

Was the Masorete of the Aleppo Codex of Rabbanite or of Karaite Origin?

Rafael Isaac (Singer) Zer

A. Background

Ever since S. Pinsker argued nearly three jubilees ago¹ that Ben Asher² was a Karaite, a lively debate has been carried out concerning whether Ben Asher was a Karaite or a Rabbanite, and so far there has been no final verdict. An important milestone in the debate was established by Benjamin Klar³ when he succeeded in reading the name “Ben Asher” at the head of the anti-Karaite polemical poem *Esa Meshali* by R. Sa’adiah Gaon and

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¹ S. Pinsker, *Lickute Kadmoniot* (Wien, 1860), 32.

² In this study “Ben Asher” without any other appellation refers to Aaron Ben Moshe Ben Asher who lived in Tiberias in the 10th Century, and is considered the last in the Ben Asher dynasty and the greatest of the Masorettes. Other Abbreviations:

Dotan: A. Dotan, *Ben Asher's Creed* (Masoretic Studies 3; Missoula, 1977). Earlier Hebrew version: “Was Ben Asher Really a Karaite?”, *Sinai* 20 (1957): 280–312, 350–362.

Wieder (1956): N. Wieder, “The Qumran Sectaries and the Karaites,” *JQR* (NS) 47 (1956): 97–117; 269–292.

Wieder (1962): N. Wieder, *The Judean Scrolls and Karaism* (London, 1962).

Löwinger: D.S. Löwinger, “The Aleppo Codex and Ben Asher Tradition,” in *Studies in the Aleppo Codex* (ed. Ch. Rabin; Jerusalem, 1970), 60–63

³ B. Klar, “Ben Asher,” in: *Studies and Researches* (Tel-Aviv, 1954), 276–319.

thereby established decisively that Ben Asher was a Karaite. Klar put an end to the debate, which had not been decided up until his time, because none of the many arguments of either side had been strong enough to refute the counter-arguments of the other side.

Aron Dotan then tried to refute Klar's argument and return the debate to its previous course. Dotan's discussion is encompassing and includes all the opinions that had been voiced before him, both those in favor of Ben Asher's Karaism and against it. However, Dotan does not suffice with refuting Klar's argument and goes on to argue that he has strong proof of Ben Asher's Rabbanism. Dotan's basic and most powerful argument is that Maimonides gave his approval to the Ben Asher version.⁴ Dotan points out a further problem with characterizing Ben Asher as a Karaite: It undermines one of the most important foundations upon which the text of Scripture which we currently possess rests; it is inconceivable that this version was based throughout the generations on the text of a Karaite, who is defined by rabbinical law as a "heretic" or "apostate of the Law."⁵ It goes without saying that this is not a valid argument and in any event does not prove anything. We must relate to the facts and their meaning alone.

It is not my intention to polemicize against Dotan, but rather to present new evidence concerning the Karaism of the Masorete of the Aleppo Codex.

⁴ Dotan, p. 39, and *passim*. Few researchers have expressed their support of Dotan's position, and therefore G. Khan's determination that the predominant view in contemporary research is that the Ben Asher family was Rabbanite is out of place (G. Khan, *Early Karaite Grammatical Texts* [Masoretic Studies 9; Atlanta, 2000], 52: "It is now generally believed that the famous ben-Asher family of Masoretes were not Karaites."). It should be further noted, concerning Khan's statement, that in the period under discussion, namely, the 9th–10th centuries, one cannot speak about a "Karaite family" or a "Rabbanite family." The formation of Karaism and its rapid growth beginning in the 9th Century were not brought about by the natural population growth from the handful of the original Karaites, but by mass movement of Rabbanites over to the Karaite side, and thus a situation was created in which many families were divided in two.

⁵ See: E. Neumann, "Maimûni és a Karaiták," in *Emlékkönyv Bloch Mozes Tiszteletére* (Budapest, 1905), 164–170 (Hungarian section). See also: G. Blidstein, "The Karaites," *Techumin* 8 (1987): 505 [Heb.].

Therefore, I will only touch upon Dotan's central and strongest argument, the question of the reliance of Maimonides upon the Ben Asher text. Dotan's argument is seemingly appropriate, and it could even be strengthened by arguing as follows: Even if we say that Maimonides for some reason accepted the Ben Asher version despite Ben Asher being a Karaite, we would expect that at the very least he would mention the fact that Ben Asher was a Karaite, and explain that despite this "flaw" in his lineage and status, he has decided to accept Ben Asher's version for the open and closed sections and for the Torah scroll that he wrote for himself, and that he would explain the reasoning for this decision. We shall first bring the famous words of Maimonides in which he mentions Ben Asher, stating that he has relied upon him:⁶

Since I have seen great confusion in all the Scrolls [of the Law] in these matters, and also the Masoretes who wrote [special works] to make known [which sections are] open and closed, contradict each other, according to the books on which they base themselves, I decided to write down here all the sections of the Law, closed and open, and the forms of the songs [viz. Exod. 15, Deut. 32], so as to correct the scrolls accordingly. The copy on which we based ourselves in these matters is the one known in Egypt, which contains the whole Bible, which was formerly in Jerusalem (serving to correct copies according to it), and everybody⁷ accepted it as authoritative, for Ben Asher proofread it, and checked its details for years, and [he] proofread⁸ it many

⁶ *Mishneh Torah, Ahavah, Hilkhoh Sefer Torah* 8:4-5. The text here is based on MS Oxford 577. See: S.Z. Havlin, "Establishing Correct Manuscript Readings: Quantity or Quality?", in *Me'ah She'arim* (ed. E. Fleischer; Jerusalem 2001), 249.

⁷ Havlin remarks here that the word *היו* is added above the line in the handwriting of the corrector.

⁸ Havlin vocalizes here *והגיהו* "and they proofread" in order to prevent a duplication of "proofreading." According to this, the verbs *הגיהו* "they proofread" and *העתיקו* "they transmitted" both refer to "everyone" who relied upon it: Everyone used to correct based on it and everyone used to copy from it. However, Havlin's emendation creates a difficult reading with the word *כמו* "as," and based on his interpretation it should read: *והגיהו פעמים רבות וכן העתיקו* "and they proofread many times and also copied." We have translated this passage according to an alternative vocalization *והגיהו* "and he proofread it." Based on this vocalization the passage has the meaning: Ben Asher proofread his codex many times according to the traditional/Masoretic transmission of the text. Concerning

times as they transmitted. And I used it as the basis for the copy of the Pentateuch, which I wrote according to the Law.

Maimonides relies on the text of the Ben Asher manuscript version, because even though he opposed the Karaites of his own era, his attitude towards them as far as rabbinical *halakha* is concerned was practical; he defines the required approach towards the Karaites of his days as the approach that was taken with the Samaritans in the time of the Mishnah:

And in our times when the Kuthim are as Gentiles in all their affairs, their status teaches us about the Sadducees; seeing that the Sadducees of today are like the Kuthim of the past, before they were declared Gentiles.⁹

The attitude towards Samaritans was positive in certain circumstances, and they were even considered trustworthy in various fields in which there was no reason to doubt their reliability, for example:

The Kuthi can be trusted to say that a grave which was ploughed is no longer a grave, since he does not witness but to the grave itself, and a tree casting a shadow on a grave is no grave, since this too pertains only to the grave itself.¹⁰

Based on this it now seems reasonable that Maimonides attributed trustworthiness to the Karaites in that very field in which their expertise at that time was not doubted, in the same manner in which the Tana'ites considered the Samaritans reliable for various matters.

While the above would have sufficed to prove our point, another side note may be added: A careful reading of the words of Maimonides reveals various hints to the dilemma he faced when he came to rely on the Aleppo Codex of Ben Asher, and his careful and precise formulation was intended

the duplication of the verb "to proofread" that results from the vocalization הגיהו "and he proofread it," see below.

⁹ ובזמן הזה, שהכותים כגוים לכל דבריהם, אנו למדין מהם לצדוקים. שהצדוקין בזמן הזה כמו *Hilkhot Avadim* 6:6 הכותים באותו הזמן, קודם שיגזרו עליהם שיהיו כגוים לכל דבריהם (Kapach edition; Sefer Kinyan, 2; Kiryat Ono, 1975), 325. See also *R. Moses b. Maimon Responsa* (ed. J. Blau; Jerusalem, 1960), Responsum 449, 731–732.

¹⁰ נאמן הכותי לומר, קבר שנחרש ממנו אינו קבר, שאינו מעיד אלא על גופו של קבר, ואילן *M.S. Zuckerman* (ed.), *Tosephta, Nidah* 6:16. See also M. Higger (ed.), *Tractate Kutim*, 1:7, 11, 13. My thanks to Rabbi Y. Reich for the reference to these sources.

to disarm any argument against him on this matter. Maimonides does not describe Ben Asher as any kind of authority in matters of the text of Scripture. Ben Asher is described as a precise *proofreader* scribe, who did not insert into the text of Scripture anything of his own, but rather carefully copied the traditional Masoretic text of Scripture. The Karaites never had their own version of Scripture. When the Karaite sect arose in the 9th Century, the Tiberian version of Scripture was already finalized down to its letters, vowels, and accents. The Karaites did not see any reason to change anything,¹¹ because their primary debate with the Rabbanites was concerning the Oral Law.¹² G. Khan has shown that with the foundation of the Karaite sect, they adopted materials from the Judaism that preceded them, such as Masoretic terminology and the like. Furthermore, despite the Karaites' objection to the use of the Aramaic language, the Tiberian

¹¹ G. Khan proved in his research on the Karaite biblical transcriptions into Arabic that the Karaites disputed the Rabbanites on the pronunciation of certain vowels. He also proved with these transcriptions that they rejected the version of the *ketiv* and preferred the version of the *qere* wherever the *qere* differed from the *ketiv*. See primarily: G. Khan, *Karaite Bible Manuscripts from the Cairo Genizah* (Genizah Series 9; Cambridge, 1990), 20–21. See also: T. Harviainen, "A Karaite Letter-for-Letter Transliteration of Biblical Hebrew: MS Firkovitsh II Arab. Evr.–355," *Textus* 18 (1995): 170, n. 6. However, these disputes did not find their way into the biblical manuscripts, which the Karaites preserved with devotion, not changing anything from the version they copied.

¹² A parallel example from Islam is brought by M.M. Bar-Asher, "Studies in Early Imami-Shi'i Qur'an Exegesis" (Ph.D. diss., Jerusalem, 1991), 33: "Until the end of the 9th/10th Century, most of the Imami-Shi'i sages were of the view that the Ottoman codex was imperfect. However, with the exception of a few textual variants in several dozen Qur'anic verses, which sometimes include minute additions to the text—which the scholars pointed out—they did not go so far as to replace it with another codex. Furthermore, the textual variants they proposed were never weaved into the text of the Qur'an, for they believed the Mahdi would bring with him the true—Shi'i—version of the Qur'an" (my thanks to Prof. Haggai Ben Shammai for bringing this source to my attention). In contrast, the Karaites had no reason to change anything in the scriptural text, and they certainly did not see a practical need to modify the text, but rather accepted the traditional Rabbanite text as it was, despite their bitter struggle with the Rabbanites in the land of Israel in that era.

Masorettes who were Karaite continued the practice of the Masorettes who preceded them and as a rule avoided translating the language of the Masora from Aramaic into Hebrew.¹³

In the words of Maimonides, Ben Asher is described as one who: [a] proofread the entire Bible that he transcribed; [b] carefully examined it for many years; [c] proofread it many times “as they transmitted.” Why does Maimonides refer twice to the matter of “proofreading”? Apparently in his opinion the former proofreading was not identical to the latter. The former was a simple proofreading, uprooting stray weeds, while the latter was a proofreading “as they transmitted.” In several places in the *Mishneh Torah*, Maimonides explains what he means by “transmission”, העתקה, such as in his introduction to the book: “The permissible and forbidden will be clarified... as has been transmitted each man from the mouth of his fellow, from the mouth of Moses at Sinai”,¹⁴ and also in the Laws of Torah Study 1:9, “And they are from among those that transmit the report, each man from the mouth of his fellow, from the mouth of Moses our Rabbi... those great sages of Israel”. In other words, the open and closed sections in Maimonides’s list, as well as the Torah scroll that Maimonides wrote for himself, were based on the traditional Masoretic version, as was *transmitted* by tradition from one man to another. Ben Asher serves here as a sort of precise “scanner” of the traditional text, and therefore the question of his faith is not important to Maimonides,¹⁵ since he simply brings before him

¹³ G. Khan, *The Early Karaite Tradition of Hebrew Grammatical Thought* (Leiden, 2000), 13–24.

¹⁴ See: M. Beit-Arie, C. Sirat and M. Glatzer, *Codices Hebraicis litteris exarati quo tempore scripti fuerint exhibentes, t. 1. Jusqu’a 1020* (Paris and Jerusalem, 1997), 68 n. 26.

¹⁵ I am assuming here that the creed of Ben Asher was known to Maimonides, however this assumption is not at all certain. We have examples of works, which were considered Rabbanite works for hundreds of years, and only in the modern era was it discovered that their authors were Karaites. For example, the work *Instructions for the Reader* was considered until recently a Rabbanite work and was copied in various Rabbanite communities for hundreds of years. Only recently has

the traditional version,¹⁶ as was transferred from generation to generation until the days of Maimonides.¹⁷ Maimonides relied on a single manuscript,

it become clear that its author was a Karaite. See Ilan Eldar, *The Study of the Art of Correct Reading as Reflected in the Medieval Treatise Hidāyat al-Qāri* (=Guidance of the Reader, *Sources and Studies* 2; Jerusalem: The Academy of the Hebrew Language, 1994), 32.

¹⁶ Regarding the expertise of the Karaites in precisely copying Scripture, see N. Allony, "Ben Maimon, Ben Asher, Ben Buya'a, and the Aleppo Codex," *Tarbiz* 50 (1980-81): 369 [Heb.].

¹⁷ One could hazard to interpret Maimonides's words: "and everybody accepted it as authoritative," as alluding to both the Rabbanites and Karaites alike. According to what I have proposed, that Ben Asher did not represent his own tradition, but was a copyist of the traditional Rabbanite text unequalled in his precision and accuracy, it could be asked: "Why did Maimonides need to praise Ben Asher as an excellent copyist-proofreader when after all the issue at hand was only the open and closed section breaks, for which there is no need for an excellent proofreader; this is a job that any child could easily do without error?" It seems that this is how things developed, based on what Maimonides says: first Maimonides wrote the Torah scroll for himself according to its *halakhic* specifications in order to fulfill the commandment. For this purpose he used the manuscript of Ben Asher, for the reason detailed by Maimonides in the *halakha*, namely, that Ben Asher was an excellent copyist-proofreader of the traditional text. When he wrote the *halakha* in his book, he stated that he copied the section breaks from that precise manuscript, which Ben Asher had proofread many times, even though copying open and closed section breaks does not require great expertise. But the best textual tradition was available to Ben Asher also in regard to the section breaks and this is represented by the manuscript that was used by Maimonides. If one were to argue that the spirit of the wording of the *halakha* indicates that Ben Asher's textual tradition was unique in its character and quality, Maimonides would have had to state this with a comment such as: "because the quality of Ben Asher's textual tradition in the open and closed sections requires no proof" or the like. However, Maimonides wrote: "for Ben Asher proofread it many times," even though there is no connection between proofreading and precision to writing the sections. After the sections are written there is no means of proofreading or emending them (only about 200 years after the Aleppo Codex did they begin to correct sections by marking them with the letters *pe* or *samekh* in the space of the section break, or in a note in the margin, for example, פסק' סה "closed section" or פסק' פה "open section"). From this we can conclude that Ben Asher's proofreadings and great precision were in the consonants, vowels, and accents

the best he could find that reflected the tradition, because before his time the *halakha* had not been established concerning open and closed sections; he needed this manuscript to deal with the chaos that existed in this field as he describes in the *halakha*.¹⁸

Ever since the publication of Dotan's article the discussion has not been renewed. I. Yeivin concluded that the method of vocalization of the *ketiv* in the Aleppo Codex, in places where the *qere* is different from the *ketiv* vis-à-vis metathesis, proves that the vocalizer of the Aleppo Codex was almost certainly a Karaite.¹⁹ Barthélemy also published an article which contained

about which one can speak about precise proofreading "as they transmitted," something which cannot be said about section breaks.

¹⁸ In the *Babylonian Talmud*, *Šabb.* 103b, a *baraita* is quoted: "An open section may not be written closed, nor a closed section open," but there is no list there of open and closed sections breaks according to which corrections can be made. Maimonides was the first to establish as *halakha* the placement of open section breaks, the placement of closed sections, and where there are no section breaks. See M. Goshen-Gottstein, "The Aleppo Codex and the Maimonidean Laws Concerning a Torah Scroll," in *Jubilee Volume in Honor of Moreinu Hagaon Rabbi Joseph B. Soloveitchik* (ed. S. Israeli et al.; Jerusalem and New York, 1984), 876ff.; D. Rapel, *Maimonides as an Educator* (Jerusalem, 1998), 184-185 [Heb.]. the reference there in n. 39 should be corrected based on what we have written here.

¹⁹ I. Yeivin, "The Vocalization of Qere-Kethiv in A," *Textus* 2 (1962): 148: "These considerations prove, in my opinion, that the vocalizer of A was most certainly a Karaite" [A is his symbol for the Aleppo Codex]. However, the proof that Yeivin brings forth is not definitive because one also finds the "Karaite" vocalizations in the *kethib* of words which contain metathesis in manuscripts which are unquestionably Rabbanite. For example, "Karaite" vocalization exists in the Aleppo Codex in the word תְּקַשְׁלִי (Ezek 36:14), as opposed to Rabbanite vocalization in the Leningrad B19a which has תְּקַשְׁלִי. However, six additional Tiberian manuscripts vocalize in the same manner as the Aleppo Codex, two of which are clearly Rabbanite manuscripts: the Cairo Codex of the Prophets and MS Sassoon 1053.

Dotan, 52, was of the opinion that the Masorete of the Aleppo Codex was a Karaite based on the absence of the "Scribal Emendations" in the Masora of the Aleppo Codex. Löwinger, 63, preempted him, although Löwinger avoided making this conclusion based on an argument from silence; rather an argument could be made that a Masorete that did copy the "Scribal Emendations" into the margin of his manuscript was a Rabbanite. See further below.

support for the opinion that the Masorete of the Aleppo Codex was a Karaite,²⁰ but it would seem that their proofs are not decisive. Here I propose to examine the question of the belief system of the Masorete of the Aleppo Codex based on the Masora of the Aleppo Codex, and in my opinion clear evidence will emerge from the Masora which can put an end to the debate, establishing once and for all that the Masorete of the Aleppo Codex was in fact a Karaite.²¹

The long and extensive discussion on the question of the faith of Ben Asher virtually ignored the Masora transcribed within the pages of the Aleppo Codex. The Aleppo Codex was only available to scholars in the last few decades, and even more recent researchers did not expect to find in the Masora of the Aleppo Codex hints pertaining to the faith of its Masorete, because the Masora was generally understood to only be a technical system for preserving the precise version of Scripture and nothing more. Löwinger was an exception to this rule as he touched upon the problem of the Karaism of the Tiberian vocalizers in connection to the Masora Magna of the Aleppo Codex. Löwinger quotes two notes from the Masora Magna of the Aleppo Codex, which seem to be Karaite, but he is careful and avoids

²⁰ D. Barthélemy, "Le vocalisateur-massoréte du manuscrit d'Alep était-il karaïte ou rabbanite?," *Bulletin d'Etudes Karaïtes* 3 (1993): 15-24. Barthélemy collects the opinions of modern researchers, Allony ("The Torah Scroll and the Codex in the Public Reading of the Torah in the Rabbanite Congregation and the Karaite Congregation," *Beth Mikra* 24 [1979]: 321-328 [Heb.]), Yeivin (previous note), and Dotan (p. 52), and concludes that the Masorete of the Aleppo Codex was a Karaite. However, while Ben Asher was a Karaite, argues Barthélemy, Maimonides could not have relied on a Karaite source when he established the *halakha* concerning the paragraphing of the songs, the Song of the Sea and *Ha'azinu* (=The Song of Moses), and hence Ben Asher must not have been the Masorete of the Aleppo Codex.

²¹ This article is intended to prove that the Masorete of the Aleppo Codex was a Karaite, not that Ben Asher was a Karaite. Some reject the identification of Ben Asher with the Masorete of the Aleppo Codex, e.g. Barthélemy (previous note) and A. Dotan, "Masorah. Aaron Ben-Asher and his Period," *Encyclopaedia Judaica*, 16:1472. Allony ("Ben Maimon," 370) argues that the Aleppo Codex was known to Maimonides, however, this Keter is not the same as the Aleppo Codex of Ben Asher; the famous dedication, which is at least 100 years later than the Aleppo Codex, misled Maimonides.

making rash conclusions concerning the faith of the Masorete of the Aleppo Codex:

[a] Job 8:8:²² “This defective spelling [of רישון] does not occur again in the Bible. And why? Because the first generation was not crowned with all the precepts of the Law and is much deficient in precepts. Therefore it has a special position in the Bible, for the precepts were accomplished by Moses our Lord.”²³ Löwinger quotes the opinion widespread in the Talmudic sources, according to which the forefathers already kept the commandments before their being given at Sinai: “We find that the patriarch Abraham kept the entire Law even before it was revealed, since it says, ‘Because Abraham obeyed my voice and kept my charge, my commandments, my statutes, and my laws... (Gen. 26:5)’”;²⁴ “Our father Abraham kept the whole Torah... even the law concerning the *‘erub tavshilin*, as it is said: ‘My Torahs’ (Gen. *ibid.*), one being the written Torah, the other the oral Torah.”²⁵ However, Löwinger maintains that we cannot necessarily conclude from this that the Masorete was a Karaite, for two reasons: (a) perhaps the opposite opinion existed in Rabbanite circles, according to which the commandments were not given before the time of Moses; (b) perhaps the Masorete of the Aleppo Codex did not consider the theological aspect of this tradition and innocently copied it.

[b] Ps 119:122:²⁶ “The entire great alphabet²⁷ contains in every verse:²⁸ Saying, Word, Way, Testimony, Judgment, Precepts, Commandment, Law,

כי שאל נא לדור רישון—אין כמהו במקרא חסר, ולמה? כי הדור הראשון לא נכללו כל המצות שבתורה והוא מחוסר מצות הרבה, לכן הוא מיוחד במקרא, כי המצות לא נכללו אלא על יד משה אדונינו

²³ Translated by D.S. Löwinger, “The Aleppo Codex and the Ben Asher Tradition,” *Textus* 1 (1960): 91, with minor changes.

²⁴ *Mishnah, Qid.* 4:14.

²⁵ *Babylonian Talmud, Yoma* 28b [Soncino Translation].

²⁶ On the verse: “Guarantee Your servant’s well-being; do not let the arrogant wrong me” [NJPS]. “כל אלפא ביתא רבא אית בכל פסוק: אמירה, ודיבור, ודרך, ועדות, ומשפט, ופיקוד, וציווי, ותורה, וחקים, ואמונה, רמז לעשרת הדברים, בר מן פסוק חד: ערב עבדך ולמה”

²⁷ Refers to Psalm 119.

²⁸ Add: “at least one of the following key phrases.”

Statutes, and Faith, an allusion to the Ten Commandments, except one verse: "Guarantee Your servant" [Ps 119:122], and why?"²⁹

Löwinger alludes to Wieder (1956) regarding the centrality of Psalm 119 in Karaite belief, but he does not draw any conclusions. Further on (p. 63) Löwinger mentions the lack of any reference to the eighteen 'Scribal Emendations' (*Tiqqunei Soferim*) in the Masora of the Aleppo Codex, but states that this fact also has no bearing on the faith of the Masorete of the Aleppo Codex. In our opinion, had Löwinger delved deeper into the two Masoretic notes that he adduced, he would have arrived at a definitive conclusion concerning the faith of the Masorete of the Aleppo Codex. We will attempt here to fill in this lacuna.

We will presently discuss these two Masoretic notes:

[a] The Masora concerning the word "first", רישון. The title "our lord" (אדונינו משה) is not found in early Rabbanite literature as a reference to Moses. The phrase "Moses our lord" cannot be found in any of the literature of the Sages, nor in any of the literature of the *Geonim* up until the time of R. Abraham Ibn Ezra. The phrase "Moses our rabbi" (משה רבנו) appears hundreds of times in the literature of the sages alone, but not even once as "Moses our lord".³⁰ But this is not all. Löwinger contrasts the accepted opinion among the Sages—that the forefathers kept the commandments

²⁹ The note ends here without any answer, although not for lack of free space. Another example of a Masoretic note in the Aleppo Codex that ends with the question "why" can be found in 2 Chr 33:20. I am not aware of the reason why there is no answer in that instance; however, the reason for the lack of an answer here seems quite clear, as discussed below.

³⁰ I discussed this in my M.A. thesis: *Masora and Exegesis* (Hebrew University of Jerusalem, 1999), 17 n. 47 [Heb.]. There is one exception: "He [Aaron] went by Moses and said to him, 'Our lord Moses, brothers do not separate one from another except through death'" (*Pirkei Rabbi Eliezer*, Last Chapter in *Batei Midrashot* 1 [ed. A.J. Wertheimer; Jerusalem, 1980], 241). However, the title "our lord" is used to Moses' face by his brother Aaron, and not as a traditional-historical title added to the name of Moses whenever mentioning him. In "Sermon Upon the Death of Moses our Rabbi of Blessed Memory," *Ozar Midrashim*, 2 (ed. J.D. Eisenstein; Jerusalem, 1969), 381, Moses is dubbed "our lord Moses our Rabbi," however, this is a late *midrash*, almost certainly from the 13th or 14th Century.

before their being given at Sinai—with the opposing opinion found in the Masora of the Aleppo Codex. This Masoretic note should be paid more attention. According to the Masora, the commandments were given gradually. The first generation did not have a total lack of commandments but they did “lack many commandments.” Only in the time of Moses were all the commandments “completed” (נכלל). This opinion, which points to a gradual process of receiving the commandments, is found in Rabbanite literature only by pale hint,³¹ but is found explicitly in ancient Karaite literature. The Karaites held to the concept of the gradual reception of the commandments, which stands in opposition to the two positions in the Talmud that Löwinger brought; both the opinion that places the reception of the commandments (written and oral) earlier in the time of the forefather Abraham, and the opinion that places their reception later in the time of Moses.

Y. Erder³² quotes the opinions of Karaites in different eras concerning the commandments given before the giving of the Torah. As concerns the period under discussion, namely, the 10th Century, the dominant opinion was that the commandments were given gradually from Adam until the time of Moses, in which the reception of all the commandments was completed. Among others, he brings the opinion of Tobias ben Moses the Karaite who summarizes the five different opinions in the era under discussion, the fifth opinion being the one accepted by the majority of Karaite sages:³³

³¹ See *Songs Rab.* 1:5; *Tanḥuma, Vayelech* 2:2.

³² Y. Erder, “Early Karaite Conceptions about Commandments Given Before the Revelation of the Torah,” *PAAJR* 60 (1994): 101–140.

³³ Erder (previous note), pp. 133–134, n. 5, copied from J. Mann, “Early Karaite Bible Commentaries,” *JQR* (NS) 15 (1924–25): 375 (emphasis mine - R.Z.). והחלק הה' והוא אש(ר) יוקרב עמי וגם רוב החכמים והמלמדים הם על זה החלק. והוא כי כל זמן וזמן מאדם הראשון ועד זמן משה עה [= עליו השלום] היה להם מצוות מוסגלים לכל דור ודור. והמצוות שה(י) בזמ(ן) אדם לא היו לזמ(ן) נח ואש(ר) היו בזמן נח לא היו בזמן אברהם. ואש(ר) היו בזמ(ן) אברהם לא היו בזמ(ן) יצחק ויעקב וכאש(ר) היו בימיהם לא היו בזמן דור מצוים [צ"ל: מצרים] ועד זמן משה עה. ויש מאלה המצוות שהם נגרעים אחר הדור ההוא. ויש מהם שמחייבים

The assertion of the fifth group is close to my belief and most of the scholars and teachers use this method. And it is that in every era, from Adam until Moses, may he rest in peace, each generation had specific commandments. The commandments that existed in the generation of Adam did not exist for the generation of Noah; those that existed in Noah's times did not exist for Abraham; and those that existed for Abraham did not apply to Isaac and Jacob, and the commandments that existed in their days were not applicable in the generation of Egypt and until the times of Moses, may he rest in peace. Among them there are commandments, which are subtracted after that generation, and there are those that obligate two generations and more, and there are those that are eternal. There are others that were added generation by generation until the time when Moses came and the commandments were completed by him.

Erder also quotes there R. Sa'adiah Gaon in his book *'Emunot veDe'ot*,³⁴ which represents the Rabbanite opinion opposed to the Karaite position. The book *'Emunot veDe'ot* was written in 933,³⁵ close to the time of the writing of the Aleppo Codex,³⁶ and from its words it indeed turns out that

ב' דורות ולמעלה ויש מהם לעולם. ויש מהם נוספים על כל דור ודור עד זמן (ז) שבא משה עה ונשלמו המצוות על ידי

³⁴ Seadya ben Yosef, Gaon, *The Book of Beliefs and Opinions* (trans. S. Rosenblatt; Yale, 1967), Chapter 3, 158–159 (=ed. Y. Kapach; Jerusalem and New York 1970, 132–133). R. Sa'adiah's opinion on our discussion is expressed with great clarity in his commentary on Genesis. See, for example, Y. Kapach (ed.), *Torah Commentary of Rabbi Samuel b. Hofni Gaon* (Jerusalem, 1979), 69–70; M. Zucker (ed.), *The Commentary of Rabbi Sa'adiah Gaon on Genesis* (New York, 1984), 84. My thanks to Prof. H. Ben-Shammai for bringing these two sources to my attention.

³⁵ See Kapach edition, 74 n. 27.

³⁶ In *Codices Hebraicis litteris*, 65–72, the Aleppo Codex is dated to c.930. However, in a telephone discussion with Dr. M. Glatzer, he reported to me that this dating was based on a parallel to a similar manuscript whose scribe was, as with the Aleppo Codex, Solomon Ben Buya'a (the reference is to MS Firkovitch Evr. II B 17), and in whose colophon the date 930 is stated. When I asked about the priority of the two manuscripts, Glatzer answered that it cannot be determined which of the two manuscripts was written first, and if the Aleppo Codex was written later it could be even as late as 960. I thank Dr. Glatzer for the information. It should be noted further that some have doubted the determination that one scribe wrote both manuscripts, such as Allony, "Ben Maimon." Allony sets the date of the Aleppo Codex at the end of the 11th Century or even the beginning of the 12th Century.

the dominant Karaite opinion in the time of R. Sa'adiah Gaon, which is also the time of the Masorete of the Aleppo Codex, was that the commandments were given gradually, until they were completed in the time of Moses. This being the case, the opinion expressed by the Masora of the Aleppo Codex is not characteristically Karaite, because the ideology expressed by it could theoretically be acceptable to Rabbanites as well. However it was the dominant opinion of the Karaites in the time of the Masorete of the Aleppo Codex. Therefore, Löwinger's assumption, that the Masorete of the Aleppo Codex copied it without being aware of the fact that the opinion expressed by it was held by the Karaites, and opposed by the Rabbanites, is unreasonable.

We have seen that the view of the gradual reception of the commandments until the time of Moses is the Karaite view. This is the view of the majority of the Karaite sages in the 10th-11th Centuries, as Tobias ben Moses formulates it at the end of the 11th Century. However, about 100 years later³⁷ we also find this view in Rabbanite circles, and to be more precise, by Maimonides, who was renowned as a polemicist against the Karaites:

Tobias ben Moses

The Code of Maimonides (*Mishne Torah*), Kings and Wars 9:1³⁸

The assertion of the fifth group is close to my belief and most of the scholars and teachers use this method. And it is that in every era, from **Adam** until

Six precepts were given to **Adam**: Prohibition of idolatry, of blasphemy, of murder, of adultery, of robbery, and the command to establish courts of

³⁷ See Z. Ankori, *Karaites in Byzantium* (New York, 1959), 451, n. 240.

³⁸ Translation according to: A.M. Hershman (trans.), *The Code of Maimonides, Book Fourteen: The Book of Judges* (New Haven: Yale University Press, 1949). My thanks to Rabbi Y. Reich for bringing this source to my attention, as well as the opposing source in the next note.

Moses, may he rest in peace, each generation had specific commandments. The commandments that existed in the generation of Adam did not exist for the generation of

Noah; those that existed in Noah's times did not exist for

Abraham; and those that existed for

Abraham did not apply to **Isaac** and

Jacob, and the commandments that existed in their days were not applicable in the generation of

Egypt and until the times of Moses, may he rest in peace. Among them there are commandments, which are subtracted after that generation, and there are those that obligate two generations and more, and there are those that are eternal. There are others that were added generation by generation

justice. Although there is a tradition to this effect - a tradition dating back to

Moses, our teacher, and human reason approves of those precepts - it is evident from the general tenor of the Scriptures that he (Adam) was bidden to observe these commandments. An additional commandment was given to **Noah**: prohibition of (eating) a limb from a living animal, as it is said: *Only flesh with the life thereof, which is the blood thereof, shall ye not eat* (Gen. 9:4).

Thus we have seven commandments. So it was until **Abraham** appeared who, in addition to the aforementioned commandments, was charged to practice circumcision. Moreover, **Abraham** instituted the Morning Service. **Isaac** set apart tithes and instituted the Afternoon Service.

Jacob added to the preceding law (prohibiting) the sinew that shrank, and inaugurated the Evening Service.

In **Egypt** Amram was charged to observe other precepts,

until the time when Moses came and until Moses came and the Law was
 the commandments were completed completed through him.
 by him.

The similarity is so great, both in style and content,³⁹ that it cannot be maintained that this is a coincidence. Tobias ben Moses is a Karaite, but the view he expresses here is not a view exclusive to the Karaite ideology, but can also be accepted in Rabbanite circles as is proven by the fact that Maimonides actually adopts it. Maimonides fought against Karaism, but not necessarily against the Karaites as people.⁴⁰ Yet there can be no doubt that in the 10th Century this was still considered a Karaite opinion.

[b] The Masoretic note on “the great alphabet” = Psalm 119. Löwinger p.62: “it is worth noting that there is much material concentrated in connection with Ps. 119 and also in MS A.”⁴¹ His words come after quotations from the Aleppo Codex of unusual Masoretic notes⁴² that contain

³⁹ However, according to Maimonides the gradualness was continuous meaning that the commandments were not diminished, but they were gradually added from generation to generation. However, in his *Commentary on the Mishnah*, written many years before *Mishneh Torah*, Maimonides is still of the opinion that even if certain commandments were given before the time of Moses, they must have been all annulled before the coming of Moses, and all given anew to Moses. In this matter, Maimonides’s opinion is similar to that of the opinion of the Karaites in that commandments were diminished, but he differs from their opinion in that according to him all the commandments were completely diminished, and given again to Moses. See *Maimonides’s Commentary on the Mishnah, Hullin 7:6*.

⁴⁰ Ibn Ezra acted similarly towards the Karaite Bible exegetes; he polemicized against Karaite opinions in their commentaries, but was willing to accept their interpretations when they did not reek of Karaite ideology. See on this my article “R. Abraham Ibn Ezra and the Karaite Biblical Exegesis,” *Megadim* 32 (2000): 97–106 [Heb.]. See also, D. Lasker, “The Influence of Karaism on Maimonides,” *Sefunot* N.S. 5[20] (1991): 145–161 [Heb.], and especially the closing sentence of part 2, p. 152.

⁴¹ Ms A = Aleppo Codex.

⁴² For example, the Masora Magna on 2 Chr 33:7, “I will place My Name forever—Unique [orthography] in all of Scripture, and why is it unique? Because it is conditional: If I succeed, I will place My Name, but if I do not succeed I will hide

exegetical or grammatical characteristics. Löwinger's intention is not clear, because there is only one such comment of this kind in the Masora Magna to Psalm 119, the one that Löwinger quotes. Löwinger refers there in a note to Wieder (1956).⁴³ In his two articles, Wieder shows that Psalm 119 is central to Karaite belief and philosophy and comprises a sort of Karaite "pesher" similar to the *pesher* from Qumran.⁴⁴ According to the Karaites, King David wrote the psalm especially for them, because they were blamelessly walking according to the Torah of the Lord, and against the arrogant Rabbanites who wronged the innocent Karaites.⁴⁵ The psalm is interpreted by the early Karaites in a very sharp polemical manner against the Rabbanites. Thus, for example, the interpretation of Yefet ben Eli to Psalm 119,⁴⁶ in which he attacks those that walk after the man-made Mishnah, Talmud, and Halakhic and Aggadic Midrashim, while neglecting the commandments of the written Law.⁴⁷ The blameless Karaites walk according to the Law of the Lord, which is one Law, not two Laws, as is the opinion of the Rabbanites.

This one Torah, the "Law of the Lord" in the first verse of the psalm, is the key to understanding Yefet's explanation of the entire psalm, and it is found in every one of the 176 verses of the psalm (with the exception of v. 122 which I will discuss below). However, the word "Law" along with all its forms only appears in 25 verses, as Yefet explicitly points out,⁴⁸ and he

אשים את שמי לעילום—מיוחד בכל המקרא ולמה נתחלה? שהוא התנייה: אם אצליח
אשים את שמי, ואם לא אצליח אעלים את שמי.

⁴³ Wieder (1962) was published two years after Löwinger's article and therefore there is no reference to it.

⁴⁴ M. Polliack ("Concerning the Influence of the Qumran *Pesher* on Karaite Exegesis," in *Fifty Years of Dead Sea Scrolls Research: Studies in Memory of Jacob Licht* [eds. G. Brin and B. Nitzan; Jerusalem, 2001], 275–295 [Heb.]) has shown that Karaite exegesis was really not influenced at all by the Qumran *Pesharim*, even if Karaite exegesis does contain an actualizing aspect.

⁴⁵ Wieder (1962), 206–207.

⁴⁶ Written in the last quarter of the 10th Century.

⁴⁷ Wieder (1956), 289–290.

⁴⁸ Verses: 1, 18, 29, 34, 44, 51, 53, 55, 61, 70, 72, 77, 85, 92, 97, 109, 113, 126, 136, 142, 150, 153, 163, 165, 174.

therefore interprets other expressions found in the psalm as comprising different facets of the Law, as follows:⁴⁹ Law, Testimony, Precept, Statute, Commandment, Judgment, Word, Righteousness, Faith, Saying, Path, Wonders, and Awe, in all fourteen expressions. A similar idea can be found in the commentary of Salmon ben Yerochim to Psalm 119,⁵⁰ although he only delineates seven expressions: Word, Commandment, Law, Statute, Testimony, Judgment, and Truth.⁵¹ These seven expressions do not cover all the verses of the psalm, only 135 verses; but Salmon's approach is different and he does not pretend to cover all the verses of the psalm through these seven expressions.

We have seen that the fourteen expressions in Yefet's commentary comprise the backbone of the entire psalm and the message that derives from them is an anti-Rabbanite polemic concerning the most basic point of disagreement between the two communities: Is there one Law or two? Ten of the fourteen expressions appear in the list of the Masora Magna, with four missing from Yefet's list: Righteousness, Path, Wonders, and Awe.⁵² Can it really be argued that the Masorete of the Aleppo Codex "naively" quoted sharp anti-Rabbanite Karaite exegesis, concerning the roots of the theological dispute between the Rabbanites and the Karaites, in the period in which this dispute was at its zenith? Or did the Masorete of the Aleppo Codex know what he was doing when he brought in this psalm, which comprises one of the foundations of Karaite philosophy, an allusion to the

⁴⁹ Wieder (1956), 290. I compared with MS Paris, Héb. 289 H⁰ 1 á 208 , fol.53a.

⁵⁰ His commentary on Psalms was written in 955. See U. Simon, *Four Approaches to the Book of Psalms* (New York, 1991), 98, n. 6.

⁵¹ MS Firkovitch II 1345, fol.156a.

⁵² The list in the Aleppo Codex is superior to that of Yefet in that the ten expressions cover all the verses of the psalm (except v. 122), whereas the four extra expressions only add redundancy to variations on these expressions in several verses. It seems a development in the counting of the expressions can be identified, the list of the Aleppo Codex, which counts ten expressions, being a middle ground between the list of Salmon, which counts seven, and the list of Yefet, which counts fourteen; however, the existence of a polemical list of expressions in Karaite exegesis is beyond doubt.

pillar of the Karaite faith: one Law alone, doing this without explicitly polemicizing against the Rabbanites?

We mentioned that the Masoretic note ends with the question “and why,” but there is no answer. This is curious, requiring further investigation. However, an examination of Salmon ben Yerohim’s commentary on Ps 119 will provide an answer not only to this isolated question, but also to the question of why the Masorete of the Aleppo Codex alluded to reasons in his question, but failed to detail them. In other words: “Why did he end the comment with the question ‘and why?’”⁵³ The Masoretic note did not suffice with listing the ten expressions but added: “a hint to the Ten Commandments.” What is the connection between the Ten Commandments and the ten expressions that characterize the written Law? The answer to this is given in great detail in Salmon’s commentary on v. 122, the only verse that does not have one of the expressions, and has no “allusion to the Ten Commandments.” This entire verse is dedicated to a sharp and disparaging anti-Rabbanite polemic, entirely structured according to the Ten Commandments. In this manner Salmon answers the first question: v. 122 does not need an “allusion” to the Ten Commandments because it is interpreted in its entirety as being about the Ten Commandments.

Salmon interprets the term “arrogant” in Ps 119:122 as referring to the Rabbanites,⁵⁴ who have two Laws, of which the oral is intended to contradict the written. The Rabbanites ignore explicit verses such as, “Moses commanded us the Law” (Deut 33:4), “The Law of the Lord is perfect” (Ps 19:8), and the like which prove that the Law is one. Salmon illustrates how the “arrogant wrong” the divine written Law through the man-made oral Law: The Lord said, “I am the Lord your God”, and they

⁵³ In my M.A. thesis (above note 30), I discussed the implicit theological struggle between the Karaites and Rabbanites as reflected in the Tiberian Masora. The polemic had to remain under the surface, because otherwise a schism would have immediately formed between the two communities concerning the continuation of the joint transmission of the written Scripture, and neither side was interested in this.

⁵⁴ Verse 122: “Guarantee Your servant’s well-being; do not let the arrogant wrong me.” [NJPS]

say: "Minor Lord and Great Lord"⁵⁵... the Lord said: "You shall not swear falsely", and they say: "Blessed art thou Lord our God, King of the universe, who has sanctified us with His commandments and commanded us concerning the annulment of vows,"⁵⁶ and they say further that on the ninth of Tishrei all vows, bans, and self-imposed obligations... shall be cancelled

⁵⁵ *Babylonian Talmud, Sanh.* 38b. The Karaite derision of the belief that God was physical in the literature of the Sages is well-known, and they had plenty to base themselves on; see M. Klein, *Materialization of God in the Aramaic Targumim to the Pentateuch* (Jerusalem, 1982), 7–8 (Section: "Anthropomorphism in the Literature of the Sages") and the literature brought there in the notes. The dispute between those that viewed God as corporeal, and those that viewed him as non-corporeal, raged for hundreds of years after the close of the Talmud, and we hear its echoes in the great efforts of Sa'adiah and Maimonides to uproot the view of the materialists. See for example, Y. Kaufmann, *The Israelite Religion* (Part 1, Book 2; Jerusalem and Tel Aviv, 1954), 240 [Heb.]: "Rabbi Sa'adiah and the Geonim who came after him accepted and upheld the theory of non-corporeality (although not without the influence of the criticisms of the Karaites on the anthropomorphisms in the Talmud and Midrashim). However, this theory was not yet the predominant view in Judaism as a whole." Abraham Ibn Daud criticizes Maimonides for calling those that view God as corporeal, "heretics" (*Mishneh Torah, Hilkhoh Teshuvah* 3:7): "And why did he call them heretics, when those that were greater and better than him held this belief?" In the generation after Maimonides we still find in France and Spain rabbis who held onto the theory of corporeality. See for example, the first epistle of R. Judah Alfakhar to Radak (*Collection of Maimonides' Responsa and his Epistles*, "Part 3: Epistle of Zealousness", [Leipzig, 1859] = MS Budapest-Kaufmann, National Academy of Sciences, No. A18815), which complains that Maimonides interpreted the terms "image" and "likeness" against their plain meaning: "As he [i.e. Maimonides] interpreted 'image' and 'likeness', for their plain meaning reflects materialism of God" (מפני שמורה כאשר עשה לענין צלם ודמות) (פשוטן על הגשמות). Concerning the epistle of Alfakhar see R.I. (Singer) Zer, *The First Epistle of R. Judah Alfakhar to Radak* (Unpublished seminar paper; Hebrew University of Jerusalem, 1998). On the "Shi'ur Komah" Literature see: M.S. Cohen, *The Shi'ur Qomah: Texts and Recensions* (Tübingen, 1985), and also B. Wissotzky (ed.), *Midrash Mishlei* (New York, 1990), 85. Salmon ben Yerohim (*Book of the Wars of the Lord* [Ramble, 2000; offset printing of New York 1934 edition], sections 15–17, 135ff.) speaks at length with his witty derision concerning the *Shi'ur Qomah* corporeality literature.

⁵⁶ This is a disparaging statement, the source of which is not to be sought in the literature of the Sages.

and no longer valid⁵⁷... the Lord said: "'honor your father and your mother,' and they say: "[When Scripture says,] 'he who smites his father and his mother shall sure be put to death,' it means only if he smites both of them simultaneously, and so to with cursing, only if he curses both of them simultaneously"⁵⁸ ... the Lord said: "you shall not murder," and they say, "anyone who violates the instructions of the Sages is worthy of death"⁵⁹ etc. In this manner Salmon enumerates each of the Ten Commandments, using them for a disparaging jab against the Rabbanites who contradict the written Law through the oral Law. From this it is clear why the Masorete of the Aleppo Codex sufficed with an allusion to the reason why v. 122 does not contain one of the ten expressions, leaving the question open. But the very raising of this question is important from his perspective because it provides an implicit allusion to the Karaite interpretation of the psalm.

There is one last problem to deal with, which relates to a fact which allegedly proves that the Masorete of the Aleppo Codex was after all a Rabbanite. Y. Ofer published the notes of M.D. Cassuto that he wrote during the time of his stay in Aleppo in 1944.⁶⁰ According to Cassuto, there were booklets of Masora and the grammar of the Masora at the beginning and end of the Aleppo Codex. Between the end of the Scripture portion and the last booklet of the Masora was a page⁶¹ which included a list of the authors of the books of Scripture, as follows:⁶²

⁵⁷ *Babylonian Talmud, Ned.* 23b. The version brought here is similar to that in the Seder of R. 'Amram Gaon. See: Y. Jacobson, *Netiv Binah* (Tel Aviv, 1989), 5:192. See further J. Mann, *Texts and Studies in Jewish History and Literature* (Philadelphia, 1935), 2:85-86; S. Abramson, "Early Rulings: A. A Benediction Over Releasing Vows and Oaths," *Sinai* 49 (1971): 210-214 [Heb.]; H. Ben Shammai, "Jum'a in Judeo-Arabic in the Sense of 'Eve': A Loan Translation from Aramaic *arubta*," *Leshonenu* 57 (1992): 125-136 [Heb.].

⁵⁸ *Babylonian Talmud, Yeb.* 101a and parallels.

⁵⁹ *Babylonian Talmud, Ber.* 4b and parallels.

⁶⁰ Y. Ofer, "M.D. Cassuto's Notes on the Aleppo Codex," *Sefunot*, N.S. 4[19] (1989): 277-344 [Heb.].

⁶¹ Designated by Ofer with the number zero.

⁶² *Ibid.*, 305.

And this is the Torah that Moses placed before the children of Israel. Moses the father of the prophets wrote the five books of the Law and Job; Joshua wrote his book [deleted portion] Moses the servant of the Lord [deleted portion]; Samuel the prophet (of blessed memory) wrote his book and the book of Judges and Ruth...

Ofer fills in the deleted portions, apparently based on Cassuto, as such:⁶³ "Joshua wrote his book [and eight verses of the Law from 'And] Moses the servant of the Lord [died there' until the end of the Law]." Ofer then adds: "It seems to me that the one who erased this was a Karaites⁶⁴ who believed that the entire Law was given to Moses, rather than a Rabbanite ignorant of the tradition of the Sages." From this it appears that, according to the Karaites who erased these words, the author of the list was a Rabbanite and if the author of the list was the Masorete of the Aleppo Codex then it would follow that the Masorete of the Aleppo Codex was a Rabbanite.

In the *Babylonian Talmud*, *Bava Batra* 15a (and the parallel passage in *Menahot* 30a) the opinion of R. Judah (or R. Nehemiah) is brought that Joshua wrote the last eight verses of the Law, along with the contrary opinion of R. Simeon according to whom Moses wrote the entire Law, including those eight verses which the Almighty dictated to him before his death. According to the early Karaites there is no dispute on this matter. They do not accept the possibility that Joshua wrote the last eight verses.⁶⁵

It does appear that the list of the authors of the books of Scripture was indeed written by a Rabbanite, even though this has not been conclusively proven. However, the page upon which this list was written is later in relation to the writing of the main part of the Aleppo Codex, as is proven by Ofer (pp. 293–294). Hence there is no certainty that the writer of the list is the same as the Masorete of the Aleppo Codex, and, as a result, this difficulty vanishes.

⁶³ *Ibid.*, 205 n. 59.

⁶⁴ The emphasis is in the original. R.Z.

⁶⁵ Yefet in his commentary on Deut 31:9, and also on Deut 34:12.

From all the evidence we have brought from the Masora Magna of the Aleppo Codex we can conclude that there is no realistic possibility that the Masorete of the Aleppo Codex did not understand that he was copying into the margin of his codex sharp and disparaging anti-Rabbanite Karaite polemical notes. It therefore it be established quite surely that the Masorete of the Aleppo Codex was a Karaite.⁶⁶

⁶⁶ At the 13th World Congress of Jewish Studies, August 2001, at a special session in honor of the publication of the 3rd edition of Rabbi M. Breuer's Bible, M. Glatzer attempted to explain the difficult fact that the Aleppo Codex is opposed to the *halakha* (M. Higger [ed.], *Tractate Soferim* 12:8) concerning the number of lines in *Ha'azinu* (=The Song of Moses). His discussion concerning the structure of the page of *Ha'azinu* in the manuscripts was instructive, and at the end Glatzer proposed that the Masorete of the Aleppo Codex preferred preserving the "hooks of the columns" (i.e. that every column opens with a *vav*: ווי העמודים), which is a scribal tradition not anchored in *halakha*, over writing the song in seventy lines in accordance with the *halakha*. This solution seems forced, and as the lecturer noted, even seems strange in modern eyes. However, there is no longer any need for this explanation because the number of lines in *Ha'azinu* is a product of Rabbanite *halakha* which is based on the Oral Law. We should expect a manuscript copied by a Masorete who is a Karaite to present us with *Ha'azinu* with any number of lines other than seventy, and indeed *Ha'azinu* in the Aleppo Codex is written with 67 lines, in a manner intended to be opposed to the *halakha*, but which is consistent with the scribal tradition of the "hooks of the columns." A scribe that prefers the tradition of the "hooks of the columns" over the *halakha* presumably does not see the *halakha* as a binding authority. According to Glatzer, it is possible to reconstruct how Maimonides ordered *Ha'azinu* in his Torah scroll, considering the fact that he wrote 51 lines on every page (*Hilkhot Sefer Torah* 9:10): the word וְאָצִיָּדָה (Deut 31:28) at the head of the first column and וְשָׁנִים (Deut 32:30) at the head of the second column, in such a manner that Maimonides preserved the principle of the "hooks of the columns." The question is not how to explain the Aleppo Codex, which diverges from the *halakha* regarding the number of lines, but rather how to explain that Maimonides based himself on this manuscript in establishing a number of lines contrary to the *halakha* in Tractate *Soferim*, choosing not to stray from it in a matter concerning which the *halakha* had already been established. The *halakhic* aspect of this question is still valid, independent of whether the Masorete was a Rabbanite or a Karaite, although this is beyond the scope of the present study. However, the practical side is clear: Maimonides knew that if he strayed from the manuscript in even one detail, the special status of the manuscript would be undermined, and the authority of Ben Asher as a reliable

copyist of the traditional Rabbanite text would no longer stand. Therefore, he preferred absolute loyalty to the text of the manuscript over the *halakha* formulated in Tractate *Soferim*.