

TALMUD VERSUS MASORAH – WHO WINS?

Spelling Variations in the Torah

The subject of discussion in this article is the issue of the spelling of words in our *Sifrei Torah* which do not align with spellings forming the basis of halachic derivations made by the Gemara. Should we be altering the lettering of our *sefarim* to match the spellings used by the Talmud for halachically established rulings?

DERIVATIONS FROM AN EXTRA VAV

There is a dispute in the Mishnah (*Zevachim* 36b) between Beis Shammai and Beis Hillel regarding which parts of the *zerikah* (applications of blood) are essential. Beis Shammai held that application of blood to at least two of the four corners is essential for atonement to be effected. Rav Huna derived this law from the three occurrences of the word *karnos* (corners of the Outer Altar) in the plural form, which implies applications to six corners. Since there are only four corners, they understand this to teach that the blood should be applied to all four corners, but the repetition of the requirement in respect of two corners teaches that two of them are essential. Beis Hillel expounds the number of essential blood applications on the corners of the *mizbe'ach* from the thrice mention of קרנות (Vayikra 4:25, 4:30, 4:34) with the last one being *maleh vav* (*Zevachim* 37b). Rashi explains that in two of the three places, the word קרנת is spelled without a *vav*, which could be read קרנת, a singular form. Thus, Beis Hillel expound these two occurrences of the defective spelling to indicate only one corner each. The third appearance of קרנות which appears in full plural form with a *vav*, indicates two corners, altogether making a total of four corners, not six. Thus, three applications is the prescribed procedure and only one is essential. We cannot suggest that all four are prescribed and none are essential, as there cannot be atonement without any element of Altar service. In a parallel *sugya* in *Sanhedrin* 4a, Rav Huna explains that the basis of the dispute hinges on a *machlokes* whether we say אם לאקררא or ייש אם לאם למסורת. Is the primary meaning based on how the words sound when read, in which case all three are regarded as in plural form, or do we follow the written spelling, which could indicate the first two words being singular. If we follow the written spelling them the inclusion of a *vav* is significant.

FURTHER EXAMPLES

The Gemara then considers an alternative approach, where Beis Hillel utilizes both the written and pronounced forms. The pronounced form alludes to six applications, and the written form implies four and since both forms contribute to the meaning and one indicates more and one less, we take a middle position of five. However, how does that fit with a similar teaching regarding tefillin? We derive the requirement for four tefillin compartments from the triple mention of *לטבָתָה לְטַבָּתָה לְטַבָּתָה* (*Shemos* 13:16, *Devarim* 6:8 and 11:18). The first and second times it is spelled in the Gemara without a *vav*, two singulars, but the third time it is spelled with a plural *vav*, altogether four, alluding to four tefillin compartments. If Beis Hillel recognizes both forms, why do they not apply the same logic to require five compartments? The Gemara avoids this question by citing Rabbi Akiva, who maintains that there is no need for this derivation, for “*tot*” means two in Coptic, and “*pat*” means two in African, hence four compartments. A similar question is raised in connection with the number of walls essential for a *sukkah* derives from the repeated word *בִּפְנֵת בִּפְנֵת בִּפְנֵת*, where the first two instances are spelled *chasseir* and the third is spelled *maleh vav*. The calculation using the singular meaning results in three walls, whereas the plural form results in four walls. The Gemara deflects this question by providing an alternative basis for this *halachah* as expounded in *Sukkah* 6b. In each of these cases the precise spelling of the words is critical to the teaching and one would expect to find that spelling in our *Sifrei Torah*.

SPELLING CONTRADICTION

There is an acute difficulty here. The third instance of *karnos* is stated by the Talmud to be *maleh vav*, enabling the *derush*, but in the written text of our *Sifrei Torah*, all three are *chasseir*. We have here a conflict between the spelling in the Talmud and that of our traditional text of the Torah. The same problem exists with the spelling of *לְטוֹבָתָה*. There are also many other places where Chazal make *derashos* based on a text which varies with our traditional text.



THE RASHBA'S RESPONSE

This question was posed to the Rashba and he responded that we do not alter *sefarim* based on contrary *midrashim* and *masoros*, as we find differences of opinion in the ancient *masorah*. We are familiar with disputes between experts in *chaseiros* and *yeseiros*, like the variations of Ben Asher and Ben Naftali and the Easterns (Bavel) and the Westerns (Eretz Yisrael), and we do not adjust our *sefarim*. However, wherever the Talmud derives a halachic ruling from a biblical spelling such as *karnos*, *ba'sukos*, *le'totafos* ... in all such cases one must correct **the minority** of Torah scrolls accordingly. So too in all cases of discrepancies, even regarding *maleh* and *chasseir* spellings, we correct the minority, according to the majority of readings (*Teshuvos haRashba* 7:232). The majority is established by the *masorah* experts, who reviewed ancient sources and established the correct spelling. According to the Rashba's ruling, we disregard spellings in Talmud and always follow the *masorah*. This approach is endorsed by the *Or Torah*, *Minchas Shai* and *Kesses HaSofer* and all our *sefarim* comply accordingly, ignoring the seemingly definitive spelling in the Gemara. How can these experts rule against something explicit in the Gemara?

PRINTING ERROR

When *Teshuvas HaRashba* was reprinted in 2001 by Mechon Yerushalayim, it was compared to manuscript copies of the *teshuvos* and it was noted that the first print of the *teshuva* of 1519 had an extra word “המיעוט” (the minority in bold above) inserted which was not in the manuscript. Without the additional word, the text reads that in situations like *karnos*, where there is Talmudic *derush*, we would align the spelling with that of the Talmud, but in other instances we follow the majority of *sefarim*, which is the *masorah* reading. Inserting this word, that we correct the minority, conveys the opposite of the clearly intended meaning - that we always correct the *Sefer Torah* if it is written contrary to the version in the Talmud. The Meiri and the Radvaz citations of this *teshuva* appear to support the manuscript reading, but *Beis Yosef* quotes the *teshuva* as printed in 1519. Even though this apparent printing mistake is the basis for the ruling that *masorah* spelling supplants Talmudic spelling, the endorsement of this view by all *Acharonim* is indicative of it being the accepted ruling. Interestingly, the new print left the extra word in the main text, seemingly endorsing the reverse meaning, that we do not align our *sefarim* with the Talmudic text. Since the Meiri and the Radvaz versions confirm the correct original text in line with the manuscripts, why should the *poskim* not rule to alter all our *Sifrei Torah* to line up with the Talmudic spellings?

CONTRADICTORY SPELLINGS IN THE TALMUD

The foremost authority in the sixteenth century in matters of *masorah* and how *Sifrei Torah* were to be written, is the *Or Torah*, by Rav Menachem de Lonzano. Originally from Italy, he moved to Eretz Yisrael after marriage, and he had the opportunity to research ancient *sefarim* in surrounding areas, where old Yerushalmi and Egyptian manuscripts dating back to the time of the Geonim were still to be found. He based his decisions on the work of Rav Meir Abulafia, known as the Remah, a contemporary of the Rambam, and wrote his definitive work, the *Or Torah*, which provides halachic mediation on all disputed variations in the Torah. His comments at *Vayikra* 4:34 discuss our controversy and he notes that Rashi (*Sanhedrin* 4a) writes that this location of *karnos* is written *maleh vav*, which would indicate that Rashi's *Sefer Torah* was written in that way. However, the *Sanhedrin* text is קרנות קרנות קרנות, whereas in *Zevachim* the text reads עלה עלה עלה. He also found this same sequence in a Talmud manuscript. Aside from the internal contradictions, the general understanding of the Gemara is that one of them is with a *vav*. He therefore attempts to interpret this passage as referring to the word *karnos* in a difference *parshah* which is with a *vav*, which he admits is forced and tenuous. It is clear from the Gemara that one of the three occurrences has a *vav*, but we cannot determine which of the three is written so. His position is therefore that since it is impossible to prove conclusively from the Gemara which of them has a *vav*, we remain with our traditional text, as is our approach with many *midrashim* which appear to be based on an alternative *nusach*.

KARNOS IN THE MASORAH

The accuracy of the Torah text is guaranteed by the *masorah* apparatus, which controls spelling variations in a system which avoids detailing the spelling of every word by recording only exceptions to the general rule. Thus, in our case of *karnos*, there are nine instances of this word in the Torah and since four of them are *maleh vav*, the *masorah* will record that minority. Hence, the *masorah* reads that there are four cases of *karnos* with a *vav*, and we then know that the other five are without a *vav*. This *masorah* appears at *Vayikra* 4:7 when the *masorah* text was first printed in the



ERFURT 3—This Tenach, confiscated during the Erfurt massacre of 1349, is now Berlin ms. 1213 and is probably over 1,000 years old.

One can see the transition of the writing style from Eastern to Ashkenaz. The *masorah* on top is from its upper margin and agrees with our *masorah*, but the text is in conflict, with *vavim*.

Mikraos Gedolos in 1525 but is also found in many manuscript Tenachim which have the *masorah* written in their margins. I have reproduced the text of the *masorah* from the Migdal Oz's manuscript Tenach and an Eastern example, Sassoon ms 158 (now Sofer 4), together with that of *Mikraos Gedolos* and I have set out the *pesukim* references – see illustration below. However, I was surprised to discover an ancient Ashkenaz *masorah* in an appendix to the *Ochla Ve 'Ochla masorah* compendium, a manuscript from Halle University Library in Germany. Reproduced below is an extract containing this *masorah* and I have transcribed the *pesukim*, adding references. You will note that the second item differs from the standard *masorah*, implying that one of our three instances of *karnos* in our Gemara is written *maleh vav*. The catchwords to indicate the location could equally refer to *Vayikra* 4:25 or 4:34. It is evident that there was a *masorah* in circulation in Ashkenaz which supported the readings of Rashi and the Talmud.

SIFREI TORAH AND TORAH MANUSCRIPTS

I then decided to explore *sefarim* written in time of the Rishonim. I have reproduced extracts from two very early Sifrei Torah, including one confiscated during the 1349 massacre in Erfurt when the community, including the author of *Sefer HaAgudah*, were wiped out. Sixteen *sefarim* were preserved in a monastery for hundreds of years until they were transferred to the Royal Library in Berlin in the nineteenth century. Both these Sifrei Torah display the extra *vav* just like Rashi's Sefer Torah in the third instance. Other Erfurt Sifrei Torah in the same collection do not have it. A unique Tenach was among the Erfurt manuscripts dating back 900 - 1,000 years. Known as Erfurt 3 (Berlin fol. 1213) it has a very early form of our *masorah* in the upper margin, but the text has *vavim* in all three locations, but one has been altered later. The main text and the *masorah* notes were written by different people and are contradictory as the *masorah* agrees with our standard form, yet the text has *vavim*. This goes to show that there was more than one version of the text in circulation, coming from sources in Bavel and Eretz Yisrael.

In summary, we can expect that Talmud Bavli would reflect *Madinchai* (Eastern - Bavel) variations of the Torah and our *masorah* generally follows the *Maaravai* (Western - Eretz Yisrael) text. Ultimately, no *halachah* is reliant on this *derush*, as the Gemarah provides an alternative path to derive these *halachos*, so it makes no difference in practice. Thus, whilst the Rashba may not have intended to rule that we always follow *masorah* even when in conflict with the Talmud, he had the *siyata dishmaya* that a printing mistake caused the *masorah* to reign supreme, a principle endorsed by later authorities.

Ochlah VeOchlah—Halle Library ms. appendix (p.261) Ashkenaz c.1300

Manuscript written by the Migdal Oz, Sassoon ms. 82 - Sefarad c.1300

קרנות ד' מל' (with vav) בטורא וסימני הוו
ונמן לפהן מן סדק על קרנות מזבח (ויקרא ד ז)
ולקח לפהן מזבח קרנות מזבח קטורת כספים (ויקרא ד ז)
ונזקרכו בני אפרון את קדקם נזקן (ויקרא ח טו)
ונזקרכו בני אפרון את קדקם נזקן (ויקרא ט ט)
ונזקא אל המזבח אשר לפניהם (ויקרא טז יח):
Ochlah appendix includes *Vayikra* 4:25 or 4:34 instead of 8:15.

לקרנות ד' מל' וסימני
ונמן לפהן מן סדק על קרנות מזבח קטורת כספים (ויקרא ד ז)
ולקח לפהן מזבח קרנות מזבח קטורת כספים (ויקרא ד ז)
ונזקרכו בני אפרון את קדקם נזקן (ויקרא ט ט)
ונזקא אל המזבח אשר לפניהם (ויקרא טז יח):
Ochlah appendix includes *Vayikra* 4:25 or 4:34 instead of 8:15.

Migdal Oz and Sassoon 158 corresponding to our printed masorah.

Printed masorah in Mikraos Gedolos

לקרנות ד':
מלואים בתוי' ומי' ונתן הכהן מן
הדם וישחת קרמא' משה את
הדם. וירכו בני אהרן את הדם
אליו. ויצא אל המזבח:

חכמים ואתנית ליהלום
לייחנו וסימנו ועשה מארת כלחווע
אתיקים מזבב ותערבי את עשביך ציבע
וחקית עילם לזרעיכם וכל רטיא תאכלו
יעומיד איזובבו לאשלאט לא מעדרה ס' ט'
ווקה משחה וקריביו כנע אחד צויאן קמיבז'

אל פהך איה למועד רפנוי זה
וחקיט רטם וסימנו חכמו חביבה לרוח
אשר לא יערט יסורי ס' וכורט רט' וסימנו
חיקת עילם לזרעיכם וכל רטיא תאכלו
יעומיד איזובבו לאשלאט לא מעדרה ס' ט'
ווקה משחה וקריביו כנע אחד צויאן קמיבז'

Eastern manuscript written c.1000 — Sofer ms. 4 (prev. Sassoon 158)