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It's Time to Take Another Look at "Our Little Sister" Soferim: A Bibliographical Essay

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IT'S TIME TO TAKE ANOTHER LOOK AT  
"OUR LITTLE SISTER" SOFERIM:  
A BIBLIOGRAPHICAL ESSAY

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ABSTRACT

*There has been no analysis of the minor tractate Soferim, nor any survey of its manuscripts since Michael Higger's critical edition published in 1937, despite international progress made since then in the identification, cataloging, and filming of various rabbinic manuscripts. This survey describes all of the manuscripts and published editions of Soferim, as well as the commentaries to it. There are eighteen extant manuscripts of Soferim, dating from the 13th century to the 19th. Generally speaking, none of these manuscripts offer unique readings such that we can speak of different versions of Soferim. Surprisingly, the text is not represented among the Cairo Geniza materials.*

*The majority of the printed editions of Soferim are to be found in editions of the Talmud which include the minor tractates. While Soferim was not printed with the incunabula editions of the Talmud, it appeared in 16th-century editions of the Talmud. Its place in subsequent printings of the Talmud was thus virtually guaranteed and certainly contributed to Soferim's popularity with scholars. This in turn led to the burst of commentary activity around Soferim which flourished in the 18th and 19th centuries. These commentaries were written at a time and place where there was great interest in the study of lesser-known Jewish texts as well as an interest in publishing them.*

*Eighteen individual authors produced twenty-one commentaries to Soferim, dating from the 17th century to the 20th. Only those of Mueller and Higger can be described as modern or critical; the early work of Emden and Berlin represents a transitional stage in commentary style.*

INTRODUCTION

Michael Higger's critical edition of the minor tractate Soferim was published in 1937.<sup>1</sup> Higger drew upon thirteen textual witnesses to

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<sup>1</sup>M. B. Lerner, "The External Tractates," in *The Literature of the Sages: First Part . . .*, ed. Shmuel Safrai (Philadelphia, 1987), p. 397, refers to the alternate title of *Baraita de-Sefarim*, and speculates that the original title was *Sefarim*. Saul Lieberman, *Hellenism in Jewish Palestine* (New York, 1950), p. 43, mentions "the lost minor tract *Sefarim*." Both writers were referring to a statement made in מגי מצרים, ed. Elkan

Soferim, recording the variants, including those for Soferim “ג.” In this volume, Higger also included a discussion of the provenance of the tractate as well as a list of the Rishonim who cite it.

Although Higger’s work was greeted with muted enthusiasm at best,<sup>2</sup> the ultimate proof of the value of his work is to be found in the fact that it has become the standard edition. Not only has there been no thorough treatment of Soferim since then, but the occasional references to the tractate in recent scholarly literature uniformly cite his edition (and not Mueller’s edition,<sup>3</sup> which unfortunately has been completely overshadowed). Moreover, Higger’s conclusions about the provenance of Soferim have been widely accepted.<sup>4</sup> Even writers who have raised questions about Higger’s conclusions have not deviated much from his theories.<sup>5</sup> Certainly no one has gone so far as to call for anything as major as a new critical edition, or even a new evaluation of the manuscript evidence.<sup>6</sup>

Some years ago I came upon Soferim through my interest in the historical development of Jewish liturgy. I understood Soferim to be a document which preserved a record of liturgical practices during the geonic period, most likely from a Palestinian milieu. But the more I read this text, the more I began to wonder about Higger’s conclusions. When I closely examined a couple of passages, I discovered that the text which Higger presented *prima facie* as Oxford 370 was in fact

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Nathan Adler (Oxford, 1897 = *JQR* o.s. 9 [1897]), p. 38. Shraga Abramson, “הלכות ספר” (גנוי מצרים): המקורות המוקדמים, *Sinai* 95 (1984–85), also equates this title with Soferim. While I am skeptical of the equation, it is worth noting that all the passages with which Abramson deals correspond to Soferim chs. 1–6 (that is, the material comprising Masekhet Sefer Torah), and I see little reason to think that chs. 1–9 share origins with chs. 10–21 (see n. 10). Similarly, the quote from the *Sefer* סופרים in Chaim Meir Horowitz, *Beit Nofet ha-Halot* או תורתם של ראשונים (Frankfurt, 1881) 2:40, draws from this earlier material. See Louis Ginzberg’s equation of this with Soferim; *Geonica* (New York, 1909) 1:73, n. 1.

<sup>2</sup> See Saul Lieberman, “Review of Michael Higger, מסכת סופרים,” *Kiryat Sefer* 15 (1938–39) 56–60 = *Israel* (Jerusalem, 1991), pp. 579–583.

<sup>3</sup> Joel Mueller, *Masechet Soferim* (Leipzig, 1878).

<sup>4</sup> See for example Harry Freedman, *Encyclopaedia Judaica* 15:81, s.v. Soferim; and Jonathan Paul Siegel, *The Severus Scroll* (New York, 1975), pp. xiii, 77, 88.

<sup>5</sup> See especially Ezra Fleischer, *תפילה ומנהגי תפילה ארץ-ישראלים בתקופת הגניזה*, (Jerusalem, 1988), pp. 199–201. The same holds true for Robert Brody’s summary discussion in *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven, 1998), pp. 112, 118, n. 61.

<sup>6</sup> Even M. B. Lerner, “The External Tractates,” pp. 399–400, the lone voice on the current scene to suggest a provenance other than Palestine or Babylonia, does not suggest that Higger’s manuscript work can be improved.

a highly eclectic one which corresponded to no manuscript whatsoever. Even Lieberman's cautionary remarks in his review did not prepare me for the extensive and substantive changes which Higger had made. What troubled me was not so much the eclectic approach *per se*,<sup>7</sup> but rather Higger's silence about his methodology, not to mention the fact that one has to work very hard within the critical apparatus in order to realize the eclectic nature of his version. I began to feel wary of Higger's edition in general. At the same time I wondered whether 100 years of Geniza research might not open up a new approach to the text of Soferim. Moreover, manuscripts that were unavailable to Higger at the time were now easily accessible; perhaps, I hoped, I might even find manuscripts unknown to him, particularly from the Geniza.

These possibilities encouraged me to search for all the manuscripts of Soferim, which in turn led me to research its printing history. Somewhere along the way I also became curious about the commentators who labored on this text. What follows are the results of my search, which I hope will serve to reopen and facilitate the discussion regarding the provenance of Soferim and its correct version, and that this discussion will encourage similar research in the other minor tractates.<sup>8</sup>

Soferim is an early, if not the earliest, rabbinic text which systematically presents the laws of writing and reading the Torah and other scrolls in the form of a digest of mishnaic and talmudic literature treating those topics. As such, Soferim can best be thought of as a tapestry comprising excerpts from the Mishnah, the Tosefta, and both Talmuds,<sup>9</sup> along with independent baraitot and phrases. The work as

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<sup>7</sup> Eliezer Segal has spoken in defense of eclectic editions. I would like to acknowledge his generosity for sending me the notes for a lecture he delivered at the Eleventh World Congress of Jewish Studies (1993) on this topic.

<sup>8</sup> I am grateful to the anonymous readers of this article for their comments and corrections. Neil Danzig, Avraham Holtz, Richard Kalmin, Jay Rovner, and Avigdor Shinnan read and corrected earlier versions and offered helpful suggestions and insights. Most especially I thank Menahem Schmelzer who originally suggested that I study Soferim, and whose knowledge has benefited every page of this article. Numerous others have lent their advice and expertise, and I acknowledge each of them at the appropriate points.

<sup>9</sup> Chs. 11 and 12 also bear some striking parallels to sections of "Sefer ha-Ma'asim." There is little that can be said with certainty about Ma'asim. Under debate are its provenance, date of composition, and genre. The first articles about Ma'asim by Lewin, Mann, Epstein, Kook, and Lieberman, which were published in *Tarbiz* 1–2, and in *Ginzei Qe-dem* 5 have been collected and published together in ספר "יהמעשים לבני ארץ ישראל" (Tel Aviv, 1971). Victor (Avigdor) Aptowitz, מחקרים בספרות הגאונים, (Tel Aviv, 1971).

a whole is unified by the topic of scrolls—writing them, reading them, and reciting attendant liturgies.

In this article I describe all known manuscripts and printed editions of Soferim; relationships among manuscripts are noted. Soferim is extant in eighteen manuscripts, almost all of them of European provenance. The earliest of these date from the 13th century. It has also appeared in a number of printed editions, most of which include some of the twenty-one commentaries on the tractate. Soferim does not figure among the Geniza findings at all, the biggest surprise that I have encountered in my research—and this for a text long considered to be of Palestinian provenance!<sup>10</sup> This fact would suggest that our text of Soferim was not generally available in the

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(Jerusalem, 1941), pp. 150–165, gave a table-turning response to the initial observations and conclusions of those scholars by asserting that our Maʿasim is actually an unordered mix of various books and teachings—possibly a student’s notebook—which includes passages from Maʿasim. He stressed the completely unique lack of organization. Mordecai Margalioṭ, *הלכות ארץ ישראל מן הגניזה* (Jerusalem, 1973), pp. 1–16, delivered his own well-aimed salvo at Aptowitz, upholding much of the earlier conclusions. Nevertheless, he argued that what is identified as Maʿasim is actually a collection of fragments from later halakhic literature which have as their unifying principle their use of Maʿasim, an earlier halakhic work which is now lost to us.

The result of these disagreements is that we cannot even say decisively whether Soferim has drawn from Maʿasim or the other way around. (Margalioṭ specifically suggests this.) My own opinion, informed by the persuasive arguments of both Aptowitz and Margalioṭ, is that the material in Maʿasim has been drawn from Soferim.

More recent work on other fragments of Maʿasim by Zvi M. Rabinowitz, “ספרים המעשים לבני ארץ ישראל: שרידים חדישים,” *Tarbiṣ* 40 (1971–72) 275–305, and Mordecai Akiva Friedman, “שני קטעים מספר המעשים לבני ארץ ישראל,” adds nothing new to the discussion regarding the dating and provenance of Maʿasim and does not consider Aptowitz’s and Margalioṭ’s discussions. Most recently Friedman, “הלכות אישות בעקבות,” *Tarbiṣ* 50 (1980–81) 209–242, has taken issue with the name established originally by Lewin, “מעשים, ספר,” and suggests that we should, in fact, think of several different collections called just מעשים. I observe his clarification throughout this article. Finally, Brody’s discussion of Maʿasim (*Geonim*, pp. 110–111) does not diverge from the earlier observations, nor does it alter my own judgment of this material and its relationship to Soferim.

<sup>10</sup>T-S NS 123.83, recto (JTS reel 289) is actually Soferim “ב” 2.8–12. My thanks to Stefan Reif for informing me of this fragment. R. Brody and E. J. Wiesenberg, *A Handlist of Rabbinic Manuscripts in the Cambridge Genizah Collections* (Cambridge, 1998) was not available at the time I completed this article.

I have also noticed the absence of any geonic references to the material in chs. 10–21, and the fact that there is no evidence whatsoever that the Rambam knew chs. 10–21 of Soferim. The earlier chapters, namely, the Sefer Torah material, were known by a North African contemporary of Rambam; see Shraga Abramson, *מחבר הלכות ספר תורה*: “הלכות ספר תורה: מחבר, *Sinai* 95 (1984–85), p. 204.

areas of Palestine and Egypt, whereas the manuscript evidence does indicate its presence and availability in Ashkenaz.

Due to a high degree of correspondence among the manuscripts, my tentative conclusion is that they are all members of the same manuscript family, the variants among them being the result of scribal errors, glosses, and “corrections.”<sup>11</sup> At the same time, quotations from Soferim 10–12.7 in the literature of the Rishonim do preserve different versions of the text of Soferim. Future textual analysis of Soferim should focus more strongly on these quotations of the text.<sup>12</sup>

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On the basis of this evidence, I can entertain the likelihood that Soferim chs. 10–21 (at least) were composed outside of Palestine. I intend to address the matter of the provenance of Soferim in greater detail at another time. My preliminary hypothesis defers to the work of others on chs. 1–9 which concludes that chs. 1–5, which correspond to Sefer Torah, are Palestinian in provenance; and that chs. 6–9 are very likely masoretic. I propose that chs. 10–21 were written in Europe, possibly Italy or Byzantium, and were appended to chs. 1–9 there in an effort to compile an all-purpose handbook for the laws of scrolls. This composite text was then taken to Ashkenaz where it became a text of some authority for the early Rishonim there. These then freely added their own glosses and emendations to the text, adapting it to reflect their own local liturgical practices.

The phenomenon of the absence of texts (or their existence in a small number of fragments) that we would expect to be in the Geniza has yet to be fully addressed. Soferim—if it is indeed Palestinian and from the talmudic or geonic periods—is but one example. My questions regarding Soferim in this respect really apply to a much larger body of literature. See Neil Danzig’s comments regarding Amran’s siddur in *Introduction to Halakhot Pesuqot with a Supplement to Halakhot Pesuqot* [Hebrew] (New York, 1993), p. 110, n. 7. As he points out, even if we cannot conclude anything about a text’s provenance on the basis of its underrepresentation in the Geniza, we can still draw conclusions about its distribution.

<sup>11</sup> I have been guided in my discrimination between version and variant by Robert Brody’s discussion of Epstein’s terminology in “ספרות הגאונים והטקסט התלמודי,” *Meḥqere ha-Talmud*, ed. Yaakov Sussman and David Rosenthal (Jerusalem, 1990), pp. 245–246 and *passim*.

<sup>12</sup> See my *Soferim: A Commentary to Chapters 10–12 and a Reconsideration of the Evidence*, Ph.D. dissertation, Jewish Theological Seminary, 1998, *Part Two: Introduction to This Edition*, for my discussion of stemmatic analysis of Soferim.

There are many quotations from Soferim in the writings of the Ashkenazic Rishonim (compared with the absence of the same writings of the Sephardic Rishonim) and these are often at odds with the textual tradition preserved in the manuscripts. In my detailed work on Soferim chs. 10–12.7, I have discovered that these instances are testimony to a centuries-long period of great flux for the text we know as Soferim, lasting until the 14th century, by which time citations by the Rishonim become standardized and in agreement with the text version that we have. The different “versions” of Soferim can be uncovered in the *Shibbolei ha-Leqet*, *Or Zaru’a*, Meir ha-Kohen, *Manhig*, and *Orhot Hayyim*, among others. For examples of different readings for particular passages, consult the literature referred to by Higger, *Soferim*, for 10.8, 11.4, and 11.5.

The following survey of the manuscripts and printed editions includes all those used by Joel Mueller<sup>13</sup> and Michael Higger,<sup>14</sup> those listed by Higger but unavailable to him, and the manuscripts and printed editions listed in הלשון העברית של האקדמיה המילון ההיסטורי ללשון העברית של האקדמיה<sup>15</sup>. The following survey includes manuscripts heretofore either not known, or known but unstudied.

#### MANUSCRIPTS

The chronological listing of the manuscripts with their provenance and important features is followed by a detailed discussion of each manuscript.

<i>Date</i>	<i>Manuscript</i>	<i>Provenance</i>	<i>Comments</i>
13th c.	1. British Library 655	French	with <i>Mahzor Vitry</i> , ed. Hurwitz

The matter of textual transmission among the Rishonim has not yet been fully explored, and work to date on the question of textual emendations by the Ashkenazim has only scratched the surface. Future comprehensive study should take into consideration Abraham Grossman's comments regarding the dependence of the 12th-century (and later) Ashkenazic Rishonim and the writers of the Rashi school on their 10th- and 11th-century forebears; see his *חכמי אשכנז הראשונים* (Jerusalem, 1981), and his discussion of the cultural contextualization of the French Rishonim in *חכמי צרפת הראשונים* (Jerusalem, 1995). In my dissertation, I analyze the use of Soferim chs. 10–12 by the Rishonim noting its initial use by early 11th-century Ashkenazic authorities, its subsequent use by 13th-century Ashkenazic, Italian, and French writers, followed by a path of distribution which can be traced to 13th- and 14th-century Provence and Spain.

<sup>13</sup> *Masechet Soferim*, pp. 33–34. Of the four manuscripts available to him, one contained only the first six chapters, namely Masekhet Sefer Torah, and therefore falls outside this study.

<sup>14</sup> *Soferim*, p. 94. Among his thirteen sources, Higger had nine complete manuscripts. On p. 89 he lists manuscripts that were unavailable to him. MS Paris 407, which Higger lists as a manuscript of Soferim, is described by H. Zotenberg, *Catalogues des manuscrits hébreux et samaritains de la bibliothèque impériale* (Paris, 1866), p. 55, as a 15th-century, vellum, oriental manuscript of the Mordecai, along with some other material including Soferim. However, I have examined the microfilm copy of this manuscript, and I am unable to locate Soferim in it—only the commentary of Mordecai ben Hillel ha-Cohen on Masekhet Sefer Torah.

<sup>15</sup> Academy of the Hebrew Language, *Sefer Meqorot* (Jerusalem, 1963), pp. 64–65. MS Paris 407 listed there is the commentary of Mordecai on Sefer Torah, as I explain in the note above. MS Montefiore 64 listed there is the new catalog number for MS Montefiore 346. MS Turin 146, also listed there, is described by Bernardinus Peyron, *Codices Hebraici* (Turin, 1880), pp. 140–141, as 16th century and on paper. Maria Petraia Sebastiani of the Biblioteca Nazionale of Turin has written me confirming that this manuscript was among those destroyed by fire in 1904; see Dov Zlotnick, *The Tractate Mourning* (New Haven, 1966), p. 28, n. 132.

<i>Date</i>	<i>Manuscript</i>	<i>Provenance</i>	<i>Comments</i>
	2. Firkovich II.305	Ashkenazic	only chs. 7–12
	3. Parma 159	French	with <i>Mahzor Vitry</i> ; ends after ch. 17
14th c.	4. Oxford 370	French	very early; ed. Higger
	5. Munich 95	French	with the Bab. Talmud
	6. Parma 541	Ashkenazic	
15th c.	7. JTS 34 (Adler 2237)	Byz./Oriental	
	8. Paris 837	Ashkenazic	
16th c.	9. Vienna 31 (JTS 10, 484)	Salonikan	Spanish hand; ed. Mueller
	10. Guenzburg 1394	Italian	
	11. Oxford 2257	Italian	late
17th c.	12. JTS 218 (Enelow 270)	Yemenite	with Mishnah
	13. Montefiore 346	Spanish hand	ends after 18.3; = British Library 472 = Montefiore 346
	14. British Library 472	“Eastern”	
	15. Guenzburg 515	Italian	
	16. Oxford 372	Ashkenazic	copy of Oxford 370
18th c.	17. JTS 56 (Enelow 321)	Ashkenazic	
19th c.	18. JTS 22 (Adler 3861)		copy of Paris 837

1. British Library 655 (Add. 27,200–27,201).<sup>16</sup> 13th-century, French, vellum.<sup>17</sup>

This copy of Soferim was included in the Hurwitz printed edition of *Mahzor Vitry*.<sup>18</sup> Hurwitz reported that this text of Soferim ends with

<sup>16</sup> This manuscript is inexplicably missing among those listed in *Sefer Meqorot*.

<sup>17</sup> George Margoliouth, *Catalogue of the Hebrew and Samaritan Manuscripts in the British Museum* (London, 1899–1935) 2:273–274.

<sup>18</sup> S. Hurwitz, ed., *Mahzor Vitry* (Nürnberg, 1889; rev. 1923, 1968) 2:687–717. Higger used this printed edition, designated as “יב” in his apparatus. The only other manuscript of *Mahzor Vitry* which contains Soferim seems to be Parma 159, which is discussed below. The following manuscripts of *Mahzor Vitry* do not contain Soferim: Oxford Oppenheim 59 (A. Neubauer, *Catalogue of the Hebrew Manuscripts in the Bodleian Library and in the College Libraries of Oxford*; Oxford, 1886) #1100, cols. 306–310; Malachi Beit-Arie, *Catalogue of the Hebrew Manuscripts in the Bodleian Library: Supplement of Addenda and Corrigenda to Vol. I* [Oxford, 1994] cols. 172–173, describes this as 13th-century and probably of German provenance); Neubauer 1101, col. 310 (Beit-Arie, col. 173, describes this as Ashkenazic and 14th-century), and Neubauer 1102, cols. 310–314 (Beit-Arie, col. 174, describes this as early 14th-century and of Ashkenazic provenance); and the 13th-century Reggio manuscript (JTS 8092; formerly 8334). David Sassoon, *אזהל דוד* (London, 1932), 1:305, does not list Soferim among the contents of Sassoon 535 (305), a 12th-century, Ashkenazic manuscript. Bin-yamin Richler of the Institute of Microfilmed Hebrew Manuscripts (IMHM) reports in a communication to Jerry Schwarzbard of the JTS library that Warsaw 240/1 does not contain Soferim (provenance and date unknown). He also reports that Hamburg 335, 16

the words ביהוה לית דהא ויהי רקיע דהא (21.7).<sup>19</sup> However, my study of the manuscript reveals that this closing section of Soferim is there in its entirety, although I cannot locate several chapters in the middle up to ch. 21. The aggadic material is at the *beginning* of Soferim in this manuscript, a unique occurrence.<sup>20</sup>

2. Firkovich II.305. 13th-century, Ashkenazic.<sup>21</sup>

This fragment contains chs. 7–12 appended to some thirty pages of *Halakhot Gedolot*. With only rare exceptions, the text corresponds to the version represented by the other manuscripts.<sup>22</sup>

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consists of the fragments of two leaves and that the Institute's copy of this item is missing. Moritz Steinschneider, *Katalog der hebräischen Handschriften in der Staats- und Universitätsbibliothek zu Hamburg* (Hamburg, 1878), pp. 162, 173, does not describe any part of Hamburg 335 as Soferim. My thanks to Wiebke Mueller and Stuart Light who have examined two Hamburg manuscripts with the number 335 and report to me that neither has any part which can be designated 335, 16. They also provided me with photographs of four leaves of MS 335 (318) and I have determined that they are not Soferim. Neil Danzig, "שרטוט ספרי-קודש: מקורה של הלכה והשכלותיה" in the jubilee volume for H. Z. Dimitrovsky *Atarah le Hayyim*, ed. Daniel Boyarin et al. (Jerusalem, 2000), p. 291, n. 24, notes that Ginzberg 481 does not include Soferim. Soferim's association with *Mahzor Vitry* in 13th-century France is worthy of further investigation. The relationships among some manuscripts of *Mahzor Vitry* is treated by Israel Ta-Shma, "על כמה ענייני מחזור ויטרי," *Alei Sefer* 10 (1982) 81–89.

<sup>19</sup> Hurwitz, p. 717. Higger also records the words as missing in his apparatus on this final halakhah. As my observations indicate, a thorough study of this manuscript vis-à-vis the Hurwitz edition is imperative.

<sup>20</sup> In several manuscripts of Soferim there is the curious addition of some aggadic material which constitutes a discrete section of independent provenance. This material usually follows ch. 21. David Lazar, under the guidance of Avigdor Shinan, has examined this material and suggested to me in correspondence that it came to be attached to Soferim via adjacent material in *Mahzor Vitry*. My thanks to Shinan for putting me in touch with Lazar and to Lazar for sharing his work and insights with me. This aggadic material and its relationship to Soferim deserves further study; in the meanwhile, I note that among the manuscripts which include this material, two are the earliest manuscripts of Soferim (13th-century) and both happen to be copies of *Mahzor Vitry*—namely, British Library 655 under discussion and Parma 159 (#3). The relationship of Soferim to *Mahzor Vitry*, and to the literature of the school of Rashi in general, deserves closer examination.

<sup>21</sup> I am grateful to Binyamin Richler and Edna Engel for dating and identifying the provenance of this fragment upon my request. Richler has written me that he hesitates to identify this fragment as originating in the Geniza. Moreover, see the comments of M. Ben Sasson, "לשאלת מקור האוסף השני של פירקוביץ," *Mada'ei ha-Yahadut* 31 (1991) 47–67; and T. Harvianen, "The Cairo Genizot and other Sources of the Second Firkovitch Collection of St. Petersburg," *Masoretic Studies* 8 (1995) 25–36.

<sup>22</sup> One interesting feature is the use of תאני in 11.2—as in MS Parma 159 (#3); see my note below regarding this orthography. The other interesting note about this fragment

3. Parma 159.<sup>23</sup> 13th-century, French,<sup>24</sup> parchment.

This copy of *Maḥzor Vitry* is a second example of Soferim's incorporation into that text in 13th-century France. Soferim appears at the end of the manuscript. It ends after ch. 17 with the words *לא מצאתי יותר*.

4. Oxford 370.12 (Oppenheim 726).<sup>25</sup> Early 14th-century, probably French, parchment.<sup>26</sup>

There are marginal notes, corrections, and citations throughout. The manuscript lacks the aggadic material.

5. Munich 95. 14th-century, probably French,<sup>27</sup> parchment.

The Munich manuscript of the Talmud<sup>28</sup> contains Soferim at its very end. The aggadic material is absent.

6. Parma 541.<sup>29</sup> 14th-century, Ashkenazic,<sup>30</sup> parchment.

This collection, labeled “Medrasc Pent. et V. Meghillot cum al. Opusc.,” is in good condition. Soferim includes the aggadic material.

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is that in ch. 10 (halakhah 3 in Higger's edition) the sentence from bMeg 31b is missing—an important detail which supports my argument that Soferim has been emended by the Ashkenazic Rishonim through the addition of quotes from the Babylonian Talmud in an attempt to “Bavli-ize” this text, just as we know they did with other texts. I plan to address the Ashkenazic emendations of Soferim in detail at another time; on the phenomenon in general, see Yaakov Sussman, “ירושלמי כתב-יד אשכנזי וספר ירושלמי,” *Tarbiz* 65 (1995–96) 37–63; Israel Ta-Shma, “The Library of the French Sages,” in *Rashi 1040–1990: Hommage à Ephraïm E. Urbach*, ed. Gabrielle Sed-Rajna (Paris, 1993), pp. 535–540; Ta-Shma, “ספרייתם של חכמי אשכנז בני המאה הייאהייבי,” *Kiryat Sefer* 60 (1984–85) 298–309; and Ta-Shma, “נוספות למאמרי ספרייתם על חכמי אשכנז בני המאה הייאהייבי,” *Kiryat Sefer* 61 (1986–87) 581–582.

<sup>23</sup> Although he did not have it, Higger knew of this manuscript. It is also listed in *Sefer Meqorot*.

<sup>24</sup> This information is from the catalog of IMHM. Neil Danzig tells me that there is an instance of possible Eastern or Spanish influence in the unique orthography found in 11.1 (תאני), also found in Firkovich II.305 (#2).

<sup>25</sup> Higger based his critical edition on this manuscript (designated as “א”).

<sup>26</sup> Beit-Arie, *Bodleian Catalogue Supplement*, col. 57.

<sup>27</sup> *EJ* 11:903.

<sup>28</sup> Facsimile edition by H. Strack, 1912. Mueller used this manuscript (p. 33), as did Higger (designated as “ג”).

<sup>29</sup> Higger listed this as known but unavailable to him. It is also listed in the *Sefer Meqorot*.

<sup>30</sup> IMHM catalog.

7. JTS 34 (Adler 2237).<sup>31</sup> 15th-century, Byzantine or Oriental (possibly Bukharan or Persian), paper.<sup>32</sup>

Entitled *מנהגות, ברייתות, מסכתות קטנות ועוד*, the manuscript contains several geonic works; Soferim is on ff. 162–189. It lacks the aggadic material.<sup>33</sup>

8. Paris, Heb. 837,14. 15th-century, Ashkenazic, paper.<sup>34</sup>

This is a collection of various works, Soferim among them (ff. 123–148). The manuscript was copied by Schlosberg in 1878.<sup>35</sup>

9. Vienna 31 (JTS 10,484).<sup>36</sup> 1509, Salonikan (Spanish hand).<sup>37</sup>

Mueller used this as the basis for his edition.<sup>38</sup> The manuscript, recently acquired by the JTS library, does not survive in its entirety; unfortunately Soferim is not among the extant sections. Mueller's edition is thus our only witness to this manuscript.

10. Guenzburg 1394 (Moscow).<sup>39</sup> 16th-century, Italian,<sup>40</sup> paper.

The manuscript is smudged in a few places, but otherwise in good condition. It contains the aggadic material. My examination of chs. 10–

<sup>31</sup> Higger designates this manuscript as “ד.”

<sup>32</sup> Provenance and dating made by Menahem Schmelzer.

<sup>33</sup> Judah Brumer, *Rabbinic Manuscripts* (New York, 1960ff.; typescript) 2:515a, draws our attention to the censor's mark at the end, dated 1506. However, upon examination we notice that the date is actually 1575; the censor's name is Lorenzo Franguelli. Brumer points out that a number of words have been erased from our manuscript, presumably by this same censor. Brumer notes that Soferim appears twice in this collection. Unlike our manuscript, the other (appearing on pp. 45–47) contains only the first two chapters (and hence falls outside the range of this study). This latter was published by Samuel Schoenblum in his *שלשה ספרים נפתחים* (Lemberg, 1877). These two chapters are now referred to as Soferim “ב”; see Higger, *Soferim*, pp. 375–382. See his discussion there, pp. 36–40; and in *שבע מסכתות קטנות* (New York, 1930), pp. 10–16, 81–87; and in *שמחות* (New York, 1931), pp. 266–268. See also Danzig, “שריטט,” n. 10, on Soferim “ב.”

<sup>34</sup> See Zotenberg, *Manuscrits de la Bibliothèque impériale*, pp. 142–143. Observations regarding dating and provenance were made by Menahem Schmelzer. The manuscript is listed in *Sefer Meqorot*.

<sup>35</sup> Higger then used that copy, catalogued as JTS 22 (Adler 3861; #18). Mueller also used a copy of this Paris manuscript, probably the same as Adler 3861.

<sup>36</sup> This manuscript is listed in *Sefer Meqorot*. Higger notes that he was unable to use it (*Soferim*, p. 89).

<sup>37</sup> Arthur Zacharias Schwarz, *Die hebräischen Handschriften in Österreich* (Leipzig, 1931), pp. 16–17.

<sup>38</sup> A. Marx, “Eine Sammelhandschrift . . .,” *ZfHB* 5 (1901) 54–61; see especially p. 59.

<sup>39</sup> Higger listed this manuscript among those unavailable to him. It is not listed in *Sefer Meqorot*.

<sup>40</sup> IMHM catalog.

12 has shown some correspondence with the 1520–23 Bomberg edition of Soferim.

11. Oxford 2257, 8a. After 1582, Italian, paper.<sup>41</sup>

Marginal notes, mostly citations, appear throughout. It opens with the words, הלכות סופרים, but closes with מסכת סופרים, and each page has the title, מסכת סופרי. The aggadic material is included. My examination of chs. 10–12 has shown some correspondence with the 1520–23 Bomberg edition.

12. JTS 218 (Enelow 270). After 1635(?), Yemenite, paper.<sup>42</sup>

This collection, entitled קובץ של ספרות רבנית, places Soferim between mBer and mMeg. It includes the commentary פירוש מזרחי.<sup>43</sup> There are some marginal notes and the aggadic material is included. It is written in both Yemenite semi-cursive and Yemenite square script. My examination of chs. 10–12 has shown partial correspondence with the 1520–23 Bomberg edition.

13. Montefiore 346 (London School of Jewish Studies, formerly Jews' College, London).<sup>44</sup> 17th-century,<sup>45</sup> Spanish hand,<sup>46</sup> paper.

The manuscript includes the 17th-century commentary of Moses Judah Abbas, כסא כבוד. Both text and commentary end with 18.4. The manuscript is possibly of “eastern” provenance like its sibling, British Library 472 (#14; see my comments below). Since these two manuscripts are coeval with their commentator Abbas, who was from Salonika, it is likely that Salonika is their provenance; Abbas may

<sup>41</sup> Beit-Arie, *Bodleian Catalogue Supplement*, col. 431. (Higger manuscript “ה”).

<sup>42</sup> Brumer, *Rabbinic Manuscripts*, MS 218. See Brumer’s notes regarding the colophon and p. 260 recto. My thanks to Jay Rovner of the JTS library for helping me work through the dating conundrum of this manuscript.

<sup>43</sup> Written by the Yemenite Yoḥanan Mizrahi, between 1608–18. I discuss this work in the section “Commentaries” below.

<sup>44</sup> *Sefer Meqorot* lists Mont. 64, which is the new catalog number for #346. See Hartwig Hirschfeld, *Descriptive Catalogue of the Hebrew Manuscripts of the Montefiore Library* (New York, 1904 = *JQR* o.s. 14 [1902] 159–196), pp. x, 14.

<sup>45</sup> The date given in the cataloger’s note accompanying the microfiche copy is 12th-century! However this manuscript has the appearance of a 16th- or 17th-century Spanish hand.

<sup>46</sup> This description is provided by Hirschfeld, p. 14 = *JQR* o.s. 14 (1902) 173; it is also given in the cataloger’s note which accompanies the microfiche. Higger notes that he was unable to locate this manuscript; *Soferim*, p. 89. He knew of it from Hirschfeld’s description (p. 173). Hayyim Joseph David Azulai is listed as its owner. It is probable that this is the same manuscript of Soferim described in his השלם והוא ריחיים יוסף דוד אזולאי ספר מעגל טוב השלם והוא ריחיים יוסף דוד אזולאי, ed. Aron Friemann (Jerusalem, 1934), p. 13. (Higger referred to this latter as yet another manuscript, p. 89.)

even have penned them. My examination of chs. 10–12 has shown partial correspondence with the 1520–23 Bomberg edition of *Soferim*.

14. British Library 472 (Or. 5009). 17th century, of “eastern” provenance, paper.<sup>47</sup>

This manuscript of *Soferim* (along with *Kallah* and *Semaḥot*) includes the 17th-century commentary of Moses Judah ben Meir Abbas, כסא כבוד. It appears to me that this manuscript was penned by the same scribe who wrote MS Montefiore 346 (#13), and while both appear to be the work of a 16th- or 17th-century hand, both also include the 17th-century commentator Abbas, and so must at least be contemporaneous with him. The penmanship is astonishingly similar; in many cases even the breaks at the end of lines correspond, as does the relative spacing between lines and halakhot. The idiosyncratic mark which signals the end of each halakhah is also exactly the same in both manuscripts.<sup>48</sup>

15. Guenzburg 515 (Moscow).<sup>49</sup> 17th-century, Italian,<sup>50</sup> paper. Chapters 5, 7, and 8 are missing, as are numerous halakhot.<sup>51</sup> The text is smudged and ink from the opposing page has further blurred the text. It is extremely difficult to read and often illegible. It contains the aggadic material. My examination of chs. 10–12 has again shown partial correspondence with the 1520–23 Bomberg edition of *Soferim*.

16. Oxford 372/2 (Oppenheim 250). Ca. 1700, Ashkenazic,<sup>52</sup> paper.<sup>53</sup> This is a copy of Oxford 370.12 (Oppenheim 726; #4). It is in excellent condition.

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<sup>47</sup> George Margoliouth, *Catalogue of the Hebrew and Samaritan Manuscripts in the British Museum* (London, 1899–1935) 2:90–91; the quotes around “eastern” are Margoliouth’s.

<sup>48</sup> On Abbas see below in the section “Commentaries on *Soferim*.” These two manuscripts and their commentaries deserve in-depth study regarding the details of their differences, for I have observed that the commentary in MS British Library 472 is in some cases more lengthy. Unfortunately the microfilm copies of both at my disposal are less than optimal and, more often than not, I cannot make out the exact text of either of them.

<sup>49</sup> Higger also listed this as unavailable to him. It is not listed in *Sefer Meqorot*.

<sup>50</sup> IMHM catalog.

<sup>51</sup> The catalog of IMHM describes this manuscript as “incomplete.”

<sup>52</sup> Beit-Arie, *Bodleian Catalogue Supplement*, col. 57.

<sup>53</sup> Neubauer, *Bodleian Catalogue*, col. 80.

17. JTS 56 (Enelow 321). 1784, Ashkenazic, paper.

This manuscript, in excellent condition, contains the commentary of Jacob ben Barukh Naumburg, נחלת יעקב. Included are his comments on Soferim, Semahot, Kallah, Derekh Ereš Rabbah, and Derekh Ereš Zuta, but it includes the text only for Soferim. The aggadic material is included. My examination of chs. 10–12 has shown partial correspondence with the 1520–23 Bomberg edition.

Different hands are apparent throughout the manuscript. The text and commentary is in one Ashkenazic cursive script through ch. 7. From ch. 8 through 14.7, the text is in an Ashkenazic square hand on paper which is pasted onto the pages of the manuscript. The commentary continues in the same cursive hand. 14.8–13 is written directly on the manuscript in the same square script, seemingly by the same scribe. The commentary continues in the same cursive hand. From 14.14 to the end, the text and the commentary are written in the same cursive script, both directly on the page.<sup>54</sup>

18. JTS 22 (Adler 3861). 1878, French, paper.

The title page of this manuscript reads נתקן מכ"י אשר באוצר הספרים בארץ ישראל, פאריז מאת א. ל. שלאטבער, תרל"ח, followed by: "Paris 1878 Leon Schlosberg."<sup>55</sup> The text is a copy of Paris 837 (#8), with obvious errors corrected. The manuscript is written in Ashkenazic square script, on only one side of each leaf. It is in excellent condition. The aggadic material appears at the end of the manuscript, followed by: לא יערכנו . לסך כמו ככרים, וזהב זוכוכית היקרים .

#### PRINTED EDITIONS

##### *Printings of Soferim with the Talmud*

With few exceptions, the printing history of Soferim has been tied to that of the Babylonian Talmud. Soferim was printed for the first time<sup>56</sup>

<sup>54</sup> Brumer also notes these changes, but he errs when he says the cursive writing begins with 13.14. (Higger designates this manuscript "ר.")

<sup>55</sup> IMHM identifies the original Parisian manuscript as #837. Higger used this manuscript (designated as "ב"). It is also likely that this manuscript was available to Mueller since he noted that he used a copy of the MS Paris 837, 14 (128–148); *Soferim*, p. 34.

<sup>56</sup> There is no evidence that the minor tractates were published as part of the earliest Spanish and Portuguese Talmud printings. See Marvin Heller, *Printing the Talmud* (Brooklyn, 1992), pp. 15–49. While Joshua Soncino, in the 1480s, added commentaries and various other works to his edition of the Talmud, the minor tractates were apparently

by the Bomberg press (Venice) in the 1520–23 edition of the Babylonian Talmud.<sup>57</sup>

Soferim also appeared in the second Bomberg edition (1526–39).<sup>58</sup> While variations between the first and second editions of some of the tractates have been analyzed,<sup>59</sup> Soferim has not been included in the analysis. My examination of sample passages in Soferim indicates only minor differences between the two editions—a conclusion which echoes the results of the analysis of the other tractates.<sup>60</sup>

The third Bomberg edition (1543–49) also includes Soferim.<sup>61</sup> The third edition is generally the same as the second edition, although changes and improvements found in the Giustiniani edition were incorporated.<sup>62</sup>

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not among them; see Heller, pp. 54, 77–80, 85–87. Gershom Soncino also did not include the minor tractates among the tractates he published in the early 1500s; see Heller, p. 107.

<sup>57</sup> Higger did not note this edition. This printing, as well as all subsequent printings, included the aggadic material at the end.

<sup>58</sup> Heller, *Printing the Talmud*, p. 135. There is disagreement regarding the dates of the second and third editions of the Bomberg Talmud. A full discussion of the problems and opinions can be found in Heller, pp. 135, 161, 167–171. I am convinced by Heller that the volumes published between the years 1526–39 should be viewed as one edition, and not as two separate editions.

<sup>59</sup> Heller, *Printing the Talmud*, pp. 161–166.

<sup>60</sup> The first edition consistently uses abbreviations and shortens words where the second tends to write words out fully (רבי as compared to רי; and התראה as compared to התראי, for example; but note in the second edition there is an abbreviation which is not in the first: מאחריי in 18.4). Mistakes in the first edition have been corrected (the *yod* at the end of 10.2 which appears instead of a colon is corrected). Different readings appear in the second edition (בכרת in 10.3 instead of בהכרת in the first edition; likewise the change from קמיה סד קמית in 21.7). New mistakes appear in the second edition (לפני instead of לפני in 21.7). In both editions there is continued preference for particular readings which omit the reading of בראשית in 21.7 and read אמר לא שנויה rather than אמר לו שנויה. The division of halakhot is the same in the first and second editions.

<sup>61</sup> Soferim is in volume 36 of the set held by the JTS library. The section including Soferim has the “pseudo” title page of the second edition. See Heller, *Printing the Talmud*, pp. 176–178, on these title pages. As Heller argues, pp. 175–176, the signatures (the mark at a page’s bottom which distinguishes its leaf number within the quire) firmly identify this as the third edition, published between 1543 and 1549. It has been (incorrectly) cataloged as a second edition at the JTS library.

<sup>62</sup> Heller, *Printing the Talmud*, pp. 175, 177. The first printing of the minor tractates that Higger listed is a 1547 Venice edition; see Higger, *Semahot*, p. 88. (See his *Soferim*, p. 89, where he refers the reader to the list of printed editions of the minor tractates.) It is not clear whether Higger meant the third Bomberg edition or the Giustiniani. In sample passages I found no changes in this edition as compared with the first two.

In 1546–51, the Giustiniani press (also in Venice) published an edition of the Talmud, which included Soferim and the other minor tractates.<sup>63</sup> While the Giustiniani edition was based on the first Bomberg edition, it is independent and eclectic, incorporating different manuscripts and prior editions.<sup>64</sup> This version also includes the aggadic material.

The question arises: Why were the so-called minor tractates printed with the Talmud?<sup>65</sup> Perhaps Bomberg wanted to distinguish his edition from that of the Soncino press by including additional works, including the minor tractates.<sup>66</sup> Or perhaps he perceived a demand for these texts on the part of his readership within the particular intellectual climate (see my discussion below in the section “Commentaries”).

Questions about Bomberg’s commercial motivations aside, the fact that the minor tractates are also in MS Munich of the Talmud indicates that they were already regarded as related to the Talmud in the 14th century. Given Soferim’s heavy reliance upon the Mishnah, such a perception is not surprising. Their inclusion therefore—as halakhic digests of the more diffuse talmudic material—would be appropriate.

Since the Bomberg Talmud was the model for subsequent Talmud editions for the following three centuries,<sup>67</sup> generally speaking, the minor tractates (including Soferim) appear in these subsequent editions.<sup>68</sup>

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<sup>63</sup> Heller, *Printing the Talmud*, pp. 181, 185, 187–188. This volume was published in 1550.

<sup>64</sup> Heller, *Printing the Talmud*, pp. 159–160. Sample examinations bear out the general assumption that the Giustiniani edition is based on the Bomberg: it uses the same division of halakhot, and a curious omission of both Bomberg editions is repeated—in 21.7 it omits בראשית. Examination also bears out its use of the first edition rather than the second: in 21.7 קמית instead of קמיה; in 18.4 תורה instead of התורה. Like the first edition, the Giustiniani edition regularly uses abbreviations and shortens words, almost as a rule, it seems: it retains those of the first edition and liberally adds to them.

<sup>65</sup> Heller does not address the question of the printing and binding together of the Talmud and the minor tractates; see *Printing the Talmud*, pp. 155–156.

<sup>66</sup> While the Bomberg Talmud was based on, and even copied from the earlier Soncino edition, more manuscripts were used in preparation of the Bomberg edition, resulting in some editing and emending of the Soncino text. Thus the two editions, while very similar, do vary. See Heller, *Printing the Talmud*, pp. 103, 145, 147.

<sup>67</sup> Heller, *Printing the Talmud*, p. 142.

<sup>68</sup> Higger lists all subsequent printings of the Talmud which included Soferim in *Se-mahot*, p. 88. Note that he omits mention of the Frankfurt 1697–99 edition (the minor tractates were published in 1698); see Raphael Nathan Rabinowitz, מאמר על הדפסת התלמוד, rev. ed., A. M. Haberman (Jerusalem, 1952), pp. 96–100. In Rabinowitz’s discussion of the Frankfurt 1697–99 and 1715–22 editions, no particular mention is made regarding the editing of the minor tractates; see pp. 96–100, 108–111.

The association of the minor tractates with the Babylonian Talmud has become ensured by their publication within the popular and prevalent 19th-century Vilna-Romm edition of the Talmud. *Soferim* appears at the end of *Neziqin* along with the other minor tractates. The aggadic material also appears in this version.

*Printings of Soferim Independent of the Talmud*<sup>69</sup>

In the mid-18th century, we find a flurry of commentary writing on *Soferim* which peaked in the 19th century. Of the nineteen commentaries of *Soferim* (excluding Higger's and Mueller's editions), sixteen are from this period. Thirteen of these include the full text of *Soferim*. In addition, there is the text of the Vilna Gaon (1720–97).<sup>70</sup>

In some cases, the text accompanying a commentary does not correspond to that printed in the various Venice editions. But since all of the commentaries date from the 17th century or later, their texts are of only limited value as witnesses for *Soferim*. When striking differences exist between the text accompanying a commentary and that of the manuscripts, it seems doubtful that the commentator had a unique text before him. For example, we have a case where the commentator explicitly edited the text of *Soferim* for clarity.<sup>71</sup>

Finally, *Soferim* was printed in the Hurwitz edition of *Maḥzor Vitry* (based on MS British Library 655; #1).<sup>72</sup> The inclusion of *Soferim* in this edition is due to the 13th-century phenomenon of including *Soferim* as an addendum to *Maḥzor Vitry*.

<sup>69</sup> Higger notes twelve printed editions of *Soferim*: *Soferim*, pp. 89–90. I have not been able to see one of those listed there— . . . מסכתות והלכות קטנות (Polonnoye, 1803), since it is not available in any North American library; a copy is in the library of the Hebrew University. The Latin rendering and commentary of *Soferim*, *Judaeorum codicis sacri rite scribendi leges* . . . by Jacobus Georgius Christianus Adler (Hamburg, 1779), includes only chs. 1–6, the Masekhet Sefer Torah material.

<sup>70</sup> . . . מסכת אבות עם פרשיי ופירושי הגר"א . . . וגם מסכתות קטנות . . . Higger designates this as “יג” in his apparatus. The version of the Gaon of Vilna is also printed in . . . מסכת סופרים עם נוסחת רבינו הגר"א . . . (Jerusalem, 1972), which is a reprint of the 1732 edition of A. L. Shapiro's commentaries on *Soferim*, נחלת אריאל ועמון אריות, Of course, the 1732 edition does not contain the Gaon text.

<sup>71</sup> Ranschburg and Eger, 10.1, note that despite the fact that all editions of *Soferim* include a particular passage, they believe it is not part of the original text, and thus it is set off in smaller type inside parentheses. However they have no manuscript corroboration.

<sup>72</sup> 2:686–717.

*Halakhic Digests of Soferim*

Higger used the collection of halakhic excerpts from the Talmud by the 14th-century German halakhist Alexander Suslin as one of his sources (designated as “יא”).<sup>73</sup> Despite Higger’s classification of this as one of his manuscripts<sup>74</sup> and as an edition of Soferim,<sup>75</sup> this text should be viewed rather as a condensation of Soferim, whose language is a conscious rephrasing—and not a variant reading—of the original. (Indeed Higger himself must have felt somewhat ambivalent, for he also categorized it as a commentary to Soferim.<sup>76</sup>) This distillation of Soferim would more correctly be placed in a category unto itself, finding company neither with the various manuscripts and printed editions of Soferim, nor with the numerous line-by-line commentaries.

Of course, note must be made when this text corresponds with other sources and where it agrees or disagrees with the reading of a particular group of manuscripts, but when it lacks material found in Soferim, one should hesitate before concluding that Suslin’s own source or sources shared these omissions. The same can also be said about the volume by Jacob Ḥayyim ben Joseph Isaac קיצור שיח סופרים הלכות ממסכת סופרים (Warsaw, 1860).<sup>77</sup> It includes only those parts of Soferim which address the laws of writing scrolls. Thus, chs. 1–9 are present in their entirety, whereas only parts of chs. 12, 13, 14, and 16 appear.

*Mueller’s Edition*<sup>78</sup>

Even though Mueller had before him the 14th-century MS Munich of the Talmud, as well as a copy of MS Paris (presumably Adler

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<sup>73</sup> אגודה לרי אלכסנדר היכהן זוסלין (published in Cracow in 1571); Soferim appears on pp. 226–228. See the descriptive introductory comments of Abraham Cik (unpaginated) in the 1958 facsimile edition. See *EJ* 2:585 on Suslin and this work. According to *EJ*, the 1571 printing (used for the facsimile edition) was based on a faulty manuscript. I have compared the printed edition with MS Neubauer 671, and have found no differences in the readings for chs. 10–12. See Beit-Arie, *Bodleian Catalogue Supplement*, p. 101, on this Ashkenazic, mid-14th-century manuscript.

<sup>74</sup> *Soferim*, pp. 86–87, 94.

<sup>75</sup> *Ibid.*, p. 89.

<sup>76</sup> *Ibid.*, p. 90.

<sup>77</sup> My thanks to the Widener Library of Harvard University for allowing me access to this book and especially to the Jewish Division for expediting my visit.

<sup>78</sup> This volume is not listed in *Sefer Meqorot*.

3861; #18), he used the 16th-century MS Vienna 31 (JTS 10, 484; #9) as the basis for his edition and translation.<sup>79</sup> He justified his preference by claiming that this manuscript offered the most correct, clearest text.<sup>80</sup> Criticism of this edition has unfortunately eclipsed Mueller's very thorough and learned commentary, which is a fine example of 19th-century German scholarship and is the only such commentary to *Soferim* which bears these distinguishing characteristics.<sup>81</sup>

### *Higger's Edition*

In his critical edition, Michael Higger used thirteen sources of *Soferim*, including manuscripts (both complete and partial) and printed editions. In his Introduction, he briefly described his sources, but in most cases he noted only the opening and closing phrases of each chapter.<sup>82</sup> Higger based his edition on MS Oxford 370.12 (Oppenheim 726; #4), but in fact his is quite an idiosyncratic edition, which corresponds to no manuscript which he had, nor to any which I have found. Furthermore, he never comments upon his changes.<sup>83</sup>

## COMMENTARIES ON SOFERIM

The first rabbinic authorities to cite *Soferim* are found in early to mid-11th-century Ashkenaz, and the frequency of citation increases in the writings of the subsequent French and Provençal authorities. The earliest of these quotations often differ from the textual tradition represented by our manuscripts, a fact which presents questions about the correctness of the readings which we have. There is no doubt that these early writers viewed the text as sufficiently authoritative. Their references to *Soferim* in turn lent the text increasing importance among the later medieval Ashkenazic writers and then

<sup>79</sup> Mueller had, in addition, a codex containing only chs. 1–6; see p. 34.

<sup>80</sup> Mueller, p. 33.

<sup>81</sup> On Mueller's edition, see A. Marx, "Eine Sammelhandschrift," pp. 54–61. In "Une citation méconnue dans סופרים מסכת," *REJ* 40 (1900) 258, David de Gunzbourg criticized Mueller's edition because of his use of MS Halberstamm which, according to de Gunzbourg, contains emendations and glosses, and is of a late date. See also Lieberman's reservations, "Review," p. 56.

<sup>82</sup> *Soferim*, pp. 81–89.

<sup>83</sup> Higger's edition was not entirely well received for exactly this reason; see Lieberman, "Review," *passim*. In addition to those changes done by Higger which Lieberman discussed, my own work on chs. 10–12 of *Soferim* has uncovered another significant change in 12.4 (לכן צריכה), note the apparatus in Higger).

among the Sephardic writers as well. Testimony to Soferim's influence among the former can be found in its inclusion in two 13th-century French manuscripts of *Mahzor Vitry* (British Library 655 and Parma 159; #1 and 3 respectively).<sup>84</sup> Moreover, the 14th-century MS Munich 95 (#5) of the Talmud, also French, includes Soferim. (Suslin also edited his digest at the same time.) Finally, it is striking that Rabenu Tam listed Soferim among those works which a scholar must be expected to master.<sup>85</sup> The pronounced representation of Soferim in Ashkenazic manuscripts corresponds to its exclusive reference by Ashkenazic authorities; my preliminary research suggests that quotations from Soferim are not to be found among the Sephardic writers until the 14th century.

This interest in and familiarity with Soferim in the 14th century seems to have continued into the 16th century when Bomberg included it in his 1520–23 edition of the Talmud. The quantity and varying provenance of the eight manuscripts from the 15th and 16th centuries suggests that Soferim was widely available and read at that time.

Once printed, Soferim quickly became the raw material for commentators, and increasing—perhaps we should say renewed—interest in Soferim can be deduced by the numerous commentaries on this text which began to appear in the 17th century and proliferated throughout the 18th and 19th centuries. The 18th-century scholars at work in Germany on Soferim were preceded by three 17th-century scholars—in Poland, Yemen, and Salonika—a fact which corresponds to observations which have already been made about the flow of peoples and ideas from the East to the West in the 17th and 18th centuries.<sup>86</sup> The reason for the interest in Soferim in regions such as Greece may possibly be explained by its initial printing in Italy.

We will now turn our attention to these commentators and discuss the style of their work as well as the factors which stimulated their

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<sup>84</sup> Danzig, “שרטוט,” n. 24, correctly expresses skepticism that Soferim was part of *Mahzor Vitry* in the latter's original editing. Danzig reasonably assumes that the version of Soferim in MS British Library 655 was well known among the Ashkenazic and French Rishonim. He does not comment on MS Parma 159, the other 13th-century manuscript of *Mahzor Vitry* which includes Soferim.

<sup>85</sup> Soferim is the sole representative of the minor tractates on his list. The rest of the list is: Siddur Rav Amran, Halakhot Gedolot, Pirkei de-Rabbi Eliezer, Midrash Rabbah, the Talmud, ובשאר ספרי אגדה. See his ספר הישר, חלק שו"ת, p. 81; see also Ta-Shma's comments, “קליטתם,” p. 198.

<sup>86</sup> See Menahem Schmelzer, “Hebrew Printing and Publishing in Germany, 1650–1750,” in *Leo Baeck Institute Yearbook* 33 (1988) 371.

interest in *Soferim*.<sup>87</sup> I have listed all the commentators chronologically, an arrangement which helps to illustrate that interest in *Soferim* began developing already in the 17th century and then increased throughout the 18th and 19th centuries. As just mentioned, the three 17th-century commentators were geographically dispersed. But almost all of the eight commentaries written in the 18th century were composed in Central Europe. In the 19th century, almost all of nine commentaries again derived from Central Europe.

### 17th century

Yohanan Mizrahi (fl. 1615, Yemen). פרוש מזרחי: שלטי הזהב וטירת כסף. JTS 218 (Enelow 270; #12).

Moses Judah Abbas (d. 1671, Salonika). כסא כבוד. Montefiore 346 (London School of Jewish Studies; #13), through chapter 18:3, and British Library 472 (#14).<sup>88</sup>

Gedaliah Lipschitz (16th–17th century, Poland). רגל ישרה (Dyhernfurth, 1777).<sup>89</sup>

### 18th century

Jacob Naumburg (late 18th century, Germany). נחלת יעקב (Furth, 1793).<sup>90</sup>

<sup>87</sup> Mueller, pp. 31–32, identified the following seven commentators so *Soferim*: Lipschuetz, the Vilna Gaon, Azulai, Shapiro, Naumburg, Najar, and Landau. Higger, *Soferim*, p. 91, identified three additional commentators: Emden, Berlin, and Palaggi. Higger also listed Suslin as a commentary. As I said above in my discussion of this work, I consider it to be a halakhic distillation of *Soferim*. I have identified six more commentators: Abbas, Mizrahi, Sofer, Rosen, Ranschburg and Eger (the last two worked together). There are also now the comments of both Mueller and Higger.

<sup>88</sup> See my comments regarding those two manuscripts and their relationship to each other in the section on manuscripts above. On Abbas, see *EJ* 2:39–40; Moritz Steinschneider, “An Introduction to the Arabic Literature of Jews,” *JQR* o.s. 11 (1899) 332–333; and Hayyim Joseph David Azulai and Isaac Benjacob, שם הגדולים השלם (1852; reprint New York) 1:70–71, no. 53.

<sup>89</sup> JTS 69:26. A cataloger has noted on the title-page of this book that the date of publication may be 1771. Mueller (p. 3) incorrectly identifies the author as Eliezer Lipschitz and gives the date as 1878. However, that is a kabbalistic text unrelated to *Soferim* also entitled רגל ישרה.

<sup>90</sup> This commentary also exists in MS JTS 56 (Enelow 321; #18). The manuscript version lacks an introduction and Naumburg’s name does not appear. See Brumer’s notes on MS 56.

- Aryeh Leib Shapiro (1701–61, Vilna). נחלת אריאל ומעון אריות (Dyhernfurth, 1731).<sup>91</sup>
- Jacob Emden (d. 1776, Germany). מהריעביץ. Babylonian Talmud, Vilna-Romm edition.
- Isaiah (Pick) Berlin 1725–99, Germany). הגר"יב. Babylonian Talmud, Vilna-Romm edition.
- Elijah of Vilna, Gaon (d. 1797, Vilna). מסכת אבות עם פירוש הגאון. גם מסכתות קטנות (Shklov, 1804); reprinted in מסכת סופרים עם נוסחת רבינו הגר"א (Jerusalem, 1972).
- H. J. D. Azulai (1724–1807, Livorno). ככר לאדן (Livorno, 1801); and רחמים כסא (Livorno, 1803; Ungvar, 1868; Jerusalem, 1969).

### 19th century

- Bezalel Ranschburg and Akiva Eger (ca. 1800, Prague). מסכת עדוית . . . והגהות ותקונים ומראה מקומות עקיבא איגר . . . ציונים (Prague, 1840).
- Judah Najar (d. 1830, Tunis). שמחת יהודה (Pisa, 1816).
- Moses Sofer (1762–1839, Austria-Hungary). חידושי חתם סופר השלם. על הש"ס (Jerusalem, 1986).
- Hayim Palaggi (1787–1868, Izmir). עיני כל חי (Izmir, 1878).
- Isaac Elijah Landau (1801–76, Vilna). מקרא סופרים ועטור סופרים (Suvalk, 1862).
- Joel Mueller (1827–95, Germany). *Masechet Soferim* (Leipzig, 1878).

### 20th century

- Joseph Rosen (1858–1936). צפנת פענח, ed. Menachem Kasher (Jerusalem, 1961).
- Michael Higger (1898–1952). מסכת סופרים (New York, 1937).

The total number of commentators at work on Soferim stands at eighteen; the total number of commentaries is twenty-one.<sup>92</sup> In terms

<sup>91</sup> According to Mueller (p. 3), this edition includes a treatment of manuscripts although I cannot discern that fact. The modern reprint includes the text of the Vilna Gaon, מסכת סופרים עם נוסחת רבינו הגר"א (Jerusalem, 1972). The original lacks the Vilna Gaon and it also has no text of Soferim after ch. 17, although the two commentaries continue through to the end.

<sup>92</sup> Actually, there is another commentary, ראשון לציון, which appears in the Vilna edition of the Talmud; but only on ch. 1 and ch. 11, and then only the briefest of comments.

of style, the commentaries fall basically into two categories. Most of the commentaries can be described as traditional—focusing on Soferim only as it compares to the Talmuds, the *Mishneh Torah*, the *Tur*, and the *Shulhan 'Arukh*. Reading any of these commentaries alongside Soferim is like reading the prolix commentary of Joseph Karo alongside the *Mishneh Torah*, where the detail of the former alternately clarifies and obscures the brevity of the latter. Very few of the commentaries can be described as “modern”—the second category—where there is detailed comparison of manuscripts or cross-cultural comparisons in an effort to elucidate the text. Mueller’s and Higger’s are the only true examples of this category. On the other hand, Berlin’s and Emden’s works dealing with manuscript readings hardly fall into the former category, and therefore might be classified as “pre-modern,” serving as bridges between the two categories of traditional and modern text scholarship on Soferim.<sup>93</sup>

Aside from these four examples of the modern/pre-modern category, all the commentaries are of the first variety. Of these, Naumburg’s is of particular interest, in part because it so typifies this group in style, time, and place; and also because he is one of only two commentators who introduce their studies with comments about the meaning of their work.<sup>94</sup> In his introduction, Naumburg traces the development of rabbinic literature up through the Rishonim and laments the scant attention paid to “our little sister, without breasts, the *masekhtot qetanot*, of whose sweet words even Rashi<sup>95</sup> did not take suck. . . .” He resolves, after describing his inadequacies, that this part of Torah is his portion bequeathed him from Sinai, and that he will find no rest until he restores these texts to their rightful place

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This writer is left unidentified in Joseph Shalom Weinfeld, מבוא לשי"ס וילנא (Jerusalem, 1993/94), p. 378. I would tentatively identify this commentator as Isaiah (Pick) Berlin on the basis of Yaakov Shmuel Spiegel, הגהות ומגיהים: הספר העברי: הגהות ומגיהים (Ramat-Gan, 1996), p. 378, who refers to his Mishnah commentary by this title. Furthermore, his commentary on the *She'iltot* also appears under this title.

<sup>93</sup> See note 97 below.

<sup>94</sup> The 19th-century Landau also wrote an introduction which is oblique and verbose. He explains his interest in Soferim by the fact that the most extolled *mitzvah* is that of writing a Sefer Torah (for which he brings lengthy proof).

<sup>95</sup> Naumburg overstated the facts—Rashi did know Soferim; see bMeg 23a, s.v. תנא דבי רבי ישמעאל היא ביום טוב מאחרין לבא.

through his explication and his reconciliation of this material with the Talmud.<sup>96</sup>

Naumburg remarks that his efforts will be a boon to the reader, for he will record and organize all the widely-scattered references to Soferim in rabbinic literature. He notes that Soferim often stands at odds with teachings in the Talmud, and that extant copies bear numerous errors. He proclaims his intention to suggest textual corrections. Not only was Naumburg spurred to action by halakhic conflicts between rabbinic literature and Soferim, he was also troubled by variant readings. In this respect he sounds like a traditional commentator who has gotten wind of the methods of modern text scholars and hopes to incorporate their methods into his work.<sup>97</sup>

Naumburg was also obviously motivated by an opportunity to plough virgin (and fertile) soil. He not only perceived the scholarly benefits of explicating this literature for others, but he saw an untapped

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<sup>96</sup> This paean to rabbinic literature should be seen within the context of apologetic response to attacks on the Oral Torah throughout the 17th and 18th centuries; see Shalom Rosenburg, “Emunat Hakhamim,” in *Jewish Thought in the Seventeenth Century*, eds. Isadore Twersky and Bernard Septimus (Cambridge, MA, 1987), pp. 286–295.

<sup>97</sup> This is in keeping with what Jacob Katz, *Out of the Ghetto: the Social Background of Jewish Emancipation, 1770–1870* (Cambridge, MA, 1973), p. 35, describes as “variations or deviations from the traditional pattern” as opposed to “a new process” which typified 18th-century German thinking. He continues: “The variations of the traditional pattern . . . could still be woven into the new fabric . . . [T]he great rabbis knew about the new ideas but did not accept them as elements of a new system of thought. They integrated them into the context of traditional thinking, which was that of homiletic exposition of the Bible and the Talmud. The new elements forfeited their original revolutionary character and were neutralized. In spite of using the new concepts, the rabbis continued to follow their medieval patterns of thought” (p. 36). Such statements could be brought to describe Naumburg’s position vis-à-vis modern academic text analysis—he was open to it and recognized its benefits, but his mindset remained traditional. This would seem to be the case with Berlin and Emden as well, for although their work is starkly different from Naumburg’s in their recording of manuscript variants, they offered no analysis of those variants. See Katz’s assessment of Emden “as [an] exponent of traditional society” (p. 36).

Like Naumburg, Azulai was also something of a transitional figure between traditional scholarship and modern textual analysis. He is to be remembered for his remarkable interest in collecting and studying manuscripts and recording variant readings. He also devoted his energy to lesser-known tractates, among them the minor tractates; see Meir Benayahu, רבי חיים יוסף דוד איזולאי (Jerusalem, 1968/69), pp. 81–88, 106–115. (Incidentally, Benayahu’s description on pp. 110 of Azulai’s commentary of לאדון ככר is incorrect and applies instead to רחמים.)

area in which he could make a mark. In this respect, Naumburg's is an honest assessment of his motivations. The recent re-printing of *Soferim* had no doubt brought this text to the attention of scholars who could now study it alongside their more familiar Talmud. *Soferim* (along with the other minor tractates) still seemed new enough on the scene so as to offer Naumburg his own fief, yet it was also now widely enough available that his work would be appreciated as a real contribution. Compared to the innumerable commentaries on the Talmud already available, the minor tractates offered an 18th- or 19th-century scholar the opportunity to make his own mark in the deep sea of rabbinic literature.<sup>98</sup> And such an opportunity was now possible due to the increasing availability of printed editions of *Soferim* (along with others of the minor tractates). This brings us now to a brief discussion of the factors which stimulated interest in *Soferim* from the 17th century on.

The first factor is *Soferim*'s availability due to its now-common inclusion with publications of the Talmud. Since nothing comparable to the helpful Rashi, Rosh, or Meiri was available for *Soferim*, a simple pragmatic motivation of explicating this material is clearly at work in such commentaries as Naumburg's. But the growing interest in *Soferim* was due not only to its publication within editions of the Babylonian Talmud. The new availability of *Soferim* was fueled by the expansion of Hebrew printing which occurred in 17th- and 18th-century Germany—a cultural, economic, and social environment which tolerated and even encouraged the making and distribution of Jewish texts,<sup>99</sup> a factor which enabled the new commentary activity on *Soferim* to find publishing outlets. The previous printing and availability of *Soferim* via the Talmud, therefore, was now combined with its continued printing and distribution via the commentaries. This being the case, any 18th-century scholar wanting to delve into *Soferim* could find it available in any number of printed editions.<sup>100</sup>

But why would our hypothetical scholar even be interested in *Soferim*? The answer to this question brings us to the third factor which

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<sup>98</sup> Ranschburg is another example of someone who chose to write on tractates not widely known or commented upon.

<sup>99</sup> See Schmelzer, "Hebrew Printing," pp. 369–383.

<sup>100</sup> In this respect it is interesting to note that two of our commentaries were printed in Dyhernfurth, a press which is singled out by Schmelzer, "Hebrew Printing," pp. 371–372, for discussion.

contributed to interest in this text: 18th-century Germany was an environment characterized by interest in texts not usually studied in the yeshiva curriculum. Whether for its recondite instructions for the writing of scrolls, or for the liturgical curiosities in which it abounds, Soferim presumably was an appealing historical record to the Jewishly trained scholar who moved in the world of Christian Hebraists and other socially and politically powerful dabblers in Jewish esoterica.<sup>101</sup> The translation of Soferim chs. 1–6 (or Masekhet Sefer Torah, to be more correct) into Latin with commentary at this time by Jacobus Georgius Christianus Adler is indicative of such non-Jewish interest.

Moreover, evidence indicates that a growing academic, non-theologically based textual interest was taking root already at this time. Such interest and endeavors bore traces of Renaissance Humanism which was marked by interest in textual variants. Harbingers of the academic approach to texts in general and to Soferim in particular are apparent in the work of Emden and Berlin whose work on Soferim cannot be described as traditional text study by any means. But their painstaking recording of manuscript variants is characteristic of the 19th-century *Wissenschaft* approach, if only in its mechanics.<sup>102</sup>

#### SUGGESTIONS FOR THE FUTURE

This bibliographic review has implications for the future study of both Soferim and the other minor tractates. While the uniformity of the manuscripts argues against a new critical edition of Soferim, Higgen's work is seriously flawed by his liberal and unexplained emendations. Now that all of the manuscripts and commentaries have been identified, no in-depth analysis of any passage within Soferim should proceed without consultation of these materials. Furthermore, the version represented in the manuscripts must *always* be checked against

<sup>101</sup> See Schmelzer, "Hebrew Printing," p. 373 et passim.

<sup>102</sup> For descriptions of their work, see Y. Spiegel, עמודים בתולדות הספר העברי, pp. 376–382. Azriel Shohet, עם חילופי תקופות: ראשית ההשכלה ביהדות גרמניה (Jerusalem, 1960), pp. 259ff., has already pointed to Emden as an example of the Haskalah in the 18th century. See, however, Katz's well-argued critique of this (p. 36). Another example of the 18th-century interest in textual variants can be seen in the introductory words to the 1714–17 Amsterdam edition of the Talmud, quoted in part in Rabinowitz, והמסי קטנות מוגהים היטב וכמה פרקים החסרים במחזור וויט: 103, p. מאמר על הדפסת התלמוד. באלו המסי מצאתים רי בשלימות.

quotations in the writings of the Rishonim where different versions are preserved.<sup>103</sup>

The absence of Soferim among the Cairo Geniza materials makes a reconsideration of the provenance of this text a desideratum. While I have suggested in my dissertation that chs. 10–21 were written in Europe and there appended to chs. 1–9, I cannot prove this conclusively and offer the hypothesis with the hope that someone will be inspired to revisit the matter. Regarding the provenance of Soferim, its relationship to *Maḥzor Vitry* must be scrutinized.

Now that the manuscripts which contain the aggadic material are identified,<sup>104</sup> this section should be studied in an attempt to identify its provenance and its original relationship to Soferim.

The points which arise from this bibliographical analysis of Soferim with respect to its manuscript profile, its publication history, and the dates and locales of its commentaries can serve as impetus for similar studies of the other minor tractates. Once those are analyzed, then perhaps some general conclusions can be proposed about the nature of all these texts and the relationships which exist among them. And then Soferim and its other “little sisters” will have finally come of age.

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<sup>103</sup> This is the major conclusion of my dissertation; see particularly the commentary to ch. 10.8.

<sup>104</sup> See n. 20, above.