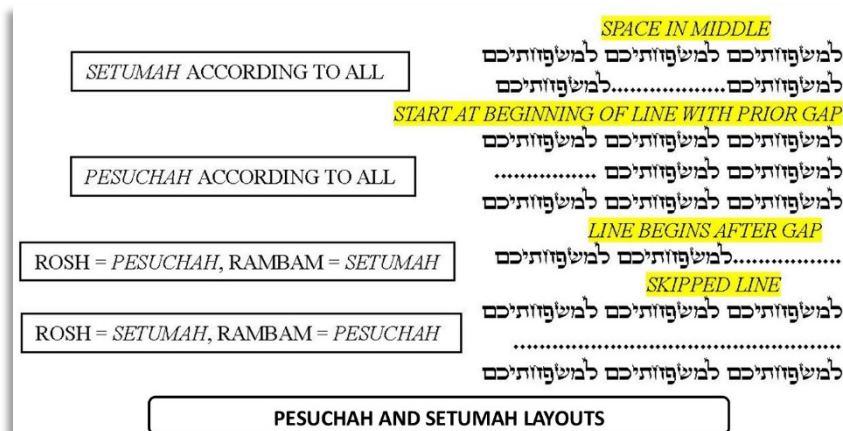


לעילוי נשמת אבי מורי ר' חיים בן יעקב הכהן ז"ל נפטר כ"ד שבט

## PARSHIYOS PESUCHOS AND SETUMOS

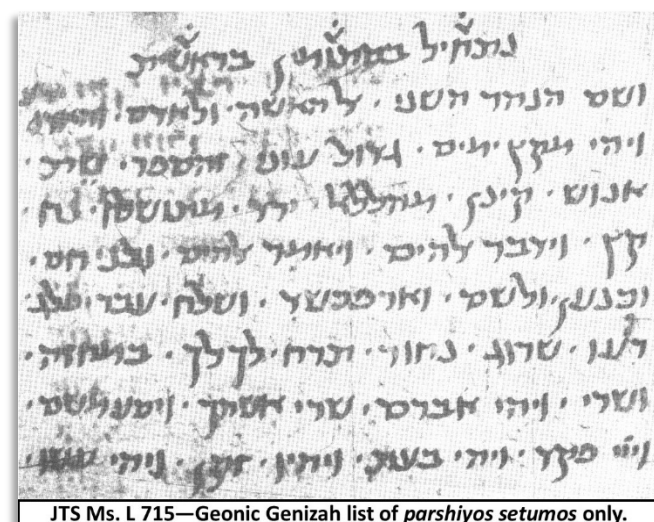
### The Layout and Location of Sefer Torah Paragraphs

We have a tradition from Sinai that the text of the Sefer Torah is divided into paragraphs known as “*parshiyos*,” and there are two formats, called *pesuchah* and *setumah*. These *parshiyos* are indicated in our *Chumashim* with letters *peh* and *samech*. A simple translation of these terms suggests that the *pesuchah* is an “open” paragraph, and the *setumah* is a “closed” paragraph. Rashi cites *Toras Kohanim* (1:8-9) saying: What purpose did *parshah* breaks serve? To give Moshe an interval for contemplation between one *parshah* and another (*Rashi, Vayikra* 1:1). Rav Shlomo Luria explains that the gap in an open *parshah* indicates a greater break in subject matter between the two *parshiyos* than a closed *parshah* (*Teshuvos Maharshal* 37). The Rambam and Rosh had conflicting traditions regarding the practical implementation of these formats, but their views overlap in the first set of formats illustrated. Shulchan Aruch therefore rules that we should try to structure the script's layout so that it complies with both opinions and avoids any layout that would be a dispute between the Rambam and the Rosh (*Yoreh De'ah* 275:2). Indeed, the universally accepted practice today is to accommodate the views of both the Rambam and the Rosh by avoiding the conflicting forms. In earlier times, this required careful planning, even when the *sofer* followed a *Tikun* with the arrangement worked out, because any variation in column size or writing height necessitated careful adjustment. Nowadays, most *sofrim* use computer-printed sheets, individually sized to the Sefer Torah ordered, and many even use a light table to trace the words. Alternatively, they fold the printout underneath the line being written.



### PARSHAH LOCATION

Also controversial was determining the locations in the text where a new *parshah* should begin and whether it should be “open” or “closed.” A *sofer* writing a Sefer Torah copies from a “master text” (called a *Tikun*) that guides him in structuring the paragraph spacing. Even at an early date there was inconsistency in the location of the paragraph breaks across various master texts. A small number of *parshiyos* appeared as a *pesuchah* in one and as a *setumah* in another, or vice versa – and sometimes without any *parshah* break at all. Since the Rambam rules that a Sefer Torah is invalidated if even one *parshah* is written incorrectly, he himself was at a loss as to how to write his own Sefer Torah (*Hilchos Sefer Torah* 8:1-2). Rabbeinu Tam had scribal traditions and *Siddur Kadmonim*, a manuscript dating back to the Geonim, as mentioned in *Tosafos* (*Menachos* 32a s.v. v’*haidna*). With these sources, he compiled his *Tikun Sefer Torah*, detailing the location of each *pesuchah* and *setumah*, to guide *sofrim* in their writing. Rabbeinu Tam’s list of *pesuchos* and *setumos* in the Torah is found appended to *Machzor Vitri* (p. 658 -673) and in the 750-year-old North French Miscellany manuscript in the British Library (Ms. Add. 11639, in a marginal text starting from page 253 in the PDF download from the Jerusalem National Library). There is a similar work, *Sefer HaChochmah*, that contains the tradition of Rabbi Yehudah HaChasid (Weimar Q651-2). A list of *parshiyos setumos* survived from Geonic times in the Cairo Genizah (JTS L 715), as illustrated. It should be noted that this list includes a note at the end, headed “הלן פסקי דפליגין עליהן,” “סיפרי נהרדעאי *sefarim* differ,” and it then enumerates no less than seventy-two *parshiyos setumos* that differ from the regular Babylonian Masorah (see the detailed list in Ginsburg’s Introduction to the Hebrew Bible, p. 981). Because the various lists were in conflict, the Rambam could not rely on them and sought a different approach.



## THE RAMBAM'S SOLUTION

The Rambam incorporated his definitive list of *pesuchos* and *setumos* into the *Mishneh Torah*, which has since been adopted worldwide for all Sifrei Torah today, with the following introduction: “Since I have seen great confusion in all the *sefarim* which I looked into for these matters, and also because the *masorah* authorities who compose lists to record the open and closed paragraphs are in dispute in these matters, corresponding to the differences in *sefarim* upon which they base themselves, I therefore saw fit to register here all the paragraphs of the Torah, closed and open, together with the graphic layout of the *shiros*, so as to correct all the *sefarim* accordingly and to serve as a master for editing. The book on which we based ourselves in these matters is the acknowledged volume in Egypt, which contains all twenty-four books. It served as a model in Yerushalayim many years earlier for verifying the text of *sefarim*, and it was accepted as authoritative by everyone. This was because Ben-Asher was *magiah*, and he examined it most exactly for several years. He was *magiah* it many times against what they had transcribed, and I relied on it for my own Sefer Torah, which I wrote in accordance with *halachah*” (*Rambam, Hilchos Sefer Torah* 8:4). Why did the Rambam select this manuscript as being more reliable than any other?

## THE RAMBAM'S SOURCE

There was a tradition that a bound volume of Tanach held by the Aleppo community in Syria was the *sefer* to which the Rambam referred. It was known as the *Keser Aram Tzova* – Aleppo is the English name for the Hebrew *Aram Tzova*. The volume's history is that it was captured by the Crusaders in 1099, when they conquered Yerushalayim. Jews redeemed it and brought it to the Yerushalmi shul in Fostat, Egypt. The Rambam appears to have acquired it from them, and it remained in his family until 1375, when Rav David Ben Yehoshua, the Rambam's great-grandson, left Egypt for Syria. Rav David took many manuscripts with him, including Rambam's autograph commentary on the Mishnah, and he probably also transferred the *Keser* to Aleppo. It was smuggled out of Syria in 1958, and unfortunately, most of the Torah section and the final pages have mysteriously disappeared. What remains of it is now located at the Israel Museum in Yerushalayim. There is compelling evidence to support the contention that this was the Rambam's source. What was so special about this manuscript?

## THE RAMBAM'S REASONS

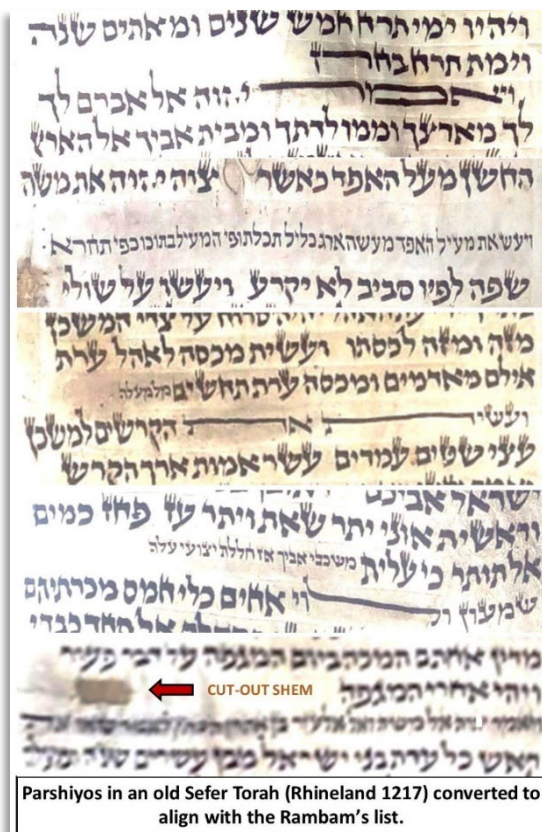
Let us examine the reasons the Rambam provides for the *Keser*'s authority. The Rambam appears to repeat himself when he says twice that Ben-Asher was *magiah* the *sefer*: “לפי שהגיהו בן אשר ודקדק בו שנים והגיהו פעמים רבות כמו” “Because Ben-Asher was *magiah* it and examined it most exactly for several years. He was *magiah* it many times as they transcribed it.” What was the double *haga'ah*, and who transcribed it? *Haga'ah* can mean he proofread, corrected, or edited the manuscript, but why would that help, even if he edited it for many years, if the available sources were contradictory? How did Ben-Asher determine what was correct, as correct paragraphs and spelling cannot necessarily be determined logically? Did he examine many different *sefarim* over the years and keep correcting his book as he resolved that a different arrangement was more appropriate, as the Rambam appears to imply? However, that cannot be, as it is almost impossible to correct a Sefer Torah once the *parshiyos* have been written incorrectly. In fact, the Rambam says that if the *sofer* has written the wrong *parshah*, the parchment sheet must be put in the *genizah* and may not be corrected.

## CONVERTING PARSHIYOS

To illustrate the difficulty, one can see what happened when the Ashkenaz community resolved to align their Sifrei Torah with the Rambam's list. The Meiri reports that in 1273 a delegation came from Germany to Spain and copied the list of Rambam *parshiyos* so that future Sifrei Torah in Ashkenaz would be written accordingly. They continued to use existing Sifrei Torah, but many years later, after Rambam's practice had become established, they no longer wanted to use old *sefarim* and attempted to correct them. Although Rambam ruled that *parshiyos* may not be corrected, the Rema permitted alteration provided it did not involve cutting out names of HaShem. I have illustrated here how *parshiyos* were corrected in an old Ashkenaz Sefer Torah, and one can understand why the Rambam objected to this unsightly practice. Note that in the bottom example, the *sofer* cut a hole in the parchment to lift out the Shem, which the Rema forbade as disrespectful.

## WHO WAS THE SCRIBE?

In light of what has been said, that one cannot alter the format of *parshiyos* once written, it seems the *sofer* of the *Keser* must have written the *parshiyos* perfectly in the first place. There is no evidence of erasures resulting from





correcting incorrect *parshiyos* anywhere in the *Keser*. A colophon, an inscription at the end of the manuscript that provides authorship details, states that the *sofer* was Shlomo ben Bevieh, and that the *magiah*, who added *nikud* and *masorah*, was Ben-Asher. Surely the *sofer* should then be praised for his expertise in writing the *parshiyos* correctly, rather than Ben-Asher. Yet this same *sofer* wrote another *sefer*, now in the National Library of Russia in St Petersburg, shelf-marked “SP II B17.” A comparison of the *parshiyos* shows that B17 did not share the same *parshiyos* tradition as the *Keser Aram Tzova*. Evidently, this *sofer* did not have a special *masorah* for his writing of the *parshiyos*. Furthermore, an element in the Rambam’s description of Ben-Asher’s editing is the phrase “כמו שהעתיקו,” as it was transcribed or copied. This is difficult to understand, as Ben-Asher, as *magiah*, was not the copyist. What is the meaning of these words?

## WHY NO CORRECTIONS OF PARSHIYOS IN THE KESER?

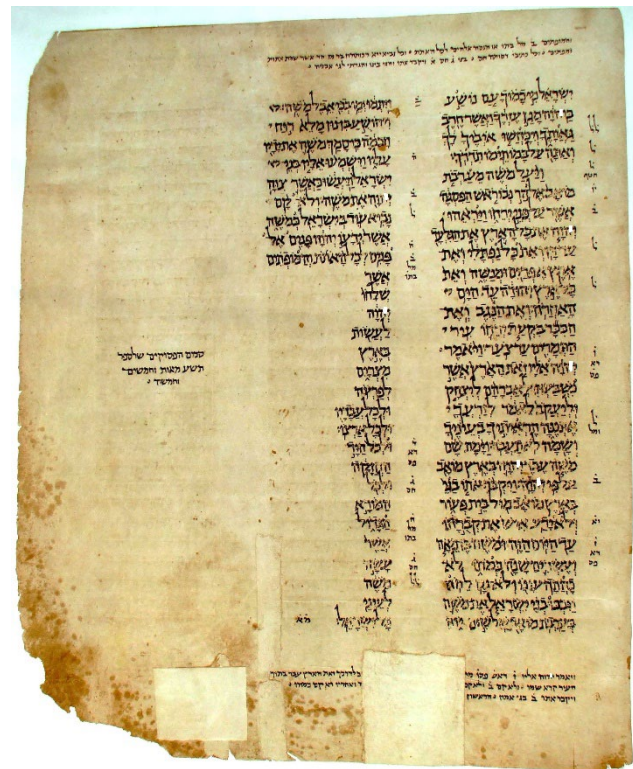
The answer must be that Ben-Asher, not being a *sofer*, commissioned a scribe to write the manuscript for him. Having worked out the correct location of each *parshah* over many years, he presented a list of these to Shlomo ben Bevieh, the professional *sofer*. He then double-checked that the *sefer* was written correctly in accordance with his instructions. Thus, there were two stages in the editing. First, there was the initial work of verifying the correct *masorah* and preparing research notes. The *sofer's* writing was then reviewed to ensure there were no mistakes. However, that still does not explain how Ben-Asher could determine the correct *parshah* arrangement when the available sources were contradictory.

## HOW DID BEN ASHER MANAGE TO GET IT RIGHT?

I would like to advance an original theory based on a letter written in the early 800s. It was written in Syriac by the Nestorian Patriarch Timotheus I (d. 819) and addressed to Sergius, Metropolitan of Elam. It was published in Syriac with a German translation in 1901 by Oscar Braun (Letter 47). It reports that some Arab hunters found scrolls in a cave near Jericho and that the Jews of Jerusalem were notified of the find. Since the Patriarch died in 819, this discovery must have occurred around that time. A number of Jews came to the site and found Bible scrolls written in Hebrew, which they acquired and carried off to Jerusalem. We can only wonder about the origin of the scrolls that were carried away to Yerushalayim 1,200 years ago. Were they master exemplars, Sifrei Torah kept in the *Beis HaMikdash*, used to check other Sifrei Torah, that were hidden by Jews around the time of the *Churban*? Was this the unique source for Aharon Ben-Asher’s great-great-grandfather, Ben-Asher the Elder, the founder of this lineage of *masorah* experts, who would have lived around the time of this discovery? Was this the reliable source that enabled the Ben-Asher family to re-establish the accurate text of the Torah? Even if the *sefarim* were not from before the *Churban*, they were recognized by the Jews in Yerushalayim as important, distinctive copies.

## BEN ASHER’S TWO HAGAHOS

Over the years, the Ben-Asher family compared these ancient Sifrei Torah to one another, and when discrepancies arose, they followed the majority, as *halachah* dictates. Finally, they would have prepared a definitive text. After the *sofer* completed the volume, his work was reviewed to ensure compliance with the instructed arrangement. This would be the meaning of the Rambam’s term “כמו שהעתיקו” – in accordance with what they had transcribed.



*The last page of the Torah in the Keser Aram Tzova*

## LAST PAGE OF THE TORAH IN THE KESER

Illustrated here is the last page of the Torah in the *Keser Aram Tzova*. There is one *parshah* break at “*vaya'al Moshe*,” which has indentations at the end of the previous line and at the beginning of the *parshah*. This arrangement is a *setumah* according to the Rambam, but a *pesuchah* according to the Rosh. According to the *Shulchan Aruch*, we avoid such a layout, and nowadays *sofrim* arrange to write this *setumah parshah* gap in the middle of the line. The page was divided into three columns, the minimum number for a Sefer Torah *yeriah*. This resulted in narrow columns, and it will be noted that the *parshah* gap was less than the nine letters stipulated by the Rambam, who would have derived that from other sources. Another interesting feature on this page is the way the *sofer* extended the last *pasuk* to reach the bottom of the page, as taught in *Menachos* 30a.