

WRITING JEWISH SACRED TEXTS: READING TRACTATE SOFERIM

ESTHER SARAH JILOVSKY

Submitted in Partial Fulfillment of Requirements for Ordination

Hebrew Union College-Jewish Institute of Religion

School of Rabbinic Studies

Los Angeles, California

Date: January 2021

Adviser: Dr Joshua Holo

Table of Contents	Page
Introduction	3
Writing a Torah Scroll: Reading Soferim Chapters 1-12	6
Liturgy, Rituals and Text Study: Reading Soferim Chapters 13-21	12
Delving into the Past: Tractate Soferim as the Earliest Source for Mourner's	24
Kaddish and the Torah Service	
Conclusion	30

Introduction

A Torah scroll carries the story of the Jewish people. It is a physical object, a large and heavy scroll that contains the Torah text itself, each letter carefully inscribed onto the hide of a long-deceased kosher animal. The Torah is a historical text that chronicles the origins of humanity, and the ancient history of the Jewish people. The Torah is a holy text that depicts the Eternal, the monotheistic God who leads the Jewish people out of the wilderness and toward the promised land. The Torah is a book of law, an ancient juridical code that sets out rules for a just and honest society. And the Torah is a family saga, a story of generations, of parents and children, of sibling rivalry, of trickery and deceit, and of love, honour and decency. These aspects all weave together, in ancient Hebrew words wrapped around wooden *eitzim*, their syllables chanted to sacred tropes, as the Torah scroll is rolled and unrolled, rolled and unrolled, turning with us throughout the year and throughout time.

But where does the Torah scroll come from? Why do we read our ancient, central text in this historical format? A handwritten scroll, written on parchment formed from the hide of a kosher animal is a relic from the publishing industry of two millennia ago. Other Jewish texts, including the Prophets and Ketuvim, were originally also inscribed on scrolls but this did not continue universally, as it did for the Torah. What is it about the Torah that means we still use this ancient publishing method today?

Tractate Soferim, a minor tractate of the Talmud believed to have been compiled around the middle of the eighth century, discusses many of these questions.¹ Translated as “tractate of the scribes,” Tractate Soferim is believed to have originally been created from the perspective of

¹ Harry Freedman, “Soferim,” in *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik, 2nd ed., vol. 18 (Macmillan Reference USA, 2007), 744.

the scribes, the class of scholars who wrote scrolls of the Torah and other sacred texts. Tractate Soferim documents in great detail matters such as how to write a Torah scroll; the blessings recited over a Torah scroll; and how to handle a Torah scroll in private and in public.² It also discusses the writing of other sacred texts, including other biblical texts such as the Prophets and Ketuvim. Although these biblical books are not subject to the same strict rules as the Torah, Tractate Soferim nevertheless stipulates rules for writing them.

Soferim is thought to be one of the earliest rabbinic texts—perhaps even the earliest—which details how to create, write and subsequently read from a Torah scroll in a ritual setting, together with the appropriate liturgy. It comprises a range of genres of rabbinic literature, including Mishnaic, amoraic and aggadic sources. Debra Reed Blank explains that “Soferim can best be thought of as a tapestry comprising excerpts from the Mishnah, the Tosefta, and both Talmuds, along with independent baraitot [oral traditions external to the Mishnah] and phrases.”³ It is an eclectic collection of texts, generally divided into three sections composed at different times, although with much later insertions in all sections. It has 21 chapters, divided into 255 *halachot*. Surprisingly, no evidence of it has been found in the Cairo Genizah, suggesting it has always been more widely known in the Ashkenazi world rather than the Sephardi world.⁴ Michael Higger’s 1937 critical edition has long become the standard edition, however, as Blank demonstrates so deftly in her bibliographical essay on the tractate, his version is in fact a highly edited version that does not cite his own alterations to the text.⁵ It is

² Yitzhak Dov Gilat, “Soferim (Scribes),” in *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik, 2nd ed., vol. 18 (Macmillan Reference USA, 2007), 743–44.

³ Debra Reed Blank, “It’s Time to Take Another Look At ‘Our Little Sister’ Soferim: A Bibliographical Essay,” *The Jewish Quarterly Review* 90, no. 1/2 (1999): 2.

⁴ Blank, 4.

⁵ Blank, 2. Michael Higger, *Massechet Soferim* (New York: Debe Rabanan, 1937).

clear from Blank's essay that Tractate Soferim, like any ancient text, has undergone alterations which makes the standard or original text difficult to ascertain. As a minor tractate of the Talmud, Tractate Soferim has been printed with the Talmud since the 16th Century and is found at the end of Tractate Nezikin in standard printed editions.⁶

This text immersion will comprise a close study of Tractate Soferim. The version studied will be the one published with the 1883 Vilna printing of the Talmud Bavli. This paper consists of three sections. The first, "Writing a Torah Scroll," will cover the themes in chapters 1 to 12. The second, "Liturgy, Rituals and Text Study" will analyse some of the issues that arise in chapters 13 to 21. The third section, "Delving into the Past: Tractate Soferim as the Earliest Source for Mourner's Kaddish and the Torah Service," will document how these liturgical practices emerge in Tractate Soferim.

The Torah scroll has been a constant in Jewish life for thousands of years. Studying Tractate Soferim provides an opportunity to witness how the ancient rabbis understood and saw their Torah. The intense specificity of their instructions for creating, writing and reading a Torah scroll emphasises how a Torah functions as both a physical and metaphysical object in Jewish life. The fact that we still create, write and read a Torah scroll in essentially the same way underscores the deep power in this ancient document and the way it is created.

⁶ Blank, "Soferim: A Bibliographical Essay," 13–14 Blank notes that: "Soferim was printed for the first time by the Bomberg press (Venice) in the 1520-23 edition of the Babylonian Talmud.

Writing a Torah Scroll: Reading Soferim Chapters 1-12

The first half of Tractate Soferim focuses mainly on the construction and writing of the Torah scroll itself, and then moves on to rules for public Torah reading and communal prayers such as the Amidah and the Sh'ma. The text is mainly concerned with how a scribe writes a Torah scroll and provides a detailed inventory of rules, halachic requirements, specific examples and even measurements for column widths. It is important to bear in mind that much of this material was composed in a time when the Torah was not the only scroll used by the Jewish community. Today, the only scrolls that are typically read from in a traditional Ashkenazi synagogue as physical scrolls are the Torah and the Megillat Esther, on Purim.⁷ But in the rabbinic period, scrolls remained far and away the dominant format for written work. From the beginning, Tractate Soferim is concerned with the intricacies of creating and scribing a kosher Torah scroll, as distinguished from all others.

A Torah scroll is a ritual object as much as it is a physical object. Hence, the creation of a Torah scroll is from its inception intertwined with ritual purity. Soferim tells us that sacred texts are not to be written on the skins of impure or unkosher animals: אין כותבין ספרים לא על עורות בהמה טמאה ולא על עורות חיה טמאה; nor are they to be sewn with their sinews or wound with their hairs: ולא נתפרין בגידן ולא נכרכין בשערן.⁸ It is clear that transmission of this most holy text—as much as it takes place via the object upon which the text is inscribed—must be via kosher materials. This demonstrates that ritual purity and preservation of the text remain inextricably intertwined.

⁷ In Sephardi synagogues, the other books of the Tanakh are usually also read from a scroll.

⁸ Soferim 1:1

The parallel themes of precision and consistency run throughout Tractate Soferim. While these rules about writing a Torah scroll may seem eclectic, inasmuch as they address many disparate elements, they are driven by the need to consistently preserve what has been written. Soferim includes specific directions for certain sections of the Torah, including detailed instructions for writing certain sections of text line by line or paragraph by paragraph, as well as guidelines for how to write פתוחה “open” and סתומה “closed” sections of text and spaces and more.⁹ For example, *halacha* 1:14 explains that a פתוחה or open section of text is כל שלא התחיל בראש השיטה “one that does not begin at the start of a line,” while a סתומה or closed section of text is כל שהניח באמצע השיטה “one that has a space in the middle of the line.”¹⁰ In other words, the words פתוחה and סתומה denote precise editorial terms concerning the layout of the text. It is not just the words of the Torah that must be reproduced precisely, the layout must also be faithfully preserved as the text is copied.

Soferim also contains instructions for how to repair a damaged Torah scroll, including how many columns may be replaced, and how to glue it.¹¹ It iterates rules against using two different types of materials in a Torah scroll.¹² The requirements are overwhelmingly negative: concerned with what a Torah scroll is *not* permitted to be, which suggests, as in other rabbinic literature, that such scenarios have already occurred. If the requirements for writing Torah scrolls detailed in Soferim are considered in depth, it is possible to conclude that the reproduction of texts in the milieu of the authors routinely had inconsistencies in areas such as spacing, the size of letters, gaps between words, and spelling. Hence, when writing a Torah

⁹ See, for example Tractate 1:10, 1:12 and 1:14.

¹⁰ Soferim 1:14

¹¹ Soferim 2:11

¹² Soferim 2:10

scroll, consistency was absolutely paramount.¹³ Furthermore, the requirement for precision and consistency is so strong that if a Torah scroll does not conform to all these requirements, it may be rendered פסול “ritually unfit,” which means it cannot be used for ritual purposes such as read from during a service.

Before Soferim discusses matters of holiness in depth, it shares many more requirements of language and layout. While the Torah is of course written in Hebrew, it does contain loan words from other languages, including Aramaic. Soferim observes that: כל התורה כולה עברית “The entire Torah is in Hebrew but there are some words in Aramaic” and dictates that עברית שכתבו תרגום ותרגום שכתבו עברית אל יקרא בו “Hebrew that is written in Aramaic and Aramaic that is written in Hebrew, do not read from it.”¹⁴ Thus, every word in the Torah must be written in the original language that it appears in for a Torah scroll to be kosher. Secondly, the Torah must appear in its own scroll and not combined with other biblical books. Here Soferim includes a small makhloket: עושה תורה ונביאים כאחת דברי ר' יהודה וחכ"א “Make the Torah and Prophets in one [scroll] said Rabbi Yehuda, and the Sages said: the Torah [in a scroll] by itself and the Prophets [in a scroll] by themselves.”¹⁵ Even at this time, the Torah was clearly regarded as a special and separate text that required its own scroll.

While much of Soferim seems to be a manual for Torah scribes, other parts of it read like an ancient Tikkun, centuries before the Masorites noted down the Torah vocalisation. The tractate lists several categories of examples which one would be inclined to read incorrectly, if one did not know otherwise. For example, לא to be read as לו; words written without a *vav* but to be

¹³ See, for example Soferim 2:2.

¹⁴ Soferim 1:10

¹⁵ Soferim 3:1

read with a *vav*; words written with a *heh* which is not pronounced; words written with a *heh* which is pronounced and multiplied; words written as one word but read as two words; and words spelt with a *vav* but read with a *yud*.¹⁶ These carefully noted examples, listed one by one in the categories cited above, demonstrate the care and precision taken by the authors of Soferim to record not just the intricacies of writing a Torah scroll but the details of pronouncing the words.

The holiness of a Torah scroll emerges in a myriad of ways. In Jewish worship, a Torah scroll serves as both a ritual and practical object. It is always treated with utmost respect: the congregation faces the Torah scroll wherever it is in the room, and the congregation only sits once the Torah scroll has been undressed and laid flat on the *tevah*. But after the celebratory parade of the *hakafah*, the Torah also becomes a practical object. Once the Torah itself has been blessed, the Torah reader uses the *yad* to gently point to the words and chants directly from the scroll, reading the syllables that are thousands of years old. After the Torah reading, the Torah scroll is raised by a strong member of the congregation to show the very panels that have just been read, before it is returned to the *aron hakodesh*.

Tractate Soferim documents the holiness of a Torah scroll in many ways. The text carefully stipulates how to write certain letters that must be written with a certain embellishment or flourish. For instance, the very first word of the Torah must be written as follows: ב' דבראשית. “ ‘Bet’ of B’reishit’ needs four crowns and the letters of the word shall be stretched above all the other letters because it brought the world into being.”¹⁷ Moreover, the *bet* must be bigger than an ordinary *bet*, and all

¹⁶ Soferim 6:5, 6:6, 7:1, 7:2, 7:3, 7:4

¹⁷ Soferim 9:1

letters in the Sh'ma, as it appears in Deuteronomy, should be enlarged.¹⁸ The *vav* that falls right in the middle of the Torah, in the word וָאָוֶן in Leviticus 11:42, similarly should be written differently to a usual *vav*.¹⁹ These alterations to the actual letters of the Hebrew alphabet in words and verses that describe key moments in the Torah encapsulate the entwining of the Torah as both physical and metaphysical object. The Torah communicates visually, but not pictorially, and yet in these moments designated so crucial that the letters must be marked differently, the text itself becomes richly embellished. These embellishments perhaps communicate something beyond the letters themselves at these key points in the text: the larger and decorated *bet* that begins the Torah; the special *vav* in the middle of the Torah, and the *sh'ma* written in larger letters all indicate a special significance at these points in the text. The larger letter size as well as the embellishments make it clear to the reader that there is something different and hence special about these particular words in the Torah.

In a similar vein, there are strict rules about whether it is permitted to erase words that contain names of God. For example, divine names such as the Tetragrammaton cannot be erased, even if one meant to write another word.²⁰ The task of writing this combination of letters is so sacred that one may not be interrupted even for an important visitor: הַכּוֹתֵב אֶת הַשֵּׁם אִפְּי הַמֶּלֶךְ שׁוֹאֵל “If one is writing the name [of God] and even the king asks how he is doing, he may not answer.”²¹ Thus even the act of writing this most sacred name is a sacred one that requires no interruption between the action and the divine name. Furthermore, Soferim dictates

¹⁸ Soferim 9:4

¹⁹ Soferim 9:2

²⁰ Soferim 4:2

²¹ Soferim 5:6

that: “If a person writes a divine name on his body, he must neither bathe nor anoint himself.”²²

Even if someone writes a divine name on their own body, they must not wash it off.

It is worth noting that errors in the writing of a Torah scroll, including only one error in the whole column, render the entire text invalid.²³ This means that mistakes must be carefully rectified, if possible. Soferim makes clear that if one accidentally writes a sacred name twice, the second is deleted because it was an error.²⁴ Presumably this exception to the rule of deleting a divine name is because the repetition means that there is still one instance present in the text. If a scribe for instance writes Yehuda instead of the Tetragrammaton, Soferim details how it is possible to rectify it.²⁵

Tractate Soferim contains very detailed and specific material on how to write a Torah scroll, from the materials used, to the intricacies of certain letters and words, to the conditions of writing it. All these measures illuminate the values and concerns held by the scholars who wrote these texts. Their preoccupations with precision, consistency and holiness demonstrates the regard in which they held the Torah both as text and as physical object, and the reverence with which they expected others to do the same.

²² Soferim 5:12

²³ Soferim 3:9

²⁴ Soferim 5:1

²⁵ Soferim 5:2

Liturgy, Rituals and Text Study: Reading Soferim Chapters 13-21

In many ways, Tractate Soferim reads a bit like an old congregational manual, created, edited and added to by generations of synagogue presidents, rabbis, and lay leaders. It painstakingly records what must be done and when, with utmost precision, even though no one quite remembers exactly why, but if it is in there, it must be important. It brings in stories and aggadic material that seem irrelevant and sometimes at odds with the material around them, often difficult to decipher in relation to their context.. Soferim contains mostly Tannaitic material, and although much of it has roots in the Mishnah, it is also full of beraitot, including unique liturgical gems and snippets still in use today. And, I would venture, it is these gems that have cemented Soferim as a part of Talmud study since at the least the 16th Century.²⁶

This section will focus on notable highlights from chapters 13-21. It will firstly discuss Soferim's account of the Torah and Haftarah blessings as documented in chapter 13. Secondly, it will analyse the rather strange textual turn in chapters 15 and 16, which shift to a meta-textual reflection on the value of studying Torah, Mishnah and Gemara, and hence appear to be a much later addition to the text. It will also cover a couple of *halachot* that have their roots directly in chapter 18, and will conclude with a discussion of the Hanukkah rituals discussed in chapter 20.

Blessings over the Torah and Haftarah

Soferim is not only concerned with how to create a Torah scroll, but with how to use it as a ritual object. Chapter 13 relates aspects of the ritual reading of the Torah and Haftarah,

²⁶ Blank, "Soferim: A Bibliographical Essay," 14.

including the blessings recited before and after each reading. *Halacha* 13:8 begins by citing a Tannaitic dispute: מִי שֶׁהוּא אוֹחֵז ס"ת נִחְלָקוּ בְּדִבְרֵי שְׁנֵי תַנַּיִין חֶדָּא אָמַר פּוֹתַח וְרוֹאֵה וְגוֹלֵל וּמִבְרֵךְ וְחֶדָּא אָמַר וְכַפֵּתָהּ “Regarding whoever holds a Torah scroll [that is about to be read from], there is a difference of opinion between two Tannaim. One said: open it, and look [for the verses to be read] and roll it up and recite the blessing. The other one said: open it, and look [for the verses to be read], and recite the blessing.”²⁷ It is clear that it is important to unroll the Torah scroll and find the verses to be chanted before reciting the blessing, so that the ritual of reading from the Torah proceeds smoothly directly after the blessing. Thus, the debate between the two Tannaim is regarding whether one rolls up the scroll before the blessing is said or not. Soferim comes to a swift and logical conclusion on this matter—unlike the Bavli—and sides with the second Tanna. Soferim cites Ezra’s Torah reading in the Book of Nehemia: וְכַפֵּתָהּ “And when he [Ezra] opened it [the Torah scroll], all the people stood up.”²⁸ This is immediately followed by: וַיְבָרֶךְ עֲזָרָא אֶת־יְהוָה הָאֱלֹהִים הַגָּדוֹל “And Ezra blessed the Eternal, the great God.”²⁹ Hence, the logic implied by Soferim is that Ezra opened up the Torah scroll and immediately blessed God, which means that the scroll should be left open while the Torah reader recites the blessing. In contrast, the Bavli presents a winding debate about whether it is proper to recite the blessing above a closed or an unfurled Torah scroll.³⁰ Soferim, on the other hand, satisfied with its answer to this tannaitic question, moves on to the words of the blessings themselves.

²⁷ Soferim 13:8

²⁸ Nehemia 8:6

²⁹ Nehemia 8:7

³⁰ B. Megillah 32a

Soferim differentiates the blessings to be said before a *minyan* and to be said before a private Torah reading.³¹ The familiar beginning “ברכו את ה' המבורך” is recited before a gathering of ten, while the version of the blessing given for a private Torah reading is also recognisable, if not exactly the same as the contemporary version: “בא"י אלהינו מלך העולם אשר נתן לנו תורה מן השמים”.³² The blessing for after the Torah reading is identical to the contemporary version: “ברוך אתה ה' אלהינו מלך העולם אשר נתן לנו תורת אמת וחיי עולם נטע”.³³ In this elegant, succinct *halacha*, Soferim communicates an incredible amount of crucial information about the communal ritual of reading Torah that does not seem to appear in other Tannaitic manuscripts (of the time). While it acknowledges that there exists a Tannaitic debate about whether to recite the blessing over a rolled up or open scroll, it does not dwell on the esoteric significance of such a detail, but rather identifies which side to follow and moves on to the next, arguably more important, point. Soferim's preoccupation with precision and detail emerges strongly here, as the tractate carefully delineates the words of the blessings to be recited before and after the reading of the Torah.

The very next *halacha* continues the theme of blessings and gives the blessing to recite before the Haftarah. Like the blessing after the Torah reading given above, this one is nearly identical to the contemporary version: “ברוך אתה ה' אלהינו מלך העולם אשר בחר בנביאים טובים ורצה בדבריהם”.³³ The rest of Chapter 13 pertains to the blessing recited after the Haftarah.³⁴

³¹ Soferim 13:8

³² Soferim 13:8

³³ Soferim 13:9

³⁴ See Soferim 13:10-14

Chapter 13 also contains this passage about how to resolve a dispute that seems irresolvable:

“זה אחד ממחלוקת בני מזרח ובני מערב שבני מזרח עונין אותו בישיבה ובני מערב בעמידה ובכל מקום שנחלקו”³⁵ “This is one of the disputes between scholars of the East and scholars of the West. Scholars of the East answer it while sitting, and scholars of the West while standing. And in every instance where there is a difference of opinion between two Tanna'im or two Amora'im, and we are not sure which one the *halacha* follows, we go with the stricter one.” This rare instance of first person seems almost out of character for Soferim, but it gives a clue to the ideology driving at least some of the authors or editors of this tractate, who clearly want to present themselves as strict adherents of *halacha*. Moreover, it presents two if not three dichotomies: East as opposed to West (Babylonia as opposed to Eretz Israel); Tanna'im as opposed to Amora'im; and rabbi against rabbi. Each of these categories made up crucial cornerstones of the rabbinic world, at least in how we understand it according to the texts they left behind.

On the Philosophy of Text: Chapters 15 and 16

Tractate Soferim is about text. Most of it is about creating versions of sacred texts for ritual purposes, precise directions for the rituals of reading such texts, and the liturgy surrounding these rituals. A few *halachot* into chapter 15, however, the focus shifts from a macro focus on the minutiae of creating a Torah scroll, reading a Torah scroll and the liturgy of worship including reading from a Torah scroll, to more of a meta view on the subject of text study in general. The passage begins: דתני ר' שמעון בן יוחי “Rabbi Shimon ben Yochai taught in a *baraita*”

³⁵ Soferim 13:10

and relates: “העוסק במקרא מדה ואינה מדה במשנה מדה שמקבלין עליה שכר העוסק בהש"ס אין לך מדה גדולה” “One who engages in biblical [study] gains nothing, in [study of the] Mishnah a practice that receives a reward, one who engages in [study of] ShaS [Gemara], there is no greater practice than that, provided they had already studied Bible and Mishnah.”³⁶ This reference to the three texts of Bible, Mishnah and Gemara seems a little out of the blue in a tractate that until this point has overwhelmingly concerned itself with Torah, Nevi'im and Ketuvi'im. Moreover, this statement of the value of studying certain texts assumes the existence of the Gemara (for in comparison to Mishnah, ShaS must mean Gemara rather than Mishnah), which seems incongruent with the rest of Soferim.

It is widely understood that Soferim is a post-Talmudic compilation of much earlier material.³⁷ Hence it makes sense that its content is largely Tannaitic in nature. It is worth noting that the Baraita that here is attributed to Rabbi Shimon bar Yochai, a fifth-generation Tanna, appears in a very similar form in Bava Metzia, but in this tractate it is attributed to the Tannaitic sages generally rather than to a specific sage.³⁸ Chapter 15 continues with other varied examples that explore and express the value and importance of studying Torah, Mishnah and Gemara. *Halachot* 15:7, 15:8 and 15:9 all emphasise the importance of studying Gemara in particular.

³⁶ Soferim 15:5

³⁷ The provenance of Soferim is not entirely clear. In her detailed essay on the extant manuscripts of the Tractate, Blank hypothesises that while the early chapters on Torah scrolls are probably Palestinian, later chapters were possibly written in Europe in the early medieval period. Blank, “Soferim: A Bibliographical Essay,” 5.

³⁸ ת"ר העוסקין במקרא מדה ואינה מדה במשנה מדה ונוטלין עליה שכר גמרא אין לך מדה גדולה מזו ולעולם הוי רץ למשנה Bava Metzia 33a יותר מן גמרא

The shift from Soferim's very narrowly focussed core addressing Torah construction, liturgy and ritual to a more outwardly focussed text that comments on the written and oral Torah as a whole becomes especially apparent in *halachot* 15:7 and 15:8. Here, we find two striking, similar metaphors that compare the scholarly and pious riches of studying Torah, Mishnah and ShaS to riches of the material world. Perhaps, in these *halachot* that in a sense plead for the sovereignty of Torah study, especially oral Torah, above all, there is a sense of something slipping away, a world of temptation of spiced-wine and spices that exists beyond the *beit-midrash* and the *beit-kneset*, that is alluring scholars away from the holy text study that they should be dedicating themselves to. It seems like these *halachot* may be a comment from the editors about the infinite value of text study in comparison to material wealth.

In *halacha* 15:7, we read:

אבל אמרו נמשלה המקרא כמים והמשנה כיין והש"ס כקונדיטון אי אפשר לעולם בלא מים ואי אפשר לעולם בלא
יין ואי אפשר לעולם בלא קונדיטון ואיש עשיר מתכלכל בשלשתן כך אי אפשר לעולם בלא מקרא ובלא משנה ואי
אפשר בלא הש"ס לעולם:

“But they [the sages] said: Scripture has been compared to water, the Mishnah to wine and the ShaS to spiced wine. It is not possible for the world to exist without water, and it is not possible for the world to exist without wine, and it is not possible for the world to exist without spiced wine, but a rich man enjoys all three of them. So [too] it is not possible for the world to exist without Scripture, and without Mishnah and it can never exist without the ShaS.”³⁹

This lengthy, three stage comparison cleverly layers the Tanakh, Mishnah and Gemara as emanating one from the other, just as water, wine and spiced wine presumably do. Moreover,

³⁹ Soferim 15:7

it takes what are highly specialised, religious works that only educated scholars literate in Hebrew and Aramaic could read and explains them in language that the average person on the street could understand. This is perhaps why this section seems so out of place compared to most of the rest of Tractate Soferim. Until this point, the tractate—much like the Mishnah from the very opening mishnah of Brachot assumes that one is familiar with the *sh'ma* and *aravit*—assumes that the reader is familiar with the extremely intimate details of creating a Torah scroll.⁴⁰ But here, suddenly, there is a much wider view of the world, a world that extends beyond the Torah, a world of luxuries that a rich person can access.

The following *halacha*, 15:8, similarly draws on bodily senses beyond sight and hearing to describe the value of learning Torah, Mishnah and Gemara. It compares the Torah to מלח “salt,” the Mishnah to פילפלין “pepper” and the ShaS to בשמים “spices.”⁴¹ Just as the previous *halacha* uses water, wine and spiced wine to indicate how the Mishnah and Gemara originate from yet provide a more sophisticated understanding of the Torah, this *halacha* names different spices that have a similarly gradated sense of sophistication. Instead of naming liquids that one can drink, it uses spices that one can taste and smell, perhaps alluding to senses that are less commonly associated with Torah study than sight, touch or hearing, although Torah scrolls made of animal hide do have a particular smell.

The next *halacha*, 15:9, emphasises the preference for studying ShaS above all to an even greater extent. It begins אבל אשרי אדם שיש עמלו בהש"ס “Indeed, happy is the one whose toil is in the ShaS.”⁴² The text is careful to explain that study of Tanakh and Mishnah is necessary

⁴⁰ Mishnah Brachot 1:1 begins: מַאימְתִי קוֹרִין אֶת שְׁמַע בְּעֶרְבִית “From when may one recite the Sh'ma in the evening?”

⁴¹ Soferim 15:8

⁴² Soferim 15:9

before studying the ShaS, but stresses that learning these texts is really only necessary in order to have the skills and understanding to learn the ShaS: “one should learn Scripture and Mishnah with the object of [then] approaching the ShaS.”⁴³ Here, studying the Tanakh and Mishnah are tools in the great, most worthy project of studying the Gemara, the great project of the rabbis. If this collection was indeed edited by a group of rabbis or their followers, the insertion of these *halachot* certainly suggests great self-interest in their work, and a strong belief in the universal importance of their convictions.

At first glance, the proof-text for this *halacha* seems a somewhat curious choice: הוֹן עֲשִׂיר קִרְיָת “The rich man’s wealth is his strong city, and as a high wall in his own conceit.”⁴⁴ The connection to the point about the study of ShaS above all does not immediately leap out. However, read in tandem with the preceding verse shows otherwise. The previous verse reads: מְגִד־לֵעֹז נָשָׁם יְהוָה בּוֹ-יָרוּץ צַדִּיק וְנִשְׁגָּב “The name of the Eternal is a tower of strength, to which the righteous man runs and is safe.”⁴⁵ Here the contrast between the righteous man, the צַדִּיק, who finds safety with the Eternal, and the rich man, whose wealth and safety is in his fortress, perhaps parallels the values and rewards of religious learning vis-à-vis other earthly pursuits such as the pursuit of wealth. Here, the rabbis make a strong statement to strive for textual learning because the rewards are infinite and infinitely greater than any obtainable by human, earthly means. The following *halacha* covers a discussion of suitable professions, mainly listing professions unsuitable for Jewish sons, such as sailor, shopkeeper or shepherd,

⁴³ Soferim 15:9

⁴⁴ Proverbs 18:11

⁴⁵ Proverbs 18:12

which is an interesting angle given the clear message in this chapter that studying ShaS is the only noble and suitable pursuit in existence, but hardly one that pays the bills!⁴⁶

The Rituals of Tisha b'Av

Tractate Soferim spills a lot of ink about the post-biblical holidays Purim, Hanukkah and Tisha b'Av. While the biblical harvest festivals Pesach, Shavuot and Sukkot are mentioned, it is generally in conjunction with the correct Torah reading or Amidah insertion or other specific liturgy for that day.⁴⁷ The tractate's treatment of Rosh HaShanah and Yom Kippur is similar.⁴⁸ Clearly, this is because these holidays come from the Torah (even if they are not named as such), and details of the rituals, liturgy and *halacha* for these festivals have already been outlined in the Mishnah and hashed out in the Gemara. Soferim's contribution is to stipulate the number of Torah readings required for each holiday, and in many cases to specify what these Torah readings are. When it comes to the post biblical holidays, however, Soferim contains much specific information on the rituals, laws and *minhagim* to mark the holiday.

Chapter 18 contains a very evocative description of the rituals of Tisha b'Av:

יש שקורין ספר קינות בערב יש מאחרין עד הבקר לאחר קריאת תורה שלאחר קריאת תורה עומד וראשו מתפלש
באפר ובגדיו מפולשין וקורא בבכיה וביללה

“There are those who read the Book of Lamentations in the evening, there are others who postpone it until the morning after the Torah reading, when after the Torah reading [the reader]

⁴⁶ Soferim 15:10,

⁴⁷ See, for example, Soferim 17:6, 19:3, 19:4.

⁴⁸ See, for example, Soferim 19:2, 19:5, 19:6.

stands and, their head covered with ashes and their clothes torn, and reads [it] with weeping and wailing.”⁴⁹

After all the meticulous instructions for reading Torah earlier in the tractate, including the many *halachot* stressing the respect for Torah scrolls and Torah reading, this direction for reading *Eicha* contrasts sharply, as was no doubt the authors’ intentions. The contrast of the pomp and circumstance, the celebration of the Torah, set amongst glorious liturgy praising God as eternal sovereign of the universe, with this image of the very same reader reading from another scroll, covered in ashes, with torn clothing, is very sobering indeed. And no doubt had the desired effect on the congregation, who could not help but respond as mourners to the traumatic and devastating tale of the destruction of the Temple and Jerusalem.

Though the remainder of this *halacha* wanders off into a diatribe about translation for those in the community who do not understand the Hebrew, which diverts into a broader discussion about women’s obligation to recite the *sh’ma* and the *Amidah* if they do not know Hebrew, a few *halachot* later, the directions for reading *Eicha* on Tisha b’Av continue:

וקורין ומספידין כאדם שמתו מוטל לפניו ויש שמשנין את מקומן ויש שיורדין מספסליהם למטה וכולן מתפלשין באפר ואין אומרים שלום זה לזה כל הלילה וכל היום עד שישלימו העם קינותיהם

“The reading and the lamentations are carried out as with a man whose dead lies before him. Some change their [customary] places [in the Synagogue]; others descend from their benches, and all of them roll in ashes and do not greet one another throughout the night and also throughout the day until the people have finished their lamentations.”⁵⁰

⁴⁹ Soferim 18:4

⁵⁰ Soferim 18:7

The mood of the day could hardly be clearer. It is a day of communal mourning, enacted as if one were mourning a relative. It is a day to be together in grief, to mourn as a community for what has been lost. Indeed, the communal evening service is recited only in a whisper, meaning that even the *Barchu* is not said aloud.⁵¹

Tractate Soferim on Hanukkah

The rabbinic holiday of Hanukkah is clearly of great concern to the authors of Tractate Soferim. It contains many *halachot* which, as for Tisha b'Av, detail the rituals for marking the holiday. The *halachot* which pertain specifically to Hanukkah in Chapter 20, for example, give clear and precise directions for how to perform the associated rituals. Unlike the Bavli, Soferim's discussion of Hanukkah rituals does not mention the Hasmoneans—except regarding the addition to the Hoda'ah blessing of the Amidah—nor does it mention rabbinic disputes or deviate into long tangents on other subjects.⁵² Instead, Soferim gives reasonably straightforward directions centring on the lighting of the *נר חנוכה*, the Hanukkah lamp.

Just as the early *halachot* of Soferim make it clear that the Torah scroll is special and hence different from all other Torah scrolls, the immediate impression from *halacha* 20:3 is that the Hanukkah lamp is different from all other lamps: ואסור להדליק בנר ישן ואם אין לו אלא ישן מלבנו “It is forbidden to light an old lamp, but if one only has an old lamp, one must thoroughly heat it in a fire; [the Hanukkah lamp] may not be moved from its place before it goes out.”⁵³ Thus the mitzvah of lighting the lamp is more important

⁵¹ Soferim 18:8: בתפלת ערבית אין אדם שומע לחבירו מפני שהן מתפללין בלחישא ואין אומרים לא ברכו ולא יהי שם:

⁵² See, for example B. Shabbat 21b-22a.

⁵³ Soferim 20:3

than having a special Hanukkah lamp for the festival itself. It is clearly preferable to have a specific lamp for Hanukkah, but if not, it is possible to use a lamp one already possesses, provided it has been heated to a very high temperature to rid it of any remaining oil from previous use.

The timing of lighting the Hanukkah lamp, according to Tractate Soferim, seems to be directly connected to the *mitzvah* of publicising the miracle, even though that is not explicitly stated. *Halacha* 20:4 explains: מצות הדלקתו משקיעת החמה עד שיכלה הרגל מן השוק “The mitzvah of lighting the Hanukkah lamp must take place from sunset until the last foot traffic has left the street.”⁵⁴ Thus, it is to be lit in the evening, or late afternoon, when sunset would fall in Eretz Israel and Babylonia during Kislev, and while there are still people about in the street. Even though the *halacha* explicitly mentions that: ואע"פ שאין ראיה לדבר זכר לדבר: “even though there is no proof of it, there is an allusion to it,” it quotes from the Torah.⁵⁵ The prooftext comes from Exodus, from Parashat BaShallach, and describes God’s presence as the Israelites travel through the desert after they have departed Egypt: לא־יָמִישׁ עַמּוּד הָעֲנָן יוֹמָם וְעַמּוּד הָאֵשׁ לַיְלָה לִפְנֵי הָעָם “The pillar of cloud by day and the pillar of fire by night did not depart from before the people.”⁵⁶ In other words, the Israelites knew that God’s presence remained with them both day and night, because of the cloud that travelled with them during the day, and because of the fire that appeared to them at night. Hence waiting until the sun has set to light the Hanukkah lamp symbolises God’s protection and presence, the same qualities inherent in the Hanukkah story.

⁵⁴ Soferim 20:4

⁵⁵ Soferim 20:4

⁵⁶ Exodus 13:22

Delving into the Past: Tractate Soferim as the Earliest Source for Mourner's Kaddish and the Torah Service

Tractate Soferim contains a treasure trove of historical liturgical practices. Its careful documentation of worship rituals, including Torah readings and specific liturgy for Shabbat and holidays, provides an ancient record of many practices that still form a key part of Jewish practice today.⁵⁷ Moreover, the secondary literature on topics such as liturgy and Jewish practice at times cites Tractate Soferim as the earliest source for a range of liturgical practices.⁵⁸ This section will analyse two examples—the Kaddish, and the liturgy of the Torah Service—as they appear in Soferim, thereby illuminating these examples in their original context, independent of their value as a touch point in the historical development of a particular liturgical or worship strain.

In her article titled “Women and Kaddish: Reflections on Responsa,” Rochelle L. Millen analyses the responsa literature around the question of whether women may publicly recite *Kaddish Yatom*, the Mourner's Kaddish.⁵⁹ She writes that: “Kaddish has come to serve not only as a memorial prayer, but also as a cathartic connection with the community in the working through of grief.”⁶⁰ Her research question stems from the emotional aspect of reciting Kaddish entwined with the halachic question of what is permitted according to traditional

⁵⁷ As Rabbi Michael Hilton writes, “Most of the rules we use today about Jewish prayer come from the book known as “Tractate *Soferim*,” originally compiled around the year 750 CE.” Michael Hilton, *Bar Mitzvah: A History* (University of Nebraska Press: Jewish Publication Society, 2014), 9.

⁵⁸ For example, Solomon Gandz notes that the “earliest source ... to mention expressly the two new moon days and to refer to a slight divergence in the liturgy of the two new moon days of Tebet is found in the Tractate Soferim, which, even though it is assumed to have been edited as late as the middle of the eighth century, is known to contain very early traditions.” Solomon Gandz, “Studies in the Hebrew Calendar (Continued),” *The Jewish Quarterly Review* 40, no. 3 (1950): 269.

⁵⁹ Rochelle L. Millen, “Women and Kaddish: Reflections on Responsa,” *Modern Judaism* 10, no. 2 (1990): 191–203.

⁶⁰ Millen, 192.

Jewish law. It is within this context that she cites Tractate Soferim, noting that the “first reference to kaddish as part of the synagogue service—indeed the first instance in which this doxology is termed kaddish—is in the Tractate *Soferim* (16:12, 19:1, 21:6).”⁶¹ Here, the reference to Tractate Soferim serves as the first point in a chronological sequence tracing the use of kaddish in the context of Jewish ritual mourning practices. Millen does not give a reference for this citation beyond the chronological generalisation that Tractate Soferim was “written in the sixth century,” a point that, according to more recent research, is not entirely accurate.⁶² Interestingly, Millen notes that Tractate Soferim “also records the use of kaddish at funerals,” and again observes that this seems to be an early if not the first reference to link the Kaddish with mourning.⁶³ Aside from a detailed citation of *halacha* 19:12, which will be discussed below, these references to the first or earliest instances of the Kaddish as a mourning practice are the only times that Millen’s article cites Tractate Soferim.

Tractate Soferim’s treatment of the Kaddish, however, is much broader than Millen’s article suggests. From the way that Soferim refers to the Kaddish as part of the service, it is clear that it is already an established part of the service. For example, *halacha* 10:7 includes: ואין אומרים קדיש וברכו פחות מעשרה “and [one does] not recite *kaddish* or the *barchu* with less than ten [adult men present].”⁶⁴ From this *halacha* it is clear that the Kaddish is already an established part of the service, because it is mentioned in conjunction with the *barchu*, the communal call to prayer chanted in introduction to the *sh’ma* liturgy. In *halacha* 16:12, the Kaddish is again

⁶¹ Millen, 192.

⁶² Millen, 192. As explained in footnote 37, Blank has shown that different sections of Soferim originate from vastly different time periods and geographical areas. See: Blank, “Soferim: A Bibliographical Essay.”

⁶³ Millen, “Women and Kaddish,” 192.

⁶⁴ Soferim 10:7

mentioned in the context of a minyan. However, this time the focus is not on the prayers that a minyan is required for, but rather on the point at which a minor comes of age and hence may be counted as part of a minyan. The *halacha* states: ואין קטן עולה מן המנין ברכו קריאת התורה וקדיש עד שיהא בן שלש עשרה “a minor may not be counted in a minyan for *barchu*, the reading of the Torah and Kaddish until he is thirteen years old.”⁶⁵ Again, here it is clear that the Kaddish is already established as a part of the service, just as much as the *barchu* and the Torah service are. In contrast, in parallel material in the Bavli, such as Megillah 23b, the Kaddish is not mentioned at all.⁶⁶

The remaining instances where Tractate Soferim discusses the Kaddish pertain to liturgical instructions in particular services or cases. For example, as mentioned earlier the tractate contains lengthy and specific instructions for the liturgy and rituals on Tisha b’Av. The directions for both *shacharit* and *mincha* on Tisha b’Av concern Kaddish, which is not to be recited during *shacharit* but is to be recited during *mincha*.⁶⁷ Again, this demonstrates that Kaddish was clearly a part of both services, otherwise there would have been no need to specifically mention it during the special instructions for services on Tisha b’Av.

The other two instances where Kaddish is discussed are even more specific. In *halacha* 19:12, Kaddish is mentioned in conjunction with *birchat aveilim*, the blessing for mourners. That is to say, after the service leader finishes leading *musaf*, they step outside the synagogue and offer that blessing for the mourners: לאחר שיגמור החזן תפלה של מוסף הולך לו אחורי דלתי של בית הכנסת או “after the *chazzan* finishes *musaf*, they go behind the synagogue’s doors or in front of the synagogue, and they

⁶⁵ Soferim 16:2

⁶⁶ B. Megillah 23b

⁶⁷ Soferim 19:1

find there the mourners and all their relatives; the blessing is said over them and after that Kaddish is said.”⁶⁸ Here, the mourners are singled out: they are physically separate to the rest of the congregation, for they are outside the synagogue, and they receive a special blessing. Moreover, here Kaddish is explicitly connected to the mourners and recited in their presence. However, Tractate Soferim is careful to delineate which version of Kaddish this refers to, and instructs the reader: “ואין אומר בעלמא דעתיד לחדתא אלא על התלמוד ועל הדרש” and only recite ‘In the world that will be renewed in the future’ over the Talmud and rabbinic discourse,” thus differentiating the Kaddish recited for mourners and the Kaddish recited after learning, the *Kaddish d’Rabanan*.⁶⁹ Here the tractate not only links the Kaddish with the blessing for mourners and mourning rituals, but stipulates that this is a specific form of Kaddish that does not include this particular phrase, a variation of which became part of the Burial Kaddish.⁷⁰ In contrast to the examples cited above, where Kaddish comes as part of the *Sh’ma* liturgy encompassing the *Barchu*, here it is clearly linked with mourners and mourning rituals, even if it is not yet called *Kaddish Yatom*.

The last chapter of Tractate Soferim contains further details about Kaddish. Here, the reference is to Kaddish as part of the Torah reading service, although the *halacha* in particular is concerned with the details for reading the Megillah on Purim.⁷¹ Nevertheless, Kaddish is mentioned in the context of returning the Torah scroll to the Ark after it has been read from. As with previous examples, it is clear that the Kaddish is a standard part of the service, and hence the *halacha* delineates between the days upon which Kaddish is recited before the Torah

⁶⁸ Soferim 19:12

⁶⁹ Soferim 19:12.

⁷⁰ The line in the Burial Kaddish reads: בְּעֶלְמָא דְהוּא עֲתִיד לְאַתְחִדָּתָא

⁷¹ Soferim 21:6

scroll is returned to the Ark, namely Shabbat and Festivals, and days when it is not recited at that point in the service even though there is a Torah service, such as Rosh Chodesh, Chol HaMoed, Mondays and Thursdays.⁷²

One of the most delightful sections of Tractate Soferim, both because of its beauty and its familiarity, is the description of the liturgy connected to the Torah service that appears in Chapter 14. Following the *halachot* that cover the blessings for reciting the relevant scrolls at various festivals, *halacha* 14:8 turns to the recitation of the *sh'ma* by the *maftir*, which is the *sh'ma* recited when the Torah is removed from the Ark. In the lead up to the *sh'ma*, the *halacha* lists a string of biblical verses that are also to be recited by the *maftir*, many of which have found their way into contemporary liturgy. This sequence of biblical verses opens with אשרי יושבי ביתך “Happy are they who dwell in your house,” a fragment of Psalm 84 which now emerges as a rousing component of *P’sukei d’Zimra* and Shabbat Mincha.⁷³

Most of the *halacha* consists of a string of biblical verses, many of which are familiar from the liturgy still in use today. Many, but not all, of these verses come from the Book of Psalms, and are linked by the theme of praising God’s greatness and God’s power. The *halacha* explains that “after this the *maftir* stands and recites,” and then lists the verses. The list begins with: ואין כמעשיך “there is none like you among the gods, Eternal One, and no deeds like yours,” citing what is now recognised as the opening refrain of the Torah service that emphasises God’s greatness.⁷⁴ The next phrase has become the much-loved *Mi Chamocha*, the bridge between the *Sh'ma* liturgy and the Amidah: מי כמוך באלים ה' מי “Who is like you among the gods, Eternal One, who is like

⁷² Soferim 21:6

⁷³ Psalm 84:5, quoted in Soferim 14:8.

⁷⁴ Psalm 86:8, quoted in Soferim 14:8.

you, glorious in holiness, awesome in praises, working wonders?”⁷⁵ This quote, directly from the Song of the Sea in Exodus, expresses the wonder felt by the people of Israel after they had successfully crossed the Sea of Reeds and were safe from the Egyptian forces who had pursued them.

The next verse continues the overture to the Torah service, so to speak: מלכותך מלכות כל עולמים “Your kingdom is a kingdom for all ages and your dominion is in all generations,” a phrase that confirms God’s eternal existence beyond the realms of human understanding.⁷⁶ It is then followed by one of the most beautiful formulations in Jewish liturgy: ה' מלך ה' מלך ה' ימלוך לעולם ועד “the Eternal is sovereign, the Eternal has reigned, the Eternal shall reign forever and ever.”⁷⁷ This particular formulation, a composite of several biblical verses which expresses God’s eternity, appears for the first time in Tractate Soferim. As Peretz A. Rodman explains, the “assembled fragments come together to make a strong and unmistakable point about the eternity of divine sovereignty over the universe.”⁷⁸ It is fitting that such a simple yet beautiful unit of liturgy should find its origins in Soferim, an obscure minor tractate that nevertheless stores stunning treasures for those who take the time to dig there.

⁷⁵ Exodus 15:11, quoted in Soferim 14:8.

⁷⁶ Psalm 145:13, quoted in Soferim 14:8.

⁷⁷ Soferim 14:8.

⁷⁸ Peretz A. Rodman, “The Art of Collage in Jewish Liturgy: Compilations of Biblical Verses in Pesuqei de-Zimra,” *Hebrew Studies* 59 (2018): 232.

Conclusion

Jewish life revolves around community. And in Tractate Soferim there lies snapshots of Jewish communal life from many centuries ago. Notwithstanding the difficulties in dating this text—though I would agree with the general consensus that it is mainly Tannaitic material overlaid with later additions—it provides a fascinating commentary on how a Jewishly religiously observant community works. It begins with the very particular—the intricacies of how to create and write a Torah scroll—and meanders gently outward to address many other related issues, including how a Torah scroll is different from other scrolls, such as the Megillat Esther and the Prophets, to Torah readings for specific holidays, to the liturgy for reading from the Torah, to the rituals for the post-biblical holidays Tisha B'Av, Hanukkah and Purim. Tractate Soferim records so much painstaking detail not only of Torah scrolls and how they must be written, but of Torah readings and liturgical inserts for particular festivals, how to light one's Hanukkah lamp, and how to mark Tisha b'Av. It contains little aggadic material, but that it does contain is striking, including the story of the seventy-two elders, and the odd aggadic addendum that concludes the tractate, almost as an afterthought, that has little connection to the rest of the tractate.

Tractate Soferim demonstrates in its own quirky way how Judaism has always taken place in community. It shows that there has always been a need for rules, and someone to compose and note them down in great detail. It also shows Judaism as a living organism that continues to develop and change, as new aspects are added and become fixed, that there have always been differences between different communities (such as between East and West) and that living a Jewish life is a work in progress, just as we all are.

Selected Bibliography

Blank, Debra Reed. "It's Time to Take Another Look At 'Our Little Sister' Soferim: A

Bibliographical Essay." *The Jewish Quarterly Review* 90, no. 1/2 (1999): 1–26.

Freedman, Harry. "Soferim." In *Encyclopaedia Judaica*, edited by Michael Berenbaum and

Fred Skolnik, 2nd ed., 18:744–45. Macmillan Reference USA, 2007.

Gandz, Solomon. "Studies in the Hebrew Calendar (Continued)." *The Jewish Quarterly*

Review 40, no. 3 (1950): 251–77.

Gilat, Yitzhak Dov. "Soferim (Scribes)." In *Encyclopaedia Judaica*, edited by Michael

Berenbaum and Fred Skolnik, 2nd ed., 18:743–44. Macmillan Reference USA, 2007.

Higger, Michael. *Massechet Soferim*. New York: Debe Rabanan, 1937.

Hilton, Michael. *Bar Mitzvah: A History*. University of Nebraska Press: Jewish Publication

Society, 2014.

Millen, Rochelle L. "Women and Kaddish: Reflections on Responsa." *Modern Judaism* 10,

no. 2 (1990): 191–203.

Rodman, Peretz A. "The Art of Collage in Jewish Liturgy: Compilations of Biblical Verses

in Pesuqi de-Zimra." *Hebrew Studies* 59 (2018): 221–36.