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ENGLISH ABSTRACTS

THE LINKING OF HOLINESS CONCEPTS AND THE BROADENING OF THE BORDERS OF HOLINESS IN THE EDITORIAL LAYER OF THE PENTATEUCH

Israel Knohl

The article deals with various passages in the Pentateuch that form editorial frameworks. These editorial frameworks combine Pentateuchal units which belong to different sources. They also frame large blocks of texts that encompass two books, a book or half a book. This feature may attest that these editorial frameworks belong to the final editorial layer of the Pentateuch. The theological aim expressed in these editorial frameworks is to link the holiness of the Sabbath and the Day of Atonement with the holiness of the sanctuary. A second aim is the broadening of God's holiness to the entire camp of the Israelites in the desert and to the entire land of the People of Israel. Finally, we see here an emphasis upon the obligation to sanctify God in the midst of the people of Israel.

In some of the verses which form these editorial frameworks there are formulas which are typical of the H source of the Pentateuch. The theological aims outlined above are also characteristic of H's ideology. This study thus supports the thesis that the final editing of the Pentateuch was done by the 'Holiness School'.

DIVORCE IN THE HEBREW BIBLE AND THE MEANING OF *SEFER KERITUT*

Alexander Rofé

Building upon Reuven Yaron's seminal article 'On Divorce in Old Testament Times', *RIDA*, 3rd series, 4 (1957), pp. 117-128, the present author reviews the various Biblical Hebrew terms for divorce and the history of this institution.

The terms considered by Yaron were: הוציא, עוב, הלך, ספר כריתות, שליח, שניא. His findings are corroborated here by a few additional passages from the Septuagint (where it can be retroverted with certainty) and from early rabbinic rulings. Yaron distinguished three stages in the development of the divorce procedure in Israel: (1) physical forsaking of the spouse without any formality attached; (2) a formal declaration of the type: 'She is not my wife, I am not her husband'; and (3) a written deed of divorce that proves beyond doubt that the divorcée is allowed to remarry. It is submitted here that the formal declaration took place at first in the framework of the family; only later was it performed before a local court.

As observed by Yaron, the *Sefer Keritut* did not develop out of prior divorce procedures in Israel. Actually, it also appears to be an exception in the legislation of the ancient Near East and in its practice of law. The same has been observed about the entire law in Deut 24:1-4.

An additional look at Isa 50:1 confirms the interpretation suggested by R. Eliezer of Beaugency and Wilhelm Gesenius: the *Sefer Keritut* came into being in order to compel the husband to specify his reasons for the divorce, namely the wrongdoings of the wife, and thus to justify her repudiation. In time, such a deed was felt to be a Draconian provision against the wife and was therefore discontinued. Thus, the *Sefer Keritut* was not an antecedent to the Jewish bill of divorce, which developed independently in Second Temple times. The latter did not include any mention of the alleged guilt of the divorcée.

A PROTOCOL OF THE YAVNEAN ACADEMY?
REREADING *TOSEFTA SANHEDRIN* CHAPTER 7

Ishay Rosen-Zvi

Tosefta Sanhedrin Chapter 7 presents a series of instructions which appear to be part of a list of bylaws: ‘We do not adjudicate’, ‘We do not add judges’, ‘We do not inquire’, etc. E. S. Rosenthal was the first among many to view this chapter as reliable historical evidence of the bylaws of the court at Yavneh. This view was the source of far-reaching conclusions regarding the system of adjudication and rulings followed by the Tannaim. These studies, however, gave little heed to the chapter’s literary composition and refrained from examining its sources. This paper suggests that the various sections of the chapter should be read separately, and that it consists of not one but three codices of bylaws. Each codex, moreover, is a product of literary redaction and is not an ‘original’ code. A close reading of the chapter may therefore correct wrong impressions and enrich our knowledge of the Jewish courts and their authority after the Destruction.

THE TALMUDIC METHODOLOGY OF RABBI BEZALEL ASHKENAZI,
THE AUTHOR OF THE *SHITAH MEKUBBETZET*

Shlomo Toledano

Rabbi Bezalel Ashkenazi, the author of the *Shitah Mekubbetzet*, lived in the period of the Renaissance, a period of intellectual agitation stemming from encyclopaedic curiosity. Most of his activity took place in Egypt, which was the geographical area where most of the main Jewish communities met after the expulsions and migrations of the fifteenth century. His magnum opus, *Shitah Mekubbetzet*, formally named *Asefat Zekenim* (‘The Convocation of the Elders’), is an enormous compendium of commentaries on the Babylonian Talmud culled from hundreds of works originating in Ashkenaz, France, Spain and the Near Eastern countries which had been written during a period of several centuries. In addition, in the later volumes of the work, Rabbi Bezalel Ashkenazi added commentaries of his own.

In the period under discussion Egypt was one of the most important historical crossroads in the field of Talmudic study methods. There, in Ashkenazi’s time, the various methodologies of Talmud studies which had developed since the beginning of the fifteenth century in all the great centers of Jewish learning met: the Sephardic method of study established by Rabbi Isaac Canpanton; the Ashkenazic casuistic system which developed in the late fourteenth

century and in the fifteenth century in the academies of the Gornish Tosafists; the eclectic methodology; and system of study with an eye to practical halakhic conclusions of which the outstanding practitioner in the sixteenth century was Rabbi Joseph Caro.

The present paper attempts to assess Rabbi Bezalel Ahkenazi's attitude to the various schools of Talmudic methodology which is reflected in his choice of the commentaries he included in his compendium as well as in his personal commentaries. It appears that the dominant system in his methodology was that of Sephardic study, although he maintained an open mind regarding the other study methods and used them all, even those which he disparaged.

In effect, it is incorrect to state that Rabbi Bezalel Ashkenazi had one Talmudic study method; his *Shitah Mekubbetzet* is a repository not only of commentaries but also of various Talmudic methodologies. In the main, he utilized points of contact between Ashkenazic casuistry and the Sephardic study, and it seems that he believed only a combination of both constituted the correct study method. Ashkenazi's only partial loyalty to the Sephardic study method becomes understandable in the light of the evidence which has begun to emerge concerning the changes in the system which developed in the sixteenth century.

THE TWO ZOHARIC VERSIONS OF THE LEGEND OF
THE TANNA AND THE DEADMAN

Judith Weiss

The Tanna and the Deadman is a renowned Jewish legend of which we have many renderings, in the Midrashic literature as well as in later sources. The present article focuses on the analysis of two versions of this legend which appear in the Zohar and which were not adequately dealt with in the past, and attempts to characterize them from conceptual, cultural, and textual perspectives.

The first aim of the present article is to carefully examine the two Zoharic versions and show that they differ significantly from one another in three aspects. First, each of the versions stems from a different world of rituals and beliefs. Second, each of these Zoharic versions shows independent textual affinities to non-Zoharic versions, a fact which can in turn be used as a source for characterizing their unique cultural backgrounds. Third, each Zoharic version has a distinct and individual textual history, which I demonstrate here through the close scrutiny of dozens of early manuscripts and first printed editions. In light of these findings I also offer a conjecture regarding the textual relations between the two Zoharic versions.

The second aim of the article is to show that in contrast to what has been suggested in past studies, these Zoharic versions do not differ from the non-Zoharic versions of the legend in having more 'kabbalistic', 'mystical', or 'apocalyptic' features; in fact, some of the above characteristics are even mitigated in the Zoharic renditions. The article re-emphasizes the potential usefulness of literary and folklore-research tools for the study of the Zohar, on the condition that such study be rooted in a sound understanding of the complexity of the kabbalistic elements and of the literary, mythic, and exegetical layers of the Zoharic corpus.

The article includes a critical edition of the two Zoharic versions, based on early manuscripts and print editions.

‘THE VIOLATION OF THE TORAH IS ITS TRUE FULFILLMENT’:
ULTRA-ORTHODOX RULING AGAINST THE HALAKHAH FOR THE EMENDATION OF THE
SINNERS – R. HAYIM OF SANZ AS A CASE STUDY

Iris Brown (Hoizman)

The article examines the approach of R. Hayim Halberstam of Sanz (1797?–1876) to non-observant Jews who nevertheless remained within the observant community. R. Hayim, known as the ‘Divrei Hayim’, was an influential rabbi and hasidic *tzaddik*, and is considered as one of the fathers of ultra-Orthodoxy in 19th century Galicia.

Scholarly research thus far has focused on the approach of Orthodox rabbis, primarily ultra-Orthodox ones, toward deviants who crossed the lines of the observant community. These rabbis usually adopted a stringent halakhic policy, especially in issues that concerned modern values and culture. This paper shows that within the very core of the ultra-Orthodox movement we can also find lenient approaches in which the halakhic authority was prepared to permit the violation of what he conceived to be a halakhah, even in issues related to modernity, when these rulings applied to deviants who remained members of the community. Through an analysis of R. Hayim’s responsa and hasidic homilies, the article explicates both his theological premises regarding individuals he considered to be sinners and his methods as a halakhic decisor, which enabled him to take these far-reaching steps.