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## Summary

This thesis presents and analyzes four halakhic proems in Deuteronomy Rabbah. In so doing, related Talmudic material from the Jerusalem Talmud and the Babylonian Talmud is examined to determine how it influenced the presentation of the halakhic issue in the proem. Specifically, this thesis attempts to determine what material was borrowed from the Talmudim, what was left out, and how the agenda of the proem differs that of the Talmud.

This thesis has shown that the halakhic proems of Deuteronomy Rabbah have a spectrum with regard to their complexity and form. The halakhic question is linked to the sidra verse through a thematic and/or linguistic connection. These links are strengthened by secondary questions and statements which are stylistic devices that increase the complexity of a proem. The proems borrow material selectively from the Talmud (mostly the Yerushalmi) and present the material in a clearer manner. The halakhic proem provides an additional aggadic basis for the particular halakhah in question. The sidra verse which is the culmination of the proem remains straightforward, seemingly unaffected and unaltered in its interpretation by the proem which precedes it.

This thesis examines four halakhic proems, selected randomly interspersed throughout the book. An introduction provides the goals of the thesis as well as background on this genre of midrash. Each of four chapters is devoted to one proem and its related Talmudic material. Finally, the conclusion suggests observations gained from this research.

The classic printed editions of the primary Hebrew texts were utilized most fully. Though the translations which appear in this thesis are the author's, published translations and commentaries in English and Hebrew were consulted. A wide range of sources on midrash were consulted.

**AN ANALYSIS OF THE HALAKHIC PROEMS OF DEUTERONOMY RABBAH  
AND THEIR RELATED TALMUDIC MATERIAL**

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Thesis Submitted in Partial Fulfillment of  
Requirements for Ordination

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## Acknowledgements

והתורה נקנית בארבעים ושמונה דברים . . . בשמוש חכמים בדבוק חברים ובפלפול  
התלמידים . . .

"The Torah is acquired through thirty-eight virtues . . . by ministering to the wise, by  
cleaving to friends, and by acute discussion with students. . . ."

אבות פרק ו משנה ח

**בשמוש חכמים . . . by ministering to the wise**

My first serious exposure to the world of Midrash was during my first year of rabbinical school in Jerusalem. Dr. Marc Bregman, with his appreciation for the text and his love for teaching, taught me to appreciate the depth of ancient words and forms. He taught me the first פתיחה analyzed in this thesis. His interest in my education has been a valuable source of support and intellectual nourishment. I am especially indebted to him for helping me to formulate the topic of this thesis.

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When I returned to Jerusalem to spend a year of text study at Pardes Institute in Jerusalem, I had the good fortune of studying Deuteronomy Rabbah with Dr. Baruch Feldstern. Long before delving into the specific sections of my study in this midrashic compilation, he aroused my interest in this book, and patiently and modestly helped me in beginning to explore the questions pursued in this thesis. Many of literary homilies of Deuteronomy Rabbah continue to resonate with his voice.

Dr. Michael Chernick has been a sustained influence in my rabbinic education. For six years, he has been my academic advisor, a revered teacher, and my rabbi. His passion for the Jewish people and for the text has greatly complemented his brilliance and creativity as a teacher. I feel most blessed to have studied with him. I am grateful for having had the opportunity to work on this thesis with him as my advisor.

**ברבוק חברים . . . by cleaving to friends**

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**...and by acute discussion with students**  
**...ובפלפול התלמידים**

This thesis is a work in progress. The most valuable piece I take away from this will be the opportunity to share with others what is contained in these pages, and between its lines. By so doing, I hope to refine and sharpen the ideas contained within. I hope that this thesis will be the beginning of a lifetime a service and teaching to the Jewish people.

New York City

ראש חודש אדר ב', תשנ"ז

# An Analysis of the Halakhic Proems of Deuteronomy Rabbah and their Related Talmudic Material

## Introduction

### 1. Goals

This thesis will attempt to analyze four halakhic proems and their related material in the Talmud of Eretz Yisrael (Talmud Yerushalmi) and the Babylonian Talmud (Talmud Bavli). The language, form and development of each proem will be examined in depth. Distinctive features will be highlighted, including elements which reveal the work of a redactor piecing together disparate material.

Each *petihta* will be presented in its entirety in Hebrew with this author's translation. The individual *petihta* will generally be discussed, and the related Talmudic material will be presented. In presenting the related Talmudic material, this thesis is particularly interested in analyzing what the proem chose to borrow and what it chose to leave out. In what way is the *petihta*'s treatment of the halakhah different from the Talmud's presentation? How does the proem's agenda differ from the source of the halakhot it chooses to discuss? After reading the Talmudic material, we will be in a better position to determine how these proems contextualize the specific halakhic issues.

Of particular interest is an exploration of the nature of the link between the halakhic question (which begins the *petihta*) and the *sidra* verse (which concludes the *petihta*). Is the question so unrelated to the theme of the proem and to the *sidra* verse that it could have been chosen randomly? If it is determined that such a link exists, what level of literary complexity is required of the proem to successfully create this link? In the context of this proem, what happens to the halakhic issue and to the *sidra* verse? If



the link between the *sidra* verse and the halakhic question appears in the related Talmudic material but not in the proem itself, that would suggest that the proem was originally more expansive in its halakhic development and was shortened by a redactor.

Finally, attempts will be made to understand the meaning of this genre of Midrash. In bringing aggadah and halakhah together in the halakhic proem, what might it mean for the dichotomy we generally understand to exist between these two realms?

## 2. Deuteronomy Rabbah

Deuteronomy Rabbah, also called Haggadot Eleh Hadevarim Rabbah and Devarim Rabbati, is a collection of homilies on the book of Deuteronomy. While much of the material is Tanaitic and Amoraic, it is clear that the final redaction of the earliest version is after 800 C.E. since the compilation reflects a familiarity with Islam and engages in polemics against the Karaites. The original version is believed to have had 27 sections corresponding to the 27 sedarim, or weekly portions, in which Deuteronomy was read in the synagogue according to the triennial cycle in ancient Israel.

Deuteronomy Rabbah is part of a distinct literary genre of midrashim called Tanhuma Yelammedenu.<sup>1</sup> While not actually a part of the homogeneous midrash called Midrashei Tanhuma, which is linked with the name of an Amora, Rabbi Tanhuma bar Abba who lived in Eretz Yisrael in the late 4th century,<sup>2</sup> Devarim Rabbah shares with Midrashei Tanhuma a series of halakhic *petihtaot*, or proems, which are characteristic of

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<sup>1</sup> "Tanhuma Yelammedenu," *Encyclopedia Judaica*.

<sup>2</sup> Hananel Mack, *The Aggadic Midrash Literature* (Tel Aviv: MOD Books, 1989) 98.

this larger group of midrashim.<sup>3</sup> Thus, Devarim Rabbah is an aggadic midrash which resembles Midrashei Tanhuma in format and style.<sup>4</sup>

The first printed version of Deuteronomy Rabbah is from Constantinople in 1512. A variety of manuscripts, all of which vary slightly from the others, have been published over the last century. Several extant versions of the various Tanhuma-Yelammedenu midrashim on Deuteronomy have been found. In particular, Solomon Buber published selections from Tanhuma on Deuteronomy in 1885 based on a Munich manuscript from 1295. This manuscript contained additional elements for *Seder Nitzavim* not found in the printed edition. In an Oxford manuscript edited by Saul Lieberman, it includes additional homilies on *Seder Ve-ethannan*.<sup>5</sup>

### 3. Halakhah and Aggadah

Prior to discussing this distinctive literary form of the Proem in general, and specifically the halakhic proem, it is necessary to define the terms halakhah and aggadah. The term "halakhah" is first defined by the Arukh (R. Natan b. Yehiel of Rome) in the 11th century. "The meaning of *hilkhatah* is a thing which walks and moves from beginning to end. Alternately, in which Israel walk."<sup>6</sup> Halakhah generally refers to the corpus of practical Jewish law beginning with the Mishnah and continuing through the

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<sup>3</sup> Mack 101.

<sup>4</sup> Mack 104.

<sup>5</sup> H.L. Strack, and G. Stemberger, trans. Markus Buckmuehl, *Introduction to the Talmud and Midrash*. (Edinburgh: T and T Clark, 1991) 334.

<sup>6</sup> Mack 9.

Codes to the present day. Shmuel HaNagid (993-1056), the major poet of the "golden age" of Spanish Jewry, wrote that "every interpretation brought in the Talmud, on any topic which is not commandment, is aggadah."<sup>7</sup> Thus, early on aggadah is defined by what it is not.

Chaim Nachman Bialik defined these terms in sharp opposition to one another.

He wrote:

Halakhah has a stern countenance, aggadah has a cheerful countenance. The former is demanding, stringent, as hard as iron, the quality of strict justice; the latter is forgiving, lenient, as smooth as oil, the quality of mercy.... On the one hand, petrifying observance, obligation, servitude...and on the other, constant renewal, freedom, liberty...<sup>8</sup>

Applied to midrash, the terms "halakhic" and "aggadic" are not unequivocal definitions. Indeed, there is aggadic material contained in "halakhic midrashim" and halakhic material contained in "aggadic midrashim." If a midrash primarily consists of aggadah, then it is called "aggadic midrash," and vice versa.<sup>9</sup> Most of the halakhic midrashim came from the earliest strata of redacted midrashim, the Tanaitic period, whereas most of the aggadic midrashim began to appear in Eretz Yisrael during Amoraic times.<sup>10</sup> The most important of these are from the period between the 3rd and 8th

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<sup>7</sup> *Mevo HaTalmud* (printed edition, after *Mas. Berakhot*)

<sup>8</sup> Avigdor Shinan, *The World of the Aggadah* (Tel Aviv: MOD Books, 1990) 11.

<sup>9</sup> Mack 11.

<sup>10</sup> Mack 12.

centuries, from the end of the Roman period to the beginning of the Moslem period in Eretz Yisrael.<sup>11</sup>

Scholars have offered several reasons why most of the aggadah arose from Eretz Yisrael. One reason may have been that the aggadah is reflective of the theological and political struggles which took place there over these six centuries of the Common Era.

To a certain extent, the Aggadah represents a creative reaction to the upheavals suffered by Israel in their land during this long period. It also represents an attempt to develop new methods of exegesis designed to yield new understandings of Scripture for a time of crisis and a period of conflict, with foreign cultural influence pressing from without and sectarian agitation from within.<sup>12</sup>

The Jewish community's quiet existence in Babylon is in contrast to the political and religious struggles in Israel with Rome, Christianity, Islam, and various sectarian groups.<sup>13</sup> "By developing a method of 'creative exegesis' the aggadists were able to find in Scripture -- which might otherwise have come to seem irrelevant to contemporary needs -- the new answers and values which made it possible to grapple with the shifts and changes of reality."<sup>14</sup>

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<sup>11</sup> Mack 15.

<sup>12</sup> Joseph Heinemann, "The Nature of the Aggadah," trans. Marc Bregman, *Midrash and Literature*, ed. Geoffrey Hartman and Sanford Budick (New Haven: Yale, 1986) 42.

<sup>13</sup> Shinan 19.

<sup>14</sup> Heinemann, *Nature of Aggadah* 43.

A more romantic and nationalistic explanation is that aggadah is "nurtured by the soil of one's homeland."<sup>15</sup> Another nationalistic assertion is that a number of aggadic traditions are linked directly to Eretz Yisrael and its significant sites. A sociological explanation is that the difficult times and circumstances of the Jews in Eretz Yisrael warranted an escape from harsh realities in which midrash was that escape. "Bitter reality . . . forces people to flee to another world, an imaginary world where everything is good, one which brings comfort and encouragement in its wake."<sup>16</sup> This view finds support in a statement from Pesikta d'Rav Kahane (12:3):

היתה הפרוטה מצויה, היה אדם מתאוה דבר משנה ודבר תלמוד, ועכשיו שאין פרוטה מצויה, וביותר שאנו חולים מן המלכיות, אדם מתאוה לשמוע דבר מקרא ודבר אגדה.

At first, when money was available, a person would desire to hear something of the Mishnah or Talmud. Now that money is no longer available, and especially as we suffer from the government, a person wishes to hear something of the Bible or the Aggadah.

Finally, an explanation of midrash arising in Eretz Yisrael can be found in the high regard which Jews from Eretz Yisrael held for the Aggadah. In the Talmud Yerushalmi (Mas. *Pesachim*, 32A, Halakhah CPes. 5:3)

רבי שמלאי אתא גבי רבי יונתן אמר ליה אלפן  
אגדה אמר ליה מסורת בידי מאבותי שלא ללמד אגדה לא לבבלי ולא לדרומי שהן גסי  
רוח ומעוטי תורה

<sup>15</sup> Shinan 20.

<sup>16</sup> Shinan 21.

Rabbi Simlai came to Rabbi Yohanan's place. He said to him, "Teach me aggadah." He [Rabbi Yohanan] said, "It is a tradition from my forefathers not to teach the aggadah to a Babylonian or to a southerner, for they are coarse people and have little Torah."

This teaching reflects the disdain a rabbi of Eretz Israel had for Jews who did not value the aggadah as much as the people of Eretz Yisrael. When comparing the two Talmuds, it is clear that Babylon and Jerusalem had a different appreciation for the genres of halakhah and aggadah. While the Babylonian Talmud exceeds the Talmud of Eretz Yisrael in acuity, the artistic and creative force of Eretz Yisrael is stronger.<sup>17</sup> Only the Babylonian Talmud attempts to reconcile contradictory aggadot, raises questions about aggadic statements, and uses aggadic thoughts for halakhic purposes. Since its primary interest was the halakhah, they dealt with the aggadah "through the prism of Halakhah."<sup>18</sup>

Certainly, there are many similarities between the halakhah and the aggadah. The same rabbis were often engaged in both spheres. The subjects addressed by the two genres were the same: Shabbat and the festivals, prayer, kashrut, Israel and its neighbors, interpersonal relations, and education. Both were guided by sets of hermeneutical principles, some of which are shared (e.g. *gezerah shavah* -- a verbal analogy, *kal v'homer* -- an a fortiori inference).

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<sup>17</sup> Shinan 21.

<sup>18</sup> Shinan 22.

The differences however, are significant. The halakhah is largely, though not exclusively, grounded in the concept of *yeridat ha'dorot* -- the idea that former halakhic decisors are more authoritative than later ones. Earlier midrashim are not viewed as more reflective of some kind of objective truth, since the aggadah has no sense of decline over time.<sup>19</sup> In aggadah, contradictory views exist comfortably side by side. In halakhah, contradictions demand reconciliation.<sup>20</sup> The study of halakhah, because of the acumen it requires, was historically reserved for an elitist, "learning class," while aggadah was popular among the masses.<sup>21</sup>

#### 4. The *Petihta* -- The Proem

The development of the *derashah*, or homily, in ancient Israel is intrinsically linked to any exploration of the *petihta*. The anonymous medieval Spanish explication of the 613 mitzvot, the *Hinukh*, connected the development of the *derashah* with the *haqhel*, the public assembly in which the Jewish people are to gather in the Temple courtyard for a public reading of Deuteronomy. The assembly was held during Sukkot following a Sabbatical year.<sup>22</sup> This assembly included the reading of Torah and the delivery of an oral *derashah*. In Nehemia 8, we read of Ezra reading the Torah to the people of Israel. Selected people as well as the Levites read and explained it to the

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<sup>19</sup> Shinan 118, 122.

<sup>20</sup> Shinan 122.

<sup>21</sup> Shinan 124.

<sup>22</sup> Adin Steinsaltz, *The Talmud: A Reference Guide* (New York: Random House, 1989)

people.

(ז) וישוע ובני ושרביה ימין עקוב שבתי הוריה מעשיה קליטא עזריה יוזבד חנן פלאיה  
 וחלום מבינים את העם לתורה והעם על עמדם:  
 (ח) ויקראו בספר בתורת האלהים מפרש ושום שכל ויבינו במקרא:

Jeshua, Bani, Sherebiah, Jamin, Akkub, Shabbethai, Hodiah, Maaseiah,  
 Kelita, Azariah, Jozabad, Hanan, Pelaiah, and the Levites explained the  
 Teaching to the people, while the people stood in their places. They read  
 from the scroll of the Teaching of God, translating it and giving the sense;  
 so they understood the reading. (Neh. 8:7-8)

These proto-derashot might have become more highly developed over time incorporating complicated homiletic techniques in order to arouse greater interest among the people. These derashot competed with the various Roman cultural enticements for the attention of the masses.<sup>23</sup>

The *petihtha* is a genre of midrashim which begins with an extraneous Scriptural verse from Writings, usually the Book of Psalms or Song of Songs. Through a series of homiletic devices, the midrash concludes with the opening verse of the weekly *sidra*.

There are three questions dominating scholarly discussion of the *petihtha*. What exactly is the *petihtha*? What is its relationship to the *derashah* of the ancient synagogue? And, how it is linked to the *sidra* verse which it introduces?

Scholars suggest three possibilities regarding what the *petihtha* is and what its relationship is to the *derashah* of the ancient synagogue. One possibility is that the *petihtha* is an introduction to a longer *derashah*. After the *petihtha*, the darshan continued

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<sup>23</sup> Mack 47.



to interpret and explore the selected topic in other ways. This theory finds some support in that the term *petihta* means "opening", and could have been used to indicate that it would be followed by a series of other derashot. Other scholars dispute this claim, and maintain that the root *PTH* is interchangeably used in rabbinic literature with the root *DRSh*.<sup>24</sup> But there are further criticisms arguing against this theory. If the *petihta* is an opening or an introduction for a longer *derashah*, why are there many parshiyot for which the extended *derashah* has disappeared completely, leaving only the *petihta*? In addition, some derashot have more than one *petihta*. Furthermore, if the *petihta* was the introductory piece of a larger *derashah*, why would it contain a rigidly defined and consistent structure, whereas the *derashah* itself varied widely in terms of form? If it was intended to introduce a longer *derashah*, it is likely that the darshanim would have created other forms for the *petihta* in which to introduce their derashot.<sup>25</sup>

The second theory is that the *petihta* is a complete *derashah* in its own right. That is to say, one of the many forms of *derashah* available to a *darshan* in the ancient synagogue was the *petihta*.<sup>26</sup> If it was a complete *derashah*, then what we have must necessarily be a summary of the entire, more complete *derashah*.

Finally, a third theory holds that *petihta* was neither an introduction to the *derashah*, nor an independent *derashah*, but rather an introduction to the Torah reading in the ancient synagogue. This accounts for its distinctive "upside-down structure"

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<sup>24</sup> Mack 66.

<sup>25</sup> Mack 67.

<sup>26</sup> Mack 67.

which ends with a verse from the weekly *sidra*.<sup>27</sup> Thus, the liturgical order of the ancient synagogue would have begun with the *petihtha*, followed by the Torah reading, Haftarah reading, and then a full *derashah*. This theory explains why each *petihtha* ends with the verse that begins the *sidra*, why they are short, why the *petihtha* deals with general topics, and why the *petihtha* begins with a verse from Writings, thus forming a complete unit in the course of the Torah service: *Petihtha* (Writings), Torah reading and Haftarah (Prophets).<sup>28</sup>

It is entirely plausible that the last two theories are both correct. Namely, the *petihtha* could have been an outline of a complete *derashah* delivered in the ancient synagogue prior to the Torah reading, as a way to introduce its reading for the people. This could have occurred regularly or at those times when a longer *derashah* would not be given later in the service following the reading.

Joseph Heinemann indicated that midrashic homilies found in our collections are not identical with the public sermons which were preached in the ancient synagogue. Instead, the compilers of these midrashim used a variety of actual sermons and combined them into what he called a "literary homily."<sup>29</sup> "The homily does not reflect a single sermon as it was actually preached in public, since no preacher would have used an entire consecutive series of independent preambles simply to arrive over and over again

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<sup>27</sup> Joseph Heinemann and Jakob J. Petachowski, ed. *Literature of the Ancient Synagogue*. (New York: Behrman House, 1975) 110.

<sup>28</sup> Mack 68.

<sup>29</sup> Joseph Heinemann, "The Proem in the Aggadic Midrashim: A Form-Critical Study," *Scripta Hierosolymitana* 22 (1971): 100.

at the same point he had reached with the first one."<sup>30</sup> One genre of the midrashic homilies these redactors used was the proem. The proem, as well, was not the actual transcript of a "live" sermon, but rather a later literary rewriting. In Tanaitic times, there existed many rhetorical forms used by preachers in their homilies, and the proem was more flexible with regard to form. The proem, developed fully in the Amoraic period, acquired strict conventional rules of structure and formal perfection<sup>31</sup>. The assertion that the proem is reflective of an actual sermon, can be supported by the *harizah* -- the establishment, step by step, of a connection between a verse from the Writings and the opening verse of a particular *sidra*.<sup>32</sup> If there was no fixed Torah reading cycle in Palestine, a *darshan* arriving in a particular community would not know in advance what verse he would be expected to preach. "This custom made considerable demands on the darshan's ability to improvise an entire sermon on short notice."<sup>33</sup>

The opening verse from the Writings was not randomly selected. The preacher probably saw a thematic "inner-link" between it and a major motif of the weekly *sidra*.<sup>34</sup> "Eventually, at the end of the proem, the verse chosen is seen to belong to the subject

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<sup>30</sup> Heinemann and Petachowski 112.

<sup>31</sup> Heinemann, *The Proem* 121.

<sup>32</sup> Heinemann, *The Proem* 101.

<sup>33</sup> Marc Bregman, "The Darshan: Preacher and Teacher of Talmudic Times," *Melton Journal* 14 (1982).

<sup>34</sup> Heinemann, *The Proem* 101.

and to illustrate it from a new angle."<sup>35</sup> Others suggest that an "external connection" exists between the *sidra* verse and the extraneous verse. "That external connection is invariably the assonance of some word or words in the two passages."<sup>36</sup> Whether such an "inner-link" or an "external connection" existed in the choosing of a halakhic question for the halakhic *petihtaot*, will be an important question in our analysis of the halakhic *petihtaot* in Devarim Rabbah.

### 5. The Halakhic Proem

The Halakhic proem, however, is different from the conventional proem in many respects. In place of the opening *petihta* verse from Psalms or Song of Songs, these proems begin with a halakhic question. Significantly less common, these halakhic proems are only found in midrashic compilations, suggesting that they may be creations of a redactor. They probably were preached at some point, though time and location cannot be definitively determined.<sup>37</sup> Because many of these halakhic questions in the halakhic proems were fairly straightforward, scholars believe that in most cases, the answer was already known. Asking the questions was only a stylistic device. Indeed, with most of these, teaching a new halakhah does not appear to be a goal in this context.

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<sup>35</sup> Heinemann, *The Proem* 102.

<sup>36</sup> Lou H. Silberman, "Toward a Rhetoric of Midrash: A Preliminary Account," *The Biblical Mosaic: Changing Perspectives*, eds. R. Polzin and E. Rothman (Chicago: Scholars Press, 1982) 18.

<sup>37</sup> Joseph Heinemann, *Derashot Betzibor Bitkufat haTalmud* (Jerusalem: Mosad Bialik, 1982) 18.

It is possible that the halakhic *petihta* reflected a need to include a piece of halakhah in a *derashah* which was primarily aggadic.<sup>38</sup> This would be in line with the opinion that the quotation from Writings rounded out the use of all three sections of Tanakh in the conventional proem (see above). The halakhic question served two purposes. First, it enabled the *darshan* to include halakhah in his homily. Second, it provided a rhetorical preaching device.

In his discussion of the Yelammedeinu midrashim, Heinemann notes that following a halakhic question and a short answer, the speaker develops an aggadic discussion leading to the biblical pericope read on that day.

It is not surprising that these aggadic midrashim, which derive their material principally from homilies which were preached before a general audience, deal with halakhah only in passing. For the audience that rushed to hear the public sermon would not have been prepared to listen to involved, abstract, halakhic discussions.<sup>39</sup>

This reflects the idea that halakhah and its explication is elitist domain, whereas aggadah is more popular among the masses. It is noteworthy that this assumes that the halakhic question in these *petihtaot* was only rhetorical and that no real link existed between it and the weekly parashah.

Our assumption that people knew the answers to these basic questions may be misguided. If some did not know halakhah, this was an opportunity for the *darshan* to

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<sup>38</sup> Heinemann, *Derashot Betzibor* 18.

<sup>39</sup> Heinemann, "The Nature of the Aggadah," 50.

include a halakhic matter in his *derashah*<sup>40</sup>.

If the halakhic question was purely a rhetorical device, some posit that it may have been strengthened by having the question posed by one of the listeners in the congregation. Some scholars find support for this view in pointing to the unlikelihood of a preacher choosing a question which was distantly connected to the *sidra*.<sup>41</sup> "The challenge to the preacher lay not so much in finding the answer -- for the questions usually referred to well-known halakhot -- but in improvising a way to link both the question and the answer with the real subject matter of the sermon, the Bible reading for the day . . . ."<sup>42</sup> Perhaps, the proems are symptomatic of ignorant people asking questions without a connection to the subject matter (i.e. the parasha) of the week.<sup>43</sup> If that is the case, the relative rarity of this form could be due to the skill required for connecting such seemingly unrelated questions and *sedarim*. Few darshanim were capable of doing this.<sup>44</sup> This spontaneous challenge to the preacher's skill may have demonstrated the "dialogical nature of rabbinic homiletics."<sup>45</sup> This appears to be the case in the single *derashah* of the ancient synagogue which we have preserved in its original

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<sup>40</sup> Jacob Mann, *The Bible as Read and Preached in the Old Synagogue* (Cincinnati: Hebrew Union College, 1966) 103.

<sup>41</sup> Heinemann, *Derashot Betzibor* 19.

<sup>42</sup> Heinemann and Petachowski, 111.

<sup>43</sup> Heinemann, *Derashot Betzibor* 20.

<sup>44</sup> Heinemann, *Derashot Betzibor* 20.

<sup>45</sup> Bregman, *The Darshan*

form.<sup>46</sup>

In the Talmud Bavli (Mas. *Shabbat* 30a), Rav Tanhum of Neve was asked if one is permitted to extinguish a light on Shabbat in order to enable someone who is sick to rest. From there, he used a long *derashah* to answer a for which the majority of listeners probably knew the answer. While this aggadah pre-dates the form of the halakhic *petihta*, and does not culminate in a verse from Torah, it is similar in its development and its ability to link together unrelated material.

שאל שאילה זו לעילא מרבי תנחום דמן נוי: מהו לכבות בוצינא דנורא מקמי באישא בשבתא? פתח ואמר: אנת שלמה, אן חכמתך אן סוכלתנותך! לא דיך שדברייך סותרין דברי דוד אביך, אלא שדברייך סותרין זה את זה! דוד אביך אמר +תהלים קטו+ לא המתים יהללו יה ואת אמרת +קהלת ד+ ושבח אני את המתים שכבר מתו, וחזרת ואמרת +קהלת ט+ כי לכלב חי הוא טוב מן האריה המת! לא קשיא, הא דקאמר דוד לא המתים יהללו יה הכי קאמר: לעולם יעסוק אדם בתורה ובמצות קודם שימות, שכיון שמת - בטל מן התורה ומן המצות, ואין להקדוש ברוך הוא שבח בו, והיינו דאמר רבי יוחנן, מאי דכתיב +תהלים פח+ במתים חפשי - כיון שמת אדם נעשה חפשי מן התורה ומן המצות. ודקאמר שלמה ושבח אני את המתים שכבר מתו - שכשחטאו ישראל במדבר עמד משה לפני הקדוש ברוך הוא, ואמר כמה תפלות ותחנונים לפניו ולא נענה, וכשאמר +שמות לב+ זכור לאברהם ליצחק ולישראל עבדיך - מיד נענה, ולא יפה אמר שלמה ושבח אני את המתים שכבר מתו? דבר אחר: מנהגו של עולם, שר בשר ודם גוזר גזרה ספק מקיימין אותה ספק אין מקיימין אותה, ואם תמצוי לומר מקיימין אותה - בחייו מקיימין אותה, במותו - אין מקיימין אותה. ואילו משה רבינו, גזר כמה גזירות ותיקן כמה תקנות, וקיימות הם לעולם ולעולמי עולמים. ולא יפה אמר שלמה ושבח אני את המתים וגו'?

This question was asked of Rabbi Tanhum of Nevei: "May one extinguish a burning wick for a sick man on the Sabbath?" He opened and said:

"You Solomon, where is your wisdom and where is your understanding?

Is it not enough that your words contradict the words of David, your

father? But rather they [also] are contradictory themselves. David, your

father, said, 'The dead cannot praise the Lord . . .' (Psalms 115:17) and

<sup>46</sup> Mack 54.

you said, 'I accounted those who died long since more fortunate. . . .'

(Ecclesiastes 4:2). You said after that, 'A living dog is better than a dead

lion.' (Ecclesiastes 9:4) This is not a difficulty. When David said, 'The

dead cannot praise the Lord . . . .'

this is what he meant. Forever, a person should engage in the Torah and mitzvot before he dies. For when

he dies, he is exempt from Torah and mitzvot, and the Holy One, blessed

be he, has nothing for which to praise him. And so Rabbi Yohanan said,

"What is [meant by that which is] written? 'Among the dead, I am free?'

(Psalms 88:6) When a man dies, he is made free from the Torah and

mitzvot." And when Solomon said, 'I accounted those who died long

since more fortunate . . . .'

[he meant] when Israel sinned in the desert, Moses stood between the Holy One, blessed be He, and he said several

prayers and petitions before Him and was not answered. But when he

said, 'Remember Abraham, Isaac, and Israel, your servants,' he was

immediately answered. [Now, therefore} is it not fitting that Solomon

said, 'I accounted those who died long since more fortunate . . . .' ?

Another interpretation: It is the way of the world that when a human

prince makes a decree, it is doubtful whether it will be fulfilled or not.

But when Moses our rabbi made several decrees and several enactments,

they are fulfilled forever to the end of time. Is it not fitting that Solomon

said, 'I accounted those who died long since more fortunate . . . .' ?

If the halakhic question which begins the halakhic proem was chosen by the



*darshan*, or even if it was chosen by a later redactor, we need to determine why that specific question was chosen. Was there, as scholars assert with regard to the conventional *petihta* (see above) an "inner-link" between the question and the subject of the parasha? Or, was there an external connection based on the "assonance of some word" in the pericope (see above)?<sup>47</sup> Or, was this a random question, solely intended as a rhetorical device, in which the more removed the question was from the subject of the parasha, the more impressive the *darshan* would appear before his congregation. Exploring the link between the question and the aggadic piece which follows will be a major focus of analysis of the selected *petihtaot* of this paper.

There have been several scholarly theories about this link. Jacob Mann applied his particular thesis about the conventional *petihta*, to the halakhic *petihta*. Just as he held that the *petihta* verse was chosen on the basis of the haftarah reading, so too he asserted that the halakhic question was chosen on the basis of an unknown ancient haftarah. "...[W]hat guiding principle aided the homilist to choose out of the mass of Halakhot the particular one for his purpose?...Within the given Haftarah the homilist always obtained a suggestion for the choice of the particular halakhah to begin with his sermon by means of the formula *yelammedenu rabbeinu*."<sup>48</sup> This position is highly speculative, given that the triennial haftarot, which this view links to the halakhic question, remain largely unknown to us. Even if some of these haftarot were known to

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<sup>47</sup> Silberman 18.

<sup>48</sup> Mann 12-13.

us, it is unlikely that these were uniform in all synagogues.<sup>49</sup>

It has also been proposed that the derashot were far more halakhically complicated, but that a later editor omitted them in order to avoid discussing halakhah within the framework of an aggadic midrash.<sup>50</sup> If this was the case, then perhaps the original link between the halakhic issue and the opening verse of the *sidra* was stronger and more developed, but dependant upon a presently non-existent development of the halakhic issue. All that is retained is the halakhic question. But if this were the case, why would any later redactor omit the material needed to make a connection between the halakhic issue at hand and the *sidra*? The unique nature of this genre of midrashim depends upon this link, and it is unlikely that this essential piece of the midrash would be omitted. It would seem more likely that any connection or inner-link would be preserved.

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<sup>49</sup> Joseph Heinemann, "The Triennial Lectionary Cycle," *Journal of Jewish Studies* 19 (1968), 41.

<sup>50</sup> Mack 103.

## Chapter One: Analysis of the First Halakhic Petihta (Devarim Rabbah 1:1)

אלה הדברים הלכה אדם מישראל מהו שיחא מותר לו לכתוב ספר תורה בכל לשון וכו' כך שנו חכמים אין בין ספרים לתפילין ומזוזות אלא שהספרים נכתבים בכל לשון, רבן גמליאל אומר אף הספרים לא התירו שיכתבו אלא יונית, ומה טעמו של ר"ג שאומר מותר לכתוב ספר תורה יונית, כך לימדו רבותינו אמר בר קפרא דכתיב (בראשית ט) יפת אלהים ליפת וישכון באהלי שם שיחיו דבריו של שם נאמרין בלשונותיו של יפת לכך התירו שיכתבו בלשון יונית אמר הקב"ה ראה לשונה של תורה מה חביבה שמרפא את הלשון מנין שכן כתיב (משלי טו) מרפא לשון עץ חיים ואין עץ חיים אלא תורה שנא' (שם/משלי ג) עץ חיים היא למחזיקים בה, ולשונה של תורה מתיר את הלשון תדע לך לע"ל = לעתיד לבוא = הקב"ה מעלה מג"ע = מגן עדן = אילנות של תורה משובחים, ומה הוא שבחן שהן מרפאין את הלשון שנא' (יחזקאל מז) ועל הנחל יעלה על שפתו מזה ומזה וגו', מנין שהיא רפואה של לשון שנא' (שם/יחזקאל מז) והיה פריו למאכל ועליהו לתרופה, רבי יוחנן ורבי יהושע ב"ל חד אמר לתרפיון וח"א = וחד אמר = כל שהוא אלם ולועט הימנו לשונו מתרפא ומצחצחה מיד בדברי תורה שכך כתיב מזה ומזה ואין מזה ומזה אלא תורה שנאמר (שמות לב) מזה ומזה הם כתובים, ר"ל אמר מה לנו ללמוד ממקום אחר נלמוד ממקומו הרי משה עד שלא זכה לתורה כתיב בו (שם/שמות ד) לא איש דברים אנכי, כיון שזכה לתורה נתרפא לשונו והתחיל לדבר דברים מנין ממה שקרינו בענין אלה הדברים אשר דבר משה.

### 1. Text in Translation

"These are the words..." (Deut. 1:1) According to Jewish law, is it permissible for one to write a Torah scroll in any language? Such taught the sages: "There is no difference between scrolls,<sup>49</sup> *tefillin* or *mezuzot*, except for the fact that scrolls may be written in any language." Rabban Gamliel said that even regarding scrolls, they only permitted them to be written in Greek. And what was the reason that Rabban Gamliel said that

<sup>49</sup>While the most straightforward understanding of "*sefarim*" in this context would mean Torah scrolls (*sifrei Torah*) specifically, the translation here reflects an ambiguity which allows the word *sefarim* to be understood in a broader context in some of the Talmudic passages which follow.

it is permissible to write a Torah scroll<sup>50</sup> in Greek? Such taught our rabbis: "Bar Qapara said that it is written, 'May God enlarge Japheth, and let him dwell in the tents of Shem . . . .' (Gen. 9:27), [meaning that] the words of Shem will be spoken in the language of Japheth. Thus, they permitted them to be written in Greek."

Said the Holy One, blessed be He: "See that the language of the Torah is so precious that it heals the tongue." How do we know this? Because it is written, "A healing tongue is a tree of life." (Prov. 15:4) There is no "tree of life" other than the Torah, as it is said, "It is a tree of life to those who hold fast to it . . ." (Prov. 3:18) And the language of the of Torah loosens the tongue. Know that in the time to come, the Holy One, blessed be He, will cause praiseworthy trees to arise from the Garden of Eden. Why are they praiseworthy? Because they will heal the tongue, as it says, "All kinds of trees for food will grow up on both sides of the stream. . . ." (Ezekiel 47:12) But how do we know that this is a healing for the tongue? Because it says, "Their fruit will serve for food and their leaves for *terufah*." (Ibid.) Rabbi Yohanan and Rabbi Yehoshua ben Levi [were discussing this]. One of them said, [terufah means] medicine -- [from the Greek word] *terapyon*. One of them said that it means that anyone who is mute and who eats them, his tongue would be healed and would become fluent immediately with the words of Torah, as

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<sup>50</sup>Note the difference here. In Hebrew, *sefer Torah*.

it is said, "on both sides" [lit. from this and from this] (Ibid.) The only "on both sides" is the Torah, as it is said, "They were written on both sides." (Exodus 32) Rabbi Levi said, "Why must you learn it from another place [in Scripture]? Let us learn it from the Torah itself. Indeed, when Moses had not yet merited the Torah, it was written about him, 'I am not a man of words.' (Exodus 4:10) But when Moses merited to receive the Torah his tongue was healed, and he began to speak words. How [do we know this]? From that which we read, 'These are the words which Moses spoke...' (Deut. 1:1)."

## 2. Analysis of Proem

The opening words in many printed editions, "אלה הדברים" are intended only to indicate to the reader of this redacted midrashic collection to which *sidra* the midrash corresponds. They are not the opening words of the *petihta*. The halakhic *petihta* relies upon the stylistic and deliberate connection between the a halakhic issue and the opening verse of the weekly *sidra*. Assuming these were delivered orally in the ancient synagogue (see above), the *darshan* would certainly not have recited the opening verse of the midrash at the beginning of his homily. If he did so, then he would have destroyed the form of the midrash he was creating by undermining the element of style and suspense. Thus, each halakhic *petihta* in Devarim Rabbah characteristically begins with the words, "הלכה אדם מישראל."

One did not need to be proficient in Gemara to be able to address the specific

halakhic issue raised in this *petihta*. The issue at hand is discussed in the Mishnah, Megillah 1:8.

אין בין ספרים לתפילין ומזוזות אלא שהספרים נכתבין בכל לשון ותפילין ומזוזות אינן נכתבות אלא אשורית רבן שמעון בן גמליאל אומר אף בספרים לא התירו שיכתבו אלא יונית:

There is no difference between scrolls, *tefillin* or *mezuzot*, except for the fact that scrolls may be written in any language. Rabban Gamliel said that even regarding scrolls, they only permitted them to be written in Greek.

The midrash simplifies and abbreviates the Mishnah. It deletes the words, "ומזוזות אינן נכתבות אלא אשורית ותפילין". "It is clear that in the midrash, the language of the Mishnah is shortened by way of the scribes."<sup>49</sup> That the answer to this question is contained in the Mishnah demonstrates that the questions chosen for these halakhic poems seem to deal with issues already familiar to the people, and not highly obscure questions or issues requiring rabbinic expertise. While this provides some support for those views which suggest that the halakhic question that opens the halakhic *petihta* is a rhetorical device,<sup>50</sup> it is also possible that a congregation was unfamiliar even with all of the statements of the Mishnah. In addition, it is plausible that the *darshan* and the congregation were most interested in how to successfully connect a particular halakhic issue to the introductory verse of the *sidra*. The question may not be rhetorical,

<sup>49</sup> Louis Ginzberg, *Ginzei Schechter* [Geniza Studies in memory of Doctor Solomon Schechter], 2nd ed., 2 vols. (New York: Hermon Press, 1969) 495.

<sup>50</sup> See Heinemann, above.

but rather one which seeks to be “answered” by connecting it to a piece of Torah using an aggadic hermeneutic.

There is a central seam in the midrash which clearly divides it into two parts. The first part deals with the halakhic issue at hand. It concludes with the words, “לכך התירו שיכתבו בלשון יונית.” It could stand alone as a midrash on why a *sefer Torah* can be written in Greek. This will be referred to as “Part A.” Following that, there is a section that focuses on the power of Torah to heal the tongue. This culminates in the last line of the midrash which offers Moses as proof for the healing power of Torah. Moses who once was not a man of words, after *ma'amad har Sinai* is able to speak all of the words of the book of Deuteronomy. That section of our midrash, “Part B,” would be able to stand on its own as an independent midrash on the opening verse of the book of Deuteronomy. Identifying this seam in the midrash is crucial to our investigation. An analysis of what unites parts A and B into a unified midrash will follow below.

The most significant link between parts A and B can be found in the Sages' discussion of the word לתרופה in Part B of our proem. The source for this word, Ezekiel 47:12, is ambiguous. והיה פריו למאכל ועלהו לתרופה. The word, תרופה, is a hapax legomenon, and its usage in this verse could have a range of possible meanings. Our midrash puts forth two interpretations of this word. Rabbi Yohanan understands it to mean “healing,” and compares it with the Greek word *terapyon*. Rabbi Joshua ben

Levi understands the word's usage to be a case of notarikon<sup>51</sup> for *l'hatir peh* -- to loosen the tongue. At first glance, the disagreement between these two rabbis' interpretation of the word לתרופה appears to be solely etymological. After all, something that loosens the tongue is a kind of medicine. However, the idea that לתרופה is related to the Greek word *terapyon* is monumentally significant when we seek to forge a link between the halakhic question and the opening *pasuq* of the *sidra*.

Rabbi Yohanan's position becomes clearer as we begin to see how interpreters understood the origin of this word, תרופה. The Arukh, understands the root *TRP* as originally a Hebrew word which later entered the Greek language. Rabbi Yohanan seems to agree with this view. When Rabbi Yohanan says, "לתרפיון," the redactor understands that he is defining the word via its Greek parallel, and asserting that the Greek word itself emerged from the Hebrew. Viewed in this way, Yohanan's opinion joins together the idea of writing a Torah in Greek with the idea of Torah healing the tongue. Therefore, this word alone provides an observable proof that the words of Torah (or at least one word) is already written in Greek. If *TRP* can mean "heal" or "medicine", then it appears that a *sefer Torah* can indeed be written in Greek.

The Arukh points out Rabbi Yohanan's definition in the Talmud Yerushalmi (Sheqalim 6:50a). לתרופה רבי יוחנן אמר תרפיה מצץ עליה ותרף מזונה. "*Litruifah* --

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<sup>51</sup> Marc-Alain Ouaknin, *The Burnt Book* (Princeton: Princeton University Press, 1995) 76. Notarikon is a method of interpretation that consists of "decomposing the word into two or more parts. The word is cut up, split open, burst, shattered." "After 'spacing,' the first moment of 'writing-reading' that is only one of the infinite possibilities of reading, the process of bursting open, breaking up, fracturing, narrows down, the field of research becomes more precise: the word becomes the material to be worked, shaped, made and unmade." (Ouaknin 75).



Rabbi Yohanan says it is *terapya*-- he sucks its leaf and its food is digested [*taraf*]." The root *TRP* refers to something, like medicine, which is digested. This then begins to show how even Yehoshua ben Levi's opinion could support the idea that the Greek word *terapyon* came from the original Hebrew. As presented in our version of the midrash, Yehoshua ben Levi's position suggests both the use of notarikon and the idea of *TRP* as something eaten which cures. Perhaps his opinion in our midrash is actually the conflation of two separate positions: notarikon for *l'hatir peh* and something which is digested.

The way the two positions are stated in our midrash suggests that they are in opposition. The exact source of opposition is not clear. The disagreement between them could be about the origin of the word. In its original source, Yohanan could be asserting that the origin of the word *terufah* is Greek, while Yehoshua ben Levi argues that its origin is notarikon for *l'hatir peh*.

Elsewhere in rabbinic literature, there are examples of this discussion which do not focus on the origin of the word, but on the result of such medicine. This same passage from the Yerushalmi (Sheqalim 50a) helps us in understanding the structure of our midrash.

ועלהו לתרופה רבי יוחנן אמר תרפיה מצין עליה  
ותרף מזונה רב ושמואל חד אמר להתיר פה שלמעלן וחורנה אמר להתיר פה  
שלמטן ר' חנינה ורבי יהושע בן לוי חד אמר להתיר פה עקרות וחורנה אמר  
להתיר פה אילמים

"...and their leaves for *terufah*." (Ezekiel 47:12) Rabbi Yohanan

[interpreted this to mean] *terapiya*. He sucks its leaves and digests its

food.<sup>52</sup> Rav and Shmuel [ were discussing this]. One of them said [it means] to loosen the “upper mouth.” The other said [it means] to loosen the “lower mouth” [the womb]. Rabbi Hanina and Rabbi Yehoshua ben Levi [were discussing this]. One of them said [it is] to loosen the “mouth” of barren women. The other said [it is] to loosen the mouth of mutes.

Here in the Yerushalmi, all of the opinions seem to agree with the idea of Yohanan’s view of *terufah* as medicine. The disagreements focus upon what exactly this medicine does, and who it cures.

But when we examine the same discussion in the Bavli (Sanhedrin 100a), we gain an additional understanding of the range of interpretations to which the midrash alludes:

מאי ועלהו לתרופה? רבי יצחק בר אבודימי ורב חסדא, חד אמר: להתיר פה של מעלה, וחד אמר: להתיר פה של מטה. איתמר (נמי), חזקיה אמר: להתיר פה אילמין. בר קפרא אמר: להתיר פה עקרות. רבי יוחנן אמר: לתרופה ממש. מאי לתרופה? רבי שמואל בר נחמני אמר: לתואר פנים של בעלי הפה.

What does it mean, “...and their leaves for *terufah*?” Rabbi Yitzhaq bar Abodimi and Rav Hisda [were discussing this.] One of them said [it means] to loosen the mouth above. The other said [it means] to loosen the “mouth” below. It is also said that Hezekiah said: [It means] to open

<sup>52</sup> This translation finds support in various references (Jastrow, *Dictionary of the Talmud*; Sokoloff, *Dictionary of Palestinian Aramaic*). Others translate in light of the *Korban HaEida*’s commentary as, “Its fruit will peer out above it.” (Neusner, *Talmud of the Land of Israel* 6:2) Even if we were to accept the alternative translation, the implication is that either the fruit or the leaves will serve as food which brings healing with it.

the mouth of mutes. Bar Qapara said: To loosen the "mouth" of barren women. Rabbi Yohanan said: For actual medicine. What is *litrufah*? Rab Shmuel bar Nahmani said: To brighten the countenance of those who [put it in] their mouths.

Here in the Bavli, the interpretations of *לתרופה* place in opposition the idea of *תרופה* as medicine (that is, *תרופה ממש*) with the idea of *תרופה* as something that only loosens the tongue (or the womb). For Rabbi Yohanan, *תרופה* is something more than an elixir of speech. This is made clear by the placement of Rabbi Yohanan's statement at the end of the passage. In the Yerushalmi, the views in addition to Rabbi Yohanan could be an attempt to determine the medical benefits of *תרופה*, but here Rabbi Yohanan's comments are used to contradict previous opinions. Placing Rabbi Yohanan's statement at the end sets the idea of *terufah* in opposition with *l'hatir peh* and may provide an explanation of the oppositional presentation of these views in our midrash. In order to understand the Sanhedrin passage, we need to find a usage of *terufah* as medicine which precludes it being a drug which helps people to speak.

In Pirkei d'Rabbi Eliezer, the contrast between an elixir of speech and medicine of another sort becomes clearer.

וכל אדם שיש לו  
מכה לוקח מעליהם ונותן על מכתו ומתרפא, שני' והיה פרי' למאכל ועליהו  
לתרופה.

And any person who has a wound takes from their leaves and places it upon his wound and it heals, as it is said, "Their fruit will serve for food

and their leaves for *terufah*--healing." (Ez. 47:12)

Here, *terapiya* is something which is placed on a wound. This might explain the view of Yohanan in Sanhedrin. Perhaps there, Yohanan's view of "*terufah mamash*" does not mean exclusively something put in the mouth, but even something put on a wound. While this source helps us to understand a sharper opposition in the views stated in Sanhedrin, our midrash does not seem to operate with that distinction. Prior to the discussion of the word *terufah* in our halakhic proem, Torah is described as שמרפא את הלשון -- that which heals the tongue. This, therefore, frames the discussion so that the views of Yohanan and Yehoshua ben Levi refer to eliciting speech. If our midrash were drawing the positions of Yohanan and Yehoshua ben Levi from the same source as Pirkei d'Rabbi Eliezer does, it would explain why they are presented there as opposing views, even when they seem to be saying the same thing. However, as soon as Deuteronomy Rabbah uses Yohanan's position for its own agenda of demonstrating a Hebrew word which has entered the Greek language, the opposition no longer works.

Elsewhere in the Talmud Bavli (Menahot 98a), the discussion is almost identical with that of Sanhedrin 100a. The sole difference is that Rabbi Yohanan's explanation of *terufah* is absent. The discussion seems to focus solely on decoding the *notarikon* in order to determine exactly which *peh* is loosened.

ועלהו  
לתרופה - רב חסדא ורב יצחק בר אבדימי, חד אמר: להתיר פה שלמעלה, וחד  
אמר: להתיר פה שלמטה. איתמר, חזקיה אמר להתיר פה אלמים, בר קפרא אמר  
להתיר פה עקרות.

A summary of the three Talmudic presentations of the word *terufah* is as follows.

**Yerushalmi, Sheqalim 50a**

Yohanan: *terapiya*

Others: *l'hatir peh*

Comment: These two could be compatible. The medicine serves the purpose of helping people speak [or, alternately, giving birth]

**Bavli, Sanhedrin 100a**

Others: *l'hatir peh*

Yohanan: *terufah mamash*

Comment: The two views are oppositional. Either, *terufah* is something that helps one to speak, or it is a REAL medicine. The purpose of this real drug may be *l'toar panim*.

**Bavli, Menahot 98a**

All: *l'hatir peh*

Our midrash in Devarim Rabbah understands Yohanan's view as asserting that *terufah* is a Hebrew word which later enters Greek. When the midrash takes that understanding of Yohanan's position and places it alongside Yehoshua ben Levi's opinion, they are no longer in clear opposition with one another. The maintenance of the two positions helps us to recognize two central points of our midrash and to unite "Part A" and "Part B" of our halakhic *petihta*.

1. *Terufah* as *terapyon* : Hebrew word enters the Greek language.
2. *Terufah* as notarikon for *lehatir peh*: Moses speaks the book of Deuteronomy.

In addition to the word *terufah*, there is yet another word concept which links "Part A" and "Part B." The word לשון surfaces in both parts of the midrash. In the first part, it appears as "language" and in the second part as "tongue." Our first mention of לשון in Part A is מהו שיחא מותר לו לכתוב ספר תורה בכל לשון. The second part of our midrash begins with the statement לשונה של תורה מה חביבה שמרפא את הלשון. The use of the same word, לשון, seems intentional and could be the bridge between Parts A and B. The two meanings, language and tongue, unite these two parts and create a conceptual parallelism between them which runs through the unified midrash. Just as the words of Torah can heal the tongue (as with Moses), so too can the Torah "heal," as it were, a language -- Greek. If the words of Torah can heal the tongue of Moses, then the words of Torah can also heal the Greek language as it accepts its words.

Finally, the link between our halakhic question and the opening verse of the *sidra* is further substantiated by understanding the book of Deuteronomy as a translation. Deuteronomy itself could be viewed as a kind of "translation," as it were, of the preceding four books of Torah. It is the "*mishneh Torah*", with Moses as the re-teller/translator. In searching for a halakhic issue to connect with the opening verse of Deuteronomy, it was quite appropriate to choose a question dealing with Torah translation. The assertion subtly being made is that Moses' "translation" allows for future translations. Moses speaking the book of Deuteronomy is similar to translating the Torah into Greek.

### 3. Babylonian Talmud, Megillah 8b-9a

This first sugya, immediately following the presentation of the Mishnah, further explores the issues related to the translation of sacred books. In so doing, it presents another Mishnah which appears to contradict the claims made in our Mishnah. In its attempt to reconcile these two Mishnayot, the Talmud, in its various layers of composition and redaction, presents agenda concerning the issue of translation which we will analyze and compare with the agenda of our halakhic *petihta* from Devarim Rabbah.

משנה. אין בין ספרים לתפלין ומזוזות אלא שהספרים נכתבין בכל לשון, ותפלין ומזוזות אינן נכתבות אלא אשורית. רבן שמעון בן גמליאל אומר: אף בספרים לא התירו שיכתבו אלא יוונית.

גמרא. הא לתופרן בגידין ולטמא את הידים - זה וזה שוין. וספרים נכתבין בכל לשון וכו'. ורמינהו: מקרא שכתבו תרגום, ותרגום שכתבו מקרא, וכתב עברי - אינו מטמא את הידים, עד שיכתבנו בכתב אשורית, על הספר, ובדיו. - אמר רבא: לא קשיא;

כאן בגופן שלנו, כאן בגופן שלהן. - אמר ליה אביי: במאי אוקימתא להאיא - בגופן שלהן, מאי איריא מקרא שכתבו תרגום ותרגום שכתבו מקרא? אפילו מקרא שכתבו מקרא ותרגום שכתבו תרגום נמי, דהא קתני עד שיכתבנו אשורית על הספר בדיו! אלא, לא קשיא; הא - רבנן, הא - רבן שמעון בן גמליאל. - אי רבן שמעון בן גמליאל הא איכא יונית! - אלא, לא קשיא: כאן - בספרים, כאן - בתפלין ומזוזות, תפלין ומזוזות מאי טעמא - משום דכתיב בהו +דברים ו+ והיו, בהוייתן יהו, מאי תרגום שכתבו מקרא איכא? בשלמא תורה - איכא +בראשית ל"א+ יגר שהדותא! אלא הכא מאי תרגום איכא? אלא לא קשיא; כאן - במגילה, כאן - בספרים. מגילה מאי טעמא - דכתיב בה ככתבם וכלשונם, - מאי תרגום שכתבו מקרא איכא? - אמר רב פפא: +אסתר א'+ ונשמע פתגם המלך, רב נחמן בר יצחק אמר: +אסתר א'+ וכל הנשים יתנו יקר לבעליהן. רב אשי אמר: כי תניא ההיא בשאר ספרים, ורבי יהודה היא. דתניא: תפלין ומזוזות אין נכתבין אלא אשורית, ורבותינו התירו יונית. והכתיב והיו! אלא אימא: ספרים נכתבים בכל לשון, ורבותינו התירו יונית. - התירו? מכלל דתנא קמא אסרו! אלא אימא: רבותינו לא התירו שיכתבו אלא יונית. ותניא, אמר רבי יהודה: אף כשהתירו רבותינו יונית - לא התירו אלא בספר תורה, ומשום מעשה דתלמי המלך.

...

רבן שמעון בן גמליאל אומר אף בספרים לא התירו שיכתבו אלא יונית. אמר רבי אבהו אמר רבי יוחנן: הלכה כרבן שמעון בן גמליאל. ואמר רבי יוחנן: מאי

טעמא דרבן שמעון בן גמליאל - אמר קרא +בראשית ט' יפת אלהים ליפת וישכן באהלי שם - דבריו של יפת יהיו באהלי שם. - ואימא גומר ומגוג! אמר רבי חייא בר אבא: היינו טעמא דכתיב יפת אלהים ליפת - יפיותו של יפת יהא באהלי שם.

#### a. Translation

[The Mishnah has stated that there is no difference between scrolls, *tefillin* and *mezuzot* except for the fact that scrolls may be written in any language, while *mezuzot* and *tefillin* may be written only in Ashurit. That having been said, the Gemara wants to establish the reverse, that is, what do these three have in common? What allows the Mishnah to say that the ONLY difference between them is with regard to translation? In exactly what ways are they the same?]

They are equivalent with regard to being sewn together with sinews and in that they cause the hands to become ritually impure. But contrast the part of our Mishnah which states "scrolls can be written in any language" with the following: "A Hebrew passage which is transcribed to Aramaic, or an Aramaic passage which is transcribed into Hebrew, or anything which is written in Old Hebrew does not cause the hands to become ritually impure, until it is written in Ashurit alphabet, on a scroll with the proper ink."

Rava states: "There is no difficulty [in reconciling these two mishnayot which appear to contradict one another. Here [in our Mishnah, we are referring to] our characters [when we say that it is permissible to write a scroll in other languages -- that is, they may be written in other



languages so long as the script is Ashurit]. Here [in the contrasting Mishnah, they are referring to] their characters [when they said that it is not permissible to write a scroll except in Ashurit characters -- however other languages are permissible provided they are written in Ashurit characters.”

Abaye says to him: “What basis do you have for this? [You say that the second Mishnah is speaking about] their characters. [If that is the case, then why does that Mishnah say specifically] ‘A Hebrew passage which is transcribed to Aramaic, or an Aramaic passage which is transcribed into Hebrew . . . .’ Even a Hebrew passage transcribed in Hebrew or an Aramaic passage transcribed in Aramaic would also [be invalid if it is written in other writing] as it was taught ‘ . . . until it is written in Ashurit on a scroll with the proper ink!’ Rather, it is not a difficulty because our Mishna is according to the Rabbis, and the other Mishna is according to Rabbi Simeon ben Gamliel.”

[The Gemara objects to Abaye's resolution of these two mishnayot as follows:] If [the second mishna] is according to the view of Rabbi Simeon ben Gamliel, he permitted Greek [and not just Ashurit]!

[On the basis of this objection, the Gemara entertains another resolution to these two mishnayot.] Rather, there is no difficulty [if we explain it as follows:] Our mishna is dealing with scrolls, and the other mishna is dealing with tefillin and mezuzot. What is the reason [that]

tefillin and mezuzot [can't be written in any language?] Because it is written, "And they shall be [signs upon your hand...]", they shall be as they appear [in Torah]. But [in tefillin and mezuzot] what example is there of an Aramaic passage which might be transcribed into Hebrew? Certainly, the Torah has such examples, as in יגַר שְׁהָדוּתָא "Yegar *Sahaduta*." But here [with regard to tefillin and mezuzot], what examples of that are there?

[The Gemara entertains yet another resolution to these two mishnayot.] Rather, there is no difficulty [if we explain it as follows]: The other mishna is dealing with Megillah [Esther]. Our mishna is referring to all other scrolls. What is the reason that Megillat Esther [can only be written in Ashurit? Because it is written in it, "... according to their script and their language." And what example is there [in the Megillat Esther] of an Aramaic passage that might be transcribed into Hebrew? Rav Papa says: "וּנְשָׁמַע פִּתְגָם הַמֶּלֶךְ" - "And the command *pitgam* of the King was heard." Rav Nachman bar Yitzchak said: "וְכָל הַנָּשִׁים יָתְנוּ יָקָר לְבַעֲלֵיהֶן" - "and all the women gave honor *y'kar* to their husbands."

Rav Ashi [had a different way of reconciling the two mishnayot, and he] said: "The [second] mishna is referring to other scrolls [that is, to Prophets and Writings, while our mishna is in reference to a Sefer Torah.]

This is according to the view of Rabbi Yehudah.”

[What follows is a discussion about what exactly Rabbi Yehudah said that serves as Rav Ashi's basis for his position that our Mishna is referring to Torah, and the second mishna is referring to the other Biblical books.]

Rabbi Yehudah said [in a Baraita] : “Tefillin and Mezuzot can only be written in Ashurit, and our rabbis permitted them to be written in Greek.” But [we have the midrash which argues that they must be written in Ashurit because the words] written [in the Torah with regard to them are] *v'hayu* -- “. . . and they shall be . . . .” [Therefore, this is not what Rabbi Yehudah said.] Rather, say [that he said]: “Scrolls may be written in any language, but our rabbis permitted them to be written in Greek.” [This is also objected to.] “. . . permitted . . . .” ?? Are we to derive from this that the Tana Qama forbade it [when we specifically state that he permitted them to be written in any language]? [Therefore, this is not what Rabbi Yehudah said either.] Rather, say [that he said]: “Our rabbis did not permit them to be written in any foreign language other than Greek.” [Now, re-stating the entire baraita attributed to Rabbi Yehudah]. Rabbi Yehudah said: “Even though our rabbis permitted Greek, they only permitted it concerning a Sefer Torah, because of the case of King Ptolemy.”

. . . Rabban Shimon ben Gamliel said: “Even with regard to scrolls

they only permitted them to be written in Greek.” Rabbi Abahu said in the name of Rabbi Yohanan: “The Halakhah is like Rabban Shimon ben Gamliel.” What is the reasoning of Rabban Shimon ben Gamliel? It says, “May God enlarge Japhet and cause him to dwell in the tents of Shem,” [to teach that] the words of Japhet will be in the tents of Shem. Say also, Gomer and Magog! Rabbi Hiya bar Abba said: The reason it is written “May God enlarge Japhet...” is that the beauty of Japhet will be in the tents of Shem.

### **b. Analysis Based on Chronological Layers**

When the Gemara is broken down into two stages of development, late Amoraic and Stamaitic (or Saboraic), two distinct agenda emerge. The Amoraic agenda is to resolve the contradiction between the two Mishnayot. The later agenda of the Stam is to justify the translation of the Torah into Greek. A division of the sugya will illustrate this more clearly. Particular problems which arise in the text when presented in this earlier form will be noted.

#### Late Amoraic

גמרא. הא לתופרין בגידין ולטמא את הידים - זה וזה שוין. וספרים נכתבין בכל לשון וכו'. ורמינחו: מקרא שכתבו תרגום, ותרגום שכתבו מקרא, וכתב עברי - אינו מטמא את הידים, עד שיכתבנו בכתב אשורית, על הספר, ובדיו. - אמר רבא: לא קשיא;

כאן בגופן שלנו, כאן בגופן שלהן. - אמר ליה אבוי: במאי אוקימתא להאיא - בגופן שלהן, מאי איריא מקרא שכתבו תרגום ותרגום שכתבו מקרא? אפילו מקרא שכתבו מקרא ותרגום שכתבו תרגום נמי, דהא קתני עד שיכתבנו אשורית על הספר בדיו! אלא, לא קשיא; הא - רבנן, הא - רבן שמעון בן גמליאל.

דתניא: תפלין ומזוזות אין נכתבין אלא אשורית, רב אשי אמר: כי תניא ההיא בשאר ספרים, ורבי יהודה היא.

They are equivalent with regard to being sewn together with sinews and in that they cause the hands to become ritually impure. But contrast the part of our Mishna which states, "scrolls can be written in any language" with the following: "A Hebrew passage which is transcribed to Aramaic, or an Aramaic passage which is transcribed into Hebrew, or anything which is written in Old Hebrew does not cause the hands to become ritually impure, until it is written in Ashurit alphabet, on a scroll with the proper ink."

Rava states: "There is no difficulty [in reconciling these two mishnayot which appear to contradict one another. Here [in our Mishna, we are referring to] our characters [when we say that it is permissible to write a scroll in other languages -- that is, they may be written in other languages so long as the script is Ashurit]. Here [in the contrasting Mishna, they are referring to] their characters [when they said that it is not permissible to write a scroll except in Ashurit characters -- however other languages are permissible provided they are written in Ashurit characters."

Abaye says to him: "What basis do you have for this? [You say that the second mishna is speaking about] their characters. [If that is the case, then why does that mishna say specifically], '... a Hebrew passage which is transcribed to Aramaic, or an Aramaic passage which is

transcribed into Hebrew . . . .’ Even a Hebrew passage transcribed in Hebrew or an Aramaic passage transcribed in Aramaic would also [be invalid if it is written in other writing] as it was taught ‘ . . . until it is written in Ashurit on a scroll with the proper ink!’ Rather, it is not a difficulty because our Mishna is according to the Rabbis, and the other Mishna is according to Rabbi Simeon ben Gamliel.”

Rav Ashi [had a different way of reconciling the two mishnayot, and he] said: “The [second] mishna is referring to other scrolls [that is, to Prophets and Writings, while our mishna is in reference to a Sefer Torah.] This is according to the view of Rabbi Yehudah.”

#### Stamaitic Additions (underlined)

גמרא. הא לתופרן בגידין ולטמא את הידים - זה וזה שוין. וספרים נכתבין בכל לשון וכו'. ורמינהו: מקרא שכתבו תרגום, ותרגום שכתבו מקרא, וכתב עברי - אינו מטמא את הידים, עד שיכתבנו בכתב אשורית, על הספר, ובדיו. - אמר רבא: לא קשיא; כאן בגופן שלנו, כאן בגופן שלהן. - אמר ליה אבוי: במאי אוקימתא להחיא בגופן שלהן, מאי איריא מקרא שכתבו תרגום ותרגום שכתבו מקרא? אפילו מקרא שכתבו מקרא ותרגום שכתבו תרגום נמי, דהא קתני עד שיכתבנו אשורית על הספר בדיו! אלא, לא קשיא; הא - רבנן, הא - רבן שמעון בן גמליאל. - אי רבן שמעון בן גמליאל הא איכא יונתא! - אלא, לא קשיא: כאן - בספרים, כאן - בתפלין ומזוזות. תפלין ומזוזות מאי טעמא - משום דכתיב בהו +דברים ו' + והיו, בהוייתן יחו, מאי תרגום שכתבו מקרא איכא? בשלמא תורה - איכא +בראשית ל"א + יגר שחרותא! אלא הכא מאי תרגום איכא? אלא לא קשיא: כאן - במגילה, כאן - בספרים. מגילה מאי טעמא - דכתיב בה ככתבם וכלשונם. - מאי תרגום שכתבו מקרא איכא? - אמר רב פפא: +אסתר א' + ונשמע פתגם המלך, רב נחמן בר יצחק אמר: +אסתר א' + וכל הנשים יתנו יקר לבעליהן. רב אשי אמר: כי תניא הדיא בשאר ספרים, ורבי יהודה היא. דתניא: תפלין ומזוזות אין נכתבין אלא אשורית, ורבתינו התירו יונתא, והכתיב והיו! אלא אימא: ספרים נכתבים בכל לשון, ורבתינו התירו יונתא. - התירו? מכלל דתנא קמא אסר! אלא אימא: רבתינו לא התירו שיכתבו אלא יונתא, ותניא, אמר רבי יהודה: אף כשהתירו רבתינו יונתא - לא התירו אלא בספר תורה, ומשום מעשה דתלמי המלך.

רבן שמעון בן גמליאל אומר אף בספרים לא התירו שיכתבו אלא יונית. אמר  
 רבי אבהו אמר רבי יוחנן: הלכה כרבן שמעון בן גמליאל. ואמר רבי יוחנן: מאי  
 טעמא דרבן שמעון בן גמליאל - אמר קרא +בראשית ט'+ יפת אלהים ליפת וישכן  
 באהלי שם - דבריו של יפת יהיו באהלי שם. - ואימא גומר ומגוג! אמר רבי חייא  
 בר אבא: היינו טעמא דכתיב יפת אלהים ליפת - יפיותו של יפת יהא באהלי שם.

The Stam's extended discourse of possible ways to reconcile the two mishnayot highlights and underscores the importance of Rabbi Yehudah's statement, cited by Rav Ashi as support -- namely, that our Mishnah refers to Sifrei Torah. The Stam suggests additional ways to reconcile the two mishnayot, each of which is rejected, which provides a framework in which Rabbi Yehudah's statement by Rav Ashi is more than another opinion (as it appears in its late-Amoraic form, i.e. a different view from Abaye). Rather the statement is an understanding of a new sort, which in addition to reconciling the two mishnayot (a la the late Amoraic agenda) conveniently enough justifies the translation of the Torah into Greek. Essentially, the post-Stamaitic *sugya* tells us that Torah can be written in any language. It causes the hands to be ritually impure even if it is written in foreign languages. Its holiness is so great, so inherent in the text, that even when it is translated, it still possesses a full degree of holiness. If the Mishnah stood alone, it would have provided a basis for translating the Torah. But when our Mishnah is contrasted with the other Mishnah, and that other Mishnah is understood as referring to the other biblical books, the distinct holiness of the Torah is even stronger. The message appears to be that the holiness of the Torah is such that we need not fear translating it. The Torah transcends language (compare with Yerushalmi below).

It is noteworthy that Rava's distinction between language and characters --

loses it prominence when the Stam's additions are added. With all the additions of the Stam, even Abaye's objection to Rava's view can be understood as having nothing to do with a distinction between character and language. When read without the Stam's additions, it is more clearly accepting of the difference between character and language.

אמר ליה אביי: במאי אוקימתא להחיא -  
 בגופן שלהן, מאי איריא מקרא שכתבו תרגום ותרגום שכתבו מקרא? אפילו  
 מקרא שכתבו מקרא ותרגום שכתבו תרגום נמי, דהא קתני עד שיכתבנו אשורית  
 על הספר בדיו! אלא, לא קשיא; הא - רבנן, הא - רבן שמעון בן גמליאל.

Abaye says to him: "What basis do you have for this? [You say that the second mishna is speaking about] their characters. [If that is the case, then why does that mishna say specifically], ' . . . a Hebrew passage which is transcribed to Aramaic, or an Aramaic passage which is transcribed into Hebrew . . . ' Even a Hebrew passage transcribed in Hebrew or an Aramaic passage transcribed in Aramaic would also [be invalid if it is written in other writing] as it was taught ' . . . until it is written in Ashurit on a scroll with the proper ink!' Rather, it is not a difficulty because our Mishna is according to the Rabbis, and the other Mishna is according to Rabbi Simeon ben Gamliel."

If for the Stam, the whole purpose of the sugya is to justify the Septuagint, then it is easier not to maintain a distinction between language and characters, seeing that the Septuagint was not written in Ashurit characters, but rather in Greek language and alphabet.



The imposition of the Stam's agenda with regard to justifying a Greek translation of Torah can also be noted by tracking the status of Greek from the Mishnah to the Gemara. In our Mishnah, the special status of Greek is mentioned in the name of Simeon ben Gamliel, where it is a minority opinion: רבן שמעון בן גמליאל אומר: לא התירו שיכתבו אלא יוונית. In the sugya, Greek's special status in Jewish culture is highlighted by ending the sugya with Rabbi Yehudah's comment that (a majority of) the Rabbis only permitted Greek:

ותניא, אמר רבי יהודה: אף כשהתירו רבותינו יוונית  
לא התירו אלא בספר תורה, ומשום מעשה דתלמי המלך.

It was taught [in a baraita] that Rabbi Yehudah said: Even though our rabbis permitted Greek, they only permitted with regard to a *sefer Torah*, because of the case of Ptolemy the King.

This, in our sugya, is the final word allowing the Stam to present the entire sugya as an introduction to the case of Ptolemy and the miraculous events surrounding this first translation of Torah into Greek. Through our sugya, the special place of Greek language is shifted from an obscure point of a minority opinion, to an authoritative statement which reconciles the central problem of the entire sugya.

The Letter of Aristeas is considered the best source for the original translation of the Septuagint. When scholars discussed its purpose, they highlighted the varied ways we could understand this sugya. The Letter of Aristeas has been understood to be an apology for a Greek translation of the Torah; a propaganda piece directed at Greeks to

show the superiority of Jewish law; a defense of the literary activities of Alexandrian Jews against the Jews in Eretz Yisrael; and/or finally, a propaganda piece arguing that the original LXX should not be revised.<sup>53</sup> While the aggadic piece on King Ptolemy and the translation might be understood as asserting the importance of the original translation, or even as a defense of the Alexandrian Jews' literary contributions, its placement within our sugya clearly argues for it to be understood as an apology for translating the Torah into Greek.

#### 4. Yerushalmi Megillah Chapter 1, Page 89b, Halakhah 9 (excerpts)

In this significantly less edited discussion of our Mishnah, an agenda emerges which we shall compare to the Babylonian parallels and to our midrash.

כתיב ויהי כל  
הארץ שפה אחת ודברים אחדים רבי לעזר ורבי יוחנן חד אמר שהיו מדברים  
בשבעי לשון וחורנה אמר שהיו מדברין בלשון יחידו של עולם בלשון הקודש  
תני בר קפרא יפת אלהים ליפת וישכן באהלי שם שיהו מדברין בלשוננו של יפת  
באוהלו של שם בני יפת גומר ומגוג ויון...

.....  
אמר רבי יונתן דבית גוברין ארבעה  
לשונות נאים שישתמש בהן העולם ואילו הן לעז לזמר רומי לקרב סורסי  
לאיליא עברי לדיבור ויש אומרים אף אשורי לכתב אשורי יש לו כתב ואין לו  
לשון עברי יש לו לשון ואין לו כתב בחרו להם כתב אשורי ולשון עברי ולמה  
נקרא שמו אשורי שהוא מאושר בכתבו אמר רבי לוי על שם שעלה בידם מאשור  
תני רבי יוסי אומר ראוי היה עזרה שתינתן תורה על ידו אלא שקדמו דור משה  
אף על פי שלא ניתנה התורה על ידיו אף הוא ניתן כתב ולשון על ידו וכתב  
הנשתון כתוב ארמית ומתורגם ארמית ולא כהלין כתבא למיקרי מלמד שבו  
ביום ניתן רבי נתן אומר בדעך ניתנה התורה ואתייא כרבי יוסה רבי אומר  
אשורית ניתנה התורה וכשחטאו נחפך להן לרעץ וכשזכו בימי עזרא נחפך להן

<sup>53</sup> "Septuagint," *Anchor Bible Dictionary*.

אשורית גם היום מגיד משנה אשיב לך וכתב לו את משנה התורה הזאת על ספר  
 כתב שהוא עשוי להשתנות תני רבי שמעון בן אלעזר אומר משום רבי אלעזר בן פרטא  
 שאמר משום רבי לעזר המודעי כתב אשורי ניתנה התורה מה טעמא ווי העמודים  
 שיהו ווים של תורה דומים לעמודים אמר ר' לוי מאן דאמ' בדעין ניתנה התורה  
 עיין מעשה ניסים מאן דאמר אשורי ניתנה התורה סמ"ך מעשה ניסים רבי ירמיה  
 בשם רבי חיה בר בא ור' סימון תריהון אמרין תורת הראשונים לא היה לא ה"א  
 שלהם ולא מ"ם שלהן סתום הא סמ"ך סתום תני רבן שמעון בן גמליאל אומר אף  
 בספרים לא התירו שיכתבו אלא יוונית בדקו ומצאו שאין התורה יכולה  
 להיתרגם כל צורכה אלא יוונית בורגני אחד בידא להם ארמית מתוך יוונית רבי  
 ירמיה בשם רבי חייא בר בא תירגם עקילס הגר התורה לפני רבי אליעזר ולפני  
 רבי יהושע וקילסו אותו ואמרו לו יפית מבני אדם  
 תני גוי שבירך את השם עונין אחריו בשם אין עונין אחריו  
 אמן א"ר תנחומא אם בירכך גוי ענה אחריו אמן דכתי' ברוך תחי' מכל העמי' גוי  
 אחד פגע ביר' ישמעאל ובירכו א"ל כבר מילתך אמירא אחד פגע בו וקיללו א"ל  
 כבר מילתך אמירה אמרין ליה תלמידוי ר' חיך מה דאמרת לחן אמרת לחן אמר  
 לון ולא כן כתיב אורריך ארו' ומברכיך ברוך

#### a. Translation

It is written: "Everyone on earth had the same language and the same words." (Gen. 11:1) Rabbi Lazar and Rabbi Yohanan [disagreed with regard to the interpretation of this verse]. One of them said that they spoke the seventy languages [but that everyone understood everyone else's language]. One of them said that they spoke the language of the Only One of the world, the Holy Language.<sup>54</sup>

Bar Qapara taught [in a Baraita]: "'May God enlarge Japhet and cause him to dwell in the tents of Shem' -- that they will speak the language of Japhet in the tents of Shem. 'The children of Japhet were

<sup>54</sup> "The Holy Language" generally means Hebrew, but here means the language of God, "the One who is unique in the world."

Gomer, Magog, Madai, Yavan, Tuval, Meshech, and Tiras....”

Rabbi Yonatan of Beit Govrin said: “There are four languages which are pleasing to use in the world and they are: Greek to sing, Latin for war, Syriac to sing dirges, and Hebrew for speaking.” And there are those who add Ashurit for writing. Ashurit has a script but no spoken language, while Hebrew has a spoken language but no script. They chose for them Ashurit script and Hebrew language. Why is it called Ashurit (*ashuri*)? Because it is straight (hence beautiful<sup>55</sup>) (*m'ushar*) in its script. Rabbi Levi said that it is on account that it came into their hands from Assyria. It is taught [in a Baraita that] Rabbi Yosi said: Ezra was worthy to have had the Torah given through his hand had not the generation of Moses preceded him. Even though the Torah was not given through his hand, the script and the language was given through his hand. “They wrote him a letter written in Aramaic and translated.” (Ezra 4:7), and “They could not read the writing [or make known its meaning to the king],” (Daniel 5:8) to teach that [the new writing] was given on that day. Rabbi Natan said: “The Torah was given in *Ra'atz* [Old Hebrew].” This is in accordance with Rabbi Yosah. Rebbe said: “The Torah was given in Ashurit, but when they sinned it changed for them to *Ra'atz*. And when they returned [to rebuild the Temple] in the days of Ezra, it changed back for them to Ashurit.”

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<sup>55</sup> Commentary of the *Qorban HaEida*

“In return, I announce to you this day: I will repay you double”  
 [understood here to mean: I will tell you a second time, that is, in  
 Ashurit]. (Zachariah 9:12) “He shall have a copy of this teaching written  
 for him on a scroll . . . .”(Deut. 17:18) It is written with the intention to  
 be changed. [They interpret the word *mishneh* in both passages to be  
 related to the word *lehishtanot* - to change.] Rabbi Shimon ben Elazar  
 taught [in a Baraita] in the name of Elazar ben Parta something that was  
 said in the name of Rabbi Elazar HaModa’i: “The Torah was given in  
 Ashurit writing. How do we know? Because it is written, ‘ . . . the hooks  
 of the pillars [*vavei ha’amudim*]. . . ,” to demonstrate that the *vavim* of the  
 Torah resemble pillars.” Rabbi Levi said: “For the one who says that the  
 Torah was given in *Ra’atz*, the letter *ayin* is miraculous. For the one who  
 says that the Torah was given in *Ashurit*, the letter *samekh* is miraculous.”  
 Rabbi Yermiah in the name of Rabbi Hiya bar Abba and Rabbi Simon  
 both said that the the original Torah’s letters *hey* and *mem* were not  
 closed, but that the *samekh* was closed. Rabbi Shimon ben Gamliel  
 taught [in a Baraita]: “Even with scrolls, they only permitted them to be  
 written in Greek. They examined and found that the Torah cannot be  
 translated [from the Hebrew] in any way except Greek.” One inn-keeper  
 made a false translation for them in Aramaic from the Greek. Rabbi  
 Yermiah in the name of Hiya bar Abba said that Aqilas the Proselyte  
 translated the Torah in the presence of Rabbi Eliezer and Rabbi Joshua

and they praised him and said to him, "You are better than all other men."

(Ps. 45) ...

### b. Analysis Based on Chronological Layers

The Talmud Yerushalmi contains far fewer chronological layers than the Talmud Bavli. The Yerushalmi presents a list of views. By dividing it into layers, we see the emergence of an agenda which proves important to our study. Because it is less edited than the Bavli, it is not possible to definitively ascertain whether the statements are anonymous or whether the statements refer to the previous speaker in the sugya. A chronological division suggested by the text presented in three stages: Tanaitic, Transitional, and Amoraic is listed below.

#### Tanaitic

(1) אמר רבי יונתן דבית גוברין ארבעה לשונות נאים שישתמש בהן העולם ואילו הן לעז לזמר רומי לקרב סורסי לאילי עברי לדיבור ויש אומרים אף אשורי לכתב אשורי יש לו כתב ואין לו לשון עברי יש לו לשון ואין לו כתב בחרו להם כתב אשורי ולשון עברי ולמה נקרא שמו אשורי שהוא מאושר בכתבו

Rabbi Yonatan of Beit Govrin said: "There are four languages which are pleasing to use in the world and they are: Greek to sing, Roman for war, Syriac to sing dirges, and Hebrew for speaking. And there are those who add Ashurit for writing. Ashurit has a script but no spoken language, while Hebrew has a spoken language but no script. They chose for them Ashurit script and Hebrew language. Why is it called Ashurit (*ashuri*)? Because it is praiseworthy (*m'ushar*) in its script".

(2) תני רבי יוסי אומר ראוי היה עזרה שתינתן תורה על ידו אלא שקדמו דור משה אף על פי שלא ניתנה התורה על ידיו אף הוא ניתן כתב ולשון על ידו וכתב הנשתווין כתוב ארמית ומתורגם ארמית ולא כהלין כתבא למיקרי מלמד שבו.

It is taught [in a Baraita that] Rabbi Yosi said: "Ezra was worthy to have had the Torah given through his hand had not the generation of Moses preceded him. Even though the Torah was not given through his hand, the script and the language was given through his hand. 'They wrote him a letter written in Aramaic and translated.' (Ezra 4:7) and, 'They could not read the writing [or make known its meaning to the king],'(Daniel 5:8) to teach that [the writing] was given on that day."

(3) רבי נתן אומר בדעין ניתנה התורה ואתייא כרבי יוסה ביום ניתן. תני רבי שמעון בן אלעזר אומר משום רבי אלעזר בן פרטא שאמר משום רבי לעזר המודעי כתב אשורי ניתנה התורה מה טעמא ווי העמודים שיהו וויים של תורה דומים לעמודים

Rabbi Natan said: "The Torah was given in *Ra'atz* [Old Hebrew]." This is in accordance with Rabbi Yosah. Rabbi Shimon ben Elazar taught [in a Baraita] in the name of Elazar ben Parta something that was said in the name of Rabbi Elazar HaModa'i: "The Torah wa given in Ashurit writing. How do we know? Because it is written, ' . . . the hooks of the pillars [*vavei ha'omdim*]. . . ," to demonstrate that the *vavim* of the Torah resemble pillars.

(4) תני רבן שמעון בן גמליאל אומר אף בספרים לא התירו שיכתבו אלא יוונית.

Rabbi Shimon ben Gamliel taught [in a Baraita]: "Even with scrolls, they only permitted them to be written in Greek. They examined and found

that the Torah cannot be translated [from the Hebrew] in any way except Greek.”

These Tanaitic excerpts appear to be concerned with the language of the Torah, the special relationship between Hebrew and Ashurit, and the question of the original language of the Torah. The *mahloket* between Yonatan and Yosi is helpful. For Yonatan, Hebrew language and Ashurit script were ordained from heaven (*bahru lahem...*), but for Yosi, Ashurit and Hebrew were adaptations determined by Ezra. If Ezra gave the script and the language to the Torah (meaning either that he was responsible for “translating” the original Torah into Hebrew or Ashurit, or that he was the earliest translator into Aramaic) then this is an important justification of later works of translation. If the original Torah was written in something other than Hebrew language and Ashurit script (perhaps in something akin to *lashon HaQodesh* in the Amoraic strata), then translating the Torah from a language which is already not its original should not be problematic. Rabban Shimon ben Gamliel clearly viewed Greek as the only language that would capture the Torah’s intent. It is apparent that there is considerable divergence regarding which languages are most representative of the Torah’s essence.

Transitional (underlined) and Amoraic (in italics)

כתיב ויהי כל  
הארץ שפה אחת ודברים אחדים רבי לעזר ורבי יוחנן חד אמר שהיו מדברים  
בשבעי לשון וחורנה אמר שהיו מדברים בלשון יחידו של עולם בלשון הקודש  
תני בר קפרא יפת אלהים ליפת וישכן באחלי שם שיהו מדברים בלשוננו של יפת  
באוהלו של שם בני יפת גומר ומגוג ויון...

אמר רבי יונתן דבית גוברין ארבעה  
לשונות נאים שישתמש בהן העולם ואילו הן לעז לזמר רומי לקרב סורסי



לאילייא עברי לדיבור ויש אומרים אף אשורי לכתב אשורי יש לו כתב ואין לו לשון עברי יש לו לשון ואין לו כתב בחרו להם כתב אשורי ולשון עברי ולמה נקרא שמו אשורי שהוא מאושר בכתבו אמר רבי לוי על שם שעלה בידם מאשור תני רבי יוסי אומר ראוי היה עזרה שתינתן תורה על ידו אלא שקדמו דור משה אף על פי שלא ניתנה התורה על ידיו אף הוא ניתן כתב ולשון על ידו וכתב הנשתווון כתוב ארמית ומתורגם ארמית ולא כהלין כתבא למיקרי מלמד שבו ביום ניתן רבי נתן אומר בדעין ניתנה התורה ואתייא כרבי יוסה רבי אומר אשורית ניתנה התורה וכשחטאו נהפך להן לרעין וכשזכו בימי עזרא נהפך להן כתב אשורית גם היום מגיד משנה אשיב לך וכתב לו את משנה התורה הזאת על ספר שהוא עשוי להשתנות תני רבי שמעון בן אלעזר אומר משום רבי אלעזר בן פרטא שאמר משום רבי לעזר המודעי כתב אשורי ניתנה התורה מה טעמא ווי העמודים שיהו וויים של תורה דומים לעמודים אמר ר' לוי מאן דאמ' בדעין ניתנה התורה עיין מעשה ניסים מאן דאמר אשורי ניתנה התורה סמ"ך מעשה ניסים רבי ירמיה בשם רבי חייא בר באור' סימון תריהון אמרין תורת הראשונים לא היה לא ה"א שלהם ולא מ"ם שלהן סתום הא סמ"ך סתום תני רבן שמעון בן גמליאל אומר אף בספרים לא התירו שיכתבו אלא יוונית בדקן ומצאו שאין התורה יכולה להיתרגם כל צורכה אלא יוונית כורגני אחד בידא להם ארמית מתוך יוונית רבי ירמיה בשם רבי חייא בר בא תירגם עקילס הגר התורה לפני רבי אליעזר ולפני רבי יהושע וקילסו אותו ואמרו לו יפית מבני אדם

#### Translation of underlined passages

Bar Qapara taught [in a baraita]: "May God enlarge Japhet, and let him dwell in the tents of Shem." -- that they will speak the language of Japhet in the tents of Shem. 'The sons of Japhet were Gomer, Magog and Yavan . . . .'"

Rabbi Levi said: "Because it came into their hands from Assyria."

Rabbi said: "The Torah was given in Ashurit. When they sinned, it turned into *Ra'atz* for them. When they merited it in the days of Ezra, it was turned back into Ashurit writing for them."

Rabbi Levi said: "He who says that the Torah was given in *da'atz*, the letter 'ayin is miraculous. He who says that the Torah was given in Ashurit, the letter *samekh* is miraculous."

With these transitional additions, an emphasis on foreign influences begins to emerge. Bar Qapara brings in our recurring midrash on Genesis 11, albeit in an entirely new way (see below). Levi's etiological explanation for the name Ashurit is a way of maintaining that a sharing of languages had already taken place, and that we adopted Assyrian script for our most sacred text. Rebbe defends that change in Torah from Ashurit to Ra'atz and back to Ashurit with the interpretation that provides a basis for a change in language to the Torah itself (*ktav shehu asui lehishtanot*). When Levi attempts to reconcile particular languages with the description from Torah that the tablets of the Law (which he understands as the entire Torah) were engraved on both sides, he needs to say that it is miraculous. Though we cannot be sure, he might indeed be saying that the contemporary Torah is a translation from another language. This language has no closed letters, so it would not pose a problem for an engraved text. We are told that Ezra would have been worthy to have received the Torah had Moses not preceded him. "Though the Torah was given to Moses, Ezra was the one through whom the language and writing was given." Is the Gemara saying that the Torah itself is a form of translation, i.e. not the exact text Moses received? Or, did Ezra "translate the Torah?" If Ezra "translated" the Torah, then there is precedent for translation. Even if he gave the language and writing, then translations have greater legitimacy.

The idea of Ezra as translator of Torah, or as the father of the Torah's script is explored elsewhere in rabbinic literature. In Bamidbar Rabbah, Parasha 3, Ezra is described as a kind of author, as it were, of the Torah. In a discussion about the dots written above particular words in the Torah, it states:

הנסתרות לה' אלהינו והנגלות לנו ולבנינו עד עולם  
 למה נקוד על לנו ולבנינו ועל עי"ן שבעד אמר להם עשיתם גלויים אף אני  
 אודיע לכם את הנסתרות וי"א למה נקוד אלא כך אמר עזרא אם יבא אליהו  
 ויאמר למה כתבת אותן אומר לו כבר נקדתי עליהם ואם יאמר לי יפה כתבת  
 כבר אמחוק נקודותיהן מעליהן.

"Concealed acts concern the Lord our God; but with overt acts, it is for us and our children until the end of time [to apply all the provisions of this Teaching.]" (Deut. 29:28) Why are there dots above [the words] "for us and our children" and over the letter *ayin* which is in the word "until?" He said to them, "You have done overt acts. So I will announce to you the concealed acts." And there are those who say [the reason for the] dots is that Ezra said, "If Elijah will come and say, 'Why have you written [these words]?' I will say, 'I have already placed dots [above the words, as if to indicate that perhaps they should not be written].' But if he says to me, 'You wrote well,' I will have already erased the dots from above [the words]."

Here, Ezra is uncertain about the accuracy or his authority to write this, so he places dots above the words to indicate his uncertainty. Note that the midrash here is not just saying that Ezra wrote the dots above the words. "יפה כתבת" indicates that the words were Ezra's as well.

While the transitional layer focuses on foreign influences in the writing of Torah, the Amoraic layer raises the issue of foreign influences in the spoken language. The debate between Elazar and Yohanan carries the message that the days in which we all spoke one language, or understood all languages, are over. If the original language of the

world was Hebrew, translation is justified now that everyone on earth no longer speaks the same language. If there were originally 70 different languages, but everyone understood each of them, then in the times of these Amoraim, translation would be justified on the grounds that we no longer understand every other language.

Most interesting to our discussion is the aggadic conclusion that is cited at the end of the Talmud Yerushalmi Megillah 1:9:

תני גוי שבירך את השם עונין אחריו בשם אין עונין אחריו  
אמן א"ר תנחומא אם בירכך גוי ענה אחריו אמן דכתי' ברוך תחיי מכל העמי' גוי  
אחד פגע ביר' ישמעאל ובירכו א"ל כבר מילתך אמירא אחד פגע בו וקיללו א"ל  
כבר מילתך אמירה אמרין ליה תלמידוי ר' חיך מה דאמרת להן אמרת להן אמר  
לון ולא כן כתיב אורריך ארו' ומברכיך ברוך

It was taught [in a Baraita]: A non-Jew who blesses God, one should answer after him ['Amen.']. If he uses the Name, do not answer ['Amen'] after him. Rabbi Tanhuma said: "If a non-Jew blesses you, answer after him 'Amen.' As it is written, 'Blessing will come from all the nations [lit. You are more blessed than the other nations],'<sup>56</sup> (Deut. 7:14)." One non-Jew came upon the house of Rabbi Ishmael and blessed him. He [Rabbi Ishmael] said to him: "What is to be said to you has already been said." One [non-Jew] came and cursed him. He said: "What is to be said to you has already been said." His students said to him: "Rabbi, how could you say the same thing to both of them?" He said to them, "It is written, 'Cursed be they who curse you, and blessed those who bless you,' (Gen. 27: 29)."

<sup>56</sup>This is the only such interpretation of the verse found in rabbinic literature.

This clearly corresponds to the spirit of our midrash, of Japhet dwelling in the tents of Shem. The entire discussion of whether a non-Jew may bless God or Jews parallels our discussion of whether Torah can be spoken in a non-Jewish language. Both midrashim raise the question of whether sacred words need to be spoken in Hebrew. Both raise issues of other cultural groups having access to what was exclusively Jewish. Whether a Torah scroll written in Greek makes the hands impure (i.e., does it possess sufficient holiness to render it valid) is similar in nature to the question of whether a blessing from a non-Jew has sufficient holiness to require a Jew to respond, 'Amen.'

### 5. Comparisons of Bavli and Yerushalmi

The use of Genesis 9:27 (יפת אלהים ליפת וישכן באהלי שם) in all three of our sources provides an interesting case for comparison. The verse is interpreted differently in the Yerushalmi than it is in the Bavli. The Bavli interprets the verse as: דבריו של יפת יהיו באהלי שם -- the words of Japhet will be in the tents of Shem. The Yerushalmi, however, refers more specifically to the issue of speech: שיהו מדברין בלשוננו של יפת באוהלו של שם, that the Greek language will be spoken in the tent of Shem. But, both Talmudic interpretations differ significantly from the interpretation in Deuteronomy Rabbah. This case refers to Jews speaking Greek. In Deuteronomy Rabbah, the verse is interpreted as: שיהיו דבריו של שם נאמרין בלשונותיו של יפת. Here, the rabbis are concerned with Hebrew words being spoken in

Greek. The words are Shem's, though they are being spoken by Japhet in his language. The verse shows that Hebrew words may be translated into Greek. In contrast, the Talmudic passages interpret it as meaning that Greek may be spoken among the Jews. Both Talmuds and our midrash are concerned with justifying a translation of Torah into Greek. The Talmudic passages suggest an understanding of a translation of Torah into Greek to be used by the Jews. Greek-speaking Jews using a Greek translation of the Torah is the application of the words of Japhet being spoken in the tents of Shem. Our proem understands such a translation to be for the Greeks. This would cause the words of Shem to be in the language (parallel in the *nimshal* to tents) of Greece. If the entire sugya in the Bavli is intended to introduce the case of the first translation under the orders of Ptolemy, its interpretation of Genesis 9:27 does not completely correspond to this agenda. A translation of the Torah for the Greeks requires an interpretation like the one found in our proem -- שיחיו דבריו של שם נאמרין בלשונותיו של יפת. In fact, the Bavli and the Yerushalmi have two agendas. In addition to justifying Ptolemy's translation, the Gemara also intended to expand upon the discussion of the Mishnah. The Mishnah deals with writing a *sefer Torah* in Greek, that is intended to be a translation for the Jews. Thus, the interpretation it chooses for Genesis 9:27 promotes the agenda of the Mishnah, but not that of the Gemara. For our midrash, which wants to show that Hebrew words have already been incorporated into the Greek language, its interpretation of Genesis 9:27 works quite well. But when we read it in light of the halakhic question that is being posed at the beginning of the proem (i.e., whether a *sefer Torah* may be written in Greek) an interpretation which assumes that the translation is

for the non-Jews is inappropriate. Here too, in choosing an interpretation for Genesis 9:27, our midrash needed to choose an interpretation which would satisfy one of its agenda. In the Bavli and Yerushalmi, the interpretation follows the concern of the proem -- a translation for Jews. In Deuteronomy Rabbah, the interpretation follows the central concern of the midrash (Hebrew words having become incorporated into Greek) thus, providing a basis for a unified midrash (see above).

The Talmudic passages as well as our midrash draw upon the special relationship which existed between Jews and Greek language. Greek is presented as the only foreign language into which the Torah can be translated. Moreover, we see an openness to the study of Greek thought. In the Babylonian Talmud (Sota 49b), Raban Shimon ben Gamliel states:

אלף ילדים היו בבית אבא, חמש מאות למדו תורה וחמש מאות למדו חכמת יונית.

Thus, five hundred young men connected with the house of the Jewish patriarch devoted their time to the study of Greek literature.<sup>57</sup>

Again in the Talmud Bavli, (Masekhet Baba Qama 83a), Greek seems to be placed alongside of Hebrew as a privileged language.

והתניא, אמר רבי: בארץ ישראל  
לשון סורסי למה? או לשון הקדש או לשון יונית!

It was taught [in a baraita] that Rabbi said: "In the Land of Israel, why [speak] Syriac? Either [speak] the Holy Language [Hebrew] or Greek."

<sup>57</sup> Saul Lieberman, *Greek in Jewish Palestine* (New York: Jewish Theological Seminary, 1942) 20.

"The significance of language...is not simply its social use or instrumental role in communication. Language is primarily a source of knowledge about the world."<sup>58</sup> Jewish sources have a view of language which is essentialist. God creates with spoken words. These first spoken words not only announce the creation of things, they literally bring them into existence.<sup>59</sup> Words are not random names of things. Adam is able to name the animals using language based on a God-given ability to understand the nature of a particular animal and to assign an appropriate name to it. All of these prove that language, alphabet, and translation of Torah are all extremely complex and important issues.

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<sup>58</sup>Josef Stern, "Language" *Contemporary Jewish Religious Thought: Original Essays on Critical Concepts, Movements, and Beliefs*, ed. Arthur Cohen and Paul Mendes-Flohr (New York: Scribner, 1987) 544.

<sup>59</sup> Stern 543.



## Chapter Two: Analysis of the Second Halakhic Petihta (Devarim Rabbah 2:1)

דברים רבה (וילנא) פרשה ב

כי מי גוי גדול וגו' הלכה אדם מישראל שהיה קורא את שמע מהו שיחא לו מותר להמתין אחר ק"ש ואח"כ יתפלל כך שנו חכמים שלשה תכיפות הן תכף לסמיכה שחיטה תכף לנטילת ידים ברכה תכף לגאולה תפלה, ומי שהוא עושה כן מהו מתן שכרו אמר רבה בר אבהו אם סמך ושחט יהא מובטח שקרבנו נתקבל ואם נטל ידיו ובירך מיד יהא מובטח שלא יהא שטן מקטרג בסעודתו ואם קרא ק"ש ונתפלל מיד יהא מובטח שתפלתו נשמעת, א"ר יהודה ב"ר סימון את מוצא עבודת כוכבים קרובה ורחוקה והקב"ה רחוק וקרוב כיצד עבודת כוכבים קרובה עובד כוכבים עושה עבודת כוכבים ומעמידה בתוך ביתו אצלו הרי קרוב ומנין שהיא רחוקה שנא' (ישעיה מו) אף יצעק אליו ולא יענה וגו' הרי רחוקה, והקב"ה רחוק וקרוב כיצד א"ר יהודה בר סימון מכאן ועד לרקיע מהלך ת"ק שנה הרי רחוק, וקרוב מנין שאדם עומד ומתפלל ומתרחק בתוך לבו וקרוב הקב"ה לשמוע את תפלתו שנא' (תהלים פה) שומע תפלה עדיך כל בשר יבואו אמר דוד לפני הקב"ה רבש"ע כשיחיו אומות העולם באים להתפלל לפניך אל תענה אותן שאין באין אצלך בלב שלם אלא הולכין אצל עבודת כוכבים שלהן ואינה עונה אותן והן רואין צרתן צרה ובאין להן אצלך אף אתה לא תענה אותן שני' (שם/תהלים/יח) ישועו ואין מושיע על ה' ולא ענם מהו ישועו ישועו לעבודת כוכבים שלהן ולכשיבואו אצלך על ה' ולא ענם אבל כשישראל קוראין אצלך מיד שמע תפלתנו שנא' (שם/תהלים/ד) בקראי ענני אלהי צדקי אמר לו הקב"ה מה אמרת בקראי ענני חייך עד שלא תקראני אני אענה אתכם שנא' (ישעיה סה) טרם יקראו ואני אענה שאין לי אומה אחרת אלא אתם מנין ממה שקרינן בענין כי מי גוי גדול.

### 1. Text in Translation

"For what great nation is there [that has a god so close at hand as is the Lord our God whenever we call upon Him]." (Deut. 4:7)<sup>60</sup> According to Jewish law, is it permissible for one reciting the *shema* to wait after the *qeriyat shema* and then pray [the *Amida*]? Such taught the Sages: "There are three cases in which one must juxtapose without interruption two

<sup>60</sup>As explained in the previous *petihta*, this *sidra* verse appears only as reference in a printed edition. It was clearly not the opening of the original midrash, which relied upon it as a culmination of the midrash, occurring at the very end, just prior to reading that exact verse from the *sefer Torah*.

consecutive actions<sup>61</sup>: The juxtaposition of laying hands on the animal and slaughtering it; the juxtaposition of washing one's hands and saying the blessing [before the meal<sup>62</sup>]; the juxtaposition of the *geulah* with the *tefillah*." And what is the reward of one who does this? Rabbah bar Abahu said: "If he lays hands [on the animal] and [immediately] slaughters it, he can be certain that his sacrifice will be accepted. If he washes his hands and says the blessing immediately, he can be certain that Satan will not incite anger against him in the course of his meal. If he recites the *qeriyat shema* and prays the Amida immediately, he can be certain that his prayer will be heard." Rabbi Yehudah bar Simon said: "You find that idol worship is near and [yet also] far away, and that the Holy One, blessed be He, is far away and [yet also] near. How is it that idol worship is near? An idol worshiper does his idol worship and places it inside his own house, and therefore it is close. And how is to also far away? As it is written, 'If he cries out to it, it will not answer . . . '(Isaiah 46:7) Behold it is far away." And how is the Holy One, blessed be He, far and near? Rabbi Yehudah said in the name of Rabbi Simon: "From here to the firmament is 500 years [distance] -- this is far. And how is He

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<sup>61</sup> Jacob Neusner, trans. *The Talmud of the Land of Israel: A Preliminary Translation and Explanation*. (Chicago and London: U. of Chicago, 1984) Berakhot 1:1

<sup>62</sup> Because of the reward mentioned below, this refers to the washing before the meal, and therefore the blessing referred to is the *Motzi* -- the blessing over bread recited before the meal. In parallel texts, the washing refers to *mayim achronim*, and the blessing refers to *Birkat HaMazon*--the grace after meals. See below.

close? A person stands and prays or meditates in the depths of his heart and the Holy One, blessed be He is close [enough] to hear his prayer. As it says, 'You hear prayer and all mankind comes to you.' (Ps. 65:3) David said before the Holy One, blessed be He: "Master of the Universe. When the nations of the world come before you to pray do not answer them, because they do not come to You with a whole heart. Rather, they [first] go to their houses of idol worship but [their idols] do not answer them. Out of their suffering they come to your house, so even You should not answer them, as it is written, 'They cried out, but there was none to deliver, [cried] to the Lord, but He did not answer them.' (Ps. 18:42) What does 'they cried out' mean? They cried out to their idol worship. But when they enter Your house, they '[cried] to the Lord, but He did not answer them.' But when Israel calls to You, immediately You hear our prayer, as it says, 'When I call, answer me, O God my vindicator!' (Ps. 4:2)" The Holy One, blessed be He, said to him: "Why did you say 'When I call out, answer me . . . .'?' By your life, even when you do not cry out to Me, I will answer You, as it says, 'Before they will call, I will answer them . . . ,' (Isaiah 65:24) because I have no other nation except you." What proof-text supports this? From that which we read: "For what great nation is there that has a god so close at hand as is the Lord our God whenever we call upon Him." (Deut. 4:7)

## 2. Analysis of Proem

Similar to the previous halakhic *petihta*, the answer is provided early on in the development of the midrash. In analyzing the midrash, three independent pieces become apparent, whose seams the unified midrash has not fully erased. The question and its expanded answer comprise the first of these (Part A). It is taken almost directly from a passage in the Talmud of Eretz Yisrael, *Masekhet Berakhot*, with which it will be compared below. The second section (Part B) creatively compares idolatry with the worship of God with respect to immanence and transcendence. The last section (Part C) is an explanation of how God hears the prayers of Jews and the way in which that is indicative of a special relationship they have with Him. The following is a preliminary analysis of the distinctive features in each of these three sections, continued by an attempt to explain their links. After examining the parallel Talmudic material, the links between the halakhic question which begins Part A and the scriptural passage which concludes Part C will be examined.

### Part A:

הלכה אדם מישראל שהיה קורא את שמע מהו שיהא לו מותר להמתין אחר ק"ש ואח"כ יתפלל כך שנו חכמים שלשה תכיפות הן תכף לסמיכה שחיטה תכף לנטילת ידים ברכה תכף לגאולה תפלה, ומי שהוא עושה כן מהו מתן שכרו אמר רבה בר אבהו אם סמך ושחט יהא מובטח שקרבנו נתקבל ואם נטל ידיו ובירך מיד יהא מובטח שלא יהא שטן מקטרג בסעודתו ואם קרא ק"ש ונתפלל מיד יהא מובטח שתפלתו נשמעת,

According to Jewish law, is it permissible for one reciting the *shema* to wait after the *qeriyat shema* and then pray [the *Amida*]? Such taught the Sages: "There are three cases in which one must juxtapose without

interruption two consecutive actions<sup>63</sup>: The juxtaposition of laying hands on the animal and slaughtering it; the juxtaposition of washing one's hands and saying the blessing [before the meal<sup>64</sup>]; the juxtaposition of the *geulah* with the *tefillah*." And what is the reward of one who does this? Rabbah bar Abahu said: "If he lays hands [on the animal] and [immediately] slaughters it, he can be certain that his sacrifice will be accepted. If he washes his hands and says the blessing immediately, he can be certain that Satan will not incite anger against him in the course of his meal. If he recites the *qeriyat shema* and prays the Amida immediately, he can be certain that his prayer will be heard."

What becomes immediately clear in the first section of this midrash, is that the *qeriyat shema* had, by that point, come to include the blessings which precede and follow the *shema* itself. The *geulah* is the last of these blessings. The question asks whether one may break between the *shema* and the *tefillah*. The answer explains that the juxtaposition of the *geulah* with the *tefillah* was established by the Sages.

It is noteworthy that our midrash uses the word *lehamtin* and not *lehafsiq* in its discussion of interrupting the morning prayer between the *qeriyat shema* and the *tefillah*.

*Lehamtin* suggests something that is a regular practice among some Jews, whereas

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<sup>63</sup> Jacob Neusner, trans. *The Talmud of the Land of Israel: A Preliminary Translation and Explanation*. (Chicago and London: U. of Chicago, 1984) Berakhot 1:1

<sup>64</sup> Because of the reward mentioned below, this refers to the washing before the meal, and therefore the blessing referred to is the *Motzi* -- the blessing over bread recited before the meal. In parallel texts, the washing refers to *mayim achronim*, and the blessing refers to *Birkat HaMazon*--the grace after meals. See below.

*lehafsik* might be considered to occur only in extraordinary circumstances. Or, it is possible that the midrash uses the word *lehamtin* to deliberately address a *makhloket* among the Rishonim? There were Rishonim who maintained the injunction to juxtapose the *shema* and the *geulah* meant that words should not be spoken between them. However, if people were quiet for even an hour or more, they maintained that there was no reason to fear. Others avoided such an interruption even when there was no speaking.<sup>65</sup>

This first section is almost exclusively devoted to the idea that joining the *shema* with the *tefillah* is an important halakhic obligation, for which one who fulfills it merits that his prayer will be heard.

#### Part B:

א"ר יהודה ב"ר סימון את מוצא עבודת כוכבים קרובה ורחוקה והקב"ה רחוק וקרוב כיצד עבודת כוכבים קרובה עובד כוכבים עושה עבודת כוכבים ומעמידה בתוך ביתו אצל הררי קרוב ומנין שהיא רחוקה שנא' (ישעיה מו) אף יצעק אליו ולא יענה וגו' הרי רחוקה, והקב"ה רחוק וקרוב כיצד א"ר יהודה בר סימון מכאן ועד לרקיע מהלך ת"ק שנה הרי רחוק, וקרוב מנין שאדם עומד ומתפלל ומתרחק בתוך לבו וקרוב הקב"ה לשמוע את תפלתו שנא' (תהלים פה) שומע תפלה עדיך כל בשר יבואו

Rabbi Yehudah bar Simon said: "You find that idol worship is near and [yet also] far away, and that the Holy One, blessed be He, is far away and [yet also] near. How is it that idol worship is near? An idol worshiper does his idol worship and places it inside his own house, and therefore it is close. And how is to also far away? As it is written, 'If he cries out to it, it will not answer . . . .' (Isaiah 46:7) Behold it is far away." And how

<sup>65</sup> "Geulah," *Encyclopedia Talmudit* [Talmudic Encyclopedia]

is the Holy One, blessed be He, far and near? Rabbi Yehudah said in the name of Rabbi Simon: "From here to the firmament is 500 years [distance] -- this is far. And how is He close? A person stands and prays or meditates in the depths of his heart and the Holy One, blessed be He is close [enough] to hear his prayer. As it says, 'You hear prayer and all mankind comes to you.' (Ps. 65:3)

The second section, Part B, focuses on the idea of God's closeness to humanity. It explores the paradox of God's apparent transcendence with God's radical immanence. Inversely, it also shows the apparent immanence that idolatry provides with their gods' ultimate irrelevance. The form of its appearance in our midrash makes it easy to imagine how the darshan's presentation would spark the curiosity of the congregation listening to this *derashah*. Both God and idols are depicted as near and far away, simultaneously. What is in abstract appearance far away is near in relation to human beings. Inversely, what is near in appearance is irrelevant in relation to its efficacy for human beings. This piece of our midrash is patterned after another closely related Talmudic aggadah (Yerushalmi, *Berakhot*, Chapter 9, Page 13a, Halakhah 1) attributed to the same rabbi, Yehudah bar Simon:

חזרו ושאלו אותו מהו אהן דכתיב מי גוי גדול אשר לו אלהים קרובים אליו אמר להן כה' אלהינו בכל קראינו אליהם אין כתיב כאן אלא בכל קראינו אליו אמרו לו תלמידיו רבי לאלו דחיתה בקנה לנו מה אתה משיב אמר להן קרוב בכל מיני קריבות דאמר רבי פינחס בשם רב יהודה בר סימון עבודה זרה נראית קרובה ואינה אלא רחוקה מה טעמ' ישאורו על כתף יסבלוהו וגו' סוף דבר אלוהו עמו בבית והו' צועק עד שימות ולא ישמע ולא יושיע מצרתו אבל הקב"ה נראה רחוק ואין קרוב ממנו דאמר לוי מהאריך ועד לרקיע מהלך ה' מאו' שנה ומרקיע לרקיע מהלך ת"ק שנה ועביו של רקיע ת"ק שנה וכן לכל רקיע ורקיע ואמר רבי ברכיה ורבי חלבו בשם ר' אבא סמוקה אף טלפי החיות מהלך ה' מאות שנה וחמש עשרה מניין ישרה ראה כמה הוא גבוה מעולמו

ואדם נכנס לבית הכנסת ועומד אחורי העמוד ומתפלל בלחישתו והקב"ה מאזין את תפילתו שנא' וחנוה היא מדברת על לבה רק שפתיה נעות וקולה לא ישמע והאזין הקב"ה את תפילתה וכן כל בריותיו שני תפילה לעני כי יעטף כאדם המשיח באוון חבירו והוא ומע וכי יש לך אלוה קרוב מזה שהוא קרוב לבריותיו כפה לאוון

[The heretics] responded and asked [Simlai]: "Why is it written, 'For what great nation is there that has gods so close [plural, *qerovim*] at hand as is the Lord our God whenever we call upon him'?" He said to them: "'... as is the Lord our God whenever we call upon Him.' 'To them' is not written -- *alekhem*, but rather 'to him'-- *elav*." His students said to him: "Rabbi, you pushed it aside like a straw, but what would you say to us?" He said to them: "[The plural use of the word *qerovim* reflects] the many ways [in which God is] close. As Rabbi Pinhas said in the name of Rabbi Yehudah bar Simon: 'Idol worship appears to be close, but it is far away.' What is the reason? 'They must carry it on their backs and transport it; [When they put it down, it stands. It does not budge from its place. If they cry out to it, it does not answer; It cannot save them from their distress.])' (Is. 46:7) In the end, his god is with him in his home and he could cry out until he would die and it won't hear him or save him from his suffering. But the Holy One, blessed be He, appears to be far away, but there is none closer than Him, as Levi said, 'From earth to the firmament is 500 years distance, and from the firmament to the next firmament is another 500 years. And the width of the darkness of the firmament is 500 years. So too for each and every firmament . . . See how



much higher than the world he is, and yet a person enters the synagogue and stands at the lectern and prays silently, and the Holy One, blessed be He, hears his prayer, as it is said, 'Now Hannah was praying in her heart; only her lips moved, but her voice could not be heard.' (I Sam. 1:13) And the Holy One, blessed be He, heard her prayer, and so too for all His creatures, as it is said, 'A prayer of the lowly man when he is faint and pours forth his plea before the Lord . . . .' (Ps. 102:1) [A person who prays to God] is like a man who whispers into the ear of his friend and he hears him. Is there a god closer than this, who is as close as a mouth to an ear?"

If our midrash in Deuteronomy Rabbah is drawing from this sugya from the Talmud Yerushalmi, then it is helpful to note what has been borrowed or omitted. In the Talmud Yerushalmi, God seems far, but is actually near; idolatry seems near, but is actually far. By contrast, Deuteronomy Rabbah's presentation begins with idolatry and God on an equal footing; both are near and far. While this aggadic piece from the Jerusalem Talmud and our midrash seem to saying the same thing, our midrash's choice to begin with God and idolatry as similar with respect to being both near and far increases the tension and the anticipation for a congregation listening to this homily. The finale of the Talmudic piece is an extremely compelling image -- one who prays is as if he were speaking into God's ear. In Deuteronomy Rabbah's abridgement of this aggadah, this is omitted. That section centers around a proof-text about Hannah. It may

be intentionally left out of the halakhic proem in an attempt to link the word *tefillah* exclusively with the *Amidah* prayer and not prayer in general.

This excerpt from the Yerushalmi also provides an additional explanation of how Part B came to our midrash. This sugya includes our *sidra* verse, *מי גוי גדול אשר לו אלהים קרובים אליו*, in its discussion. Therefore, this aggadic piece about the paradox of a transcendent God who is close enough to hear prayer is already connected to our *sidra* verse in its proximity as it occurs here.

### Part C

אמר דוד לפני הקב"ה רבש"ע  
 כשיהיו אומות העולם באים להתפלל לפניך אל תענה אותן שאין באין אצלך בלב שלם  
 אלא הולכין אצל עבודת כוכבים שלהן ואינה עונה אותן וכן רואין צרתן צרה ובאין להן  
 אצלך אף אתה לא תענה אותן שני' (שם/תהלים/יח) ישועו ואין מושיע על ה' ולא ענם מהו  
 ישועו ישועו לעבודת כוכבים שלהן ולכשיבואו אצלך על ה' ולא ענם אבל כשישראל  
 קוראין אצלך מיד שמע תפלתנו שנא' (שם/תהלים/ד) בקראי ענני אלהי צדקי אמר לו  
 הקב"ה מה אמרת בקראי ענני חייך עד שלא תקראני אני אענה אתכם שנא' (ישעיה סח)  
 טרם יקראו ואני אענה שאין לי אומה אחרת אלא אתם מנין ממה שקרינן בענין כי מי גוי  
 גדול.

David said before the Holy One, blessed be He: "Master of the Universe.

When the nations of the world come before you to pray do not answer

them, because they do not come to You with a whole heart. Rather, they

[first] go to their houses of idol worship but [their idols] do not answer

them. Out of their suffering they come to your house, so even You should

not answer them, as it is written, 'They cried out, but there was none to deliver, [cried] to the Lord, but He did not answer them.' (Ps. 18:42)

What does 'they cried out' mean? They cried out to their idol worship.

But when they enter Your house, they '[cried] to the Lord, but He did not

answer them.' But when Israel calls to You, immediately You hear our prayer, as it says, 'When I call, answer me, O God my vindicator!' (Ps. 4:2)" The Holy One, blessed be He, said to him: "Why did you say 'When I call out, answer me . . . .'?' By your life, even when you do not cry out to Me, I will answer You, as it says, 'Before they will call, I will answer them . . . ,' (Isaiah 65:24) because I have no other nation except you." What prooftext supports this? From that which we read: "For what great nation is there that has a god so close at hand as is the Lord our God whenever we call upon Him." (Deut. 4:7)

In Part C, the midrash presents a different understanding of the universalism or particularism of humanity's approach to God in prayer. Part B is primarily concerned with establishing the idea that God hears the prayers of human beings, שאדם עומד ומתפלל ומהרהר בתוך לבו. In contrast, Part C establishes that only Jews are close enough to God for Him to hear their prayers, אבל כשישראל קוראין אצלך, מיד שמע תפלתנו. Part B concludes with the quotation from Psalm 65:3: כל בשר יבואו. Part C begins with David's urging to God that He should not accept the prayers of non-Jews. The midrash's redactor puts David, the author of the Psalms, in a position to argue against his own words. The midrash's need to address the issue of non-Jews who pray to the one God may reflect an anti-Moslem polemic added in a later stage. In the eyes of its authors, Moslems turned to God only after realizing that their idol worship was unsuccessful. Even as they come to God because of their suffering, God will not respond to their prayers. Part B is universal -- *adam sh'mitpalel*, while C rules out the

possibility that non-Jews who pray to God might be heard. According to C, God only hears Jews' prayers.

There are other contradictions between these sections which merit attention. The message of Part A is that the juxtaposition of the *shema* with the *tefillah* will ensure that one's prayers will be heard. Part B suggests that God hears prayer unconditionally, שאדם עומד ומתפלל ומחרחר בתוך לבו וקרוב הקב"ה לשמוע את תפלתו. Not only does acceptance of prayer not require the juxtaposition of particular prayers, but also prayer may not even require articulation at all. In Part B, one could argue that even unspoken meditations of the heart, ומחרחר בתוך לבו may be acceptable. It could be argued that heartfelt prayer is the prime message. Part C goes further in suggesting that God is so close to us we don't even need to articulate the prayer for God to hear it. Rather, He responds to us before we call to him, טרם יקראו ואני אענה.

One element which links these three sections is the idea of closeness. Part A is concerned with the closeness between the *shema* and the *tefillah*. It is about "*tekhefim*" in time. Part B is about the closeness of God to humanity-- *techefim in space*.<sup>66</sup> Finally, C clarifies that such a closeness to God is reserved only for Jews. While A does not use the word *karov*, it is in essence all about the closeness or proximity of actions. Sections B and C use the work *karov* specifically.

The word *tefillah* in Parts B and C provide an additional link to Part A. Part A uses the word *tefillah* as regard to the *tefillah* -- the Amida. Parts B and C most likely

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<sup>66</sup> Baruch Feldstern, lecture at Pardes Institute, Jerusalem, 1996.

refer to *tefillah* as prayer in general. An editor of our midrash may have applied those references to the *tefillah*- the *Amida*.

Part A:

ואם קרא ק"ש ונתפלל מיד יהא מובטח שתפלתו נשמעת

Part B:

שאדם עומד ומתפלל

Part C:

מיד שמע תפלתנו

Part A's concern with the juxtaposition of the *amida* with the *qeriyat shema* are further linked to Part B and Part C in a somewhat subtle fashion. Both Part B and Part C contain allusions or word plays which connect back to the topic of *qeriyat shema* and *tefillah*. Part A concludes with the words: ואם קרא ק"ש ונתפלל מיד יהא מובטח שתפלתו נשמעת. Part B concludes with these words: וקרוב הקב"ה לשמוע את תפלתו. There is an allusion to *shema* and *tefillah* in the language that is used. In Part C, the link is more explicit, אבל כשישראל קוראין אצלך מיד שמע תפלתנו. Here, not only are the words almost synonymous with the words in Part A, but even includes the words *qorin* and *qeriyat shema* in the same line. The "peshat" is that God hears our prayers immediately. But, the "derash," apparent in the word play, suggests that "Israel recites to You shema and then their *tefillah*." On the surface, the *darshan* is speaking of prayer in the most general sense. But the words provide a word link to the midrash's more specific concern of the *techef* required

between the *shema* and the *tefillah*.

These two links do not fully resolve the overwhelming contradictions inherent in each section. In some way, the rabbis must equate moving directly from the *shema* to the *amida* with approaching God with a whole heart. While Part A alone, or its Talmudic parallels, is concerned that pious Jews juxtapose these two central prayers, its use in the context of this midrash works the other way. Part A maintains that if a Jew prays the *geulah* joined with the *Amidah*, God will hear their prayers. However, the midrash as a whole suggests that Jews, that nation which prays the *geulah* juxtaposed with the *Amidah*, have their prayers heard by God. God hears their prayers, not because of the juxtaposition, but because of the representation of the juxtaposition. Their prayers and petitions follow from an awareness of their historical redemption. Therefore, they pray so that God will hear their prayers. For Jews, God did answer us in the past. This is the theme of the *geulah* for which the halakhic question is concerned. Therefore, Jews approach God with the certainty that He will answer. Perhaps this historical awareness, demonstrated by the recitation of the *ge'ulah*, constitutes whole-hearted prayer according to the rabbis. Non-Jews inherently have doubts because they have not experienced God's redemption. If this is indeed a polemic against Islam, it would provide an additional explanation of why our midrash attaches the issue of God hearing prayer with the earlier halakhic requirements of juxtaposing the *shema* with the *tefillah*. The *geulah* is all about the historical redemption which God performed for the Jewish people exclusively because of His special closeness to us. In light of such an historical event, God's relationship to the Jewish people and their relationship to Him is greater than any other

nation. Their relationship with God is singular and unique. They are the ones, after all, who recognize His singularity through the recitation of the *shema*. Without such an experience, they cannot approach God with a full heart, that is, with certainty and faith like Jews. That certainty links the special status of Jews in Part C to the liturgical necessity in Part A. By connecting with our unique historical experience, we create the right state of mind and heart to approach God in the *tefillah*. "The Talmud stresses the importance of joining the *shemona esrai* to the idea of redemption, *lismoch ge'ulah litfilah* . . . Our petitions and prayers (in the *shemona esrai*, should grow out of historical experience, *ge'ulah*."<sup>67</sup>

### 3. Talmud Yerushalmi (*Berachot*, Chapter 1, Page 2d, Halakhah 1)

פיס' וחכמים אומרים עד חצות רבי יסא בשם ר' יוחנן הלכה כחכמים רבי יסא מפקד לחברייא אין בעיתון מתעסקא באוריתא אתון קרייה שמע קודם חצות ומתעסקין מילתיה אמרה שהלכה כחכמים מילתיה אמרה שאמר דברים אחר אמת ויצא תני הקורא את שמע בבית הכנס' בשחר יצא ידי חובתו בערב לא יצא ידי חובתו מה בין הקורא בשחרית ומה בין הקורא בערבית רבי הונא בשם רב יוסף מה טעם אמרו אדם צריך לקרות שמע בביתו בערב בשביל להבריא את המזיקין מילתיה אמרה שאין אמר דברים אחר אמת ויצא מילתיה דרבי שמואל בר נחמני אמר כן רבי שמואל בר נחמני כד הוה נחית לעיבורה הוה מקבל רבי יעקב גרוסה והוה רבי זעירא מטמר ביני קופיין משמענא היך הוה קרי שמע והוה קרי וחזר וקרי עד דהו' שקע מיניה גו שינתיה ומאי טעמא רבי אחא ור' תחליפא חמוי בשם רבי שמואל בר נחמן רגזו ואל תחטאו אמרו בלבבכם על משכבכם ודומו סלה מילתיה דר' יהושע בן לוי פליגא דרבי יהושע בן לוי קרי מזמורים בתרה והא תני אין אומר דברים אחר אמת ויצא פתר לה באמת ויצא של שחרית דמר ר' זעירא בשם ר' אבא בר ירמיה שלש תכיפות הן תכף לסמיכה שחיטה תכף לנטילת ידים ברכה תכף לגאולה תפילה תכף לסמיכה שחיטה וסמך ושחט תכף לנטילת ידים ברכה שאו ידיכם קדש וברכו את ה' תכף לגאולה תפילה יהיו לרצון אמרי פי מה כתיב בתריה יענך ה' ביום צרה אמר רבי יוסי בי רבי בון כל מי שהוא תוכף סמיכה לשחיטה אין פסול נוגע באותו קרבן וכל מי שהוא תוכף לנטילת ידים ברכה אין השטן מקטרג באותה סעודה וכל מי שהוא תוכף גאולה לתפילה אין השטן מקטרג באותו היום אמר רבי זעירא אנא

<sup>67</sup> Elie Munk, *The World of Prayer: Commentary and Translation of the Daily Prayer* (New York: Feldheim, 1954) 119.

תכפית גאולה לתפילה ואיתצדית באנגריא מובלא הדס לפלטין אמרו ליה רבי רבו היא  
 אית בני אינשי הכין פריטין מחכים פלטין א"ר אמי כל מי שאינו תוכף לגאולה תפילה  
 למה הו' דומה לאוחבו של מלך שבא והרתיק על פתחו של מלך יצא לידע מה הוא מבקש  
 ומצאו שהפליג עוד הוא הפליג.

#### a. Translation

[Returning to the discussion from our Mishna, where it said, "The Sages held [it was permissible to recite the *shema* ] until midnight." Rabbi Yosa said in the name of Rabbi Yohanan: "The halakhah follows the Sages." Rabbi Yosa instructed his students: "If you want to engage in Torah study all night, recite the *qeriyat shema* before midnight and then continue learning." From his words, we derive that the halakhah is like the Sages. [We also] derive from his words that he said things after *emet v'yatziv*. But, it states in a Baraita: "He who recites the *shema* at the synagogue in the morning has fulfilled his obligation. However, in the evening [reciting the *shema* in the synagogue] he does not fulfill his obligation." What is the difference between reciting [the *shema*] in the morning and the evening? Rabbi Huna said in the name of Rabbi Yosef: "What is the reason? They said: A man needs to recite the *shema* in his house in the evening in order to drive out demons." We derive from his words that one does not say [any] words after *emet v'yatziv*. But from the words of Rabbi Shmuel bar Nachmani, we derived that one can [say words after *emet v'yatziv*]. When Rabbi Shmuel bar Nachmani would go down to [declare] the leap year, he would he would be received by Rabbi



Ya'akov Grusa. Rabbi Ze'ira would hide between the closets to hear how he would recite the *shema*. He would recite it again and again until he fell asleep. What is the reason [one recites the *shema* at bedtime]? Rabbi Acha and Rabbi Takhlifta, his son-in-law, in the name of Rabbi Shmuel bar Nachman [said]: “‘So tremble, and sin no more; ponder it on your bed, and be still.’ (Ps. 4:5)” The words of Rabbi Joshua ben Levi contradict this [teaching that nothing should be said after the *qeriyat shema*]. For Rabbi Joshua ben Levi would recite Psalms afterwords. Its was taught [in a baraita mentioned above]: “One does not recite any words after *emet v'yatziv*.” [This apparent contradiction] can be resolved by [saying that the baraita and the words of Shmuel bar Nahman refer to] *emet veyatziv* of the morning prayers.

Rabbi Ze'ira said in the name of Rabbi Abba bar Yermiyahu: “There are three cases in which one must juxtapose without interruption two consecutive actions: The juxtaposition of the laying on of hands to the slaughtering; the juxtaposition of washing the hands with the blessing; and the juxtaposition of the *geulah* with the *tefillah*. [The basis for] the juxtaposition of the laying on of hands to the slaughtering is the proximity of the words ‘And you shall lay hands’ (Lev. 1:4) with ‘And you shall slaughter’ (Lev. 1:5). [The basis for] the juxtaposition of washing the hands with the blessing is, ‘Lift your hands toward the sanctuary and bless the Lord.’ (Ps. 134:2) [The basis for] the juxtaposition of the *geulah* with

the *tefillah* is the proximity of the verses, 'May the words of my mouth [and the prayer of my heart be acceptable to You, O Lord my Rock and Redeemer]' (Ps. 19:15) and afterwards it is written, 'May the Lord answer you in time of trouble . . .' (Ps. 20:2)." Rabbi Yosi son of Rabbi Bun said: "Anyone who juxtaposes the laying on of hands with the slaughtering there is no concern of invalidating that sacrifice. And anyone who juxtaposes washing of the hands with the blessing, Satan will not conspire against him at that meal. And anyone who juxtaposes the *geulah* with the *tefillah*, Satan will not conspire against him that day." Rabbi Ze'ira said: "I juxtaposed the *geulah* with the *tefillah*, and I was drafted through the tax service to carry of myrtle tree to the palace." They said to him: "Rabbi, is that such a big deal? There are people who would pay to visit the palace." Rabbi Ami said: "Anyone who does not juxtapose the *geulah* to the *tefillah*, to what can he be compared? To the beloved friend of the king who comes and knocks on the door of the king. He goes out to see who it is and finds that he has departed. So, the king also leaves."

#### **b. Analysis**

While this midrash in Deuteronomy Rabbah closely parallels the Yerushalmi, there are some significant pieces that the midrash does not choose to borrow from the Yerushalmi. In both, the order is the same, allowing the aggadic piece which follows each of them to focus primarily on the juxtaposition of the *shema* with the *tefillah*. The

Yerushalmi provides a prooftext for each of the three *tekhefim*, though these proof texts seems more *asmakhtot* than the basis for halakhic derivation. Only one of the three is from the Torah (*tekhef lesmikha shehita*). The remaining two are from Psalms. Looking more closely at these "prooftexts" however, it is noteworthy how they work as proofs. Both the prooftexts for *tekhef lesmikha shehita* as well as for *tekhef ligeulah tefillah* are based on the proximity of two verses in the Torah, each of which represents one of the actions at hand. That is, the proximity of the Bible verses parallels the proximity of the actions at hand. Just as these verses are close, so too should these actions be close. Choosing this hermeneutic to provide a stronger basis for the juxtaposition of these actions is especially subtle and creative.

When one examines the rewards mentioned in the Yerushalmi for juxtaposing the actions mentioned, two significant differences emerge between the midrash in Deuteronomy Rabbah and the Yerushalmi's aggadah. First, there is a difference in the use of the word *muvtach*. Whereas the Yerushalmi uses the more objective *ein*, the midrash prefers *muvtach* perhaps as a way of emphasizing issues of *bitahon*, meaning religious faith and certainty. Perhaps, for the midrash, this is an explanation of why the *geulah* precedes the Amidah. "When one mentions the *geulah* -- that our ancestors trusted (*shebatehu*) in the Lord and He saved them-- and then immediately recites the *tefillah*, he is found to also trust in the Lord, that He will answer him like He answered Israel. Trust in the main principle of fear and faith."<sup>68</sup> The midrash, more than the aggadic excerpt from the Yerushalmi, is concerned with promoting a message of the

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<sup>68</sup> *Tosafot Rabbeinu Yitzhaq*

Jew's faith in God which allows his prayers to be heard by God. The Yerushalmi does not have such an agenda in this context. It concerns itself with the *techefim* themselves, without any statement about the efficacy of non-Jewish prayer.

Second, it is notable that the rewards for juxtaposing the *shema* with the *tefillah* are different in the two texts. According to Deuteronomy Rabbah, joining the *shema* and the *tefillah* ensures that one's prayer will be heard. For the Yerushalmi, however, such a juxtaposition ensures that Satan will not conspire against that person the entire day. The Yerushalmi's statement makes the retort of Rabbi Ze'ira possible. The midrash, concerned chiefly with the idea that God hears our prayers is better served by suggesting that the reward is that God will hear the prayer. Despite the problem this poses for thematic consistency in the midrash (as mentioned above, namely, if God hears prayers of the heart, why would one need to juxtapose it to the *shema* in order to ensure that it would be heard?), it narrows the issue to "hearing prayer." If the midrash had chosen to include the Yerushalmi's statement including Rabbi Ze'ira's retort, then the clarity of the midrash's message would have become clouded. The Yerushalmi's presentation is far more dialectic than the midrash is interested in being in its presentation of the cause and effect of juxtaposing these prayers.

#### 4. Babylonian Talmud, Masekhet Berakhot 42a

רב פפא איקלע לבי רב חונא בריה דרב נתן, בתר דגמר סעודתייהו אייתו לקמייהו מדי למיכל, שקל רב פפא וקא אכיל. אמרי ליה: לא סבר לה מר גמר אסור מלאכול? - אמר להו: סלק אתמר. רבא ורבי זירא איקלעו לבי ריש גלותא, לבתר דסליקו תבא מקמייהו שדרו להו ריסתנא מבי ריש גלותא, רבא אכיל ורבי זירא לא אכיל. אמר ליה: לא סבר לה מר סלק אסור מלאכול? - אמר ליה: אנן אתבא דריש גלותא סמכינן.

אמר רב: הרגיל בשמן - שמן מעכבו. אמר רב אשי, כי הוינן בי רב כהנא אמר לן: כגון אנן

דרגילינן במשחא - משחא מעכבא לן. ולית הלכתא ככל הני שמעתתא, אלא כי הא דאמר רבי חייא בר אשי אמר רב, שלש תכיפות הן: תכף לסמיכה שחיטה, תכף לגאולה תפלה, תכף לנטילת ידים ברכה. אמר אבוי, אף אנו נאמר: תכף לתלמיד חכמים ברכה, שנאמר: +בראשית ל'+ ויברכני ה' בגללך. איבעית אימא מהכא, שנאמר: +בראשית ל"ט'+ ויברך ה' את בית המצרי בגלל יוסף.

#### a. Translation

Rav Papa was invited to the home of Rav Huna, the son of Rav Natan.

After they completed their meal, they brought things to eat before them.

Rav Papa took and ate [from them]. They said to him: "Sir, do you not hold by the opinion that [once the meal is] finished, eating is forbidden?"

He said to them: "Say [rather] when it is cleared away, [it is forbidden to eat]." Rava and Rabbi Zera were invited to the home of the exilarch.

After they cleared away the table before them, they sent them a portion [of food] from the house of the exilarch. Rava ate, but Rabbi Zera did not eat. [Rabbi Zera] said to him [Rava]: "Sir, do you not hold by the opinion [that once the meal is] cleared away, it is forbidden to eat?" He said to him: "We rely on the table of the exilarch [that is, we expect that we have not completed the meal and more food may be brought]."

Rav said: "He who is accustomed to using oil [as a way of marking the conclusion of the meal], the oil holds up [the conclusion of the meal]." Rav Ashi said: "When we were at the house of Rav Kahane, he said to us: 'for those of us who are accustomed to anointing [with oil at the conclusion of a meal], the oil holds up [the conclusion of the

meal].” The halakhah is not like any of the previous views, but rather like that which Rabbi Hiya bar Ashi said in the name of Rav: “There are three cases in which one must juxtapose without interruption two consecutive actions: The juxtaposition of the laying on of hands with the slaughtering; the juxtaposition of the *geulah* with the *tefillah*; and the juxtaposition of washing the hands [after the meal] with the blessing [after meals<sup>69</sup>].” Abaye said: “We even say the juxtaposition of [seeing] a sage with [the recitation of] the blessing, as it is said, ‘ . . . The Lord has blessed me on your account.’ (Gen. 30:27) If you want, say another proof from here, ‘The Lord blessed the house of the Egyptian on Joseph’s account’ (Gen. 39:5).

### b. Analysis

There is no Tannaitic material in these sugyot. Mostly, the statements read like one Amoraic layer, spanning several generations. The oldest pieces are those attributed to Rav, a first generation Amora.

אמר רב: הרגיל בשמן - שמן מעכבו.

רבי חייא בר אשי אמר רב, שלש תכיפות הן: תכף לסמיכה שחיטה, תכף לגאולה תפלה, תכף לנטילת ידים ברכה. אמר אביי, אף אנו נאמר: תכף לתלמיד חכמים ברכה, שנאמר: +בראשית ל'+ ויברכני ה' בגללך. איבעית אימא מהכא, שנאמר: +בראשית ל"ט'+ ויברך ה' את בית המצרי בגלל יוסף.

<sup>69</sup>Here, the washing refers to *mayim achronim* and the blessing to *birkat hamazon*.

The Stam here seems to contribute more to the editing of the midrash, as opposed to the content. The Stam, in the context of the Talmud's discussion of those things that hold up the conclusion of the meal, brings in an earlier Amoraic statement as if it negates the previous teaching. ולית הלכתא ככל הנני שמעתתא, אלא כי הא דאמר רבי חייא . . . . . By doing so, the Stam suggests that it is *mayim achronim* and not oil which concludes the meal. The problem is both statements are attributed to Rav, and neither is mutually exclusive. Saying that oil can be used to conclude a meal does not contradict the fact that *mayim achronim* must be followed immediately by *birkat hamazom*.

The agenda of the Stam seems to be the same here as the agenda of the earlier amoraim. Like them, he is concerned largely with the question of when the meal concludes, and the point after which diners are not permitted to eat until the recitation of grace after meals. The Stam maintains that there is no *halakhah* concerning postponing the grace after meals until after one has annointed his hands with oil. Rather, he maintains the the halakhic concern related to the conclusion of the meal is that the *mayim achronim* is immediately followed by the grace after meals.

Here, in contrast with both the sugyot in the Yerushalmi and our midrash from Deuteronomy Rabbah, the phrase *techef linitalat yada'im beracha* is interpreted by the Stam to refer to *mayim achronim* and the *birkat hamazom*. This is why he deems it pertinent to the sugyot. Had he understood it as the Yerushalmi and Deuteronomy Rabbah do, it would lend nothing to the discussion of what actions indicate the conclusion of the meal.

The order of the three *techefim* are different here as well. In the Yerushalmi, the final *techef* dealt with the juxtaposition of the *shema* to the *tefillah*. Having concluded with that, the Yerushalmi's aggadic section continued its focus on that issue alone. The list concludes with the *techef* of that section with which it is primarily concerned. Here in the Bavli, this passage occurs in a sugya concerned chiefly with the conclusion of the meal. Therefore, it makes sense that it ends with *techef linitilat yada'im beracha*.

The attributions are different as well. The Yerushalmi attributes this passage to Abba bar Yermiah, while the Bavli attributes it to Rav. While both of these two rabbis were one generation apart, they hailed from Babylonia. There may have been some uncertainty as to the attribution. Both may have used this dictum, but for different actions: the *berakhah* prior to the meal for one, and *birkat hamazon* for the other.

The terse development of this section also argues for a radically different agenda in the Bavli. Unlike the development in the Yerushalmi, with its list of rewards for juxtaposing these actions, and prooftexts providing support from the *Tanakh*, the passage in the Bavli is brought in only for purposes of clarifying at what point a meal ends. It is not interested specifically in these *tekhefim*, in the results from abiding by them, nor in the kind of efficacy the stated rewards yield. Rather, its purpose is to establish that there is a custom of *mayim achronim* after which the *birkat hamazon* must be recited.



### Chapter Three: Analysis of Third Halakhic Petihta (Devarim Rabbah 4)

הלכה אדם מישראל מחו שיהא מותר לו לקרות התוכחות בקריות הרבה כך שנו חכמים אין מפסיקין בקללות אלא אחד קורא את כולם, למדונו רבותינו למח אין מפסיקין בקללות אמר רבי חייא בר גמדא לפי שכתוב (משלי ג) מוסר ה' בני אל תמאס ואל תקוץ בתוכחתו אל תעש את התוכחות קוצין קוצין אלא אחד קורא את כולן, ד"א למח אין מפסיקין בקללות א"ר יהושע דסכנין בשם ר' לוי אמר הקב"ה אני כתבתי על כבודי (תהלים צא) עמו אנכי בצרה אין שורת הדין שיחיו בני מתקללין ואני מתברך כיצד אם יקראו את התוכחות קריות הרבה אין קרוי וקרוי שאין מברך ב"פ = ב' פעמים = לפניח ולאחריה אלא אחד קורא את כולן רבנן אמרי אמר הקב"ה לא לרעתם נחתי להם ברכות וקללות אלא להודיען איזו דרך טובה שיבחרו אותה כדי שיטלו שכר מנין ממה שקרינן בענין ראה אנכי נותן לפניכם וגו'.

#### 1. Text in Translation

According to Jewish law, is it permitted for an Israelite to read the rebukes [in the Torah] in many readings? Such taught the Sages: "We do not divide the curses, but rather one person reads all of them." Our rabbis taught us why we do not break up the curses. Rabbi Hiya bar Gamda said: "Because it is written, 'Do not reject the discipline of the Lord, my son; do not abhor His rebuke.' -- do not make the rebukes into small pieces --*gotzim gotzim*, but rather have one person read them all."

Another opinion: Why do we not divide up the curses? Rabbi Yehoshua said in the name of Rabbi Levi: "The Holy One, blessed be He, has said: I have written about my glory 'I will be with him in suffering . . . .' (Ps. 91:15) It is not within the line of justice that My children be suffering and I be blessed. How would this be the case? If you read the rebukes [divided into] many readings, many people will say the blessing twice, before and after. Rather one person should read them all." Our rabbis

said: "The Holy One blessed be He, said: 'It is not for your detriment that I gave you blessings and curses, but rather to announce to you that which is the good path, in order that you will choose it so that you will get a reward.' What is the basis for this [in Scripture]? From that which we read regarding "See, I give you the blessing and the curse . . . ."

(Deut. 11: 26)

An analysis of this *petihta* requires us to examine the related halakhic material found in the Mishna and the Talmudim. An extensive discussion of our midrash will follow the discussion of the material which serves as a source for much of its content.

## 2. Mishnah, Megillah 3:6

בחנוכה בנשיאים בפורים ויבא עמלק בראשי חדשים ובראשי חדשיכם במעמדות במעשה  
בראשית בתעניות ברכות וקללות אין מפסיקין בקללות אלא אחד קורא את כולן בשני  
ובחמישי ובשבת במנחה קורין כסדרן ואין עולין להם מן החשבון שנאמר (ויקרא כ"ג)  
וידבר משה את מועדי ה' אל בני ישראל מצותן שיהו קורין כל אחד ואחד בזמנו

[The designated Torah reading for] Hanukkah is [the one dealing with the] chieftains (Numbers 7). On Purim, "And Amalek came..." (Exodus 17:8-17). On Rosh Hodesh, "And at the beginning of your months..." (Numbers 28:11). During the posting [of a division of popular representatives deputed to accompany the daily services in the Temple with prayers], the acts of creation. On fast days, the blessings and curses. Do not break up the curses, but rather one person should read them all. On Mondays and Thursdays, and at the afternoon service of the Sabbath, read according to their order. But these readings do not affect the total of what is read the following Shabbat. [What is the reason that special Torah portions are designated for special days?] As it is written,

"Moses declared the festivals of the Lord to the children of Israel" (Lev. 23:44) -- he commanded them to read each and every one in its time.

### 3. Talmud Yerushalmi (*Megillah*, Chapter 3, Page 74b, Halakhah 7)

הלכה ח' אין מפסיקין בקללות אמר רבי חייה בר גמדה אל תקוץ בתוכחתו אל תעשה קוצים קוצים אמר רבי לוי אמר הקב"ה אינו בדין שיחו בני מתקללים ואני מתברך אמר רבי יוסה בי רבי בון לא מטעם הזה אלא זה שהוא עומד לקרות בתורה צריך שיהא פותח בדבר טוב וחותם בדבר טוב לוי בר פאטי שאל לרב חונה אילין ארורייה מהו דיקרינן חד ויברך לפנייה ולאחריהן אמר ליה אין לך טעון ברכה לפניו ולאחריה אלא קללות שבתורת כהנים וקללות שבמשנה תור' ר' יונתן ספרא דגופתה נחת להכא חמא לבר אבונא ספרא קרי שירת הבאר ומברך לפנייה ולאחריה אמר ליה ועבדין כן אמר ליה ואדיין את לזו כל השירות טעונות ברכה לפנייה ולאחריהן אישתאלת לר' סימון אמר לון רבי סימון בשם רבי יהושע בן לוי אין לך טעון ברכה לפניו ולאחריה אלא שירת הים ועשרת הדיברות וקללות שבתורת כהנים וקללו' שבמשנה תור' א"ר אבהו אני לא שמעתי נראין דבר' בעשרת הדיברות רבי יוסה בי רבי בון תומנתי פסוקא אחרייא דמשנה תורה טעונין ברכה לפנייה ולאחריהן בלא כך אין הפותח והחותם בתורה מברך לפנייה ולאחריה לכן צריכה

#### a. Translation

"Do not break up the curses . . ." Rav Hiya bar Gamda said, "[The basis for this is in the verse], '[Do not reject the discipline of the Lord, my son;] do not abhor (*taqotz*) His rebuke.' - - - Do not break them up into small pieces --*qotzim, qotzim*." Rabbi Levi said: "The Holy One, blessed be He, said, 'It is unjust just that my children be cursed while I am blessed.'" Rabbi Yosi said in the name of Rav Bun: "It is not for this reason but rather because he who stands to read from the Torah needs to begin with a good matter and end with a good matter." Levi bar Pasti asked Rav Huna about those curses in Deuteronomy [which begin with the words 'cursed be . . .']: "Does one person read them all and say the blessing before them

and after them?" He [Huna] said to him [Levi bar Pasti]: "There is no requirement for a blessing before and after [any Torah reading] except for the curses in Leviticus as well as those in Deuteronomy." Rabbi Yonatan the scribe from Gupta came down here. He saw Bar Abuna the scribe reading the Song of the Well (Numbers 21:17) and he blessed before and after [reading it]. He [Rabbi Yonatan] said to him [Bar Abuna]: "Is this what is done?" He [Bar Abuna] said to him [Rabbi Yonatan]: "Still [you are unsure] of this? All of the Songs require a blessing before them and after them." When the question was asked to Rabbi Simon, he said to them in the name of Rabbi Yehoshua ben Levi: "A blessing is not required before and after the reading [of Scripture] except for the Song of the Sea, the Ten Commandments, the curses in Leviticus, and the curses in Deuteronomy." Rabbi Abahu said: "I have not heard this, [but it seems fitting to include] the Ten Commandments." Rabbi Yosi said in the name of Rabbi Bun: "The last eight verses in Deuteronomy require a blessing before and after them. If that is not so, than the one who begins and reads the [entire Torah] would not say a blessing before and after."<sup>70</sup>

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<sup>70</sup>This refers to the Mishnaic custom of having the first reader recite the blessing before and the last reader recite the blessing after. If one read the entire Torah, he would not be able to say the blessing after if the final eight verses did not themselves require a blessing. These last eight verse were a source of rabbinic discussion, some arguing that they were written by Joshua after the death of Moses. In the Talmud Bavli, Mas. Baba Batra 15a:

אמר ר' יהושע כתב ספרו ושמונה פסוקים שבתורה.  
 תניא כמאן דאמר: שמונה פסוקים שבתורה יהושע כתב, דתני: "דברים ל"ד+וימת שם  
 משה עבד ה' - אפשר משה (מת) וכתב וימת שם משה? אלא, עד  
 כאן כתב משה, מכאן ואילך כתב יהושע.

### b. Analysis

The Yerushalmi presents three opinions as possible bases for the Mishnaic ruling that the curses may not be broken up. The first, proposed by Rabbi Hiya bar Gamda, is based upon a midrash on the word *taqotz*. In the context of the verse from Proverbs 3:11, the word means abhor. The play on words renders this word to mean pauses or breaks. Thus, *al taqotz* changes in meaning from "do not abhor" to "do not make into small pieces..." The second opinion, ascribed to Rabbi Levi, holds that God, whom Levi clearly sees as the authority of Mishnaic law, believes it is unfair for Him to be blessed while his children suffer. This position clearly establishes a corollary between breaking blessings and saying blessings. This will be discussed in further detail below. The third opinion, that of Rabbi Yosi bases his reason neither on a conception of God's compassion nor on a play on words. For Yosi, this prohibition against breaking is the outcome of a more general principle. Namely, one must begin and end a Torah reading on a good matter. To break during the curses would mean ending and beginning on a bad note.

An interchange between Levi bar Pasti and Rav Huna follows. The purpose of this pericope seems to be the establishment of whether one says the blessings before and

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Mar said: Joshua wrote his book as well as eight verses in the Torah. It is taught in a Baraita: Joshua wrote eight verses in the Torah. As it is written, "And Moses the servant of the Lord died there." (Deut. 34:5) Is it really possible that Moses died and then wrote, "And Moses died there?" Rather, up to that verse, Moses wrote. From that verse on, Joshua wrote.

after the curses. Levi bar Pasti's question can only be understood in light of the answer which Rav Huna provides. Rav Huna asserts that one is never required to recite a blessing before and after a Torah reading except for the curses in Leviticus and Deuteronomy. אין לך טעון ברכה לפניו ולאחריו אלא קללות שבתורת כהנים וקללות. שבמשנה תור. This is quite striking when compared with the material which preceded it. Rabbi Levi, at the beginning of our sugya, after all, bases his entire objection to breaking up the curses on the principle that each *oleh* to the Torah would recite a blessing before and after the Torah reading: אמר רבי לוי אמר הקב"ה אינו בדין: אמר רבי לוי אמר הקב"ה אינו בדין. Therefore, to divide the curses into several *aliyot* would be objectionable to him on the basis that God would be (repeatedly) blessed while Israel is being cursed. Levi bar Pasti's question can be understood to be prompted by the reasoning of Rabbi Levi. He wonders whether it is proper for one to say the blessing at all. Even if the parasha is not divided among many *olim*, there is still a point in which the one reader will be blessing God while the subject of Israel's punishment is explicated. However, Rabbi Huna's response appears to reflect a different reality. Huna teaches that these are the only sections of the Torah which require a blessing. While Huna's position is not entirely incompatible with Rabbi Levi (Rabbi Levi could maintain that God should not be blessed more than the required blessing before and after the one *aliyah*), conceptually these two points of view are at odds. Rabbi Levi holds that one should not bless the curses. Rav Huna maintains that these are the only sections one must bless. If God does not desire to be blessed in the midst of Israel's suffering (in accordance with Rabbi Levi), then why would the curses be singled out among all the

various sections of the Torah for a blessing before and after (in accordance with Rav Huna)? These positions cannot be thoroughly understood without considering the practice of Torah reading in the ancient synagogue.

“In the most ancient period the custom was that one benediction was recited at the beginning of the entire reading, and one at the end: ‘The first and last reader of the Torah recites a blessing before and after’ (Mishna, Meg. 4:1). This changed in the course of the amoraic period... At first, a benediction was required to precede and follow only particular passages, such as the songs, the Ten Commandments, and the curses, but in Babylonia they went further and had everyone called to the Torah recite the blessing before and after his passage.<sup>71</sup>

The variety of practice in this regard is the basis for some of our confusion in understanding the positions above. If, for example, the prevailing custom was for the first reader to recite the blessing before the reading, and the last reader to recite the blessing at the conclusion of the reading, then Rabbi Levi’s position does not make sense, since dividing up the reading (that is, adding additional *aliyot*) would not increase the total number of blessings recited. Since his fear is that additional *aliyot* would cause God to be excessively blessed in the course of Israel’s punishments, then we can assume that, in his time, the custom was to have each *oleh* recite the blessings before and after the reading. The discourse between Levi bar Pasti and Rav Huna, however, appears to

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<sup>71</sup> Ismar Elbogen, *Jewish Liturgy*, trans. Raymond P. Sheindlin (Philadelphia and New York: The Jewish Publication Society and the Jewish Theological Seminary, 1993) 140-141.

deal with a period in which the blessings before and after the Torah reading are recited only on select passages (and then either by each *oleh* or just the first and the last). Levi bar Pasti's question can be understood to be an inquiry as to whether the curses require a blessing.

In paying close attention to the specific words used in the Yerushalmi's description of the curses in Leviticus and Deuteronomy, it is notable that in the discourse between Levi bar Pasti and Huna, the word used is *arurai* rather than the term *qlalot*.

לוי בר פאטי שאל לרב חונה אילין ארורייה מהו דיקרינן חד ויברך לפנייהן

ולאחרייהן. There are two possible understandings of the use of this word. Specifically, the word refers to the curses in Deuteronomy 27:15-26 and in 28: 16-19 which contain a series of curses, all beginning with the word *arur* -- "cursed be..." This word could refer to the the entire section of curses in Deuteronomy which is inclusive of, but is broader than, the passage in Deuteronomy 27:15-16. This section perhaps would be begin with 27: 15-16 and continue on to include 28:15-68. In other words, Levi bar Pasti's question about the *arurei*, could be a euphemism for the section of curses in Deuteronomy, in contrast to those in Leviticus. If this is the case, we would understand Levi bar Pasti's question in a new light. His question to Rav Huna is more directed and his basis for inquiry is clearer. He knows that the curses in Leviticus require a blessing before and after them. His question then is concerning only the curses in Deuteronomy. There would certainly be a basis for his inquiry into whether the section in Deuteronomy warrants a blessing. This is yet another indication of the special and uncertain status of Deuteronomy reflected in our first *petihtha* and in the Bavli pericope below. Rav Huna's



answer asserts that the status of the curses in both sections is equal to the extent that both require a blessing before and after.

The Yerushalmi's comparison with the Bavli and our midrash in Deuteronomy Rabbah shall be taken up below.

#### 4. Babylonian Talmud, Megillah 31b

בתעניות ברכות וקללות ואין מפסיקין בקללות. מנא הני מילי? אמר רב חייא בר גמדיא אמר רבי אסי: דאמר קרא +משלי ג'+ מוסר ה' בני אל תמאס. ריש לקיש אמר: לפי שאין אומרים ברכה על הפורענות. אלא היכי עביר? תנא: כשהוא מתחיל - מתחיל בפסוק שלפניהם, וכשהוא מסיים - מסיים בפסוק שלאחריהן. אמר אביי: לא שנו אלא בקללות שבתורת כהנים, אבל קללות שבמשנה תורה - פוסק. מאי טעמא? הללו - בלשון רבים אמורות, ומשה מפי הגבורה אמרן. והללו - בלשון יחיד אמורות, ומשה מפי עצמו אמרן. לוי בר בוטי הוה קרי וקא מגמגם קמיה דרב הונא בארורי, אמר לו: אכנפשך, לא שנו אלא קללות שבתורת כהנים, אבל שבמשנה תורה - פוסק. תניא, רבי שמעון בן אלעזר אומר: עזרא תיקן להן לישראל שיהו קורין קללות שבתורת כהנים קודם עצרת, ושבמשנה תורה קודם ראש השנה. מאי טעמא? אמר אביי ואיתימא ריש לקיש: כדי שתכלה השנה וקללותיה. בשלמא שבמשנה תורה איכא כדי שתכלה שנה וקללותיה, אלא שבתורת כהנים, אטו עצרת ראש השנה היא? - אין, עצרת נמי ראש השנה היא, דתנן: ובעצרת על פירות האילן. תניא, רבי שמעון בן אלעזר אומר: אם יאמרו לך זקנים: סתור! וילדים: בנה! - סתור ואל תבנה, מפני שסתירת זקנים - בנין, ובנין נערים - סתירה, וסימן לדבר: +מלכים א' י"ב+ רחבעם בן שלמה.

##### a. Translation

"On fast days, [read] the blessings and the curses. Do not break up the curses..." What is the basis for these words [in the Mishnah]? Rav Hiya bar Gamda said in the name of Rabbi Asi: "[The reason for this is that] Scripture says, 'Do not reject the discipline of the Lord, my son; [do not abhor his rebuke]' (Proverbs 3:11)" Resh Laqish said: "[The reason for this is] so that we do not said a blessing over punishment." So therefore what must one do? [For according to Resh Laqish's explanation, even when not dividing up the curses, one would be saying a blessing over

punishment when he says the blessing after the reading of the Torah.] It is taught [in a Baraita]: "When he begins, begin [reading] with the previous verse; and when he concludes, he concludes with the verse that follows."

Abaye said: "They only taught [that one cannot break up the curses, but rather that one person should read them all] concerning the curses in Leviticus, but for the curses in Deuteronomy, one may break them up."

What is the reason? These [in Leviticus] are addressed in the plural [applying therefore to the entire nation] and Moses said them from the mouth of God. Those [in Deuteronomy] are addressed in the singular [applying to those individuals who transgress God's commandments] and Moses said them on his own account. Levi bar Buti would read and was stuttering in front of Rav Huna when he read the [the section of the curses from Deuteronomy which reads with a series of ] "cursed be . . ." He [Huna] said to him [Levi bar Buti]: "As you please [ you may stop reading]. They only taught [not to break up the curses] concerning the curses in Leviticus, but those in Deuteronomy, [you are permitted] to break up." It is taught [in a Baraita] that Rabbi Shimon ben Elezar said: "Ezra established for Israel that they would read the curses in Leviticus before Shavuot, and [those in Deuteronomy] before Rosh HaShana."

What is the reason? Abaye said -- and some say Resh Laqish: "In order that the year will be completed along with its curses." This rests well concerning [reading the curses] in Deuteronomy since there is a

completion to the year and [therefore] its curses. But [concerning the curses] in Leviticus, is Shavuot [also to be considered] a new year? Yes, Shavuot is also a new year, as it is written [in Mishnah, Rosh HaShana 16]: "... and Shavuot [is the new year] for the fruit of the trees." It is taught in a Baraita, that Rabbi Shimon ben Elezar said: If the old say to you "Destroy," and the young say "Build," you should destroy and not build, since the destruction of the old is building, and the building of the young is destruction. A sign for this matter is Rehoboam, son of Solomon.

#### b. Analysis of Bavli

The Babylonian Talmud presents two explanations of the Mishna's statement that the pericope of curses should not be broken up.

אמר רב חייא בר גמדה אמר רבי אסי: דאמר קרא +משלי ג'+ מוסר ה' בני אל תמאס.  
ריש לקיש אמר: לפי שאין אומרים ברכה על הפורענות.

The first, stated in the name of Rav Hiya bar Gamda, a first century Amora from Israel, and the second in the name of Resh Laqish, a second century Amora from Israel. Hiya bar Gamda's explanation of the Mishnah is based on Proverbs 3:11. Though this is the same verse from which the Yerushalmi derives a midrashic justification for not breaking up the reading, the interpretation of *al taqotz* as *al ta'aseh qotzim qotzim*, here in the Bavli, is somewhat different. The Bavli text only quotes the beginning of the verse, *musar Adonai b'ni al-timas*. While there would be nothing unusual about the Gemarra only quoting from the beginning of the verse, the exact midrash on the word *qotzim* is

never stated. Without the full verse, and even more, without any explicit play on the word *qotzim*, the Bavli reads as if there is no play on words going on at all. While Hiya bar Gamda is basing his justification, an *asmachta*, on this charged verse, he seems to do so in an entirely different and straightforward manner. According to his use of the verse, the reason why one should not break in the reading of the curses is that doing so would violate *musar Adonai b'ni al timas*; one would be rejecting the discipline of the Lord. Though this use of the verse works as an *asmakhta* for Bar Gamda, the verse's original use as a support for the Mishnah was lost. The verse itself was remembered as a defense of the Mishnah, though exactly how it was used may have been forgotten.

Resh Laqish's explanation is based on a kind of reasoning, rather than a verse from Scripture. For him, breaking up the curses would be blessing punishment. As with several examples above in the Yerushalmi, Resh Laqish understands breaks to be synonymous with saying the blessings before and after. As noted above, this practice was not universal through all areas and periods in the early history of the ancient synagogue. The Gemarra asks how one should proceed if Resh Laqish's reasoning is to be accepted. If the reason we do not break up the reading is so that punishment not be blessed, then how can we say even one blessing at the beginning and one at the end? The answer the Gemara provides is that one should begin with the previous verse and conclude with the following verse.

Abaye then raises the difference in status between the curses in Leviticus and Deuteronomy.

הללו - בלשון רבים אמורות, ומשה מפי הגבורה אמרן והללו - בלשון יחיד

אמורות, ומשה מפי עצמו אמרן.

Leviticus is phrased in the plural, applying therefore to all of Israel, while Deuteronomy is in the singular, only applying to those individuals who transgress God's laws.

Furthermore, Leviticus is the record of God's actual words expressed through Moses, while Deuteronomy contains Moses' own words. Aggadic pieces support the idea that it is permissible to break up the reading in Deuteronomy.

The reading of the curses is then linked to the conclusion of the year. Curses are read prior to Rosh HaShana and Shavuot (as a new year for fruit) as a way of asserting that curses should end just as the year is coming to an end.

The sugya concludes with an illusive baraita stated in the name of Rabbi Shimon ben Elezar, based on the narrative in I Kings, chapter 14. The Southern Kingdom was ruled by Rehoboam, son of Solomon. The Northern Israelites offered to submit to Rehoboam's rule on the condition that he abolish the taxes and the heavy labor which Solomon had imposed. Rehoboam consults with his younger and older advisors. The elders urge him to offer the necessary concessions to the North in exchange for their submission, but the younger advisors tell him to show his strength and not to submit to their demands. Rehoboam follows the advice of the younger counselors. As a result, the Northern Kingdom breaks away and appoints Jereboam as their king. The connection of this story to our sugya, as well as the moral which the Gemarra derives from this, is obscure. The only link seems to be that this is another baraita in Rabbi Shimon ben Elezar's name, perhaps part of a collection.

In addition to the excerpt from the Mishnah which is restated, the Tannaitic

material in this sugya consists of separate non-contradictory statements. Two of these statements relate to reading the sections containing curses from the Torah.

- (1) בתעניות ברכות וקללות ואין מפסיקין בקללות.
- (2) תנא: כשהוא מתחיל - מתחיל בפסוק שלפניהם, וכשהוא מסיים - מסיים בפסוק שלאחריהן.
- (3) תניא, רבי שמעון בן אלעזר אומר: עזרא תיקן להן לישראל שיחו קורין קללות שבתורת כהנים קודם עצרת, ושבמשנה תורה קודם ראש השנה.
- (4) דתנן: ובעצרת על פירות האילן.
- (5) תניא, רבי שמעון בן אלעזר אומר: אם יאמרו לך זקנים: סתור! וילדים: בנה! - סתור ואל תבנה, מפני שסתירת זקנים - בנין, ובנין נערים - סתירה, וסימן לדבר: +מלכים אי"ב+ רחבעם בן שלמה.

The first Baraita, found in the Tosefta, provides a basis for Resh Laqish's explanation of the Mishnah. If Resh Laqish is familiar with the Baraita which asserts that one begins to read one verse prior to the curses and concludes one verse following the curses, and in light of the Mishnah which states not to break up the reading of the curses, then it would follow that one of the ideas contained in these restrictions is that the blessings should not precede a description of Israel's punishment. These Tannaitic statements alone, however, do not provide such a reason. Their agenda seems simply to spell out various rules concerning the reading of the Torah. The Amoraim, on the other hand, are interested in deriving a reason for these rules, as well as a theological statement which could be derived from such rules (such as God's mercy in refusing to be blessed in the midst of Israel's being cursed in the Yerushalmi, or the people's desire to end reciting a blessing over punishment in the Bavli). The Amoraic layer in this sugya is most interested in explicating the Tannaitic passages which precede it. First, it is

concerned with finding a basis for the Mishna's rule concerning having only one reader for the curses. Second, it is interested in understanding how reading the curses prior to Shavuot represents a kind of new year in the way that the reading of the curses prior to Rosh HaShana represents a new year.

But in addition to these very typical motives of the Amoraim (that is, to explicate the Mishnah), there is yet another agenda emerging from the Amoraic material. The Amoraim are interested in distinguishing Deuteronomy from Leviticus. Abaye's statement reads like part of a longer Amoraic view which understands Deuteronomy to have a different status than the rest of the Torah. When the Tannaim spoke of curses, they did not distinguish between those in Leviticus and those in Deuteronomy. But for the Amoraim, the difference is significant. For Abaye to assert that Deuteronomy were Moses' own words makes the status of the book more akin to the Prophets than the rest of the Torah. Despite Tosafot's assertion that Moses said the words "with the Holy Spirit," there is nothing to suggest that the Amoraim were troubled with the more human authorship of Deuteronomy.

It is important to note that no distinction is made here between the *qlalot* in Deuteronomy and the *arurim* in Deuteronomy. In fact, the case of Levi bar Buti and Huna show that the terms *arurim* and *qlalot* are synonymous. The Talmud tells us that Levi bar Buti was reading the *arurim*. Huna informs him that he can stop reading because the prohibition against stopping only applies to the *qlalot* of Leviticus, but those in Deuteronomy one is permitted to break up. Had there been a distinction between the general curses in Deuteronomy and those statements which begin with the words *arur*,

Huna's response would have needed to take that into account. As with the Yerushalmi, the term *arurei* most likely refers to the entire section of curses in Deuteronomy.

### 5. Comparisons Between the Yerushalmi and the Bavli

There is a similar position stated in both the Yerushalmi and the Bavli with a significant difference. In the Yerushalmi, Rabbi Levi says that God Himself states that it is unfair that He should be blessed while Israel suffers. In the Bavli, Resh Laqish states that one does not say a blessing over punishment. These two explanations are basically the same, though they differ in perspective. Rabbi Levi's view posits God as endlessly compassionate. Resh Laqish, in the Bavli, states his position from a human perspective. If this human reflective is meant to convey anything about God, we are not told. It seems to be more a statement about our view of punishment and not about God's view. Thus, the same basis of objection to saying a blessing in the midst of reading the curses is explained in two different ways.

As the sugya develops in the Yerushalmi, it is curses in particular which require a blessing before and after them. Rav Huna responds to Levi bar Pasti's question by indicating that the only pericope which requires a blessing before and after the reading are the curses. This unique status of the curses is modified somewhat in the development of the sugya to include other sections of Torah. In the Bavli, the assumption is that all Torah readings contain blessings before and after them. The Bavli is concerned that there should not be additional blessings made in the reading of the curses, or that the blessing for the reading should not be immediately juxtaposed by the



reading of the curses themselves. In the Yerushalmi, we move from the general practice of not requiring a blessing to requiring a blessing before the curses. In the Bavli, we move from the general practice of having blessings to the question of whether such a blessing is also required prior to the reading of the curses.

In the Yerushalmi, there is no distinction which is maintained for the book of Deuteronomy. Its curses are dealt with in the same way as those in Leviticus. Only Levi bar Pasti's question reveals the possibility that there might be a practical difference in how we deal differently with the curses in Deuteronomy. But Huna's response eliminates the possibility that there would be any difference between them. In contrast, the Bavli asserts a qualitative difference in the nature and origin of Deuteronomy. Abaye states outright that Deuteronomy contains Moses' own words. The aggadah which follows that assertion, the case of Levi bar Buti and Huna maintains a practical halakhic difference between the books as well. Huna in the Bavli asserts that the rules concerning the curses which have been discussed up to this point apply only to the curses in Leviticus. Not only is there a significant difference between the Bavli and the Yerushalmi, but also the basis for both positions is ascribed to the same Amoraic figure, Rav Huna.

For both the Yerushalmi and the Bavli, breaking up the reading means saying a blessing. Resh Laqish's position in the Bavli and Rabbi Levi in the Yerushalmi both appear to have this assumption. Yet, the historical material on the ancient synagogue suggests that this was not the case. The Mishnah did not connect these ideas because its concern with not breaking up the reading was based on other factors. After the closing of

the Mishnah, the Jewish communities in Israel and Babylonia experienced a change in the practice of Torah reading.<sup>72</sup> The Gemarra in the Yerushalmi and the Bavli are reading their changed practice of each *oleh* reciting a blessing before and after (at least for certain sections) back into the Mishnah in order to provide a justification for these rules. Huna's response in the Yerushalmi reflects the practice in Israel where only certain sections required the *oleh* to say the blessing before and after the reading. He maintained that both the curses in Leviticus and Deuteronomy require a blessing before and after. Huna's response in the Bavli reflects the practice in Babylonia where each Torah reader would recite the blessing before and after the reading. Therefore, he tells Levi bar Buti that he may stop reading during the curses in Deuteronomy, because even though he will conclude what he has read thus far with a blessing and the next reader will continue the curses with a blessing (as the Babylonian Jews do at every Torah reading), the Mishnaic prohibition referred only to Leviticus.

## 6. Analysis of Proem

As far as the Talmudic material is concerned, the *petihta* draws most closely on the material from the Yerushalmi. In several ways, it presents material from the Yerushalmi in a more stylized and complete way. First of all, it explains the issue of *mafsiqim* by framing the question as to whether the reproofs may be read in many readings. The use of the word *tokhahot* as opposed to the Mishnah and Gemara's use of *qlalot* is noteworthy as well. *Tokhahah* implies a concern with learning from them that

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<sup>72</sup> Elbogen 141.

the use of the word *qlalot* does not. Beyond that, in framing the question with the words *beqeriyot harbeh*, the midrash makes clearer what is being addressed in the Talmudic material. As with the other *petihtaot*, the answer follows immediately by quoting the appropriate Mishnah. Our midrash asks specifically for the basis of the halakhic question, and draws selectively from the material in the Yerushalmi. The statement by Hiya bar Gamda is taken verbatim, while the statement by Rabbi Levi's position is introduced by the words *davar aher*, thus compensating for the little degree of final editing in the Yerushalmi. In Deuteronomy Rabbah, Rabbi Levi's position is stated by Rabbi Yehoshua of Sikhnin in his name. His response is expanded from the material in the Yerushalmi to include a proof-text and an explanation. The phrase *shurat hadin* appears in place of the less elegant *bedin* found in the Yerushalmi. The explanation makes clear that breaking up the reading would result in the recitation of multiple blessings, since each reader recites two blessings. This explanation is necessary at a time when the practice of each *oleh* is relatively recent. Moreover, the midrash is not interested in the discussion of whether this section in particular requires a blessing, as opposed to other sections of the Torah. Through its explanation, the midrash specifically informs the reader that each break in the reading would require an additional blessing.

The bulk of this midrash is occupied with presenting the halakhic material in a straightforward way. Far from using the halakhic question as a stylistic opening for the midrash, this *petihta* is almost exclusively interested in conveying a clear sense of the halakhic issues. Once the halakhic issues are presented, almost at the end of the *petihta*, a seam appears. The rabbis recall God saying that the blessings and curses came not for

Israel's detriment. But there is no real development which takes place. Instead, that statement simply introduces our *sidra* verse.

The connection between the *sidra* verse and the halakhic question relies on a play on words. The verse is "See, I have set before you this day the blessing and the curse..." The entire *petihta* has dealt with issues related to saying a blessing before reading the curses. It is midrash on blessing and curses. It has already been established that from the Amoraic period onwards, the understanding of what the Mishnah meant by *poseq* was to break up the reading with blessings recited. The reason this is explained so definitely here in Deuteronomy Rabbah is that the midrash depends upon this established correlation in order for the *petihta* to work effectively. Having stated clearly the connection between breaking up a parasha and the recitation of a blessing, the midrash can rely upon the *sidra* verse to address itself to the issue of blessing before the curses (by having only one reader), and not several times in the midst of the curses (by having many readers). Perhaps, in light of this halakhic *petihta*, we are meant to read the *sidra* verse as: "See, I give to you this day, blessings before you, and then curses." At the very least, one must concede that the verse itself is about blessings and curses as is the subject of our halakhic inquiry, thus providing a loose thematic link.

**Chapter Four: Fourth Halakhic *Petihta* (Devarim Rabbah 6)**

כי תצא, כי יקרא קן צפור לפניך, הלכה תינזק שנולד כשהוא מחול מהו שיהא מותר למול אותו כך שנו חכמים תינזק שנולד מחול צריך להטיף ממנו דם ברית מפני בריתו של אברהם ומנין אתה למד מן התורה שנאמר (בראשית יז) המול ימול יליד ביתך ומקנת כספך, ד"א המול ימול אל תהי קורא בו אלא שתי מילות מילה ופריעה, רבי לוי אמר המול ימול מכאן למה צריך שיהא מחול דכתיב המול ימול אמר ר' יודן בן פזי מה כתיב בצפורה אשת משה + שמות ד' + אז אמרה חתן דמים וגו' למילה אין כתיב כאן אלא למולות שתי מילות מכאן למילה ומכאן לפריעה, ולמה התינוק נימול לשמונה ימים שנתן הקב"ה רחמים עליו להמתין לו עד שיהא בו כחו, וכשם שרחמיו של הקב"ה על האדם כך רחמיו על הבהמה מנין שנאמר (ויקרא כב) ומיום השמיני והלאה וגו' ולא עוד אלא שאמר הקב"ה (שם/ויקרא כ"ב/) אותו ואת בנו לא תשחטו ביום אחד וכשם שנתן הקב"ה רחמים על הבהמה כך נתמלא רחמים על העופות מנין שנאמר כי יקרא קן צפור לפניך.

**1. Translation**

According to Jewish law, is it permitted to circumcise a child who is born circumcised? Such taught the Sages: "Concerning a child who is born circumcised, one needs to draw from him a drop of blood for the covenant, because [that is] the covenant of Abraham." Where do you derive this from the Torah? As it is written, "Circumcising, he shall be circumcised,<sup>73</sup> homeborn and purchased alike. [Thus shall My covenant be marked in your flesh as an everlasting pact.]" (Gen. 17:13) Another interpretation on "Circumcising, he shall be circumcised.": Do not read into this anything other than two circumcisions -- cutting of the foreskin [*milah*] and the splitting of the membrane and pulling it down [*priah*].

<sup>73</sup>The Hebrew here uses the infinitive absolute. While it is common throughout the Torah, it was especially significant to certain interpreters who derive from it the hermeneutical principle that the repetition of the words teaches two matters (See below). A standard interpretation would read, "he shall surely be circumcised."

Rabbi Levi [interpreted the words] “. . . they must be circumcised”:

“From here we derive that a mohel needs to be circumcised [himself], as it is written, ‘The circumcised one shall circumcise.’”<sup>74</sup> Rabbi Yudan ben Pazi said: “What is written about Zipporah, the wife of Moses? ‘[And when He let him alone,] she added, ‘A bridegroom of blood because of the circumcision<sup>75</sup>.’” (Exodus 4:26) ‘Circumcision’ is not written here, but rather ‘circumcisions’ -- that is two circumcisions. It is from here that we derive [the requirement for both] cutting the foreskin [*milah*] and the splitting of the membrane and pulling it down [*priah*].” Why is a child circumcised at eight days [of age]? The Holy One, blessed be He, has granted compassion to him, waiting until he has his strength. And just as the compassion of the Holy One, blessed be He extends to humanity, so too does His compassion extend to cattle. As it is said, “. . . from the eighth day on [it shall be acceptable as an offering by fire to the Lord...]” (Lev. 22:27) Not only that, but the Holy One, blessed be He, also said, “However, no animal from the herd or from the flock shall be slaughtered on the same day with its young.” (Lev. 22:28) Just as the Holy One, blessed be He, extends his compassion on cattle, so too is He filled with compassion over birds. From where [does this derive support]? As it is said, “If, along the road, you chance upon a bird’s nest, [in any tree or on

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<sup>74</sup> He reads the same verse differently, translating it as indicated above.

<sup>75</sup> The plural form, *mulot*, is used here.

the ground, with fledglings or eggs and the mother sitting over the fledglings or on the eggs, do not take the mother together with her young. Let the mother go, and take only the young, in order that you may fare well and have a long life.]" (Deut. 22: 6-7)

## 2. Analysis

There are several features of this halakhic *petihta* which differ considerably from the others we have examined. First, there is a shortened introduction to the halakhic question. In the other *petihtaot*, the question was introduced by the words *halakhah adam miyisrael*." Here, we simply have the word "*halakhah*." The most significant difference, however, is that the halakhic issue does not disappear into the foreground. In the previous *petihta*, the halakhic question was asked, and an answer was given. Immediately after an answer was given, the *petihta* developed in a new direction, with only a subtle connection to the halakhic issue at hand. This new direction led the midrash toward the opening verse of that week's *sidra*. In contrast, this *petihta*'s discussion of circumcision is significantly longer, continuing well beyond the prescribed answer. It reads as though the redactor could not stop quoting the halakhic material in regard to this issue. The answer given, that a child born circumcised does require *hatafat dam berit*, is supported by an interpretation of Gen. 17:13. That our midrash then brings in alternative interpretations of Gen. 17:13, interpretations which do not support our question, is highly uncharacteristic of these midrashim.

This halakhic *petihta* is also unusual in that the *sidra* verse it leads up to is one

which deals with a halakhic issue. The question of the halakhah concerning a child who is born circumcised leads to the Torah verse which explicates the law prohibiting the capture of a mother bird along with her young. This halakhic *petihta* connects one halakhic issue to another halakhic issue, rather than the more common linking between a halakhic issue and a non-halakhic text. Still, it could be argued that the treatment of the Biblical text is in the aggadic realm of God's mercy.

It is noteworthy that the seam in this halakhic *petihta* is signified by another question: "Why is the child circumcised when he is eight days old?" Again, this shift lacks the subtlety of the previous *petihta*. Beginning this second section as a question, rather than a statement, diminishes the distinctive form of beginning the *petihta* with a question. It is as if another halakhic *petihta* begins here. In fact, this *petihta*, could be a conflation of several earlier individual *petihta*.

This midrash is unambiguous in its concern with God's compassion. The midrash begins with a question that may, on the surface, appear to indicate the legal and non-compassionate nature of Judaism. Judaism requires the shedding of blood even for a child who is born circumcised. The midrash emphasizes that any circumcision is performed on the eighth day, for then a child is strong enough to withstand it. An apparently legalistic notion is actually a testimony to God's compassion. Unlike other mitzvot which are to be observed with zeal at the earliest possible moment, circumcision is delayed by the decree of God Himself. The midrash goes on to argue that God is not only compassionate to human beings, but also to cattle and birds.

By choosing the issue of circumcision, the midrash appears to be engaging in a



polemic against early Christians. Christianity claimed to be the religion of love, while Judaism was the religion of law. The midrash is arguing that our God is also a God of love and compassion. The Rabbis purposefully chose circumcision as an example, for it was an act which Christians felt emphasized the legal and non-compassionate side of Judaism. The midrash turns that accusation around in its assertion that circumcision on the eighth day is a testimony to God's compassion. Love is expressed through law.

The midrash may also be an extended polemic against some other sectarians. In Mishnah Berakhot 5:3, we read, **האומר על קן צפור יגיעו רחמיו ועל טוב**. "The one who says, 'Your compassion is extended over the nest and bird,' should be silenced," since he implies that God's compassion extends over that, but not over the rest of his creatures. Therefore, the compassion God has for human beings is explicated first, prior to raising the issue of God's compassion for the birds.<sup>76</sup>

### 3. Talmud Yerushalmi (*Shabbat*, Chapter 19, Page 17a, Halakhah 2)

עושין כל צורכי מילה מולין  
ופורעין ומוצצין ונותנין עליה אספלנית וכמון אם לא שחק מערב שבת לועס בשיניו  
ונותן אם לא טרף יין ושמן נותן זה לעצמו וזה לעצמו אין עושין לה חלוק לכתחילה אבל  
כורך עליה סמרטוט אם לא התקין מערב שבת כורך על אצבעו ומביא אפילו מחצר אחרת  
/ח"ב/ המול ימול מיכן לשני מילות אחת למילה ואחת  
לפריעה אחת למילה ואחת לציצים עד כדון כרבי עקיבה דו אמר לשונות ריבויין הן כרבי  
ישמעאל דו אמר לשונות כפולות הן התורה דברה ריבתה כדרכה הלך נכסף  
נכספת גנב גנבת מנן ליה אמר רבי יודה בן פזי אז אמרה חתן דמים למולות מיכן לשני  
מילות אחת למילה ואחת לפריעה אחת למילה ואחת לציצים רב אמר המול ימול מיכן

<sup>76</sup> *Midrash Rabbah Hamevoar*.

לנולד כשהוא מהול שצריך להטיף ממנו דם ברית המל ימול מיכן לישראל ערל שלא ימול ואין צריך לומר גוי ערל אמר רבי לוי כתיב ואתה את בריתי תשמר כל שכיוצא בכ תני ישראל מל את הכותי וכותי אינו מל את ישראל מפני שמתכוין לשם הר גריזים דברי רבי יודן אמ' רבי יוסי וכי היכן מצינו שמילה צריכה כוונה יהא מל וחולך לשם הר גריזים עד שתצא נפשו המשוך לא ימול שלא יבוא לידי סכנה דברי רבי יודה אמר לו רבי יוסי הרבה משוכין היו בימי בן כוזיבא וכולן מלו וחיו וחולידו בנים ובנות והמשוך ושנולד מהול וגר שנתגייר כשהוא מהול צריך להטיף ממנו דם ברית תני אמר רבי שמעון בן אלעזר לא נחלקו בית שמאי ובית הלל על הנולד מהול שצריך להטיף ממנו דם ברית שהיא ערלה כבושה על מה נחלקו על שנתגייר מהול שבית שמאי אומ' שצריך להטיף ממנו דם ברית ובית הלל אומרים אינו צריך להטיף ממנו דם ברית רבי יצחק בר נחמן בשם רבי הושעיה הלכה כדברי התלמיד אתא עובדא קומי רב ומר מן דתנינן מפני שהיא ערלה כבושה היא אמרה ערל ברור הוא ודוחין עליו את השבת רבי אבהו אמר אין דוחין עליו את השבת וצריך להטיף ממנו דם ברית רבי אדא בר אבהו איתיליד ליה חד בר כו מימסמס ביה מית רבי אבין אמר נעשה פצוע דכא ונתענה עליו ומת רבנן דקיסרין מרין כרות שפכה נעשה ונתענה ומת רבי יוחנן בר מרייה בעי נתערבו מלמטן מהו לחזור ולערוה עליהן מלמעלן

#### a. Translation

Mishnah: One does all those things which are necessary for circumcision

[on the Sabbath]: cutting the foreskin, splitting of the membrane and pulling it down, sucking the blood, putting a compress on it, and cumin.

If it [cumin] was not ground before Shabbat, one should chew it in his teeth and give it [to the child]. If the oil and wine were not mixed [together before Shabbat], give each one separately. Do not place a bandage on [the wound] right away, but wrap a rag around [the wound].

If it was not prepared prior to Shabbat, wrap [the rag] around your finger and carry it even from a different courtyard.

Gemara: "Circumcising, he shall be circumcised..." (Gen. 17:13) -- It is from here that we derive that there are two [parts of] circumcision: cutting the foreskin and splitting the membrane and pulling it down. [Or, alternatively, the two parts are ] circumcision and [trimming] the shreds.

Until now, [these interpretations are all reliant upon the] judgement of Rabbi Akiba who said that such language [as infinitive absolutes] come to include [something additional]. Rabbi Ishmael said that the doubling of language is due to the fact that the Torah has doubling of language because it speaks according to its way [in the manner of human beings]. [For example:] “Very well, you had to leave [*halokh halkhta*], because you were longing [*nikhsof nikhsafta*] for your father’s house . . .” (Gen. 31:30) and “For in truth, I was kidnaped [*gunov gunavti*] from the land of the Hebrews...” (Gen. 40:15) How does he [Ishmael or his followers, those who say that you cannot interpret an infinitive absolute to include two things] derive [that the circumcision includes two parts]? Rabbi Yuda ben Pazi said: “She added, ‘A bridegroom of blood because of the circumcision.’” From this we derive that there are two [steps to] circumcision, one for cutting the foreskin and one for splitting the membrane and pulling it down. [Or, alternatively] one for cutting the foreskin and one for [trimming] the shreds. Rav said: “Circumcising, he shall be circumcised,” from here [we derive that] when he the child is [born] circumcised, he requires the drawing of a drop of blood for the covenant. [Alternatively,] “circumcising, he shall be circumcised,” from here [we derive that] an uncircumcised Israelite may not circumcise [others]. It goes with out saying that an uncircumcised non-Jew [may not perform a circumcision]. Rabbi Levi said: it is written, “[God said further

to Abraham] 'As for you, [ you and your offspring to come throughout the ages] shall keep my covenant " (Gen. 17:9) meaning everyone similar to you. It is taught in a Baraita: An Israelite may circumcise a Samaritan, but a Samaritan may not circumcise an Israelite because his intention will be for the purpose of Mount Gerizim. These are the words of Rabbi Yudan. Rabbi Yosi said: Where do we find that circumcision requires intention? Let him [the Samaritan] circumcise and proceed to do it for the purpose of Mount Gerizim until he dies.

The one whose circumcision has been covered, do not circumcise him in order that he not enter into danger. These are the words of Rabbi Yuda. Rabbi Yosi said to him: There were many whose circumcisions were covered in the days of Kosiba, and all of them were circumcised, they lived and they fathered sons and daughters. The one who has his circumcision covered, the one born circumcised, and the convert who was already circumcised before his conversion need to have drawn a drop of blood for the covenant. It is taught in a Baraita: Rabbi Shimon ben Elezar said: The House of Hillel and the House of Shammai did not disagree concerning whether a child who is born circumcised requires the drawing of a drop of blood for the covenant, because it is a pressed foreskin. Over what did they disagree? Over the one who was already circumcised at the time of his conversion. The House of Shammai said that one needs to draw a drop of blood for the covenant. The House of Hillel said it is not

necessary to draw a drop of blood for the covenant. Rabbi Yitzhaq bar Nachman said in the name of Rabbi Hoshiah that the halakhah is like the disciple [Shimon ben Elezar].

A case came before Rav. He ruled: from that which was taught '...because it is a pressed foreskin,' that is to say that is certainly [considered to be like] a foreskin, and for this [case as well] it supersedes the Sabbath. Rabbi Abahu said: It does not supersede the Sabbath, but the drawing of a drop of blood for the covenant is required. Rabbi Ada bar Ahava fathered a son like this with his penis smashed and he died. Rabbi Avin said: he had his testicles crushed and he [Ada bar Ahava] prayed on his behalf and [the child] died. The Rabbis in Caeseria taught that he had his penis cut off and he [Ada bar Ahava] prayed and [the child] died. Rabbi Yohanan bar Mareh asked: If they were mixed at the bottom may one go back [on the Sabbath] and mix them from the top?

#### **b. Analysis**

The most pertinent comments on these statements from the Yerushalmi will come through a comparison with material in the Bavli and in our midrash, Deuteronomy Rabbah. The Yerushalmi seems to be primarily concerned with the procedure of circumcision; that is, what must be done, as well as what to do in strange or questionable cases.

It should be noted that interpretation upon which the midrash relies is not stated

explicitly. The midrash asks, "Where do you derive this from the Torah?" The verse of Gen. 17:13 is quoted, but the interpretation is missing. The midrash does not explicitly state that the doubling of *himol yimol* is to teach concerning the one who is born uncircumcised as well as the one who is born circumcised. The alternative interpretations of the verse, which have no real bearing on our halakhic question, are explicitly interpreted.

#### 4. Babylonian Talmud, Masekhet Shabbat 135a

ערלתו ודאי דוחה את השבת,  
ולא נולד בין השמשות דוחה את השבת. ערלתו ודאי דוחה את השבת, ולא נולד כשהוא  
מחול דוחה את השבת. שבית שמאי אומרים: צריך להטיף ממנו דם ברית, ובית הלל  
אומרים: אינו צריך. אמר רבי שמעון בן אלעזר: לא נחלקו בית שמאי ובית הלל על נולד  
כשהוא מחול שצריך להטיף ממנו דם ברית, מפני שערלה כבושה היא. על מה נחלקו - על  
גר שנתגייר כשהוא מחול, שבית שמאי אומרים: צריך להטיף ממנו דם ברית, ובית הלל  
אומרים: אין צריך להטיף ממנו דם ברית.

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איתמר, רב אמר: הלכה כתנא קמא, ושמואל אמר: הלכה  
כרבי שמעון בן אלעזר. רב אדא בר אבהו אתילידי ליה ההוא ינוקא כשהוא מחול,  
אהדריה אתליסר מחולאי עד דשוייה כרות שפכה. אמר: תיתי לי דעברי אדרב. אמר ליה  
רב נחמן: ואדשמואל לא עבר? אימר דאמר שמואל בחול, בשבת מי אמר? - הוא סבר:  
ודאי ערלה כבושה היא. דאיתמר, רבה אמר: חיישנין שמא ערלה כבושה היא, רב יוסף  
אמר: ודאי ערלה כבושה היא. אמר רב יוסף: מנא אמינא לה - דתניא, רבי אליעזר הקפר  
אומר: לא נחלקו בית שמאי ובית הלל על נולד כשהוא מחול - שצריך להטיף ממנו דם  
ברית, על מה נחלקו - לחלל עליו את השבת. בית שמאי אומרים: מחללין עליו את השבת,  
ובית הלל אומרים: אין מחללין עליו את השבת. לאו מכלל דתנא קמא סבר מחללין עליו  
את השבת? - ודילמא: תנא קמא דברי הכל אין מחללין קאמר? - אם כן, רבי אליעזר הקפר  
טעמא דבית שמאי אתא לאשמעינן? - דילמא הכי קאמר: לא נחלקו בית שמאי ובית הלל  
בדבר זה.

##### a. Translation

One who has a clear foreskin supersedes the Sabbath [with regard to performing his circumcision], but not an infant who has been born circumcised, on account of the fact that the House of Shammai said: "A

drop of blood for the covenant must be drawn." The House of Hillel said: "One does not need [to draw a drop of blood for the covenant]." Rabbi Shimon ben Elezar said: "The House of Shammai and the House of Hillel did not disagree in maintaining that an infant who is born circumcised is required to have a drop of blood of the covenant drawn, because his foreskin is pressed. About what did they disagree? Regarding a convert who was already circumcised at the time of his conversion. The House of Shammai maintained that he does require blood of the covenant to be drawn. The House of Hillel maintained that he does not require blood of the covenant to be drawn . . . ."

It was stated, Rav said: "The Halakhah is according to the Tana Qama." Shmuel said: "The Halakhah is according to Shimon ben Elezar." Rav Ada ben Ahava had a son who was born circumcised. He went to thirteen mohalim [who refused] until [he did it himself] and severely cut [his son's penis]. He said: "I received what I deserved since I transgressed [the opinion of] Rav." Rav Nachman said to him: "Shmuel's opinion was not transgressed?!" Say that Shmuel was speaking with regard to weekdays, but who addressed himself to the case of Shabbat? He [Rav Ada bar Ahava] reasoned: This is certainly [a case of] a pressed foreskin. It was stated: Raba said: we fear that perhaps it is a pressed foreskin. Rav Yosef said: "It is most certainly a pressed foreskin." Rav Yosef said: "I say this on the basis of the baraita by Rabbi Eliezer haQafar: 'The House

of Shamai and the House of Hillel did not disagree regarding an infant born circumcised requiring him to have a drop of blood of the covenant drawn. About what did they disagree? About whether one violates the Shabbat [for such a case]. House of Shamai held that one does violate Shabbat [in such a case]. The House of Hillel held that one does not violate Shabbat [in such a case].” Can we not derive from what the Tana Qama said that he reasoned that we violate Shabbat in such a case? But perhaps [according to] the Tana Qama everyone held that we do not violate Shabbat. If that is the case, then the opinion of Rabbi Eliezer haQafar comes to teach us Shamai’s [opinion, which could not be the case since we are not interested in this minority opinion when determining the halakhah]. Perhaps this is what was said: The House of Hillel and the House of Shamai did not disagree about this matter [of circumcision on Shabbat, but rather only about the need for drawing a drop of blood for the covenant on a weekday].

#### **b. Analysis**

The Bavli is most specifically concerned with the issue of *berit milah* regarding which cases supersede the Sabbath. The entire discussion of the case of a *nolad mahul* takes place in the context of listing those questionable cases for *berit milah* which do not supersede the Sabbath.



Everything in the Bavli which pertains directly to the issue of a *nolad mahul* is

Tannaitic. This material is comprised of three statements.

ערלתו ודאי דוחה את השבת, ולא נולד כשהוא  
מהול דוחה את השבת. שבית שמאי אומרים: צריך להטיף ממנו דם ברית, ובית הלל  
אומרים: אינו צריך

One who has a clear foreskin supersedes the Sabbath [with regard to performing his circumcision], but not an infant who has been born circumcised, on account of the fact that the House of Shammai said: "A drop of blood for the covenant must be drawn." The House of Hillel said: "One does not need [to draw a drop of blood for the covenant]."

. אמר רבי שמעון בן אלעזר: לא נחלקו בית שמאי ובית הלל על נולד כשהוא מהול שצריך להטיף ממנו דם ברית, מפני שערלה כבושה היא. על מה נחלקו - על גר שנתגייר כשהוא מהול, שבית שמאי אומרים: צריך להטיף ממנו דם ברית, ובית הלל אומרים: אין צריך להטיף ממנו דם ברית.

Rabbi Shimon ben Elezar said: "The House of Shammai and the House of Hillel did not disagree in maintaining that an infant who is born circumcised is required to have a drop of blood of the covenant drawn, because his foreskin is pressed. About what did they disagree? Regarding a convert who was already circumcised at the time of his conversion. The House of Shammai maintained that he does require blood of the covenant to be drawn. The House of Hillel maintained that he does not require blood of the covenant to be drawn . . . ."

דתניא, רבי אליעזר הקפר  
אומר: לא נחלקו בית שמאי ובית הלל על נולד כשהוא מהול - שצריך להטיף ממנו דם ברית, על מה נחלקו - לחלל עליו את השבת. בית שמאי אומרים: מחללין עליו את השבת, ובית הלל אומרים: אין מחללין עליו את השבת.

Rabbi Eliezar haQafar: 'The House of Shamaï and the House of Hillel did not disagree regarding an infant born circumcised requiring him to have a drop of blood of the covenant drawn. About what did they disagree? About whether one violates the Shabbat [for such a case]. House of Shamaï held that one does violate Shabbat [in such a case]. The House of Hillel held that one does not violate Shabbat [in such a case].'"

The earliest Amoraic stratum comes to show that Amoraic authorities found halakhic grounding in two of these tannaitic statements which appear to be in opposition.

איתמר, רב אמר: הלכה כתנא קמא, ושמואל אמר: הלכה  
כרבי שמעון בן אלעזר.

The primary agenda of the later Amoraic authorities appears to be in interpreting the case of R. Ada bar Ahava as it relates to this earlier controversy between Rav and Shmuel. The agenda of the Stam is to reconcile various Tannaitic statements and their earlier Amoraic supporters. The material presented resolves the contradiction by explaining the original Tannaitic statements as complementary.

### **c. Comparison**

In both the Yerushalmi and the Bavli, the issues of circumcision arise through a discussion of Sabbath laws. In taking up issues of circumcision, the Yerushalmi's concern is mainly with issues of circumcision in general, and issues specific to the Sabbath are left aside. By contrast, the Bavli remains more specifically concerned with the issues of circumcisions on the Sabbath. The entire sugya in the Bavli can be read as

an attempt to understand the basis for the majority halakhic opinion (that of Hillel's) that maintains that *hatafat dam berit* should not be performed on the Sabbath.

It is the Yerushalmi which connects the halakhah of *hatafat dam berit* to the midrash of *himol yimol*. This appears in the Yerushalmi as one of a series of interpretations based on hermeneutics of the infinitive absolute. This is the source of Deuteronomy Rabbah's use of this midrash in support of *hatafat dam berit* for a child who is born circumcised.

In comparing the Bavli and the Yerushalmi, it becomes obvious that there is an essential piece missing from the Yerushalmi prior to Shimon bar Elezar's statement. In the Bavli, Shimon ben Elezar's statement comes as a clarification of the Tana Qama's statement. But in the Yerushalmi, the phrase *lo nekh laku* is empty without providing an initial basis for thinking that they did disagree.

In contrast to Deuteronomy Rabbah, both the Yerushalmi and the Bavli share the idea that the need to perform *hatafat dam berit* for a *nolad mahul* is based on the child having a "pressed foreskin" (*orla kevushah*). The issue of *orla kevushah*, is mentioned in the Yerushalmi, but not dealt with in depth. In the Bavli, however, it is on this basis that the Amoraim attempt to understand the case of Rav Ada bar Ahavah's son. Devarim Rabbah does not see the case of the child who is born circumcised as one of an *orla kevushah* because the midrash on *himol yimol* does not work if the child is considered to have any kind of foreskin. The midrash of *himol yimol* explains that even the one who is already circumcised must have blood drawn. If in fact the child born circumcised undergoes *hatafat dam berit* in the event that he does have a foreskin (albeit

one that is crushed), the midrash does not work. In the Yerushalmi, Rav specifically ties the midrash on *himol yimol* to the idea of a child who was born already circumcised. The view that the *hatafat dam berit* is required because of a pressed foreskin is ascribed to Shimon ben Elezar. In the Yerushalmi, these two views can exist alongside of the midrash on *himol yimol*, as one of many opinions. Deuteronomy Rabbah, however, seeking to present a more unified piece, does not tolerate both views.

It is not surprising that Deuteronomy Rabbah eliminates the phrase *mipnei she'hi orla kevushah* in what is otherwise lifted verbatim from the Yerushalmi. Deleting this phrase creates greater clarity and less complexity. In its place, our midrash substitutes the phrase *mipnei berito shel Avraham*. Beyond simplifying the complex halakhic matters at play in the Talmud, this phrase reveals a part of a larger agenda of our midrash.

When reading Devarim Rabbah, the use of the word *mutar* seems strange. It is clear that the question is not one of whether it is permitted to circumcise a child who is born circumcised, but rather whether it is required. This is the concern of the halakhah, and is reflected in the answer which uses the words *tzarikh* to indicate that it is necessary. The use of the word *mutar* may indicate that the midrash is based on Talmudic material which is concerned with the question of whether one might violate the Sabbath in order to circumcise a child who is born circumcised. However, the use of the word *mutar* must be examined in light of the midrash's apparent agenda and in the context of the entire phrase.

The entire phrase *mutar lamul* considered together with the substituted phrase of *mipnei berito shel Avraham* indicates the degree to which the midrash has presented this material in a radically different way from the Talmud. The midrash's agenda, as indicated above, is that the God of Israel is not just a God of law, but also a God of compassion and love. To this end, the halakhic question of our *petihtha* is not whether *hatafat dam berit* is required or whether it supersedes the Sabbath. These are most certainly the questions of the Talmud. Our halakhic *petihtha* is asking whether it is permissible to circumcise a child who is already born circumcised: *mutar lamul oto*. Framed in this way, the Talmud's statement that such a child requires *hatafat dam berit* turns their words into evidence of Judaism's compassionate nature. Thus, the requirement of the rabbis for *hatafat dam berit* is here presented as a prohibition against complete *milah* in such a case. The midrash on the verse *himol yimol* grounds such compassion in the Torah itself, lest it be said that such compassionate stands are those of the rabbis and not the Torah. Now, the phrase *mipnei berito shel Avraham* reads differently. It is an apologetic explanation of *hatafat dam berit*. A child who is born circumcised does not have to be circumcised again. Furthermore, we only insist upon drawing a drop of blood from him only because it is in this way that he enters the covenant of Abraham.

As part of its overall less-edited nature, the Yerushalmi presents the story of Rav Ada bar Ahava in an entirely undeveloped manner. It records disputed versions of what happened to him. In addition, there is no "moral" attached to it. In contrast, the Bavli uses this story as way of clarifying the authority of Rav's position and attempting to

understand how Ada bar Ahava reasoned that such a circumcision should be performed on the Sabbath. While its complexity would not make it suitable for Deuteronomy Rabbah, there is an element of the story as developed in the Bavli which would have been a good complement to Deuteronomy Rabbah and the message it was promoting. The aggadic piece in the Bavli suggests that Rav Ada bar Ahava attempted to perform a circumcision and not just *hatafat dam berit*. After all, how would it be possible to cut off his son's penis in an attempt to merely draw a drop of blood. If he was "stringent" about actually doing it on the Sabbath, then perhaps he was also stringent about cutting more than he was obligated to. When our midrash begins with the question of *mutar lamul* -- Ada bar Ahava may have been a good example to use as a way of stating that one is not permitted to circumcise children who are born circumcised. To do so could result in a tragic outcome. That Deuteronomy Rabbah does not include this is largely explained by the fact that all of the material in the Bavli was ignored by it. The *petihtha* in Devarim Rabbah is based on the Yerushalmi. Perhaps, its authors did not know about the development of this case in the Bavli. Had it known, it could have drawn from it.

Neither the Yerushalmi nor the Bavli are interested in linking the idea of *hatafat dam berit* to issues of compassion. For the Talmudim, *hatafat dam berit* is required either because that case too is considered to be a kind of foreskin (*olra kevusha*) which needs to be removed or because actual blood is required to enter the covenant. However, for our midrash in Deuteronomy Rabbah, *hatafat dam berit* for a child born circumcised is presented alongside three other cases which testify to Judaism's compassion: waiting to perform circumcision until the eighth day; not sacrificing a cow and its calf on the

same day; and not taking the mother bird along with its young.

### Conclusions

In having analyzed four halakhic *petihtaot* in Deuteronomy Rabbah, comparisons of our findings will provide answers to some important questions posed by this thesis. A comparative summary of our findings will enable us to make some observations about the form of these midrashim, the manner in which they use halakhic material and a variety of other issues raised in the introduction of this paper.

An initial comparison of the four proems analyzed in this paper reveals some form-based observations. Certainly, there are standard consistent identifying features which are shared by all the halakhic *petihtaot* in Devarim Rabbah. These include the opening question posed in the form of *halakhah: adam miYisrael...*" This question is followed immediately by an answer, supplied by the Mishnah when possible, and alternatively by the Gemara. This answer is preceded by the words *kakh shanu hakhamim...*" The *petihta* concludes with the opening verse of the week's *sidra*, often preceded by the words "*mimah she qarinu be-inyan...*"

Though the Bavli may have influenced elements of the *petihtaot*, it is the Yerushalmi that provides the closest parallels in language to our proems. *Petihtaot* 2, 3 and 4 all reveal clearly that the material was drawn and adapted from the Yerushalmi. This is not surprising, since both Deuteronomy Rabbah and the Talmud Yerushalmi are products of Eretz Yisrael. As demonstrated above, the agenda of these proems is often different from the parallels it adapted from the Yerushalmi. The Bavli continues to play a role in the shaping of these *petihtaot*, since the travel and communication between rabbis in Babylonia and Eretz Yisrael is constant throughout this period.



However, the development of each proem from the opening halakhic question to the concluding *sidra* verse is not identical. There are some *petihtaot* that make the link between the halakhic question and the *sidra* verse only after several highly creative thematic or linguistic moves which slowly build up to the opening verse of that week's *sidra*. These proems are characterized by a lengthy *harizah*, an establishment, step by step, of a connection between the halakhic question and the *sidra* verse. Borrowing the term applied mainly to the standard proem, we shall call these composite *petihtaot*. On the other hand, there are also examples of *petihtaot* which make a more direct and straightforward link between the halakhic question and the *sidra* verse. We shall call these simple *petihtaot*.<sup>77</sup>

In outlining our four *petihtaot*, these differences in form can be easily noted:

### ***Petihta 1 - Sefer Torah in Greek***

Question (*Halakhah: Adam miYisrael...*): Can a *sefer Torah* be written in Greek?

Answer (*Kakh shanu hakhamim...*): From Mishah

Question #2: Regarding one of the opinions in the Mishah.

Answer: (*Kakh Limdu rabboteinu...*) From the Gemara.

Statement: Torah heals the tongue (Proverbs prooftext)

Statement: Torah loosens the tongue (Ezekiel for support)

Transition to *sidra* verse: That Torah heals/loosens the tongue can be learned from our verse.

*Sidra* verse

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<sup>77</sup> Strack and Stemberger 266-67.

## **Petihta 2 - Waiting between the Shema and the Tefillah**

Question: (*Halakhah: Adam miYisrael...*): May one wait between the *Shema* and *Tefillah*?

Answer (*Kakh shanu hakhamim...*): From Gemara.

Statement: (Borrowed from Gemara) Idol worship and God are both far and near. (Isaiah and Psalms prooftext)

Transition to *sidra* verse: God and David speaking (Psalms prooftext)

*Sidra* verse

## **Petihta 3 - Reading the Curses with Many Readers**

Question: (*Halakhah: Adam miYisrael...*): May the curses be broken up?

Answer (*kakh shanu Hakhamim*): From the Mishah

Question #2: Why can one not break up readings?

Answer (*limdunu rabboteinu...*) From Gemara

Transition to *sidra* verse: God only stated punishments to point Israel on the right path.

*Sidra* verse

## **Petihta 4 - Circumcising a "born circumcised" infant**

Question (*Halakhah: Adam miYisrael...*): Is it permitted to circumcise a "born circumcised" infant?

Answer (*Kakh shanu Hakhamim*): From Gemara

Question #2: Why is the child circumcised on the eighth day?

Answer: God's compassion.

*Sidra* verse

The basic features which define the halakhic *petihta* as described above can be noted here. There are several variations which are significant to our analysis. Three of these proems (numbers 1, 3 and 4) contain a secondary question. This question is vital in creating a stronger link with the *sidra* verse, and re-frames the discussion so that it will more easily lead up to the *sidra* verse. For example, in *Petihta* 1, the secondary question regarding Rabbi Shimon ben Gamliel's statement in the Mishah that a *sefer Torah* can only be written in Greek ensures that the midrash will continue along the theme of the privileged status of Greek. This allows for a greater connection with the later word *terapyon* and helps the midrash to conclude with the idea that Torah heals the tongue. In *Petihta* 3, the secondary question of why the curses cannot be divided up allows the midrash to bring in two opinions from the Gemara, one of which explains that breaking up the readings is synonymous with adding blessings. This answer provides a link with the *sidra* verse by shifting the midrash's concern to the recitation of a blessing over the reading of curses. This parallels the Scriptural blessings and curses in the *sidra*. In *Petihta* 4, the shift in theme triggered by the secondary question is most obvious. The secondary question of why an infant is circumcised on the eighth day allows the theme of the midrash to shift to God's compassion, which provides the perfect link to the *sidra* verse.

For some of the proems, the secondary question flows quite naturally from the initial question. This is the case for *Petihta* 1, where the secondary question is taken directly from the Gemara in a highly typical inquiry about the underlying reason behind a Tana's opinion in the Mishah. In other proems, the secondary question is less directly

connected to the primary question and appears to be an intentional way of leading more easily to the *sidra* verse. This is the case in *Petihta* 4. The question of why a child is circumcised on the eighth day is not directly related to the specific case of a child born circumcised with which the proem began.

Another method of increasing the complexity of the proem and establishing a stronger link with the *sidra* verse is through statements inserted into the midrash. Sometimes, these statements are unique to the midrash, while others are drawn from the Gemara. Much like the secondary question, these statements can either be a subtle shift from the topic at hand, or an abrupt change which puts forward an idea that is more easily linked to the *sidra* verse. For example, in the *Petihta* 1, the statement that Torah heals the tongue and that Torah loosens the tongue leads directly to the *sidra* verse in which Moses speaks the book of Deuteronomy. Yet, these statements are linked to the previous material in the proem through the word *terapyon* which is Greek. In *Petihta* 2, the statement that God and idolatry are both near and far is linked with the previous material on the proximity needed between *shema* and *tefillah* in a subtle conceptual way in which the subject of both is closeness or proximity. *Petihta* 3 concludes with a statement that lacks the most subtlety. The statement that God warns of curses only in order for Israel to be pointed on the right path is connected to the previous material in that it is also about curses. Its connection to the *sidra* verse is similar in that it also deals with the broad subject of curses.

These statements which further the link between the halakhic question and the *sidra* verse are often stated in God's voice or in the voice of a major biblical figure.

Without Scriptural basis, they are imagined conversations between God and Israel or between a biblical personality and God. In the first *petihtha*, we read, "The Holy One, blessed be He, said, "See how beloved is the language of Torah in that it heals the tongue." This statement then becomes the basis for the conclusion of the *petihtha* with the *sidra* verse. In *Petihtha* 2, God's imagined language is interspersed and supported by actual Scriptural references. "The Holy One, blessed be He, said, 'Why did you say 'When I call he will answer me?' By your life, even when you do not call to Me I will answer you, as it says 'Before they call, I will answer...' because I have no other nation but you. This imagined conversation with God also occurs just prior to the *sidra* verse. This *petihtha* also includes an imagined conversation between David and God in which we have David's remarks recorded in the proem. "David said before the Holy One, blessed be He, 'Master of the Universe, when the nations of the world come to pray before You, do not answer them...' This also strengthens the link with the *sidra* verse which specifies that Israel is set apart from the other nations. In *Petihtha* 3, we read: "Our rabbis said: The Holy One, blessed be He, said, 'Not for your detriment did I give you blessings and curses...' As with the previous examples, this statement leads directly into the *sidra* verse. *Petihtha* 4, has no such imagined statement in God's voice. However, a statement in which God is referred to as "the Holy One, blessed be He" (the predominant referent to God in all of these statements) does provide the shift in the proem which leads more easily to the *sidra* verse. "That the Holy One, blessed be He, extended compassion upon him to wait until he had his strength and so too does the compassion of the Holy One, blessed be He, extend to creatures..."

It is the degree to which these secondary questions and statements are integrated meaningfully into the proem that it can be evaluated in terms of complexity. Fewer secondary questions lead to fewer statements and a more direct path between the halakhic question and the *sidra* verse. On the other hand, if the *harizah* is long, complex, and filled with statements and secondary questions, then this reveals greater complexity. Rather than definitively classifying them as "simple" or "composite," the four *petihtaot* analyzed in this study represent a spectrum of complexity. On the one end is the first *petihta*, which is by far the most complex proem of the four. It includes secondary questions, statements and links between the opening question and the *sidra* verse which are both thematic and linguistic. On the other end of the spectrum is *Petihta* 4. After bringing in a great deal of halakhic material from the Gemara, it poses a new question which leads easily and directly to the *sidra* verse. Not sufficiently linked to the original halakhic question, it makes the original material superfluous to the proem.

The range and origin of sources brought in the proem is significant. In our discussion of the standard *petihta* (see Introduction), we noted that one of its functions may have been to present a homily based upon a verse from Writings so that the Torah service would include verses from Torah, Prophets (via the Haftarah) and the Writings. Since the halakhic *petihtaot* do not begin with a verse from Writings, it is noteworthy whether the halakhic proems include passages from the Writings within the body of the proem. Of the four halakhic proems in this study, three of the four include sources from the Writings. *Petihta* 4, which is underdeveloped does not include it, but this may be an aberration of a general rule. Whether these particular prophetic verses alluded to

triennial haftarot remains unknown. The frequency with which prophetic verses are used in these *petihtaot* may suggest such a use, though further investigation is required.<sup>78</sup>

Alternatively, it may only be that when possible, the *darshan* tried to include verses from Writings; but this goal was secondary and was not the primary concern of the halakhic proem.

As discussed above, the link between the opening halakhic question and the *sidra* verse may be made through secondary questions and midrashic statements. Whether made directly, or through a complex *harizah*, the nature of this link demands our attention. In the introduction, several scholarly views were presented discussing whether the link is an inner-link, meaning conceptual or thematic, or an external link, meaning linguistic. Let us examine each *petihta*.

*Petihta* 1 begins with the question of whether a *sefer Torah* can be written in Greek. The concluding *sidra* verse is Deuteronomy 1:1, "These are the words which Moses spoke..." The link here is both thematic and linguistic. On a thematic or conceptual level, the halakhic question is tied to the *sidra* verse with regard to issues of translation. Just as Deuteronomy is Moses' "translation," or "re-telling," of the Torah, so too we are permitted to translate the Torah. On a linguistic level, the use of the words *terufah* and *terapyon* link the halakhic question with the *sidra* verse. *Terufah* shows that Hebrew words have already entered other languages, just as that word has entered Greek. This addresses the halakhic question. *Terufah* also serves the purpose of showing how

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<sup>78</sup> Marc Bregman, The Triennial Haftarot and the Perorations of the Midrashic Homily. *Journal of Jewish Studies*, 32 (1981) 80. The idea that the triennial haftarah may be used was applied to the perorations of the midrashic homilies, and not the *petihta*.

Moses' speech impediment was healed following *maamad har Sinai*. This leads to our *sidra* verse which proves that Moses spoke all of the words in Deuteronomy. This one word serves as the glue which binds the halakhic issue with the *sidra* verse.

*Petihta* 2 also includes both a conceptual and linguistic link. It begins with the question of the juxtaposition of the *qeriyat shema* with the *tefillah*. The *sidra* verse is Deuteronomy 4:7: "For what great nation is there that has a god so close at hand as is the Lord our God whenever we call upon Him?" Conceptually, the link is that the closeness with which we recite the *shema* and the *Amidah* parallels the closeness of God. The words *shema* and *tefillah* provide a linguistic connection with the concern that God is *Shomeah tefillah*, one who hears our prayers. Both the conceptual and linguistic elements link the halakhic requirements of juxtaposing the *shema* to the *tefillah* and the idea that God is so close that He hears our prayers.

*Petihta* 3 also contains both conceptual and linguistic links between the halakhic question and the *sidra* verse. What makes this *petihta* different is that these links are so obvious. Lacking in subtlety, they take away from the halakhic *petihta* as art form. The *petihta* begins with the question of whether the section of curses may be broken up and read by several readers. The poem concludes with the verse from Deuteronomy 11:26: "See, this day I set before you blessing and curse..." The linguistic link is a double meaning in this context of the term *berakhot*, blessings. With regard to the halakhic issue, we consider the opinion that explains that breaking up the verses creates a situation in which the *oleh* will bless God in the midst of a description about Israel's punishment. In the context of our verse, blessings refer to those rewards we will receive



if we listen to God's commandments. On a conceptual level, both the halakhic question and the halakhic answer deal with curses. This is the only *petihtha* of the four which begins with a halakhic question directly related to the *sidra* verse. To pose this sort of halakhic question is to take away from the stylistic device which made such a form attractive to the ancient synagogue.

The link between the halakhic question and the *sidra* verse in *Petihta* 4 is solely conceptual. The proem begins with the question concerning an infant who is born circumcised. It concludes with the verse from Deuteronomy 22:6: "If, along the road, you chance upon a bird's nest, in any tree or on the ground, with fledglings or eggs and the mother sitting over the fledglings or on the eggs, do not take the mother with her young." The conceptual or thematic link is that just as God is compassionate enough to not permit a full circumcision for an infant born circumcised, but rather only requires *hatafat dam berit*, so too is God's compassion extended to animals.

One of the dominant questions in this analysis is what the halakhic proem's affect upon the halakhah. This can be addressed on a number of levels. First, there is a the question of why these two distinct realms of Jewish thought are combined at all. One of the theories put forth concerning the standard *petihtaot* was that it enabled Torah, Prophets and Writings to be heard in the Torah service. With the halakhic proems, perhaps the idea was to present a totality in the context of the Torah reading which included both the Oral and the Written law.<sup>79</sup> This Oral law, to be represented by the halakhic proem, includes both halakhah and aggadah. Together, these two realms are

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<sup>79</sup> Michael Chernick, meeting with author, February 1997.

presented to compliment the traditional scriptural reading. That the proem preceded the reading of the Torah may be making an additional statement consonant with the Rabbis' view that the Oral Law even supersedes the Written Law.

The bringing together of halakhah and aggadah must also be considered in light of several previous descriptions of these two distinct areas of Oral Law. While the halakhah is often viewed as elitist, requiring the best minds to reconcile contradictions, the aggadah is popular, allowing contradictions to abound. With this in mind, the halakhic proem would seem to represent a kind of popularization of the halakhah. Moreover, it suggests that the halakhah is more than law; it is a ritual manifestation of the values presented and affirmed in the aggadic sections of the proem.

Each halakhic proem provides an answer to the halakhic question early on in the proem. The answers are straight-forward and given in a clear, concise and unified presentation. The aggadah which follows seems to create a kind of aggadic basis for the halakhic position which has already been stated. To be sure, the halakhah is grounded in the authority of the Rabbis' presented positions. And yet, the proem in attempting to link that halakhic issue with the *sidra* verse, provides an additional basis for the halakhah, one that is aggadic in that it is of a linguistic or thematic nature. For example, the first *petihta* cites the Mishah in addressing the question of whether a *sefer Torah* can be written in Greek. The rest of the proem provides an additional aggadic basis by arguing that the Torah itself (namely, Deuteronomy) is a human translation, and that some words from the Hebrew Bible have already been translated into Greek. Another example can be seen in *Petihta* 4, where the law concerning a child born circumcised is

cited. Such a child, according to the Gemara, requires *hatafat dam berit*. At the conclusion of the proem, we are left with an additional aggadic basis for this law. God is compassionate and therefore only demands a drop of blood from a child who is born without a foreskin. This proem, more than the others, actually reframes the halakhic issue as presented in Gemara. The Gemara views this requirement as a stringency, evidenced by the fact that one halakhic position represented holds that such a child need not undergo *hatafat dam berit*. By beginning the *petihta* with the question of whether one is permitted to [fully] circumcise a child who is born circumcised, it presents *hatafat dam berit* as a compassionate compromise of the rule. These examples illustrate something that occurs when halakhic material is placed within the context of an aggadic midrash. Namely, the halakhah is provided with a basis of aggadic support. In other words, the entire halakhic proem is a kind of midrashic *asmakhta* for the halakhah which is presented in full in the Mishah or Gemara.

The proem also affects the way in which the relevant Talmudic or Mishnaic material is presented. It recasts the halakhah in a clearer way, either by abridging rabbinic positions, or by expanding them. Often, the proem deletes or curtails the attributions of the Talmud in its presentation of an opinion. For example, in *Petihta 2*, the Yerushalmi reads, "Of that which Rabbi Ze'ira said in the name of Abba bar Yermiyah: There are three juxtapositions..." The halakhic proem deletes the attribution and says instead, "Such taught our Sages: There are three juxtapositions..." In *Petihta 3*, the proem does not abridge the Talmudic text, but rather expands it in order to ensure that the play on words is fully understood. The Yerushalmi states, "Rabbi Hiya bar

Gamda said, 'Do not rebel...' Do not make pieces and pieces." Whereas, our halakhic poem states, "Rabbi Hiya bar Gamda said that according to the verse, 'Do not abhor the Lord...' it means do not make your reprovals into pieces, but rather have one person read them all." Similarly, later on the Yerushalmi states, "Rabbi Levi said: The Holy One, blessed be He, said it is not fair that my children are being cursed while I am being blessed." The poem however, greatly expands this, adding Psalm 91 as a proof-text and explaining that what is being referred to here are the blessings before and after the reading.

In addition to these expansions, the midrash creates ways to introduce the Talmudic material without greatly adapting the text itself. In the material which parallels *Petihta* 4, the Yerushalmi states: "Rav said 'Circumcising, you shall circumcise...' From here one derives that an infant who is born circumcised requires *hatafat dam berit*." The midrash reorganizes it, states the requirement first and then asks "Where can this be derived from the Torah? As it says, 'Circumcising, you shall circumcise...'"

We have explored the poem's affect upon the halakhah. It is also necessary to consider how the *sidra* verse is affected by its presentation at the conclusion of the poem. Although the halakhic question is usually far removed from the *sidra* verse and requires the fully developed poem to make the link which is initially absent, the overall theme of the entire poem is closely related to the *peshat* of the opening verse. In other words, the verse is not interpreted in a radically different manner because of the *petihta* leading up to it. The theme or agenda of each poem corresponds to the message of the *sidra* verse.

<u>Theme of Proem</u>	<u>Theme of <i>Sidra</i> verse</u>
P1    Torah heals speech/tongue	Moses spoke
P2    God is close	What people has a God who is as responsive as the Lord
P3    Curses are really a blessing	Blessings - if you listen Curses - only if you do not listen
P4    God's compassion	Don't take a mother bird with her young

While this might have been somewhat obvious in our exploration of these halakhic proems, it is necessary to state outright that the entire proem is shaped in order to reflect the straightforward meaning of the *sidra* verse. At no time are we ever asked to change the way we understand the *sidra* verse. It is that verse for which everything else must be linked.

### Summary

This thesis has shown that the halakhic proems of Deuteronomy Rabbah have a spectrum with regard to their complexity and form. The halakhic question is linked to the *sidra* verse through a thematic and/or linguistic connection. These links are strengthened by secondary questions and statements which are stylistic devices that increase the complexity of a proem. The proems borrow material selectively from the Talmud (mostly the Yerushalmi) and present the material in a clearer manner. The *sidra* verse which is the culmination of the proem remains straightforward, seemingly unaffected and unaltered in its interpretation by the proem which precedes it. The halakhic proem provides an additional aggadic basis for the particular halakhah in question.

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