ENGLISH SUMMARIES

The Jews on the Tunisian island of Djerba lived in two villages. The majority lived in the large quarter (al-Ḥāra al-Kabīra), called Djerba, and the minority lived in the small quarter, (al-Ḥara al-Ṣaghīra), called Didjeth. In "Djerbian Talmudic Commentary: *'Terumat HaDeshen'* by R. Tzemach Cohen", **Aharon Arend** describes the method of study in Didjeth at the end of the eighteenth century, through a close study of the broad, comprehensive Talmudic commentary, "*Terumat HaDeshen* by R. Tzemach Cohen (1739–1817). In terms of methodology, this commentary resembles the other compositions on the Talmud by contemporary Djerbian scholars, while it is somewhat unique in terms of several details. Arend presents the characteristics of *Terumat HaDeshen*, both those that distinguish it from other commentaries, and those that help clarify the picture of Talmudic commentary around Djerba at that time. Similarly, Arend attempts to locate this commentary in the framework of the Talmudic commentaries of Tunisian *acharonim*.

In "Blessings over *Mitsvot*: The *Halakha* and its History", **David Henshke** seeks to clarify in what period this type of blessing was established and what its purpose was. Then he delineates the fundamental lines of the subsequent development of the institution. Henshke finds that the earliest sources referring to the blessing over *mitsvot* appear towards the end of the tannaitic period: the institution receives substantial emphasis in the Tosefta, yet it is not mentioned at all in the Mishnah, and it is totally absent from any of the branches of Second Temple literature. Henshke speculates that the blessing recited on the performance of *mitsvot* may have been established in the wake of the Roman decrees prohibiting *mitsvah* observance following the suppression of the Bar Kokhba revolt, when the sages sought to stress the value of the *mitsvot* and to encourage people to observe them.

An examination of the history of the blessing on *mitsvot* during the amoraic period shows that, initially, the blessing was practiced specifically for *mitsvot* that consist of actions and not for those whose fulfillment is solely verbal. However, following Rav Yehuda's enactment of a *mitsvah* blessing for the study of Torah, additional blessings were established in the course of time for verbal *mitsvot*, both during and after the amoraic period. Henshke also clarifies both the unique opinion of the *Yerushalmi* concerning the recitation of the blessing on *mitsvot* after fulfilling

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*   Edited by Dr. David Mescheloff

the *mitsvah*, and the source of the two alternative formulations of the blessing, "concerning the performance" or "to perform".

Much has been written about *hafka'at kiddushin* (annulment of *kiddushin* = the act that creates the fundamental legal marital bond between a man and a woman, sometimes called betrothal): what is the nature of the sages' authority to annul *kiddushin*, what is the legal-theoretical basis for this authority, what the "annulment" means, and more.

Scholarly research has addressed the contribution of the relatively late Talmudic redactor to the molding of the concept of *hafka'at kiddushin*, particularly in relation to the development of the idea that the annulment is a retroactive cancellation of the *kiddushin*. Yet the various scholarly studies have not taken note of the dynamic nature of the concept even in the early layers of the relevant *sugyot*, both in the *Bavli* and in the *Yerushalmi*. Even there the concept does not have a single, unique meaning. Furthermore, the different trends in the Talmud itself, concerning the source of the sages' authority to annul *kiddushin*, and their influence on the way in which *hafka'ah* was understood, have not been emphasized adequately.

In "*Hafka'at Kiddushin* (Annulment of Marriage): Re-examination of an Old Debate", **Avishalom Westreich** seeks to complete the picture of the concept of *hafka'at kiddushin*, to locate its origin, to clarify its meanings, to analyze its legal foundations and to expose the different Talmudic layers that show the process of its development. Westreich shows that the origin of the concept *hafka'at kiddushin* is the controversy between R. Hisda and Rabbah concerning the issue of "their [=the sages'] statements [of law] [can] uproot [=abrogate] a law of Torah [origin]" (*Yevamot* 90b). On that basis he explains the evolution of the term from that *sugya* to the subsequent layers of Talmudic literature, and notes its meaning at every stage. These two faces of the subject — the literary-textual face and the conceptual face — complete the missing part of the picture of the history of the concept of *hafka'at kiddushin*. Together they clarify the changes that took place in the concept in the various stages of Talmudic literature, and explain the exegetic and legal processes that underlay those changes. The process began with the "pre-*hafka'ah*" stage — in which the sages validated a bill of divorce that had been disqualified for an external reason, continued through Rabbah's innovation — an interim stage in which the cancellation of the *kiddushin* was seen as effective from the moment of *hafka'ah* forward, and, finally, the stage in which the concept was one of nullifying the act of *kiddushin* retroactively.

This study also uncovers new trends in the subject of "their statements can abrogate Torah law". The question as to whether the sages had the authority to abrogate a Torah law has been discussed in Talmudic academic research, among scholars of Jewish law, and in the study of the philosophy of Jewish law, *inter alia*,

in the context of this *sugya*. Westreich points to a late amoraic perception — R. Ashi's — that restored and expanded the sages' authority to abrogate a Torah law, and addresses the sources for his view.

The tension between the different layers of the Talmudic *sugyot* serves as fertile ground for creating opposing interpretations among the Talmudic commentators. Westreich's analysis sheds light on the different interpretations of the term by both classical and modern commentators, and addresses their roots. Thus Westreich contributes to clarifying the Talmudic foundation of the various current proposals for *hafka'at kiddushin*, pointing to the Talmudic sources supporting such proposals — and to the Talmudic sources supporting the view of those who oppose such proposals.

In "The *Tosafot* Collections on Tractate *Kiddushin* in Nachmanides' Library", **Shalem Yahalom** studies the multiplicity and variety of those collections. In Nachmanides' novella he cited explicitly anonymous *Tosafot* from four separate collections; thus one can reconstruct vestiges of *Tosafot* that are no longer extant. The *Tosafot* quoted in Nachmanides' novella are given distinct nicknames, not only for the sake of stylistic variation, but rather as a means of classifying and distinguishing between the different collections. The expression "*Tosafot*", with no qualifier, refers to a collection written by R. Samson of Sens. Indeed, this is the common title for those *Tosafot* in medieval literature. This determination rests on the parallel between the quotations from *Tosafot* in Nachmanides and the *Tosafot* of R. Asher to *Kiddushin*. Yahalom examines the building blocks of *Tosafot* R. Asher to *Kiddushin*, and concludes that these were in fact the *Tosafot* of R. Samson, differing with E.E. Urbach's assumption in his book *Baalei Ha-Tosafot*. By way of contrast, Nachmanides used the terms "*rabboteinu ha-tzorfatim*" and "*Tosafot chakhamim tzorfatim*" to emphasize that these were not the common collection of R. Samson. Nachmanides also cited anonymously a Provencal collection of *Tosafot*. Yahalom's findings could be an indication about Nachmanides' citations of *Tosafot* in his novella to other tractates; however, each tractate requires a close, separate examination.

Nachmanides cited from the collections he used with the aim of advancing his own halakhic views. For example, he did not seek to involve women in religious ritual, and carefully chose citations from "*Tosafot chakhamim tzorfatim*" to support his position. Another example: following the sages of Andalusia, Nachmanides opposed marriage for minor girls, and, towards that end, he quoted anonymously the *Tosafot* that supported such marriages, while citing prominently the position of "*rabboteinu ha-tzorfatim*", which supported his approach.

The term *edut meyuhedet* appears in *Makkot 6b*. This expression refers to a situation where two witnesses view an event, although neither of them sees the

other. The mishnah (*Makkot* 1:9) and the Talmudic *sugya* following it indicate that such testimony is unacceptable in capital cases, while being acceptable in monetary cases. The issue of *edut meyuhedet* in civil cases is also discussed in a long pericope in *Sanhedrin* 30, though the term *edut meyuhedet* does not appear there. According to that *sugya*, the question of accepting an *edut meyuhedet* is disputed among the *tannaim*. In addition, according to *Sanhedrin*, the *tanna* who permits *edut meyuhedet* in monetary cases also permits *edut mitztaberet* — accumulated testimony, i.e., testimony of two witnesses, each testifying about a different event, where the two separate testimonies jointly ground a charge against the defendant.

The question of *edut mitztaberet* in rabbinic literature has been of special interest to scholars following the publication of the Damascus Document by Schechter over a century ago. From the document we learn that, according to the sectarian law, the combination of testimonies about different events is acceptable for conviction even in capital cases. This discovery has awakened a discussion of whether we find echoes of such an approach in rabbinic literature, and what is the relation between the sectarian and rabbinic approaches.

In "*Edut Meyuhedet* in Jewish Civil Law — Did the Sages Also Accept Cumulative Testimony?", **Mordechai Sabato** re-examines this question while carefully distinguishing between tannaitic, amoraic, and anonymous Talmudic sources. Sabato attempts to demonstrate that the tannaitic sources as well as the early amoraic sources, and the *Yerushalmi*, did not acknowledge the possibility of allowing cumulative testimonies, and that this possibility arose only in the anonymous stratum of the *Bavli*, according to the unique approach developed in Nehardea. In the appendix, Sabato discusses briefly the sectarian approach regarding accepting cumulative testimony and compares it to the rabbinic approach, summarizing the opinions of previous scholars.

Midrash Aggadah, in general, and the *Midrash Rabbah* to the Five Scrolls, in particular, earned relatively little scholarly attention — whether in the form of commentaries or studies — until they appeared in print in the sixteenth century. Since then several *scholia* and commentaries on these *midrashim* have been written. One outstanding example of these genres is R. Meir b. R. Samuel Benvenisti's sixteenth century work *Ot Emet*, published in Salonica in 1565. Scholars have yet to offer any significant appraisal of this work or of others like it.

In "The *Ot Emet*'s *Scholia* to the *Midrash* on the Five Scrolls", **Arnon Atzmon** presents an overview and analysis of the methodology R. Meir employed in arriving at his commentary and scholia to the midrash on the Five Scrolls, particularly to *Midrash Esther Rabbah*. Atzmon also compares these methods with those adopted by Rabbi Judah Gedaliah in his *scholia*, also published in *Ot Emet*.

Atzmon demonstrates that R. Meir attempted to harmonize the various *midrashim*

by comparing them with each other, with the aim of composing a commentary to the entire midrashic corpus. The primary tool at his disposal was textual emendation, "correcting" a *midrash* based on its parallels throughout rabbinic literature. In contrast, R. Judah performed a thorough philological analysis of the text and its meaning. Curiously, R. Meir was ultimately hesitant about publishing his entire commentary, so he only published those *scholia* he considered to be the products of *melakhah*, not those he considered the products of *hokhma*, for he believed the former were not open to criticism.

Atzmon's findings may contribute to ongoing research into the various versions of the *midrash* and their dispersal patterns, both shedding light on the cultural moment in which the first editions were printed, and enabling a better understanding of the methodology of the scholiasts in the period following the introduction of printing.

Early rabbinic literature relates very little to the story of the angel who informed Manoach and his wife about the forthcoming birth of Samson (Judges 13). *Numbers Rabba* (10, 5), however, deals with this story at great length. Also, by way of contrast to the few early homilies — which are mostly critical of Samson's parents — *Numbers Rabba* depicts them as righteous. In "The *Midrash* about Samson's Birth (*Numbers Rabba* 10, 5)", **Shimon Fogel** shows that most of these positive homilies were reworked from earlier homilies, which were changed in order to fit them to the characters of the book of Judges. This process can teach us about the positive attitude towards the protagonists, and the importance of this story, in the eyes of the *Numbers Rabba* redactor (or his sources). It is possible that the origins to this approach should be found in the redactor's place and time — probably Provence during the 12th century.

The image of Darius the Mede is one of the great riddles in modern biblical scholarship. The disparity between the historical picture drawn from the book of Daniel and the historical reality reflected in extra-biblical sources has yielded various theories and speculations as to his identity

In "Darius the Mede in the Literature of the Sages", **Rivka Raviv** concludes that the portrait of the Darius the Mede drawn in scholarly studies does not differ greatly from that drawn in the literature of the Sages. According to the Sages, the kingdom of Darius the Mede was not really a Median one, but was either the completion of the Babylonian Empire or a Persian one. In any case, the Sages were concerned with a different issue — how to resolve their exegesis of "the four kingdoms", according to which the Median-Persian Empire constituted one empire, with the fact that Darius was considered in the book of Daniel to be a Mede and not a Persian?

The prophecies of the destruction of Babylonia in the books of Isaiah and Jeremiah constituted the platform for the Sages' exegetical endeavors in forming the image of Darius the Mede. The Sages were not concerned with extra-biblical

facts. They created traditions that complemented the historical story and expressed the exact fulfillment of the prophecies describing the destruction of the Temple.

Two contradictory trends characterized these endeavors. The first, found in *Seder Olam*, viewed the kingdom of Darius the Mede as a Babylonian one, finally defeated in the struggle between Cyrus and Darius. In contrast, in all the later traditions the *Seder Olam* view disappeared, and, instead, the Sages viewed the kingdom of Darius the Mede as one that joined forces with the Persian Empire in a partnership role, resulting in the Babylonian Empire finally concluding its role in world history. This association between the empires was strengthened by traditions that asserted the existence of familial ties between Darius the Mede and the Persian Emperors.

Jay Rovner, in "Endings and Beginnings: Textual Reversals in the Development of a Babylonian Talmudic *Sugya* in *Berakhot* 11a", examines the first *sugya* in *Berakhot* 11a. It is a complex creation composed of several elements. After an informational question and reply, a *baraita* is brought into the discussion, along with a pair of related amoraic teachings, embedded in stammaitic discourse, transferred from elsewhere in the Talmud because of their association with the *baraita*. Two pairs of queries and responses follow. The latter material consists of heavily edited remnants of a longer discussion that may be recovered from two manuscript witnesses. Scholars have speculated that the extended discussion arose during the Gaonic period in response to difficulties arising with the integration of the transferred material to its present context. However, Rovner shows from ideological, programmatic and stylistic considerations that the rediscovered dialogue actually formed the original *sugya*. It was eclipsed when the Talmud began to be viewed primarily as a source of law rather than as a pedagogically oriented collection of rabbinic wisdom. Rovner demonstrates from other textual evidence that, rather than anachronistically ascribing the continuous invention of primary discursive material (*massa u-mattan*) to the Geonim, one can see that existing Talmudic material was then undergoing contraction and condensation as an adjunct of clarification and codification. Notwithstanding this, in writing about variant textual versions, a Gaon relates to them not as recent creations, but as finished texts transmitted by his predecessors and other tradents.

In "Does Invalid *Sekhakh* Really Join with Valid *Sekhakh*? Early and Late Emendations in the *Bavli*", **Rabin Shushtri** surveys the evolution of the law of a *sukkah* covered with both invalid *sekhakh* and valid *sekhakh*. The Mishnah (*Sukkah* 1:4) states that a *sukkah* that is covered with both kinds of *sekhakh* is valid if the majority of the *sekhakh* is valid. The *Bavli* (*Sukkah* 9b) challenges this mishnah, saying that the invalid *sekhakh* should be combined with the valid *sekhakh* and disqualify it. Thus, the *Bavli* says, one must understand the mishnah as dealing specifically with a case where the two kinds of *sekhakh* were interwoven. This

argument is contradicted by a nearby *sugya*, which cites R. Yirmiya's statement that a *sukkah* beneath a *sukkah* is valid if the upper one has "more sun than shade". An examination of the formulation of this *sugya* shows that R. Yirmiya declared the lower *sukkah* to be valid even if the upper one was above twenty cubits, thus the invalid *sekhakh* of the upper *sukkah* does not invalidate the proper *sekhakh*. Further study of the *sugya* that disqualified a *sukkah* covered with invalid *sekhakh* even when it was also covered with valid *sekhakh* shows that that this argument was not amoraic, but was created out of a different understanding of a statement of R. Papa's in the *sugya*. Due to the contradiction between the neighboring *sugyot*, those who added the *sugya* about invalid *sekhakh* combining with valid *sekhakh* had to emend R. Yirmiya's *sugya* to match this *halakha*. This emendation created a very rough spot in the Talmudic *sugya* on R. Yiirmiya's statement, so they continued to emend it in the various stages of transmission. This situation reflects the complexity of dealing with changes of formulation in the *Bavli*. Additions, harmonizing attempts and emendations were made as early as the redaction stage. Since the redaction left rough seams, they continued to emend and harmonize the sugya during the later stages of transition, after the "sealing" of the Talmud.

The story of the drunk and his sons in *Leviticus Rabbah* 12:1 describes an old man who was addicted to wine. His sons, concerned about their inheritance, tried to cause his death, but God thwarted their plot and provided the old man with wine. *Prima facie*, the story seems aberrant in its immediate context — a sermon that strongly denounces drunkenness.

In the first part of "The Story of the Drunk and His Sons (*Leviticus Rabbah* 12:1): Meaning, Context and Later Versions", **Ronit Shoshany** presents a close reading of the story, and argues that it has a clear ethical message, well connected to its immediate context and to the wider context of rabbinic literature. It does not encourage drunkenness, but rather manifests its disastrous outcomes. However, drunkenness does not justify ignoring the commandment requiring one to show respect towards one's father, and certainly not a murder attempt.

In the second part of the article, Shoshany considers later versions of the story in *Midrashim, Yalkutim* (anthologies) and Jewish ethical works. Shoshany explores the ways in which the later redactors confronted the exegetical difficulties of the original story, and reinforces the analysis presented in the first part of the article. In an appendix, Shoshany discusses later versions of the story in Jewish folktales.

In his study "The Recital of *Shema* by R. Yishmael and by R. Elazar b. Azaria and the Decision that the *Halakha* Follows the School of Hillel," (*Sidra* 22 (2007), pp. 41–55), Mordechai Sabato discussed the versions of the story of the postures of R. Yishmael and R. Elazar b. Azaria before and during the recitation of *Shema* and their subsequent dialogue, as it appears in the *Sifre*, the *Tosefta*, and each of

the *Talmudim*. The two sages changed their posture for the recitation of *Shema* in accordance with the well-known dispute between the House of Shammai, who required the *Shema* to be recited in the evening reclining and in the morning standing, and the House of Hillel, who held that one may recite the *Shema* as he is. Sabato discussed the readings and message in each of the sources, compared the stories, and attempted to identify the factors that contributed to the shaping of each version. An important result of his study was the observation that significant differences distinguish the versions of the story in the two tannaitic works from the versions in the two amoraic works.

In "The Ascendancy of the House of Hillel and the Issue of Parallel Sources", **Binyamin Katzoff**, building on Sabato's work, re-examines some of the issues it raised, specifically those of methodological importance in the critical study of rabbinic literature — criteria for determining original readings among several manuscripts of a specific text, criteria for choosing interpretations of a story in light of the literary context of each work, and determining originality and derivativeness of parallel texts. Katzoff argues that the material leads to the conclusion that the meaning of the parable brought in the story in the tannaitic works differs from that in the amoraic works. What is known about the gradual acceptance of the doctrines of the House of Hillel after the Yavne period leads to the surprising conclusion that the talmudic *sugyot*, presumably early sugyot, preserve earlier forms of the *baraita* than do the tannaitic works, which, in this case, present derivative texts.

Mordechai Sabato, in "On Determining Correct Readings and Establishing the Relationship Between Parallel Sources — A Response to Binyamin Katzoff", rejects Binyamin Katzoff's criticisms, detailed in this issue, of Sabato's paper "The Recital of *Shema* by R. Yishmael and by R. Elazar b. Azaria and the Decision that the *Halakha* Follows the School of Hillel," (*Sidra* 22 (2007), pp. 41–55). Sabato explains the considerations and the principles that guided him both in determining the original text of the sources and in determining the literary relationship between them.