special veracity of this omen. The Jews adopted the same course, substituting the school or the synagogue for the heathen temple. This was not considered forbidden divination but a *σημείου* (אור) from Heaven, a kind of prophecy.²⁷

The Christians also believed in the efficacy of this mode of divination, and did not disapprove of it. Antony decided to become a monk²⁸ when he heard Matt. 19:21 read in the church as he entered it. It appeared to him that the passage was read for his sake.²⁹

Augustine recounts:³⁰ *audio vocem de divina*³¹ *domo cum cantu dicentis et crebro repetentis quasi pueri an puellae, nescio: tolle lege, tolle lege.*³² "I heard the voice of a boy or a girl coming from the divine house³³ which repeatedly uttered in a sing-song manner: take up and read, take up and read."

of יעקב לעין יעקב to *TB Megillah* towards the end): "R. Jonah and R. Jose were going to visit R. Aḥa who happened to be sick. They said: Let us follow the 'hearing of a *Bath Kol*' (see above n. 17). They heard a woman asking her friend: Has the lamp gone out? It has not, she said. And [indeed] the lamp of Israel was not extinguished" (i. e. R. Aḥa was not dead). In this case we have an omen which is similar to that practiced in Greece.

²⁷ See *TP Shabbath* VI, 9, 8c and *TB Hullin* 95b. Comp. the interpretation of Rabbi Aaron of Lunel in his *ארחות חיים* II, p. 619; the stories told in the above sources argue against his interpretation.

²⁸ Athanasius, *vita S. Antonii* 2, PG XXVI, 841c.

²⁹ *ὡς δι' αὐτὸν γενομένου τοῦ ἀναγνώσματος.*

³⁰ *Confess.* VIII. 12. 29.

³¹ This is the reading of cod. Sessorianus, the oldest (seventh or eighth century) and best manuscript. All other manuscripts read: *vicina*, which was adopted in all later editions. However, Knöll (*CSEL* 33, p. 19413) correctly followed the best text (See *praefatio* *ibid.*, p. V and p. VII).

³² Comp. the vision of Porphyrius (Mark le Diacre, *vie de Porphyre* 45, ed. Grégoire et Kugener, p. 38) where the empress Eudoxia told him: *λάβε ἀνάγνωθι*. The editors (p. 119) surmise that the expression is taken from our passage in the Confessions.

³³ I. e. the church.

R. Levi said: The prophecy of the nations of the world is ambiguous, so that they do not know whether [they are to prepare] to be killed or to kill . . . But the prophecy of Israel is clear: *That the Jews should be ready against that day to avenge themselves on their enemies*" (Esth. 8:13). M. Sachs correctly surmised⁴⁰ that the Rabbis were ridiculing the heathen ambiguous oracles like those given to Croesus and Pyrrhus.⁴¹

The Rabbis stressed this fact again:⁴² "Why is [the Jewish oracle] called *Urim* and *Tumim*? *Urim*, because they make their words clear.⁴³ *Tumim*, because they fulfill⁴⁴ their words.⁴⁵ If you should ask why they did not fulfill their words in Gibeath Benjamin,⁴⁶ [the answer is] that [the fault lay with the people]: they did not ascertain whether they would triumph or be defeated.⁴⁷ But later when they did ascertain, they⁴⁸ cooperated, as it is said (Judg. 20:28) etc. *And the Lord said: go up, for tomorrow I will deliver him into thy hand.*"⁴⁹

Hence, the Rabbis made it a special point to stress that the Jewish oracles were not equivocal and ambiguous. No special devices were needed to interpret them.

⁴⁰ *Beitraege z. Sprach- und Alterthumsforschung* I, p. 42.

⁴¹ See Cicero, *de divin.* II 56, 115–116. Comp. *ibid.* I, 24, 50.

⁴² *Sifre Zuta*, ed. Horovitz, p. 32123; *TB Yoma* 73b. Comp. also רדקודי למה נקרא שמן on *Berakhoth*, p. 8, n. מ. I copy from the version in *TB*: אורים ותומים אורים שמאירין את דבריהם. תומים שמשלימין את דבריהם ואם תאמר בנבעת בניסין מפני מה לא השלימו. הם שלא ביחנו אם לנצח אם להנצח ובאחרונה שביחנו הסכימו שנא' וכו' ויאמר ה' עלו כי מחר אתננו בידך.

⁴³ *Urim* means lights in Hebrew.

⁴⁴ *Tameim*, to fulfil, see *TB Sanhedrin* 39b.

⁴⁵ The Septuagint likewise translates אורים ותומים *δήλωσις καὶ ἀλήθεια*. Comp. however I. Heinemann, *The Methods of the Aggadah* (Hebrew), Jerusalem 1949, p. 170.

⁴⁶ See Jud. 20:23–25.

⁴⁷ Comp. *TB Shebu'oth* 35b.

⁴⁸ I. e. the *Urim* and *Tumim*.

⁴⁹ Comp. also *TP Yoma* VII. 3, 44c.

APPENDIX II (to p. 86)

THE PUBLICATION OF THE TORAH

To avoid possible forgery the Torah, according to the Rabbis, was "published" by means of deposition in the ark. The Jewish sages also discuss the publication of the Torah from another point of view. We read in the *Midrash*: א"ר אלעזר אעפ"י שנתנה התורה מסיני לא נעשו ישראל עליה עד שנתפרשה להם באהל מועד. לדיוטנמה שהיא כתובה ומחותמת ונכנסה למדינה ולא נתחייבו עליה בני המדינה עד שנתפרשה להם ב[דימוסיה של] מדינה. כך אעפ"י שהתורה נתנה "R. Eleazar³ said: Although the Torah was revealed on Mount Sinai Israel was not punished for its transgression until it was promulgated⁴ to them in the Tent of Meeting. It was like a *διάταγμα* (edict) which had been written and sealed and brought to the city, but in respect whereof the inhabitants of the city are not bound until it has been *promulgated*⁵ to them in the public place⁶ of

¹ *Shir Hashirim Rabba* to Cant. 2:3. Comp. *Vayyikra Rabba* I. 10.

² The bracketed words are extant in *Vayyikra Rabba* *ibid.*

³ Flourished in the third quarter of the third century.

⁴ See below, n. 5.

⁵ The word פרש, פרס, to display, to stretch out, was a technical term for the promulgation of an edict. See *Aruch Completum s. v.* פרש and פרודומא; Prof. Finkelstein's additional instances in *JQR* XXXII (1942) p. 387, n. 1 and add: *Midrash Tehilim* CXIX. 46, ed. Buber, p. 499. The Semitic פרש (פרס) most likely translated the Latin [edictum] proponere, *προτίθεσθαι* (Eusebius, *Hist. eccl.* VIII. 5. Comp. also Sophocles, *Greek Lexicon*, p. 953). Eusebius frequently uses the expression ἀπλοῦν βασιλικὰ γράμματα, βασιλικὰ διατάγματα etc. (*Ibid.* VIII. 2. 4; 17. 2; IX beginning; X. 9. 8; *De mari. Pal.*, beginning) which is literally the equivalent of פרש דיוטנמה. Indeed, the Syriac translation of Eusebius (published by Wright and Maclean from a dated manuscript of 462, see Preface *ibid.*, p. V) renders the verb ἀπλοῦν פרס (See *ibid.* pp. 324, 353-354 and 357. Brockelman, *Lexicon Syriacum*², 600b quotes only one instance from the late Julian Romance of the use of this verb in the sense of promulgation).

⁶ The text has בדימוסיה, *δημοσίᾳ*.

the city. In the same way, although the Torah was revealed on Mount Sinai Israel was not punishable for its transgression until it was promulgated to them in the Tent of Meeting." The Rabbi argued according to the legal practice of the Roman government. An edict had to be displayed *δημοσίᾳ*, in a public place;⁷ until then the people were not punishable for its transgression.⁸

Similarly, some Rabbis maintained, the gentiles were not punishable for the transgression of the Torah until it was inscribed on the stones by Joshua.⁹ It is by virtue of the publication of the Torah on those *στήλαι*, that the Gentiles received their death sentence (*ἀπόφασις* פִּיטוּלִי) for its transgression.¹⁰ For, according to the Rabbis, the nations of the world sent their *notarii* to copy for them the Torah which was inscribed on the stones in seventy languages.¹¹ Apparently the Rabbis conceived that the *notarii* in their turn inscribed it on *στήλαι* which they then deposited in their sanctuaries or archives.¹² They maintain that some of those nations whom the Torah had forbidden Israel to attack subsequently produced their *στήλαι* as evidence against David when he planned to conquer them.¹³

It is noteworthy that according to a Rabbi of the second century neither the whole Torah nor Deuteronomy was in-

⁷ See F. F. von Schwind, *Zur Frage der Publikation im römischen Recht*, München 1940, pp. 84, 86.

⁸ See *ibid.*, p. 92.

⁹ See Deut. 27:4-8; Josh. 8:32.

¹⁰ *TP Sotah* VII, 21d; comp. *Tosefta* *ibid.* VIII. 6, 311f ff.

¹¹ *Tosefta* and *TP* *ibid.* and parallels.

¹² See von Schwind *ibid.*, p. 47.

¹³ *Bereshith Rabba* LXXIV. 15, 872a ff. The editions and some mss. read there פִּיטוּלִי (ἐπιστολαί, letters) instead of פִּיטוּלִי (στήλαι, blocks of stone). But the latter reading is attested by the majority of, and the best codd. The reading פִּיטוּלִי in *Yelamdenu* to Deut. 4:7 recorded in 'Arukh (s. v. פִּיטוּלִי) in the name of some books is likewise erroneous. The correct reading is the first one mentioned there: פִּיטוּלִי, *στήלֵהוּ*. Comp. the parallel passage in *TP 'Abodah Zarah* I. 1, 39b, where it is stated: וכתב על ליבן הרנוך "And [Jeroboam] inscribed on their hearts (i. e. of the golden calves. It is more likely that ליבן is a scribal error for לבנין, stones, i. e. he inscribed on *στήλαι*): 'And they will kill thee'" (Comp I Kings 12:27 הרנוני, *And they will kill me*).

scribed on the stones but only those portions in which the nations of the world would be interested, such as "*When thou drawest nigh unto a city to fight against it then proclaim peace against it etc.*" (Deut. 20:10 ff.) or "*When thou shalt besiege a city a long time etc.*"¹⁴ (ibid. 19).

In the opinion of this Rabbi it is portions of international law that were published by Joshua on the *στήλαι* (blocks of stone) which he set up.

¹⁴ *Mekhila* to Deut. published by Schechter in *Festschrift zu Israel Lewy's* etc., Hebrew part, p. 189: לא כתבו עליהן אלא מה שאומות העולם רוצין כגון כי הקרב אל עיר להלחם עליה וקראת עליה לשלום, אם שלום תענה ונו'. כי הצור על עיר ימים רבים ונו' אל עיר להלחם עליה וקראת עליה לשלום, אם שלום תענה ונו'. *Comp. Tosefta Sotah VIII, 311 3 ff.*

APPENDIX III (to p. 87, nn. 30, 31)

JEWISH AND CHRISTIAN CODICES

The Greek word $\sigma\tau\eta\nu\alpha\chi$, $\pi\acute{\iota}\nu\alpha\chi$, writing-tablet, is very common in rabbinic literature.¹ From the second century rabbinic sources it is obvious that the $\pi\acute{\iota}\nu\alpha\chi$ often consisted of more than one tablet.² We are told in *TP*³ that a Samaritan once dreamed⁴ that he was dressed in a *pinax* of twelve tablets.⁵ The dream may reflect the reality of the time.⁶ The *pinaces* were made not only of tablets but also of some softer material. The *Mishnah*⁷ explicitly mentions a *pinax* of papyrus. Another bit of relevant information dates from a somewhat later period. On Gen. 28:13 (*The land whereon thou liest to thee will I give it and to thy seed*) Bar Kappara⁸ remarks: "[The Lord] folded the earth like a *pinax* and put it under his (i. e. Jacob's) head."⁹ The com-

¹ See Krauss *LW*, p. 466, s. v. $\sigma\tau\eta\nu\alpha\chi$; L. Blau, *Studien zum altthebräischen Buchwesen* (Budapest 1902), p. 17 ff.; S. Krauss, *Talmudische Archäologie* III, p. 306 ff.

² *Mishnah Shabbath* XII. 5; *Tosefta Sotah* XV. 1, 3216 and parallel in *TP* *ibid.*

³ *Ma'aser Sheni* IV. 9, 55b.

⁴ It is an incident of the second half of the second century, as we learn from the report (*ibid.*) that the Samaritan turned to R. Ishmael b. R. Jose for the interpretation.

⁵ *Midrash Ekha Rabba* I, ed. Buber 26b, reads: he was *carrying* a *pinax* of 24 tablets.

⁶ A *pinax* of nine tablets is reproduced by W. Schubart, *Das Buch bei d. Griechen und Römern*², p. 24. This seems to be the largest number of tablets known to have been bound in one *pinax*.

⁷ *Kelim* XXIV. 7. The passage is not later than the middle of the second century.

⁸ Flourished at the end of the second and the beginning of the third century.

⁹ *BR* LXIX. 4, 7938. Comp. *TB Nidda* 30b.

parison apparently refers to the folding of papyrus (or parchment) so as to make a codex.¹⁰

Thus פנקס, *πίναξ*, in rabbinic literature is sometimes identical with codex.

In ancient Jewish sources, the פנקסים, *πίνακες*, codices are usually synonymous with records. To examine one's *pinax* merely signified to examine one's records.¹¹ The *pinax* also contained the record of a business man.¹² In the case of R. Ishmael¹³ it served him as a record of his private memoranda; he noted there a mishap that occurred to him on the Sabbath.¹⁴ It is evident that rabbinic literature mirrors the general practice of the time. The codex in antiquity was used for all the purposes cited above.¹⁵

We have pointed out above (p. 84 ff.) that an ancient injunction prohibited the publication in writing of the Oral Law. However, rabbinic sayings and decisions were written down in epistles,¹⁶ in private rolls¹⁷ and, above all, on *πίνακες*, codices (or single tablets which could subsequently be bound in a codex).¹⁸ Most of the Rabbis who are reported to have put down the *Halakhoth* of their masters on codices flourished in the first half of the third century. But the practice itself is undoubtedly much older. The employment of the note-book

¹⁰ See F. G. Kenyon, *Books and Readers in Ancient Greece and Rome*, Oxford 1932, p. 101; C. C. McCown, *Harvard Theological Review* XXXIV, 1941, p. 232.

¹¹ BR LXXXI. 1, 968 and parallels referred to in the notes a. 1.; *ibid.* 972a; 10152; *Esther Rabba* I. 6, ed. Romm 3c; *Tanḥuma* משפטים 5, end; *Targum ps.-Jonathan*, Gen. 39:11. Comp. also *Mishnah Aboth* III. 16, and *TP Rosh Hashanah* I. 3, 57a.

¹² *Mishnah Shebu'oth* VII. 5 and parallels.

¹³ Flourished in the second half of the first century.

¹⁴ *Tosefta Shabbath* I. 13, 11027, and parallels in *TP* and *TB* *ibid.*

¹⁵ See Schubart, *op. c.* (above n. 6), p. 175; McCown, *op. c.* (above n. 10), p. 249; H. A. Sanders, *Michigan Alumnus Quarterly Review* XLIV, 1938, pp. 101a, 102b and 109b.

¹⁶ J. N. Epstein, מבוא לניסוח המשנה, p. 699 ff.

¹⁷ See above, p. 87 n. 29.

¹⁸ *TP Kū'aim* I. 1, 27a; *Ma'asroth* II. 4, 49d; *TB Shabbath* 156a (three times) and *Menahoth* 70a.

was the most suitable way of indicating that they were writing the Oral Law for private, or unofficial use, and not for publication.

Now the Jewish disciples of Jesus, in accordance with the general rabbinic practice, wrote the sayings which their master pronounced *not* in form of a book to be published, but as notes in their *pinaces*, codices, in their note-books (or in private small rolls). They did this because otherwise they would have transgressed the law. In line with the foregoing we would naturally expect the *logia* of Jesus to be originally copied in codices.

Archaeological evidence, as is well known, fully corroborates this assumption. Among the early Christians both the Gospels and the Septuagint prevailed in a codex form.¹⁹ Prof. C. H. Robert,²⁰ with his usual sagacity, rightly questions the general theory that the Christian predilection for the codex was dictated by economic reasons. We have seen that the first Jewish Christians, such as Matthew and Mark,²¹ would follow the accepted Jewish practice and put down their *ὑπομνήματα* in codices.²²

According to Jewish law the Scroll of the Law was to be written only on a parchment²³ roll.²⁴ However, these and many other restrictions may have been imposed only on the roll which was to be publicly read in the places of worship. For private liturgical purposes, the Jews wrote certain portions of the Torah

¹⁹ See Schubart, *op. c.*, p. 119 ff.; Kenyon, *op. c.* (above n. 10), p. 95 ff. H. A. Sanders, *op. c.*, p. 107b; McCown, *op. c.*, pp. 224 ff., 237 ff.

²⁰ *The Journal of Theological Studies* L, 1949, p. 162.

²¹ See Eusebius, *hist. eccl.*, II. 15.

²² See Robert *ibid.* 161 ff.; *ibid.* XL, 1939, p. 253. Luke, the Gentile, could naturally act differently. He probably wrote his account in book form, with the intention of publishing it.

The reasons for the codex form of the LXX will be given below.

²³ And not on paper or ריפתרא, *διφθέρα*, which *TB* (*Megillah* 19a top and parallel) defines as a skin prepared with salt and flour but without gall-nut. Comp. the following note and *Mishnah Megillah* II. 2.

²⁴ See the minor tract *Soferim* I. 1-6, ed. Higger, pp. 96-99 and the parallels referred to in the notes *ibid.*

on *διφθέραι*²⁵ or papyrus as well as on parchment, as is well illustrated by the famous Nash papyrus.²⁶ The Jewish children began their education with the study of written tablets, and from them they went on to the roll.²⁷ We do not know the exact contents of these tablets, but it is likely that they included not only the letters of the alphabet, but also verses of the Bible.²⁸ Books of *Aggada* were in existence among the Jews, notwithstanding the violent opposition of some Rabbis.²⁹ Unfortunately the rabbinic sources mostly refer to them as ספר, book, which can mean both roll³⁰ and codex.³¹

We conclude with an interesting *Midrash* bearing on our

²⁵ See *Soferim* III. 6, p. 125. According to Aristeas (*Epistle* 176, Appendix to Swete's *Introduction to the O. T. in Greek*, 1902, p. 549) the scrolls sent from Jerusalem to Alexandria were *διφθέραι* on which the Law was inscribed in golden characters. See *Soferim* I. 8, pp. 105–106 and comp. Blau, *op. c.* (above n. 1), pp. 157 ff., p. 162. *Χρυσόγραφοι* were also in vogue among the Persians; see B. Geiger in Krauss' *Additamenta ad librum Aruch Completum*, p. 331b, s. v. פסחא II.

²⁶ On its date see W. F. Albright, *JBL* LVI, 1937, p. 145 ff. Comp. also *Bulletin of the American Schools of Oriental Research* CXV (October 1949), pp. 20–22.

²⁷ *Tanḥuma* quoted in *Or Zarua* I, 4b, top.

²⁸ See *TB Gittin* 60a, and comp. M. Friedmann, *Mekhilla*, Introduction, pp. XXXIV–XXXV.

²⁹ See Strack, *Introduction to the Talmud and Midrash*, Philadelphia 1931, pp. 13 ff., 243 ff.

³⁰ Also called טומוס, *τόμος*, *tomus*. We are told that word came to R. Ishmael (see above n. 13) that a man had written a טומוס, *tomus*, of prayers. When he went to check the report the owner threw the *tomus* into a pail of water (*Tosefta Shabbath* XIII (XIV). 4, 12831 ff.). The form of that *tomus* can be determined. Instead of *tomus TP* (ibid. XVI. 1, 15c) employs תכריך, roll. Another case of the alternation of these two words occurs in the phrase טומוס של שטרות (*Tosefta Baba Kamma* IX. 31, 3668), a *tomus* of documents, and תכריך של שטרות (*Mishnah Baba Mezi'a* I. 8), a roll of documents. This establishes the presumption that the two terms are synonymous. Now the form of the תכריך is described in *TB Baba Mezi'a*, 20b, where we are told that it was made of sheets placed end to end [and then rolled together]. We can therefore conclude that the *tomus* consisted of sheets pasted end to end and then rolled in the form of a scroll. This was the usual procedure in the Mediterranean countries; see Schubart *op. c.* (above n. 6), pp. 172 and 180.

³¹ Comp. *Sifre* I, 103, ed. Horovitz, p. 102. See L. Blau, *op. c.* (above n. 1), p. 167, and Krauss, *op. c.* (ibid.), p. 307, n. 89.

subject. We read in *Tanḥuma*:³² אמר ר' יהודה בר שלום כשאמר הק' למשה כתב לך בקש משה שתהא המשנה בכתב, ולפי שצפה הב"ה שאומות העולם עתידין לתרגם את התורה ולהיות קוראין בה יונית והם אומרים אנו ישראל,³³ ועד עכשיו המאזנים מעויין. אמר להם הקב"ה לאומות אתם אומרים שאחם בני, איני יודע, אלא מי שמסטידין שלי אצלו הם בני ואי זו זו המשנה שנתנה בני, אמר ר. Judah b. Shalom³⁴ said: When the Holy One told Moses 'write down' (Ex. 34:27), the latter wanted the *Mishnah* also to be in writing. However, the Holy One blessed is He foresaw that a time would come when the nations of the world would translate the Torah and read it in Greek and then say: 'We are Israel',³⁵ and now the scales are balanced!³⁶ The Holy One blessed is He will then say to the nations: you contend that you are my children. That may be, but only those who possess my mysteries are my children, i. e. [those who have] the *Mishnah* which is given orally."

*TP*³⁷ states to this effect: אילו כתבתי לך רובי תורתי לא כמו זר נחשבו מה בינן לאומות, אילו מוציאין ספריהן ואלו מוציאין ספריהן. אילו מוציאין דפתריהן ואלו מוציאין דפתריהן "If I wrote down *the greater part of my Law* would they (i. e. the Jews) not *be accounted as strangers?* (Hos. 8:12). What would then be the difference between them and the nations? These produce their books and their *διφθέραι* and the others produce their books and their *διφθέραι!*"³⁸

³² 34. Comp. *ibid.* 5; ed. Buber 6, 44b; *Pesikta Rabbathi* V, ed. Friedmann, 14b. I copy from *Tanḥuma* ed. prin.

³³ The modern editions of *Tanḥuma* וירא erroneously read: ש ל ישראל, but in ed. prin. *ibid.* the word ש is not extant.

³⁴ Flourished in the middle of the fourth century.

³⁵ Ed. Buber וירא, 44b, reads: א ף אנו ישראל, we are *also* Israel. This is a correction of a learned scribe. The Christians did not assert that they are *also* Israel, but they maintained that they are the ἀληθινὸς Ἰσραήλ (*const. Apost.* VII. 36. 2), the *true* Israel. The Jews were, of course, (as was our learned scribe) surprised at that claim. Tryphon the Jew is portrayed (Just. Mart. *Dial.* CXXIII. 7) to have reacted in the same way. Τί οὖν; φησὶν ὁ Τρύφων. ὑμεῖς Ἰσραήλ ἐστε; "What then, says Trypho, 'are you Israel'?"

³⁶ I. e. the Jews and the Gentiles have seemingly come with equal claims.

³⁷ *Pe'ah* II. 6, 17a; *Hagigah* I. 8, 76d.

³⁸ For the rabbinic definition of *διφθέρα* see above, n. 23. Here the word seems to be synonymous with book; see Herodot. V. 58. The *Aggadah* is often

In this homily the Christians are portrayed as producing the Septuagint in the form of books and *διφθέραι* (and not specifically in the form of *pinaces*, codices) because, according to the Rabbis, they wished to stress that in regard to the Torah they were on a par with the Jews. They have the same books in the same form³⁹ as the Jews have. In reply the Rabbis emphasized that the Christians have no oral law. By the fourth century the Christian Bible had already long since been published; it was accessible and open to anyone who could read. The Jewish oral law remained recorded in secret (private) rolls⁴⁰ and in private codices. It constituted the mysteries⁴¹ of the Lord which were published *orally* only for Israel. Its circulation in the form of private codices made it something like the secret hermetic *logos* concerning the regeneration and the rule of silence,⁴² which was not to be published.⁴³

It is natural that the prestige of the Gospels among the Christians engendered the desire to have them and the Septuagint in the same form. Both were subsequently published in the form of codices.

not very particular about the exactness of its terminology. Comp., however, Blau, *op. c.* (above n. 1), p. 93, n. 0.

³⁹ Tischendorf stated that the vellum on which the Vatican and Sinaitic codd. (See Swete, *op. c.* [above n. 25], pp. 126 ff., 129 ff.) are written came from antelopes. F. G. Kenyon, *op. c.* (above, n. 10), p. 86, remarks that, to his knowledge, this statement has never been verified. The Jews preferred to have the Torah written on parchment prepared from the skins of deer. See my note in *Tosefeth Rishonim* II, p. 139.

⁴⁰ See above, p. 87, n. 29.

⁴¹ See the passage from the *Tanḥuma* quoted above.

⁴² *Corpus Hermeticum* XIII, ed. Nock-Festugière, p. 200; see n. 1 *ibid.*

⁴³ See A. J. Festugière, Le "logos" Hermétique d'enseignement, *Revue des études Grecques* LV, 1942, p. 90. See *ibid.* p. 93 ff.

ADDITIONS AND CORRECTIONS

P. 6, n. 13. It is more plausible to assume that the statement of R. Isaac is independent of the difficulty raised in the other *Midrashim*. The Rabbi simply made a remark about the interesting connection between the name Laban and its bearer. The later *Midrashim* utilized this comment for their own problems.

P. 50, n. 34. W. Riedel cited most of the pertinent material bearing on the word פֶּסַח. His article came to my attention when this book was already set in pages. The reference to Riedel would otherwise have been included in the text and not in a note.

P. 142. Prof. Elias Bickerman kindly informs me that R. P. Roland De Vaux explained the "Awakeners" in a similar way. His article was published in the *Bulletin du Musée de Beyrouth* which appeared, according to Dr. Bickerman, sometime after World War II. This Bulletin has been inaccessible to me.

P. 178. See also J. Brand in מנחה ליהודה (*Jubilee Volume in honor of Rabbi J. L. Slotnik*), p. 12 ff.

ADDITIONS AND CORRECTIONS TO
GREEK IN JEWISH PALESTINE

This volume was warmly received by the prominent specialists in the subject. The author took notice of the reviews by A. D. Nock,¹ Ralph Marcus,² G. Allon,³ Johanan (Hans) Lewy⁴ and Henri Grégoire.⁵ He is very grateful to the eminent scholars who took the trouble to analyze the book and to present it to the general reader. Their useful suggestions were always accepted with thanks, and some of them will appear in the following corrections.⁶

A few words are in place about the review of my lamented friend Mr. G. Allon. H. Lewy⁷ noted that Allon had attributed to Lieberman "a thesis" which he never proposed and that he had omitted Lieberman's many qualifying words, so that his "perhaps" was converted by Mr. Allon into a "certainty". We shall add here two more examples in support of H. Lewy's charge. Allon ascribes to me⁸ the assertion that even in the midland centers of Palestine the prayers for rain were uttered in Greek only. This absurdity was correctly refuted. What happened was that one word was altered in the quotation from my book. Whereas I stated:⁹ "The people *sometimes* said their special prayers in Greek," I was quoted as writing: "The people *always* said their prayers in Greek" (לא אמרו אלא יונית). Again, he reported in my name¹⁰ that R. Eleazar took the sentence *παρὰ βασιλέως ὁ νόμος ἄγραφος* from a *juridic* source

¹ *Anglican Theological Review*, XXV, April 1943, p. 223 ff.

² *Historia Judaica* V, 1943, p. 73 ff.

³ *Kirjath Sepher* XX, 1943, p. 76 ff.

⁴ *Zion* X, 1945, p. 197 ff.: דרכים חדשות בחקר ההיליניזם היהודי.

⁵ *Renaissance*, vol. II-III, New York 1945, p. 470 ff.; *Byzantion* XVII, 1944-1945, p. 384 ff.

⁶ The figures mentioned below in connection with these scholars refer to the pages of their respective reviews.

⁷ P. 198, n. 3.

⁸ P. 76b.

⁹ P. 30.

¹⁰ P. 84b.

(מ.מקור משפטי).¹¹ Allon contended that the phrase was a current *proverb*. However, I stated clearly:¹² “R. Eleazar . . . began his explanation with a Greek *proverb*: *παρὰ βασιλέως* etc.”¹³

In short, Allon would often be right in his arguments if his starting point were correct. Instead he combats a fiction, attributing to me statements which I never made, and sometimes even said just the opposite.¹⁴ We fully subscribe to Prof. Lewy's request:¹⁵ “I beg the reader to compare Lieberman's actual words with the ‘thesis’ that Mr. Allon has ascribed to him.”

We cannot help adding the following observation. He who knows the conditions under which the late Mr. Allon labored will not be too harsh with him for his errors. Furthermore, he was not familiar with the English language, and, in some cases, he may have relied on a wrong translation. Indeed, his premature death is a great loss to Jewish scholarship. יהי זכרו ברוך.

We can now proceed.

P. 1 (and p. 20). There were a thousand young men in my father's house etc. See above p. 104 ff.

P. 9. On *πρωτογάμια* see now Lieberman, Rays from the East, *Mélanges Grégoire*,¹⁶ p. 411.

P. 22 and n. 47. See above p. 76 n. 240.

P. 29. On the passage from Cleomedes, see now Johanan (Hans) Lewy in ספר דינבורן, p. 104 ff. Comp. p. 106, n. 3 *ibid*.

P. 40. Prof. R. Marcus observed:¹⁷ “Lieberman *seems* to suggest that the nominative verb משכן is etymologically related to the root משך¹⁸ etc.” I never derived משכן from משך etymologically.¹⁹ It was simply maintained that משך is identical with

¹¹ The quotation marks are Mr. Allon's.

¹² P. 37.

¹³ The source of the *proverb* was recorded on p. 38, n. 51.

¹⁴ He occasionally ventured an argument on *Halakhic* grounds. This was tacitly dismissed in *Tarbiz* XX, 1950, p. 109 and n. 28 *ibid.*, p. 116 ff.

¹⁵ P. 198, n. 3.

¹⁶ *Annuaire de l'Institut. de Philol. et d'Hist. Orientales et Slaves* IX, 1949.

¹⁷ P. 75.

¹⁸ This is the opinion of S. D. Luzzatto in his *Epistles* VI, p. 997.

¹⁹ A similar mistake was made by Allon, p. 85, who thought that I preferred the reading משכן to משך. Comp. also n. 26 *ibid*.

מִשְׁכַּן signifying "to seize by order of the court." I was not aware that this meaning of מִשְׁךְ is not listed in any dictionary.

However the point can be proved from many sources. מִשְׁךְ is the literal equivalent of ἔλκειν and *trahere*. The latter was a technical term for coercive summons to court.²⁰ From the rabbinic sources it is obvious that this verb signified general seizure by order of the authorities. We read in *Midrash Mishle*:²¹ "The Ten Martyrs were *seized* only for the sin of the sale of Joseph." Similarly, it is stated in the *Midrash*:²² וְכַמָּה מְשׁוּכֵינִי עַחֲדִי "How many *prisoners* will he (i. e. Edom, Rome) seize from among you!"²³ Again we read in *Sifra*:²⁴ יְכוּל מוֹשְׁכוֹ וְיִצֵּא, and the parallel passage²⁵ formulates it: וְיִצֵּא מִשְׁכָּן, and the parallel passage²⁵ formulates it: וְיִצֵּא מִשְׁכָּן, to seize,²⁶ to arrest, to imprison.²⁷

P. 50. See Prof. Grégoire's elucidating comments in *Byzantion* XVII, p. 387.

P. 72. On מצוה, ἐντολή, and φιλέντολος, see now Lieberman, *JBL* LXV, 1946, p. 69 ff.

P. 102, n. 51. Mediaeval rabbinic authorities²⁸ assert that

²⁰ See Le Blant, *Les actes des martyrs*, p. 144. Comp. also James II.6, and Liddell and Scott s. v. ἔλκω II. 3.

²¹ I, ed. Buber, 23a. This is also the reading of *Midrash Haggadol*, Gen., p. 565, ed. Margulies, p. 637, bot.

²² *Debarim Rabba*, ed. Lieberman, p. 20.

²³ Comp. *Sifre* II, 24, ed. Finkelstein, p. 34, where שׁוּבֵינִי (capture, imprisonment) seems to be the equivalent of מְשׁוּכֵינִי in our source. Similarly, *Midrash Tehilim* XXII, 16, ed. Buber, p. 188, reads: שׁוֹשְׁבֵי הַיָּם אֶל פְּרֻעָה לֵילָה אֶחָד instead of שׁוֹשְׁבֵי הַיָּם אֶל פְּרֻעָה לֵילָה אֶחָד; see *GJP*, p. 40.

²⁴ IX. 2, 110b.

²⁵ *TB Baba Kamma* 113b, top, according to two mss. See יְקָדוּקֵי סוֹפְרִים *ibid.*, 139a, bot., n. 5.

²⁶ Comp. also קוֹנְטְרִיטִים ed. H. Yalon II, p. 80.

²⁷ This identification will perhaps illuminate an obscure expression in *Kohelith Rabba* IV.14, where בֵּית הַסּוּרִים is rendered בֵּית נִירָא. The latter is perhaps Aramaic for בֵּית מְשִׁיכָה, prison.

²⁸ Nahmanides in his commentary to Lev. 18:19; Rabbi Joshua Ibn Shu'ib in his *Derashoth* *ibid.*, 50d; Rabbi Simeon Duran in his *מִנְחַת אֵבוֹת* on *Aboth* II. 11; Rabbi Abraham Saba in his *צִרּוּר הַמּוֹר* to Deuteronomy, ed. Venice 1546, 130a, and others.

when a woman looks in the mirror at the beginning of her *menses* she sees *guttae sanguineae*. Nahmanides²⁹ quotes it in the name of Aristotle. Rabbi Simeon Duran³⁰ is more specific; he cites it from the book שינה ויקיצה, i. e. *de somno et vigila*.³¹ The passage can be found in Aristotle's *De somniis* II, 459b. The Rabbi probably had an Arabic translation which included both books together.

P. 121, n. 39. The reference to *Pesikta deR. Kahana*, 104a, n. 81, has nothing to do with the subject treated. I was misled by Jastrow, Dictionary s. v. אליקי. The correct interpretation was already given by de Lara, (see *LW* II, p. 50, s. v. אלאיקי). The word איקי is also extant in Palestinian Syriac,³² and אליקי or אלאיקי is certainly על איקי, i. e. על מן, in vain.

P. 123. The oath כך וכך occurs also in II Aboth deR. Nathan XIX, p. 40.³³

P. 126, n. 91. On monuments to dogs in antiquity, see F. Cumont, *Recherches sur le Symbolisme Funéraire des Romains*, p. 509.³⁴

P. 133. "For אימרא is the exact translation of *κρῶς* — ram". Prof. Marcus remarked (p. 75): "אימרא is rendered 'ram' and equated with *κρῶς*; but the latter regularly translates איל in the LXX, whereas אימרא usually means 'lamb'." On the whole the observation is correct. One may say with *TB*:³⁵ תורה תורה לך מיהלף לך אימרא בדיכרא מיהלף לך "Torah, Torah! You have confused the lamb with the ram." However, there is no doubt that in Palestine אימרא signified both lamb and ram. In our case I followed the opinions of Resh Lakish, Bar Kappara and R. Hiyya,³⁶ all of whom explained אימרא in our *Mishnah* to

²⁹ תורת ה' תמימה, Vienna תרל"ג, p. 26.

³⁰ In his philosophic work מן אבות, 41b. Comp. *ibid.* 65b.

³¹ Steinschneider, *Die hebraeische Uebersetzungen*, p. 153, n. 338, remarked that it is not extant in Averroes.

³² Col. II. 18, cod. Damascus, ed. F. Schulthess, Berlin 1905, p. 75.

³³ See n. 1 *ibid.* It is to be found in the שאלות ed. Rabbi N. Z. Berlin, III, p. 212.

³⁴ Additions to pp. 405, n. 4 and 439, n. 6.

³⁵ *Zebahim* 77a.

³⁶ See *TP Nedarim* a. l. 37a; *Bereshith Rabba* LVI.9, 602 ff.

mean ram. אִימְרָא is also translated ram (אִיל) in *TP 'Abodah Zarah*.³⁷ Comp. also *TP Berakhoth IX.2*, 13c, and *TB Rosh Hashana* 26a.

P. 137. The example of a Jew swearing by the sun is very striking etc. Prof. Nock remarked (p. 223): "The references to an oath 'by heaven and by earth' and the denial by Maimonides of the validity of swearing 'by heaven, by earth, by the sun and by similar objects' should now be brought into connection with the oath 'under Zeus, earth, the sun' in a society which must be deemed to be of Jewish origin in south Russia."³⁸ As to Prof. Goodenough's objection (*JQR XLVII*, 1957, p. 223, n. 9) comp. R. Taubenschlag, *The Law of Graeco-Roman Egypt* etc., New York 1944, p. 73, n. 150. Indeed among the documents recently discovered by Prof. Y. Yadin in the Judean desert (so far the most important discovery for Jewish history and literature of the tannaitic period) there is a Greek document which states that Babtha (a Jewess) swore by the *τύχη* of the emperor,³⁹ a forbidden oath, see *Scholias* III, Jerusalem 1959, p. 81, n. 42.

The words of Maimonides, who probably drew from a now lost rabbinic source, clearly indicate that the Jews swore by the *sun*. In his ספר המצות^{39a} Maimonides rules that it is forbidden to swear by the *stars*, but that it is legitimate to do so if one has their Creator in mind; it is like *swearing by the sun* and thinking of the Lord of the sun etc. If we combine both statements of Maimonides⁴⁰ we derive the rule that the Jew was permitted to swear by the sun when he had its Creator in mind, but even then the oath was not legally binding. Some crooked Jews employed an oath which was considered binding by the Gentiles, but had no force in Jewish law.

³⁷ III. 2. 42d, top.

³⁸ J. B. Frey, *Corpus Inscr. Iudaic.* I, No. 690; Nock, *Conversion*, p. 63.

³⁹ Even in a Jewish center in Palestine, in Beth She'arim, a Greek epigram (probably of the third century) on a tombstone of a Jew reads: ἐπ <ε>λ ἤθελε Μοῖρα κραταιή. "For such was the wish of the powerful Moira." The interesting epigram was published by Prof. M. Schwabe in the *Bulletin of the Jewish Palestine Exploration Society*, VI, 1939, p. 107.

^{39a} Positive commandments 7, ed. Dr. Ch. Heller, 1946, 37a.

⁴⁰ I. e. of the יד החוקק and the ספר המצות.

This circumstance may shed light on an obscure passage hitherto totally misunderstood. A responsum by Rab Hai b. Nahshon *Gaon*⁴² records:⁴² חס והלילה לעשות כן בנדר ובשבועה כי דבר גדול הוא. ובא אלינו איש חכם וחסיד זקן ודרש בישיבה כתיב ופן תשא עיניך השמימה וראית את השמש זה נדר. ואת הירח זו שבועה. ואם אתה עובר או מערים על שום אחד מהם, מיד ונרחת, וצריך תשובה גדולה שאין תשובה כמותה. מאי טעמא משום דהשם נוטל נקמה ממך ואתה משתחוה⁴³ בסבה זו לעובדי השמש והירח ועל כן כתיב בתריה העידותי בכם היום וגו' כי אבוד תאבדון "Heaven forbid that one should do so (i. e. to circumvent the law) in vows or oaths, for that is a serious matter. There came to us a pious, learned old man and taught in the School: It is written (Deut. 4:19), '*And lest thou lift up thine eyes unto heaven and behold the sun*' — that means to make a vow⁴⁴ by it⁴⁵ — '*and the moon*' — that means to swear by it.⁴⁶ If you transgress or circumvent either of them,⁴⁷ then, '*thou hast gone astray*' (ibid.) and are required to do the most severe penance. For the Lord will wreak vengeance upon you, and you will on this account be considered on a par with those who worship the sun and the moon. That is why it says further on (ibid. 26): '*I call heaven and earth to witness against you this day that ye shall utterly perish*'."

The thundering language of the old Rabbi indicates that some ignorant⁴⁸ and crooked Jews abused the oath by the luminaries. It was accepted by their neighbors as if it were legally binding. The same situation probably existed at all

⁴² Flourished in the ninth century in Sura, Babylonia.

⁴² *Geonic responsa* חשובה No 143.

⁴³ Read משתחוה.

⁴⁴ Comp. *Mishnah Sanhedrin* VII.6.

⁴⁵ *Const. Apost.* V.12, derives from the same verse the injunction against swearing by the luminaries.

⁴⁶ According to our explanation there is nothing mysterious in the teaching of the old man. See Hazan's note a. l., 54b, and Dr. B. M. Lewin, אוצר הגאונים *Nedarim*, p. 23, n. 12.

⁴⁷ I. e. either the vow or the oath.

⁴⁸ For such an oath is invalid only when it concerns the swearer himself, e. g. a self imposed oath not to eat or drink etc. The case is different in human relations when the intention of the adjurer must be taken into account. The great sin of חילול השם, profanation of His name, is involved here.

times and in all places. Some eight hundred years before the time of our old man, Martial declared.⁴⁹

ecce negas iurasque mihi per templa Tonantis
non credo: iura, verpe, per *Anchialum*.

There! You deny it, and swear to me by the Thunderer's
Temple

I don't believe you: swear circumcised one, by Anchialus.⁵⁰

Martial requires that the Jew swear an oath *more iudaico*.

P. 140. ἀγ[άπ]ην θεῶν. This reading is correct. See C. H. Roberts, *Journ. of Egypt. Arch.* 39, 1953, p. 114 (Prof. Nock).⁵¹

P. 152. On the Oriental proverbs used by Petronius and their rabbinic parallels, see M. Hadas, *American Journal of Philology* L, 1929, p. 378 ff. (Nock, p. 224, n. 3).

P. 158. εἶδες τὸν φίλον σου, εἶδες τὸν θεόν σου. "When you have seen your friends, you have seen your Lord." The proverb is probably taken from Tertullian:⁵² vidisti, inquit, fratrem, vidisti dominum tuum. "When you have seen a brother, says [Scripture], you have seen your Lord." This corroborates my conjecture (*ibid.*, n. 95) that the reference is to Gen. 33:10.

P. 165. On the expression קפץ עליו הדבר "The *davar* jumped upon him" see now Lieberman *JBL* LXV, 1946, p. 67 ff.

Pp. 175–176. בן יום in the sense of "immediately," "instantly" occurs also in *Tosefta*:⁵³ נעשה חם בן יומו "He becomes a *Tam* (harmless) immediately." It is also extant many times in *Sifra*,⁵⁴ in *Bereshith Rabba*⁵⁵ and in *Midrash Yelamdenu*.⁵⁶

Ibid. The phrase בר שעתיה in the sense of "instantly" is also

⁴⁹ *Epigr.* XI. 49.

⁵⁰ I. e. by היכלא, by the Temple of Jerusalem, as correctly explained by H. Seyrig, *Annuaire de l'Inst. de Philol. et d'Hist. Orientales et Slaves* VII (1939–1944), p. 283. See *ibid.*, p. 287, n. 21 and my note *ibid.*, p. 288.

⁵¹ The correction in the first edition of this book is void.

⁵² *De oratione* 26.

⁵³ *Baba Kamma* II.2, 347^a.

⁵⁴ בחוקותי I, 110d.

⁵⁵ X. 4, 77^a.

⁵⁶ See ליקוטים, Grünhut V, עקב, 126a.

found in *Midrash Job*:⁵⁷ עשה . . . ש ע ת ה ב ת ש ע ת ה ארץ עושה ב ת ש ע ת ה . . . מיד . . . מיד . . . ש ע ת ה ב ת ש ע ת ה . . . מיד . . . Hence it is clear that ש ע ת ה ב ת ש ע ת ה means מיד, instantly.⁵⁸ The expression was still in vogue in Palestine during the *Geonic* period:⁵⁹ אִינוּ יְכוּל לַחְזוֹר בּוֹ אִפְּלוּ בֶן שַׁעַת וּ שְׁעָתוֹ "He cannot change his mind even immediately."⁶⁰

Both terms have a very early origin. A Ugaritic tablet⁶¹ reads:⁶² כְּתַר בְּנִם עֲדַת־⁶³ "I shall make [it], O Kothar, immediately. O Kothar, instantly."

P. 188. See the excellent article of Prof. Henri Grégoire, *Revue de l'Université de Bruxelles* XXXVI, 1931, p. 257 ff. and n. 1, p. 258 *ibid.*

⁵⁷ As quoted in *Yalkut Hamakhiri* Is., p. 252.

⁵⁸ Comp. also *TP Pesahim* VIII.8, 36b top: וְקָבַר בְּשַׁעֲתָהּ "And he was buried immediately."

⁵⁹ *Responsa geonica* ed. S. Assaf, *Mekize Nirdamim*, Jerusalem, 1942, p. 123.

⁶⁰ I. e., after the transaction took place.

⁶¹ II AB, col. VII, l. 15 ff.

⁶² According to the correct explanation of A. D. Singer, *Bulletin of the Jewish Palestine Exploration Society* XI, May 1944, p. 22. Prof. H. L. Ginsberg has kindly drawn my attention to it.

⁶³ בֶּן יוֹם.

⁶⁴ בֶּן עֵת.

KEY TO ABBREVIATIONS

Allen, T. W.	Homer, the Origins and the Transmission, Oxford, 1924.
b.	<i>ben</i> (the son).
BK	<i>Baba Kamma</i> .
BR	<i>Bereshith Rabba</i> , quoted by chapter and page, ed. Theodor and Albeck, Berlin 1903–1929.
CGL	Corpus Glossariorum Latinorum, ed. G. Loewe, G. Goetz et F. Schoell.
CII	Corpus Inscriptionum Iudaicarum, ed. P. J. B. Frey, 1936.
CIL	Corpus Inscriptionum Latinarum.
CMG	Corpus Medicorum Graecorum.
CSEL	Corpus Scriptorum Ecclesiasticorum Latinorum.
Daremberg et Saglio	Dictionnaire des antiquités grecques et romaines, Paris 1877–1919.
Dornseif, F.	Das Alphabet in Mystik und Magie, Berlin 1922.
FHRA	Fontes Historiae Religionis Aegyptiacae, by Th. Hopfner, Bonnae 1922–1925.
Ginsburg C. D.	Introduction to the Massoretico-Critical Edition of the Hebrew Bible, London 1897.
GJP	Greek in Jewish Palestine, New York 1942.
HUCA	Hebrew Union College Annual.
Jastrow, M.	A dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature.
JBL	Journal of Biblical Literature.
JQR	Jewish Quarterly Review.
Liddell and Scott	A Greek-English Lexicon, 1937.

LW	Griechische und lateinische Lehnwörter im Talmud, Midrasch und Targum, von S. Krauss, Teil II, 1899.
LW I	Idem I, 1898.
MGWJ	Monatsschrift für Geschichte und Wissenschaft des Judentums.
OLZ	Orientalistische Litteratur-Zeitung.
PG	Patrologia Graeca.
PL	Patrologia Latina.
PW RE	Pauly-Wissowa Real-Encyclopädie der classischen Altertumswissenschaft.
R.	Rabbi
REJ	Revue des études juives.
Schubart W.	Das Buch bei den Griechen und Römern, Berlin-Leipzig, 1921.
Schürer E.	Geschichte des jüdischen Volkes im Zeitalter Jesu etc., Vierte Auflage, Leipzig 1901-1909.
Syl. ³	Sylloge Inscriptionum Graecarum, ed. W. Dittenberger, Leipzig 1915-24.
TB	Talmud Babylonicum.
TP	Talmud Palaestinense.
Terminologie I	Die älteste Terminologie der jüdischen Schriftauslegung, ein Wörterbuch der bibelexegetischen Kunstsprache der Tannaiten, von W. Bacher, Leipzig 1899.
Terminologie II	Die exegetische Terminologie der jüdischen Traditionsliteratur, idem, Leipzig 1905.
ZAW	Zeitschrift für die alttestamentliche Wissenschaft.

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¹ The words marked with an asterisk are omitted by Liddell and Scott (in the last edition) and Sophocles.

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⁴ Chapters and pages in ed. Horovitz.

⁵ Pages in ed. Hoffmann.

⁶ Folios in ed. Weiss.

⁷ Section and pages in ed. Horovitz.

⁸ Section and pages in ed. Finkelstein.

⁹ *Parasha* and pages in ed. Horovitz.

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¹⁰ Chapter and pages in ed. Schechter.

¹¹ Chapter and pages in ed. Theodor-Albeck

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